

# Bullying and Harassment

## Key principles

ONR is committed to creating an environment which is free from bullying, harassment and victimisation, where staff feel comfortable with raising concerns.

Bullying, harassment and victimisation of any kind will not be tolerated, and allegations will be taken seriously. Such acts may amount to misconduct and appropriate [disciplinary](#) action will be taken. Serious complaints could amount to gross misconduct and may lead to dismissal.

Abuse, bullying or harassment a member of staff experiences by a third party they meet during their work, will also be taken seriously and will not be tolerated.

Any member of staff who experiences or witnesses bullying, harassment or victimisation of any kind should report it promptly, in line with the [Bullying & Harassment Complaints procedure](#).

## Policy scope/application

This policy:

- concerns all ONR staff, contractors, temporary workers and prospective employees. It applies to all aspects of employment, from recruitment through to termination and includes working outside of ONR office locations, attending work events and working overseas;
- commits that we oppose all forms of bullying, harassment and victimisation;
- promotes dignity and respect for all, where individual differences and the contributions of all staff are recognised and accepted;
- demonstrates that we take all complaints of bullying, harassment and victimisation seriously; and
- includes a [Bullying & Harassment toolkit](#) that provides practical steps that can be taken by all of us; as individuals, Career Development Managers (CDMs) and leaders, to call out inappropriate behaviour, and create the fully inclusive and respectful culture we all deserve.

## What is bullying and harassment?

Bullying and harassment are terms that are often used interchangeably. However, harassment has a specific legal meaning.

The Equality Act 2010 defines **harassment** as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

The relevant protected characteristics when considering harassment are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

There is no legal definition for **bullying**, but ACAS states that bullying may be characterised as: “Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.”

For practical purposes, those making a complaint define what they mean by bullying or harassment. This is usually something that has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If staff complain that they are being bullied or harassed, then they have a complaint which will be dealt with regardless of whether their complaint accords with the standard definitions given above. The important factor is the impact of the action/behaviour on the individual, not the intent of the individual whose action/behaviour resulted in the complaint.

## **Examples of behaviour that may amount to bullying and harassment**

Bullying and harassment can take many forms. and are not necessarily always obvious or apparent to others. It may happen in the workplace without an employer's awareness, and we may be bullied or harassed by third party individuals we meet during the course of our work.

Bullying and harassment can involve single, one-off incidents or involve a series of recurring incidents over a prolonged period. Experiences can range from extreme forms of intimidation, such as physical violence, to more subtle forms such as persistently ignoring someone.

Examples of **harassment** may include but are not limited to:

- unnecessary or unwanted physical contact ranging from touching to serious sexual or physical assault
- unwelcome or derogatory comments relating to any of the relevant protected characteristics, for example a racist or sexist joke
- offensive language or remarks relating to any of the relevant protected characteristics for example, gossip about someone's sexual orientation
- unwanted provocative language
- unwelcome sexual advances including innuendo, lewd comments or suggestions that sexual favours may result in employment benefit
- detrimental texts/emails/images/postings on social media relating to the relevant protected characteristics, for example denigration of religious belief

Examples of **bullying** may include but are not limited to:

- offensive jokes or comments at personal expense for example, making malicious remarks about someone's appearance bullying or abusive behaviour that is carried out online or virtually
- shouting or swearing at people
- making aggressive or threatening remarks
- acting in a different way away when out of earshot from others, e.g. changes in their manner, undermining, controlling or derogatory behaviours
- isolation, non-cooperation or exclusion from work related or social activities unnecessary or unwanted communication and/or requests for social activities and meetings outside work, including messaging, emails and telephone calls
- persistent negative criticism or abuse of power to influence behaviour e.g. by not enabling development opportunities if that is part of their role
- a consistent pattern of setting impossible deadlines, overburdening with too much workload, constantly changing targets without reason, or conflicting demands that are not manageable

- unnecessary or unreasonable requests to work beyond conditioned hours or to prevent people leaving work as planned, or requesting to work in locations that are not designated as work areas
- withholding information that it is reasonably expected to be shared to undertake role
- removing areas of responsibility
- continuously undermining or undervaluing effort

## **Victimisation**

'Victimisation' is unlawful under The Equality Act 2010 and refers to the unfair or detrimental treatment of an individual who has been involved with a complaint about harassment or discrimination. The Act recognises that a member of staff may be worried about complaining, or supporting a complaint, so there is extra legal protection when someone has acted in good faith.

Victimisation occurs when a member of staff is subjected to unfair treatment, for example being excluded, being labelled a troublemaker or denied opportunities. There must be a link between what the member of staff did and the related unfair treatment of them, however, the treatment does not need to be linked to a [protected characteristic](#). For example, a non-disabled worker provides a witness statement supporting a disabled colleague's complaint of harassment. If the non-disabled worker is subsequently refused promotion because they provided the witness statement, they would have experienced victimisation.

If you feel that you have been victimised, you are encouraged to raise this informally in the first instance to try and find a resolution. You may wish to discuss this with a [manager](#), [Trade Union representative](#), a volunteer from the [Confidential Support Network](#) or [HR](#). If you do not feel that the issue has been resolved satisfactorily or do not feel comfortable raising the matter informally then the issue can be raised formally, in writing, in line with the [Bullying & Harassment Complaints procedure](#). ONR will take any complaint of victimisation seriously and investigate it as soon as possible, following a fair procedure.

