



QTS-Global Ltd

Bullying and Harassment Policy

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QTS-Global Bullying and Harassment Policy

Document Overview: QTS-Global has firmly positioned Equality and Diversity at the heart of its Business Plan. This policy provides guidance for all employees regarding Bullying, Harassment and Victimisation. This policy establishes and describes the procedures for employees to follow in cases of behaviour, which is, or could, amount to Bullying, Harassment and Victimisation.

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1. Policy Statement

- 1.1 QTS-Global Ltd will not tolerate any form of Bullying or Harassment and will view with the utmost severity any behaviour, word or deed which could be, or is construed to be bullying, harassment, victimisation or violence.
- 1.2 All employees and managers have a responsibility to behave in a manner that promotes fairness, diversity, dignity and respect to our colleagues, to our working partners, and our learners.
- 1.3 Action under the QTS-Global Ltd Disciplinary Procedure will be taken against any individual whose behaviour, words, or actions contravene the spirit of this policy.
- 1.4 This policy
 - a) Sets out the expectations of QTS-Global Ltd in relation to the standards of behaviour, which all employees should display towards all those with whom they come into contact with in the course of their work.
 - b) Protects QTS-Global Ltd employees and aims to help them avoid situations that may result in false allegations being made.
 - c) Sets out what steps employees should take if subject to Bullying and Harassment and establishes the roles and responsibilities of all employees.
- 1.5 QTS-Global Ltd approach to Bullying and Harassment is based on, and reflects the principles of UK legislation and Best Practice guidance.
- 1.6 QTS-Global Ltd and all employee representatives endorse this policy.
- 1.7 All QTS-Global Ltd employees, temporary workers and subcontractors, must adhere to this policy. We all have a duty to respect each other and to work in a professional way, to promote a friendly working environment.
- 1.8 Where complaints are raised, every effort will be made to resolve matters informally. Sometimes, a formal investigation may be necessary and, where an allegation is found to have merit, appropriate action will be taken. Separately, disciplinary action, including dismissal, may be taken against employees that are found to fail to fulfil their responsibilities under this policy.
- 1.9 QTS-Global Ltd will investigate fully and may then take action including the consideration of prosecution and civil remedies, to protect employees from harassment by any service users.
- 1.10 QTS-Global Ltd will monitor carefully the extent and the nature of bullying and harassment and will make all staff aware of this policy. Training will be provided for all staff.

2. Bullying

- 2.1 Bullying includes any behaviour that is offensive, frightening or distressing. It can be unintentional, subtle, and insidious. It may involve nicknames, teasing, and name calling, with or without malicious intent, though which is upsetting.
- 2.2 It may be about the individual themselves, or about those with whom an individual associates. It could consist of a general culture which tolerates the telling of jokes.
- 2.3 Employees will need to demonstrate either that their dignity has been violated, or that they have been subjected to a hostile, degrading, humiliating, or offensive environment.
- 2.4 When groups of people work together, patterns of behaviour become established. The majorities of people work well together, and most recognise individual differences and backgrounds. In some situations however, individuals may begin to feel uncomfortable or even humiliated. Sometimes this might arise from misunderstanding or clumsiness, or from occasional or persistent insensitivity.
- 2.5 Bullying can be described as:
 - a) behaviour against an individual, which is intimidating, offensive malicious or unfair, and which undermines the confidence and self-esteem of the recipient and / or results in the unfair application of policies, leave, training and employment benefits. This behaviour may be intentional or unintentional.
- 2.6 Workplace bullying can be hard to recognise and its effects attributed to something else. It can creep up stealthily long before a person is able to appreciate what it is that is making them feel the ill effects.

3. Harassment

- 3.1 Harassments where unwanted conduct has the effect of violating someone's dignity. Its effects are humiliating, degrading, hostile, or offending. It may include behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent.
- 3.2 Harassment may also be subtle and insidious. It may involve nicknames, teasing, name-calling, gestures or other behaviour, which may not be intended to be malicious but nevertheless, is upsetting. Harassment may be persistent or a serious isolated incident.
- 3.3 Some behaviours may arise unintentionally - people may accidentally offend or upset a colleague with a thoughtless act, gesture or comment, or through ignorance. However, if the actions or comments are seen as demeaning and unacceptable by the recipient, then the behaviour or incident will and must be challenged.
- 3.4 QTS-Global Ltd will not tolerate any form of sexual harassment, conduct of a sexual nature, or other conduct based on sex and affecting dignity, is wholly unacceptable.

