

# Anti-Harassment Procedure (Staff)



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

Procedure Number:	QP2.14
Revision Number:	1
Date of issue:	December 2005
Status:	Approved
Date of approval:	December 2005
Responsibility for procedure:	Assistant Principal (Organisational Development)
Responsibility for implementation:	All Staff
Responsibility for review:	HR Manager
Date of last review:	March 2009
Date of last revision:	March 2009
Date for next review:	September 2010



## 1.0 Introduction

The Anti-Harassment procedure seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

This document outlines the steps that should be followed in the event of an allegation of harassment.

### 1.1 Specific Objectives

- Provide examples of behaviour which can be classified as harassment or bullying
- Provide definition of victimisation
- Provide procedure in the event of harassment, bullying or victimisation
- Provide contacts for support and advice
- Provide guidance for managers
- Monitor procedure

## 2.0 Why Have An Anti-Harassment Procedure?

Harassment can have a detrimental effect on individuals and can lead to absenteeism, poor quality work, stress, low morale and other problems. It can make the individual feel isolated, vulnerable, humiliated or intimidated.

Employers cannot underestimate the damage, tension and conflict within the workplace which harassment creates. It can lead to higher turnover, reduced productivity, lower efficiency and divided teams. Inevitably this will affect the performance of the organisation as a whole.

**Individuals have different levels of sensitivity and what may constitute harassment to one person may not to another. What matters is how it feels to the individual. If a staff member believes they have been harassed or bullied then it must be addressed.**



### 3.0 What Is Harassment?

#### 3.1 Definition of Harassment

Harassment is any “unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment”.

Such behaviour may be persistent or a single incident. The most important thing to remember is the impact it has on the individual, not the intention of the perpetrator.

**3.2** Anti-discrimination legislation protects individuals from discrimination based on age, sex, race, colour, nationality, ethnic or national origins, disability, religion or belief, gender reassignment or sexual orientation. Under the legislation outlined below an employee may be able to bring a complaint of harassment or discrimination to the employment tribunal.

**Sex:** Sex Discrimination Act 1975  
Sex Discrimination (Gender Reassignment)  
Regulations 1999

**Race:** Race Relations Act 1976

**Disability:** Disability Discrimination Act 1995

**Religion or Belief:** Employment Equality (Religion or Belief) Regulations 2003

**Sexual Orientation:** Employment Equality (Sexual Orientation) Regulations 2003

**Age:** Age Discrimination Regulations 2006

This list is not exhaustive and other relevant legislation will apply.

Other legal considerations include;



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

- The Health and Safety at Work Act 1974, requires employers to ensure so far as reasonable practical, the health, safety and welfare at work of all employees.
- The College as an employer has a 'duty of care' in relation to the way staff are treated by their line manager, colleagues and senior staff and the environment in which they work.
- The Protection from Harassment Act 1997 makes it a criminal offence to pursue a course of conduct (on at least two occasions) that amounts to harassment or which causes a person to fear that violence will be used against them. The introduction of this Act means that harassment can be an offence even if it is unintentional.

### 3.3 Examples of Harassment

Harassment is any form of inappropriate action, behaviour, comments or physical contact that is objectionable or causes offence. Harassment may be of a sexual or racial nature or it may be directed towards someone because of their age, sexuality, disability, either physical or mental, or some other characteristic. The following are for illustration only and are not intended to be an exhaustive list.

#### **Sexual**

- sexual innuendoes or offensive language
- written notes or e-mails containing sexual suggestions or unwanted sexually explicit messages
- speculation about an individual's private life and sexual activities
- sexually suggestive gestures
- unwanted bodily contact
- unwelcome and persistent suggestions for social contact outside the workplace
- requests for sexual favours



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

- threat of dismissal, loss of promotion, threat of bad grades etc if these requests for sexual favours are refused
- sexually-oriented conduct that creates an intimidating, hostile, humiliating work environment for the recipient
- threatened or actual sexual violence
- displays of 'pin ups' or other sexually-oriented material
- leering at a person's body

#### **Racial**

- racist innuendoes or offensive language
- racist jokes and banter
- practical jokes
- display of racist publications
- written notes or e-mails containing racial insults
- physical assault
- using racist terminology when referring to a particular person
- isolation or non-cooperation at work

#### **Disability**

- using a person's disability to deskill, de-power or demoralise
- teasing and pranks relating to disability
- insults relating to disability
- mimicking the effect of a disability
- staring
- using inappropriate terms

#### **Religious Belief**

- inappropriate behaviour and/or actions toward individuals on the basis of their religion, religious belief or similar philosophical belief<sup>1</sup>
- teasing, name calling or general religious jokes

---

<sup>1</sup> Religion or Belief is defined by ACAS, as 'any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief'.



- offensive behaviour or comments about the religion or belief of those with whom the individual associates

### **Sexual Orientation**

- inappropriate behaviour/actions towards gay, lesbian, heterosexual and bisexual men and women.

### **Gender Reassignment**

- Inappropriate behaviour/actions towards any employee intending to undergo, is undergoing, or has undergone gender reassignment.

### **Age**

- Inappropriate behaviour/actions towards individuals on the basis of their age.

## **3.4 Definition of Bullying**

Bullying is intimidation on a regular and persistent basis which serves to undermine the competence, effectiveness and integrity of the individual. It is a gradual wearing down process that makes the individual feel demeaned and inadequate both in their work environment and their domestic life.

