



# Employee Bullying and Harassment Policy 2020-21

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## 1. Purpose

- 1.1 To provide the framework for dealing with all forms of harassment and bullying. It provides for documented, impartial and objective investigation, while maintaining total discretion, confidentiality and freedom from recrimination.
- 1.2 NMITE believes that employees, volunteers and Trustees have the right to be treated with dignity and respect. In addition to its legal responsibilities concerning age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation we believe that employees are entitled to work in an environment free from bullying and harassment.
- 1.3 It is the responsibility of all Managers and employees to implement and support this policy to prevent bullying and harassment. NMITE will investigate complaints properly and any employee found to have harassed or bullied will be dealt with via the [Disciplinary Policy & Procedure](#).

## 2. Definition

- 2.1 Harassment is unwanted behaviour by one or more people, whether intentional or not, which violates a person's dignity and created a feeling of anxiety, humiliation, distress or discomfort. It has three common features:
  - i. It is unwelcome
  - ii. It makes the environment intimidating, degrading or offensive
  - iii. It is unacceptable to the complainant.
- 2.2 Bullying is a form of harassment and describes a threatening or intimidating environment in which one or more people may become fearful because of negative or hostile behaviour.



Examples may include:

- i. Conduct relating to 'protected characteristics', which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation which is offensive to an individual(s).
- ii. Behaviour that has the purpose or effect of creating an intimidating, degrading, or offensive environment.
- iii. Verbal or physical abuse
- iv. Isolation, non-co-operation and exclusion
- v. Coercion
- vi. Intrusion by pestering, spying and stalking, including online.

*Note – This list is not exhaustive.*

- 2.3 Bullying and/or Harassment need not be intentional. The key is whether it is unwanted by, and offensive to, the recipient. The effect on the individual is the key concern. Every employee has the right to work without fear of harassment or abuse, whether on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other grounds.
- 2.4 Bullying and harassment of any nature will not be tolerated.

### **3. Procedure**

- 3.1 The aim of this procedure is to protect employees from bullying and harassment and to enable them, if necessary, to make a complaint or assist in an investigation without fear of reprisal. When appropriate, every effort will be made to resolve the situation informally. However, some incidents, by virtue of their serious nature will need to be dealt with under the formal procedure.
- 3.2 An employee who feels harassed or bullied should, if possible, make clear to the 'harasser' that their conduct is unwelcome and ask them to stop. Alternatively, this initial approach may be made by a colleague. If the initial approach does not stop the harassment, the employee should raise the matter through the [Grievance Resolution Policy & Procedure](#). In situations where it is inappropriate to discuss the matter with their Manager, the employee may raise the matter with the HR Department.
- 3.3 Investigation of a complaint should be handled sensitively with due respect for the rights of all parties involved. Confidentiality should be maintained as far as possible. All investigations will normally be carried out within two weeks of it being raised.
- 3.4 The appropriate Manager must ensure that any employee who makes a formal complaint of bullying and/or harassment is not victimised.



3.5 If an investigation indicated that the complaint is justified, the 'harasser(s)' will be dealt with separately under the [Disciplinary Policy & Procedure](#). If disciplinary action is justified, a disciplinary hearing will be arranged within 10 working days of the decision being made. A serious case of harassment, particularly after a previous warning, will constitute Gross Misconduct.

#### **4. Bad Faith**

4.1 Support will be provided to victims of bullying or harassment. However, if it is found that allegations of bullying or harassment are not unfounded but have been raised in bad faith against an alleged 'harasser(s)', the initial complainant will be subject to disciplinary action.

#### **5. Policy Status**

5.1 This policy is not part of any contract of employment and does not create contractual rights or obligations. NMITE reserves the right to alter at any time although we will notify you of any future amendments.