

Bullying and Harassment

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Section 1: Understanding Harassment

1.1 Introduction

This policy applies to all VAW staff. Its overall objective is to protect the dignity of individuals and to ensure that each VAW employee is able to work in an environment free of harassment.

1.2 What is harassment?

VAW's definition of harassment is derived from the European Commission Code of Conduct on Sexual Harassment. The Commission has defined sexual harassment as unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women at work. VAW accepts this definition of sexual harassment and adapts it to define harassment on other grounds, including those listed at paragraph 1.6 below. In addition to this definition, the following characteristic features about harassment can also help us to understand and recognise it:

- Harassment always involves unwanted conduct of a discriminatory and or intimidating kind which may be directed at an individual, group, culture, religion or lifestyle
- Harassment frequently creates conditions in the workplace which are oppressive and or offensive to one or more individuals
- Harassment frequently involves a display of power which undermines, intimidates, isolates or degrades the victim
- Harassment always involves some form of behaviour by which an individual or group is treated in a detrimental way on improper grounds.

VAW believes that whether or not an instance or situation constitutes harassment is not determined by the intentions of the doer but by the seriousness and frequency of the doer's actions and their impact upon the victim. In some cases a single instance will constitute harassment.

1.3 Who can be harassed?

In addition to sexual harassment, employees in the workplace may be subjected to harassment based on any of the following:

- Sexuality
- Gender
- Disability, sensory impairment and or learning difficulty
- Real or suspected infection with the HIV (AIDS) virus
- Race, ethnicity, skin colour and or nationality
- Culture and religion
- Class
- Political beliefs
- Willingness to challenge harassment against others
- Membership or non membership of a trade union
- Status as an ex-offender
- Age (young or old)
- Their physical height or size
- Facial disfigurement

This list is not exhaustive.

1.4 Forms of harassment

Harassment can take several forms which generally fall into three main categories. The following are some examples:

- Verbal forms of harassment
 - Verbal and written statements or innuendo which are meant to ridicule or insult someone
 - Subjecting someone to insults or ridicule because of their sexuality, gender, disability, race, etc
 - Making verbal or written sexual advances or lewd, suggestive and over familiar remarks
 - The use of jokes, threatening or offensive language, gossip, slander, etc
- Physical forms of harassment
 - Physical contact ranging from touching to assault
 - Suggesting to someone that sexual favours may benefit their career or that refusal may damage it
 - Persistent, unwanted attention which continues after the person receiving it makes clear that they want it to stop (depending on its nature or seriousness, a single incident can also constitute harassment)

- Intrusion by pestering, spying on, following or stalking
- Action or behaviour whose effect is to intimidate or degrade
- Offensive material
- Displaying or distributing material which degrades or offends, including posters, graffiti, flags, bunting, emblems and material of a sexist, racist, sexual, or pornographic, etc. kind
- Bringing into the workplace badges or other insignia which are intended or are likely to create hatred or fear based on sexuality, gender, disability, race, etc.

Section 2: Dealing with harassment

2.1 What to do if you feel you are being harassed

If you believe you are being harassed you should do the following:

- Tell someone else about it. If you are feeling uncomfortable about a situation and are not sure if is harassment, still try to talk to someone about it
- Keep a written record of the offending behaviour. Write down the dates, times and places when events occurred and what was said or done. If anyone else witnessed any of the instances make a note of whom it was
- Make it clear to the person who is harassing you that their behaviour is unwelcomed and that you want it to stop. In most cases, once the person knows that her/his behaviour is unwelcome, they will stop. You can do this in various ways: alone, with a friend (ie 4), by asking your manager to speak to the person (5), etc
- Ask a friend or representative to be with you when you speak to the person;
- If you prefer an informal approach you can ask your line manager to tell the person who is harassing you that their behaviour is unwelcomed and that you want it to stop
- If the behaviour continues, talk to your manager or representative. You may need to make a formal complaint
- If it is your manager or supervisor who is harassing you, speak to their line manager
- if you feel you are being harassed and you wish it to be dealt with formally, you can make a formal complaint.. You can do this as soon as the first instance of harassment occurs or at any subsequent time. Please follow the procedures laid out in VAW's grievance policy

2.2 Responsibilities of managers

Each VAW manager is obliged to act fully in accordance with this policy at all times. This includes creating a work environment which neither condones nor gives support of any kind to acts of harassment and ensuring that each of their staff is aware of and understands the policy.

Where a manager becomes aware that harassment is taking place but the employee has not complained, the manager should raise it with the employee and advise the employee along the lines outlined at paragraph 2.1 above. Where a manager becomes aware of or receives a complaint about an alleged case of harassment affecting one of their staff she/he should:

- Be sympathetic to the complainant;
- try to establish from the employee, the nature, seriousness and impact of the alleged harassment; and
- consider, with advice from the Head of Finance & Central services, if the matter should be dealt with formally or informally. If it can be dealt with informally, advise the employee as at paragraph 2.1 above. If the matter needs to be dealt with formally, ask the employee to follow the grievance procedures.

There may be cases where a manager believes that an employee is being harassed but the employee either denies it or insists that they want no action taken about it. In such cases the manager should not pressure the employee to complain or request action. However, the manager should consider other ways in which the particular behaviour or situation can be stopped.

2.3 Guidance to employees

Employees should:

- Be aware of the issue of harassment, of the forms it can take and of the damage it can do to individuals and organisations
- Make sure their own conduct does not include behaviour that could possibly constitute harassment
- Not be afraid to stand up against harassment or to support a colleague who is being harassed.
- Talk in confidence to any employee that you believe is being harassed. Advise them that they can take the action outlined at paragraph 2.1 above. It is possible that the employee may be reluctant to have the matter dealt with formally. If so, be encouraging but sensitive to their wishes.

Section 3: Procedures

3.1 Introduction

VAW deplores all forms of harassment and believes that there are no circumstances under which harassment in the workplace can ever be justified. VAW regards harassment as a serious disciplinary offence which can result in dismissal. Accordingly, harassment in the workplace in any form will not be tolerated at VAW.

VAW believes that it is preferable for complaints of harassment to be resolved informally wherever this is possible and appropriate as this is most likely to produce speedy solutions which minimise the risk of breaching confidentiality. However, where an employee makes a formal complaint of harassment the matter will, in each case, be dealt with formally.

3.2 Informal Procedure

In many cases of harassment the victim simply wants the offending behaviour to stop and wishes the matter to be dealt with quickly and informally. Where an employee wishes their case to be dealt with informally they can:

- Follow the steps outlined at paragraph 2.1 above;
- Seek the assistance of their trade union representative or a work colleague;
- Speak to their line manager or the Head of Finance & Central services.

Where a case is dealt with informally no written records will be kept on the complainant's file and no disciplinary action can be taken against the alleged perpetrator.

3.3 Formal Procedure

Allegations of harassment will be dealt with formally where:

- Informal attempts have not been successful;
- management considers the behaviour too serious to be dealt with informally; or
- the employee wishes the matter to be dealt with formally (ie, wishes to make a formal written complaint).

Formal complaints shall follow the VAW Grievance Policy.

3.4 Counter Allegations

Where following a complaint of harassment against a person that person then makes a counter allegation against the complainant, the investigating officer will consider the counter allegation at the same time as the initial complaint.