The alleged harasser misuses their power, position or knowledge to criticise, humiliate and destroy a subordinate, colleague, manager etc. The individual can feel angry, vulnerable, hurt and powerless.

Bullying is intended to:

- (i) damage the victim's reputation
- (ii) damage the opportunity for communication
- (iii) damage the victim's social relationships or standing
- (iv) damage the potential for victims to perform their work



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

### **3.5 Examples of Bullying**

- persistent unwarranted criticism
- public humiliation, put-downs or ridiculing in private or in front of others
- blocking promotion
- removing areas of responsibility without good reason
- allocating menial tasks all the time
- turning down leave for no apparent reason
- persistent and unreasonable placing of excessive demands on employees, setting impossible work targets and objectives or the changing of work targets/objectives without good reason
- shouting at people to get things done
- physical intimidation
- invading privacy
- malicious or abusive correspondence (including e-mails)

### **4.0 Victimisation And Malicious Allegations**

**4.1** Victimisation consists of treating a member of staff less favourably because they have asserted their rights not to be harassed or bullied. The College undertakes to monitor a complaint that has become formal to ensure there is no adverse impact on anyone involved. An allegation of victimisation may be dealt with formally.

**4.2** The College also undertakes to take action against anyone who makes malicious allegations of harassment or bullying. This may be dealt with formally under the disciplinary procedure.

### **5.0 What Do You Do If You Are Being Harassed / Bullied Or Victimised?**

If you are suffering harassment or bullying then you should take action at the earliest opportunity.



It is important that you keep an accurate record of incidents of harassment or bullying if at all possible. Detailed Notes should include the following;

(i) Date; (ii) Time; (iii) Place; (iv) Name of Person harassing them; (v) What actually happened; (vi) How the Person felt at the time; (vii) Name of any witnesses; (viii) Action taken and whether reported to Management; (ix) Any correspondence relating to the incident.

## **5.1 Informal Route**

The College advocates informal resolution of harassment or bullying whenever possible.

- 5.1.1 If you feel able to take action on your own then you should speak to the alleged harasser or write to them to let them know that their behaviour is unacceptable and that it should stop immediately. You should also state that if they do not stop then a formal complaint will be brought against them. Keep notes or a copy of anything you say or write.
- 5.1.2 If you feel unable to approach the alleged harasser directly then you could ask someone to intervene for you. For example a colleague, line manager, Trade Union Representative or member of the HR Section could accompany you while you speak to the alleged harasser or, indeed, they could approach the alleged harasser instead of you.
- 5.1.3 In many cases the alleged harasser is unaware they are causing distress and the informal approach will solve the problem.
- 5.1.4 At the same time many victims of harassment just want the harassment to stop and would prefer to resolve it at the informal level instead of going through the stress of a formal course of action.



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

- 5.1.5 Any discussions will be confidential and no further action will be taken without the consent of the complainant. However, if the incident is seen as very serious, and 'no further action' would breach the College's duty of care to its staff, the employee will be informed of the need to take action against the alleged harasser.

## 5.2 Formal Route

- 5.2.1 It is appreciated that in cases of alleged harassment you may feel uncomfortable raising such a sensitive issue with your immediate line manager and if this is the case you should contact a member of the HR Team to discuss the issue and / or the way in which the issue can be effectively resolved.
- 5.2.2 If the informal route fails, if you feel unable to take such action or if the harassment or bullying is of a very serious nature, then it is advised that the issue should be raised under the College's Grievance Procedure.
- 5.2.3 If, following the grievance hearing, the allegation of harassment is upheld and is of a serious nature, it is likely to result in the disciplinary procedure being initiated by the HR Manager.

## 5.3 Serious Criminal Offences

In cases of an alleged assault or behaviour that is considered to be a criminal offence, the College should notify the Police.

## 5.4 What are the time limits?

Within the College procedure there is no fixed time limit within which a complaint of harassment or bullying must be brought. It is preferable to do so whilst the details are fresh in the staff member's memory, and it is expected that this would normally be within six months. This does not mean, however, that staff should feel inhibited about bringing a complaint which may involve either a single incident or



**ADAM SMITH COLLEGE**  
INSPIRING LEARNING

forms of unacceptable behaviour that have occurred over a period of time.

## **6.0 CONTACTS/SUPPORT**

Members of the HR team are available on a confidential basis to provide support and advice to any member of staff who feels they are being harassed or bullied.

This can include

- Clarification of the policy and procedure.
- Reinforcement of the fact that harassment and bullying will not be tolerated.
- Provide information on the counselling service.
- Reassure staff that the complaint will be dealt with fairly, confidentially and sensitively.
- Accompany staff or speak to the alleged harasser on behalf of the member of staff.
- Provide advice on keeping a record and evidence of harassment or bullying.
- Arrange mediation where appropriate.

Female members of staff can speak to another female and a male member of staff will be designated another male if requested.

A confidential external counselling service is available to all staff. This service is free to all staff (up to 5 sessions), details are in the Staff Counselling Service leaflet which is distributed throughout the College or can be obtained from the HR team.

## **7.0 MONITORING OF POLICY AND PROCEDURE**

The College will review and monitor the Anti-Harassment policy and procedure on an ongoing basis taking into account legal and external developments.