3.5 Sexual harassment is defined as:

- a) Conduct that is unwanted, unreasonable and offensive to the recipient; the fact that a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment or salary.
- b) Any conduct which creates an intimidating, hostile or humiliating work environment for the recipient.

3.6 The following non-exhaustive list gives some examples of Bullying and Harassment:

- a) Aggressive behavior; shouting or threats; impolite or discourteous behaviour;
- b) Unwelcome sexual innuendo or attention;
- c) Unwelcome inappropriate touching;
- d) Spreading malicious rumors or insulting someone;
- e) Ridiculing or demeaning someone;
- f) Exclusion;
- g) Behaviour or decision-making which is based on improper prejudice;
- h) Making unjustified, persistent criticisms;
- i) Being overbearing or neglecting to supervise properly; or otherwise mis-using power or position;
- j) Making threats or comments, which are without foundation, about job security;
- k) Harassment on the ground of race, nationality, national origin, ethnicity, culture;
- l) Harassment on the grounds of Age, Gender, Sexual orientation, Trans-gender, Religious belief or preference including a non-religious preference.
- m) Inappropriate behavior, bullying and harassment can also be conveyed by non-verbal communication body language, or gestures or written communication, email communication, video, DVD, or text communication.

4. Publications and Offensive Materials

- 4.1 QTS-Global Ltd does not permit the presence of any publication or material which could be deemed offensive in nature, to be kept, displayed, or shown anywhere at service premises. This includes desks, lockers, cupboards, offices, vehicles, email

and mobile telephones and includes employee's personal mobile telephones, computers and vehicles when brought onto the premises.

- 4.2 Offensive materials are defined by the main purpose of the particular material. This also includes any classification of the material by a vendor, and classification of who can purchase such material, and/or any perception from an individual who feels that particular material is offensive.
- 4.3 Offensive materials also include materials that violate the spirit any of the Equality Laws in the UK e.g. racist or potentially racist material, including political propaganda, homophobic or potentially homophobic material.
- 4.4 Where there is a dispute as to what is offensive, the perception of a complainant, the subjective test, will be taken into key consideration. Publications also include pictures, calendars, DVD, video, film, text, sounds, and all similar classifications, which can be hardcopies, displayed or downloaded onto mobile phones, and other technological equipment.
- 4.5 Any employee who knowingly or is party to, the display, publication, or keeping of any such material defined above, will be subject to action under the QTS-Global Ltd Disciplinary Procedure.

5. Victimisation

- 5.1 Victimisation is any behavior, bullying, harassment, or treatment, which is meted out to any person on the grounds that they have given evidence, or witness, or confronted any behavior which is bullying, harassment or any other law breaking or potential law breaking behavior. (whistle blowing)

6. Violence shown towards Employees/Learners

- 6.1 Any form of violence is unacceptable and all attempts should be made to reduce it. Being subjected to violence, be it physical or verbal, is not only demoralising and stressful on an individual; it can also affect their performance at work, as well as relationships outside work. Incidents can lead to incapacity or can be life threatening.

6.2 This can be defined as:

- a) "Any incident in which an employee/learner is: abused, threatened or assaulted by a fellow worker or other learners in circumstances arising out of normal duties in relation to their course of employment".

Responsibilities and Actions

Managers' responsibilities for preventing Bullying and Harassment

We are all responsible for our own actions. Managers have a particular responsibility to ensure that they and the staff they manage fully understand what is meant by harassment, and its implications for each other and the communities whom we serve. Managers have a responsibility to address issues as they arise, rather than wait until a formal complaint is made. Managers need to respond sensitively to any concerns expressed and to provide support.

Anyone who feels that they are experiencing bullying and/or harassment or any other offensive behaviour or actions, will be taken seriously and will not be treated unfairly because they have made a complaint about discrimination, bullying or harassment.

Employees/learners who are the subject of complaint are entitled to be told what is alleged and to be given a chance to explain their actions. Sometimes an apology and a commitment not to repeat the behavior will resolve the issues, but sometimes a formal investigation will be required.

What to do if you feel you are being subject to Bullying and Harassment

First Steps

Keep a record or diary of the actions, which you consider are amounting to bullying and/or harassment.

Keeping a record about the bullying you've experienced can be really helpful when you are talking to someone about how to sort it out. Try to remember and write down as much as you can about what happened, when and where the bullying took place, and who was involved. You can show this sheet to a colleague you trust, or just use it to remind you when you are talking about what happened.