If you treat a member of staff unfairly because they have made a complaint or supported a complaint in relation to a protected characteristic, then this may amount to unlawful victimisation and may result in [disciplinary](#) action.

## **Third Party Harassment**

Third-party harassment refers to situations where a member of staff is subjected to harassment, bullying, or discriminatory behaviour by a third party during their work and includes work overseas.

Third parties include but are not limited to contractors, stakeholders, duty holders, those working for other departments/organisations, NGOs and members of the public (for example people we encounter when travelling or staying in hotels for work).

ONR is committed to providing a safe and respectful working environment for all staff, regardless of the source of the harassment. The abuse, bullying or harassment of staff by any third party will not be tolerated and will be taken seriously.

You should report any instances of unwelcome, unwanted or offensive behaviour so that ONR can take reasonable steps to prevent it from happening again and offer you appropriate support.

If you feel safe, you are encouraged to report it in the moment or as soon as possible to an ONR colleague or designated contact person, (for example a conference coordinator if attending a work event). If reported in the moment, the third party will be asked to stop any harassing behaviour and they will be expected to comply immediately.

If your CDM or someone else in your management chain was not present, you should report it to them, as soon as practicable. They will take your report seriously and investigate the matter. We will offer you support, discuss resolutions with you and take steps to prevent it from happening again.

Depending on the situation and who the third party is, examples of the steps we may take include but are not limited to, restricting contact with the third party, verbal/written warnings or in serious cases the termination of the business relationship. We will work with you, consider the impact that any resolutions may have on you and keep you informed of any actions taken.

## **Roles and Responsibilities**

ONR expects all staff to comply with its' policies and procedures. We all have a responsibility to help ensure everyone we work with is treated with dignity and respect. Individual staff members, as well as the organisation can be held liable for acts of bullying, harassment and victimisation during their employment.

### **Staff should:**

- treat everyone with respect, courtesy and not abuse any positions of power in accordance with [Our values](#)
- respect other's opinions by not putting undue pressure on others, especially when related to non-work-related communications or social activities
- raise any concerns they have about actions/behaviour (witnessed or experienced personally) that could be perceived as bullying and/or harassment promptly, (either with the person directly, a manager, their Delivery Lead, a Trade Union Representative, a Confidential Support Network volunteer, HR or other appropriate person).
- make themselves familiar with the support available
- seek support when necessary
- engage with informal and formal processes

### **CDMs should:**

- empower staff to raise concerns about bullying and harassment with them
- recognise signs of inappropriate behaviour when talking with their staff e.g. where someone is 'struggling to communicate' with another staff member
- listen to staff and take all complaints about bullying & harassment seriously
- proactively manage behaviour that could be perceived as bullying & harassment, and not wait for a complaint to be made if behaviour falls below ONR standards
- apply ONR's policies and procedures consistently
- deal with matters fairly and in a timely fashion
- offer support to staff and signpost to other sources of support
- seek support from HR when necessary
- take the role as investigators and decision makers when a reasonable request is made
- make staff aware of professional support available i.e. [Employee Assistance Programme](#), [Confidential Support Network](#), [Trade Union Representatives](#)

### **HR will:**

- be trained in all aspects of the bullying and harassment policy including how to respond to queries and categorisation of significance
- provide advice and guidance to all staff on all aspects of ONR's policies and procedures
- support CDMs to consistently apply ONR policy
- provide procedural advice
- advise and support the staff member's support network and staff member appropriately on a case by case basis

#### **HR Casework Manager will:**

- appoint investigators and decision makers when formal complaints are received
- if outcome of investigation is appealed, identify an appropriate appeals manager
- review this policy to ensure effectiveness and compliance with any legislative change
- provide advice to all staff
- if there are any conflicts of interest (e.g. being a witness) the support will be addressed by an independent HR Manager

#### **Support**

Cases related to bullying & harassment can have an impact on your well-being. Support and guidance is available to you, whether you raise a complaint, are the subject of a complaint, are a witness or if you have been involved with managing the complaint. Please follow the link below for further details on the support we offer.

#### [Support \(ONR Intranet\)](#)

#### **Training**

We encourage you to attend the wide variety of training courses that are available to you. The training is designed to raise awareness, promote understanding, and equip you with the skills to prevent and address behaviours that may be considered to be bullying and harassment. The following courses are available by booking a place through the Academy Online:

- **(D8) Equality and the law: Your role in preventing workplace bullying, harassment or discrimination.**

This is mandatory training and will provide you with an overview of key responsibilities in relation to The Equality Act 2010, an understanding of behaviours that may amount to bullying & harassment and highlights options available for resolution and support available for workplace issues in ONR.

- **(D95) Being a good ally**

This training explores how we can be an ally, considers the boundaries and barriers we may face when stepping in to support others and introduces the 4 D's model (Direct, Delegate, Distract, Delay), through use of case study exercises.

- **D14 Unconscious bias**

To gain an awareness and understanding that we all have unconscious

bias which can have an impact on behaviours and the reasons why.

- **(D4) Constructive Conversations**

Gain an enhanced ability to recognise and overcome the blocks, barriers and fears around having a difficult conversation.

The list of courses above is not exhaustive, please follow this link [Academy Online](#) for up to date and additional training options.

#### **Review**

ONR commit to review this policy at regular intervals and to monitor its effectiveness.

HR are responsible for leading and overseeing this.

Staff are encouraged to provide any feedback and suggestions for improvement to this policy to the HR department.

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