



# **Harassment Policy**

**Revised March 2013**

## Policy Statement

Wellbeing Residential forbids all forms of harassment in the course of employment (and at work-related events, including social events), including that committed by third parties, and seeks to ensure that the working environment is comfortable for all its employees. The following procedure informs employees of the types of behaviour that are unacceptable and provides employees who are the victims of harassment with a means of redress. Harassment on the grounds of sex, transgender status, pregnancy, sexual orientation, race, colour, nationality, ethnic or national origins, religion or belief, marital status, civil partnership status, disability, age or perceived age or on any other grounds is unacceptable. Implementation of the policy is the duty of all managers and supervisors. All employees are expected to comply. (Wellbeing Residential welcomes the support of the recognised trade union(s) in seeking to eradicate all forms of harassment from the workplace.)

## Procedure

### Examples of Harassment

1. Sexual harassment may take many forms, from relatively mild sexual banter to actual physical violence. Employees may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment is unwanted conduct that is related to someone's sex or that of another person and which has the purpose or effect of violating the person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Examples of sexual harassment include:
  - a. insensitive jokes and pranks that contain a sexual element
  - b. remarks or banter that have a sexual content
  - c. lewd comments about appearance
  - d. unnecessary body contact
  - e. displays of sexually offensive material, eg pin-ups, e-mails with offensive attachments
  - f. requests for sexual favours
  - g. speculation about a person's private life and sexual activities
  - h. threatened or actual sexual violence
  - i. threat of dismissal, loss of promotion, etc for refusal of sexual favours
  - j. emails of a sexual nature.
2. Racial harassment can also take many forms, from relatively minor abuse to actual physical violence. Examples of harassment include:
  - a. insensitive jokes related to race, colour or nationality
  - b. remarks or banter that have a racial content or are racist in nature
  - c. pranks perpetrated on racial grounds
  - d. deliberate exclusion from conversations on racial grounds
  - e. abusive, threatening or insulting words and behaviour on racial grounds
  - f. displaying racially abusive writing or pictures

- g. emails of a racist nature.
3. Harassment relating to disability could take many forms, including:
    - a. insensitive jokes relating to disability or disabled people
    - b. remarks or banter about disabled people
    - c. abusive or insulting remarks or gestures on the grounds of a person's disability
    - d. emails with unnecessary references to a person's disability.
  4. Harassment on grounds of gender can take many forms. Examples of sex-based harassment include:
    - a. demeaning jokes, remarks or banter about women (or men) in the workplace
    - b. pranks played on women (or men), particularly where women (or men) form a minority in the workforce
    - c. deliberate exclusion of women (or men) from conversations
    - d. abusive, threatening or insulting words or behaviours aimed at women (or men).
  5. Harassment on the grounds that a person is intending to undergo, is undergoing or has undergone gender reassignment can take many forms including:
    - a. insensitive jokes about a person's transgender status
    - b. remarks or banter about a person's transgender status
    - c. pranks perpetrated on people who are intending to undergo, are undergoing or have undergone gender reassignment
    - d. deliberate exclusion of gender reassigned people from conversations
    - e. abusive, threatening or insulting words or behaviours aimed at people who are intending to undergo, are undergoing or have undergone gender reassignment.
  6. Harassment relating to sexual orientation could take many forms, including:
    - a. insensitive jokes relating to sexual orientation
    - b. remarks or banter about gay or lesbian people
    - c. displays of sexually offensive material relating to sexual orientation, eg e-mails with offensive attachments
    - d. pranks perpetrated on grounds of a person being gay, lesbian, bisexual or heterosexual
    - e. speculation about a person's private life and sexual activities
    - f. emails making unnecessary reference to sexual orientation.
  7. Harassment relating to religion or belief could take many forms, including:
    - a. insensitive jokes or pranks linked to religion or belief or to absence of religion or belief
    - b. remarks or banter about religious beliefs or practices
    - c. abusive, threatening or insulting words or behaviour on the grounds of religion or belief or absence of religion or belief
    - d. displaying writing or pictures that are abusive towards a particular religion
    - e. emails making unnecessary reference to a person's religion or belief
    - f. foisting religious beliefs on others.