- Date, time and place
- What happened?
- Who was involved in the bullying?
- Where did the bullying take place?
- Was anything taken?
- Was anyone with you or did anyone witness the event?
- What was said or done to you? Their names or a description of the event

If the issue cannot be resolved at an informal stage then the diary will be a key part of the evidence should the situation progress to a formal investigation or invoking of the disciplinary procedure.

In some cases it may be possible to deal with matters informally. Sometimes people are not aware that their behavior is unwelcome and an informal discussion can lead to a greater understanding and an agreement that the behavior will cease. There are a number of measures that you can take to attempt to resolve any tensions.

Here is a plan for informal resolution

- Raise the issue with the person, stating what the person is doing to harass to you and explain how you feel
- (it is acknowledged that this can be difficult and you might wish to talk to someone else at this stage – (see below)
- Listen carefully to the person's response
- Ask the person to agree to stop the behavior, explaining why it is offensive or intrusive (doing this in front of a witness may be helpful)
- Make a note of this meeting for your records.
- If the person does not change their approach then a more formal step will be required.

Second Step

Some cases of harassment cannot be dealt with informally and, if the disagreeable behavior continues or worsens, the Grievance procedure needs to be used.

At this stage you need to raise a formal grievance. Details of the grievance procedure can be found within the Employer/ learner handbook.

You should raise the issue formal with your manager or IQA. Of if you feel you cannot raise this with your line manager you can approach another Manager who is the same level as your manager or a member of the Personnel Department.

Points to note

All processes will be dealt with promptly and will be treated as strictly confidential.

Remember:

- The informal and formal approaches are separate.
- Investigators and advisers need to be impartial and not connected with the allegation.
- All parties in any complaint about bullying or harassment have the right to be accompanied by a work colleague or trade union representative of their choice.
- Any action must be taken promptly while events are fresh in everyone's mind; those involved in the incident and any witnesses should be interviewed and advice should be sought from HR.
- There is a commitment to confidentiality and clearly defined and agreed timescales are set out in which to resolve the problem

Additional sources of support

All employees are welcome to discuss problems of bullying or harassment informally at any stage, with their line manager, trained adviser, Personnel Manager or trade union. There may, however, be occasions when employees need the help of professional counsellors. Anyone whose health is being affected by anything at work should consider approaching their G.P. In any case of harassment, employees are reminded that help from others - informal or formal - is always available. It needs to be remembered though that these are sources of support and not an alternative to resolving matters through one of the approaches described above.

There is no specific legislation in the UK dealing with the issues of workplace bullying, however a number of specific areas of law may be relevant and applicable.

Statute

- Equal Pay Act 1970 (amended 1983)
- Sex Discrimination Act 1975 (amended 1986)
- Race Relations Act 1976
- Criminal Justice and Public Order Act
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 2018
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations (Amendment) Act 2000
- Freedom of Information Act 2000
- Employment Act 2002
- Criminal Justice Act 2003
- Race Relations Act 1976 (Amendment) regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Disability Discrimination Act 1995 (Amendment) regulations 2004
- Civil Partnership Act 2004
- Gender Recognition Act 2004
- Disability Discrimination Act 2005
- Employment Equality (Age) Regulations introduced 2006

Common Law

- Under the Law of Negligence

Contract Law

- It is an implied term in the contract of employment that the employer will ensure the employees' health, safety and welfare.

Examples:

The Criminal Justice and Public Order Act 1994, states that intentional harassment in the work place can be classed as a criminal offence.

That Act specifies that someone causing intentional harassment, alarm or distress can face prosecution for committing a criminal offence.

Some examples of this are:

- Using threatening, abusive or insulting words or disorderly behavior
- Displaying any writing, sign or any other visible representation which is threatening, abusive or insulting

The European Commission's code of practice "Protecting the dignity of women and men at work" is mainly about of sexual harassment.

See

http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10917b_en.htm

The Health and Safety at Work Act 1974 states that employers are responsible for the health, safety and welfare at work of all employees, and are liable for the actions of their employees at work.

The Employment Rights Act 1996 gives an employee the right to claim unfair constructive dismissal when he resigns in the face of his employer's breach of contract, which may include failing to protect his health and safety at work.

An employee can bring a claim against the employer and the individual harasser. Individuals found liable may be made to pay personal compensation to the victim.

Further Sources of Advice or Information

The following sources are also acknowledged as sources of information for producing this policy

General Sources

<http://www.bullyonline.org/>

<http://www.unison.org.uk/>

<http://www.acas.org.uk/>

<http://nationalbullyinghelpline.co.uk/news.htm>

Bullying & Harassment Flowchart

Appendix F

