



SECTION	HR
POLICY /PROCEDURE	Bullying & Harassment
DATE OF CREATION	March 2008
VERSION	3
DATE OF ISSUE	18th January 2019
DATE OF REVIEW	01st July 2020

OBJECTIVE AND SCOPE

Club Doncaster aim is to provide an environment that respects the rights of each individual person and where colleagues treat each other with the utmost respect. Any behaviour that undermines this aim is totally unacceptable. The organisation therefore deplores all forms of harassment and bullying, which will not be tolerated under any circumstances.

RESPONSIBILITY

Departmental Heads are responsible for ensuring all persons they are responsible are aware of their obligations as outlined in this procedure. They should ensure that as persons within a position of responsibility, they underpin and act across Club Doncaster as the foundations for a positive and empowering culture across the organisation.

Managers are responsible for ensuring effective and fair application of these procedures throughout areas of their responsibility.

While implementing and upholding the policy is the duty of all of our managers and supervisors, all employees have a responsibility to ensure that harassment has no place in the workplace.

DOCUMENTATION

Internal Document

Discipline Policy & Procedure

External Document

Equality Act 2010.

Criminal Justice and Public Order Act 1994

Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001

Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

Health & Safety at Work Act 1974

Principles and Procedure

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. The Company will not tolerate harassment or bullying of anyone that is connected to Club Doncaster, formally or informally. This list extends to the customers and clients of Club Doncaster, in addition to volunteers and persons formally associated with the Club Doncaster brand:

This policy also applies to work-related functions held outside of normal working hours, either on or off the organisation's premises, such as Christmas parties, leaving celebrations etc. The organisation will also not tolerate harassment of staff by third parties, e.g. clients or customers, and will take appropriate action to deal with all instances which are reported.

Harassment

Definition

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating, or offensive working environment for him or her. Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and he or she feels damaged by it, then that individual has every right to say so, and his or her right to do so will be respected.

Where it cannot be established that there was an intention to offend, conduct will be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, if taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds including:

- sex or gender
- sexual orientation
- transsexualism (gender reassignment)
- marital status
- race, nationality, ethnic origin, national origin or skin colour
- disability
- age
- employment status, e.g. part-time, fixed-term, permanent, self-employed, agency worker, contractor, sub-contractor etc.
- membership or non-membership of a trade union
- the carrying out of health and safety duties
- religious or political beliefs
- deeply held personal beliefs
- criminal record
- health,
- physical characteristics
- willingness to challenge harassment — being ridiculed or victimised for raising a complaint.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk. Harassment on any grounds, including the above, will not be tolerated.

Harassment on any grounds is also a criminal offence under the:

Criminal Justice and Public Order Act 1994

Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001

Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

Club Doncaster is committed to working with all statutory and legal agencies in respect of sharing information with regards to allegations of harassment made. Appropriate support will be provided to both parties whilst any investigations are occurring.

Examples of harassment

Harassment takes many forms — from relatively mild banter to actual physical violence. Employees may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another -determining what is acceptable is an individual right that we must all respect.

Examples of harassment include (but are not restricted to):

- a. verbal harassment — examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks
- b. non-verbal harassment — examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects
- c. physical harassment — examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault.
- d. coercion — examples include pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc.
- e. isolation or non-co-operation and exclusion from social activities
- f. intrusion — examples include stalking, pestering, spying, etc.

Bullying

Definition

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. Bullying is defined as:

“offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole”.

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work.

These can be split into two categories.

Obvious bullying

Examples include:

- a. shouting or swearing at people in public and private
- b. ignoring or deliberately excluding people
- c. persecution through threats and instilling fear
- d. spreading malicious rumours
- e. constantly undervaluing effort
- f. dispensing disciplinary action which is totally unjustified
- g. spontaneous rages, often over trivial matters.

Less obvious bullying

Examples include:

- a. withholding information or supplying incorrect information
- b. deliberately sabotaging or impeding work performance
- c. constantly changing targets
- d. setting individuals up to fail by imposing impossible deadlines
- e. removing areas of responsibility and imposing menial tasks

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

Enforcement

The examples of harassment and bullying provided in this policy are not exhaustive. Any harassment or bullying may be classed as gross misconduct, for which employees may be summarily dismissed.

All employees will be informed of the organisation's policy towards harassment and bullying:

- a. during induction training
- b. via communication and awareness programmes.

It will be stressed that all complaints of harassment will be treated very seriously.

The organisation expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues.

Procedure for Dealing with Bullying and Harassment

Advice

The organisation recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The organisation operates an open-door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, the organisation recognises that this may not always be appropriate in the circumstances. If this is the case, employees can discuss the situation with the next higher level of management or with the HR department on both an informal and formal basis.

Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the organisation reserves the right to investigate the situation — as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

Formal solutions

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality. The organisation has a duty, when requested to share information with statutory organisations such as the Police and Children's Services during any formal investigation.

Monitoring

Where harassment or bullying has been found to have occurred, and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The organisation will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way following the conclusion of such incident.

Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the organisation's disciplinary procedure, as will any witnesses who have deliberately misled the organisation during its investigations.

Dealing with Harassment by a Third Party

A worker who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk. A worker who is subjected to bullying or harassment by a third party should immediately report the incident to their line manager.