8. Harassment relating to age could take many forms, including:
  - a. insensitive jokes that make fun of younger or older people
  - b. remarks or banter about older or younger people
  - c. pranks perpetrated on age grounds
  - d. deliberate exclusion on grounds of age
  - e. a refusal to co-operate with someone on grounds of a perception that he or she is too young or too old to bother about
  - f. treating someone's ideas as inferior or worthless on account of youth or age
  - g. making demeaning remarks (whether in fun or not) alleging that someone's physical or mental abilities have declined on account of his or her age
  - h. emails making unnecessary reference to age
  - i. offensive age-related birthday cards.
9. The examples above are not exhaustive. Some of the types of behaviour listed above may, after investigation, amount to gross misconduct, punishable by summary dismissal, depending on the circumstances of the case in question.

## **The Environment**

1. Wellbeing Residential home prohibits the display of any offensive material, eg pin-ups and posters, and will if necessary ensure that workplaces are inspected and offending material removed.

## **Compliance**

1. All new employees will be informed of the care home's policy towards harassment at induction training, when it will be stressed that all complaints of harassment will be treated very seriously.
2. Wellbeing Residential expects all managers and supervisors to ensure that this policy and procedure are adhered to at all times.
3. Wellbeing Residential Care homes recognizes the sensitive nature of complaints of harassment. Employees may wish to be accompanied at investigatory meetings and this will be facilitated where possible.

## **Informal Remedy**

1. Employees who are victims of minor harassment are advised to make it clear to their harasser that the behaviour is unacceptable and must stop. If an employee is unable to do this verbally then a written request (explaining the distress caused) handed to the harasser may be effective.

## **Formal Procedure**

1. Where informal methods fail, or serious harassment occurs, employees are advised to bring a formal complaint, and may seek assistance in doing so from the manager and the complaint should be made in writing, and where possible, state:

- a. the name of the harasser
- b. the nature of the harassment
- c. dates and times when harassment occurred
- d. names of witnesses to any incidents of harassment
- e. any action already taken by the complainant to stop the harassment.

The complaint should be sent, in confidence, to the manager.

2. Immediately following the receipt of a complaint of harassment, action will be taken where possible to separate the alleged harasser from the complainant; in serious cases, this may involve temporary transfer of the alleged harasser to another department, or suspension with pay until the complaint has been resolved.
3. The senior manager handling the complaint will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.
4. Copies of statements made by witnesses will be made available to the alleged harasser and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances the manager will, if necessary, adjourn the hearing to ask supplementary questions of witnesses in private.
5. In cases of harassment the complainant may, if he or she wishes, be supported throughout the procedure and hearing by a colleague of his or her choice or by a trade union representative.
6. The employee accused of harassment will be afforded a full and fair opportunity to defend or explain his or her actions at a hearing, in accordance with the organisation's disciplinary procedure. The right to be accompanied by a work or a trade union representative will also apply.
7. The severity of the penalty imposed upon an employee found guilty of harassment will be consistent with those detailed in the disciplinary procedure (eg serious harassment will normally result in summary dismissal). Where a lesser penalty is appropriate (eg a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, the manager may order the transfer of the harasser to a different work area, or arrange for the amendment of working practices to minimise contact between the two employees. If the victim so wishes his or her own transfer will be arranged, subject to practical limitations. The result of the investigation and hearing will be confirmed in writing to both employees.
8. If the complainant is not satisfied about the way his or her complaint has been handled, he or she may use the grievance procedure.
9. An employee who receives a warning or is dismissed for harassment may appeal against the penalty in accordance with the organisation's disciplinary appeals procedure.
10. An employee who brings a complaint of harassment will not suffer victimisation for having brought the complaint. However, if the complaint is untrue and has been brought maliciously (eg out of spite), disciplinary action will be taken against the complainant.

## Harassment by third parties

The organisation will not tolerate sexual harassment of its workforce by third parties (eg customers, suppliers or members of the public). All contractors, suppliers and other third parties have been informed of the organisation's policy and action will be taken against those who

subject any of the workforce to any form of harassment.

## Consequences

1. Harassment at work on the grounds of sex or of a sexual nature, race, sexual orientation, disability, religion or belief, or age is unlawful, and both the care home and the harasser may be held liable for such unlawful actions, and be required to pay compensation to the person who has suffered the harassment.
2. Any form of harassment can reduce the effectiveness of the organisation by creating a threatening environment, and increasing sickness absence and labour turnover. All employees have the right to work in an environment free from all forms of harassment.

It is recommended that employers offer access to a confidential counselling service to those employees who have allegedly been harassed and also to the alleged perpetrator while matters are under investigation and the option for counselling may need to continue for one or both parties depending on the outcome of any investigation and/or disciplinary outcome.

Signed:

---

Date:

---

Policy review date:

---