



# Willing and Able Limited Policy & Procedure

## Anti-Harassment & Bullying

## Policy Statement

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Willing and Able Limited aim to provide an environment that respects the rights of all people including employees, learners, customers and others with whom we have contact, and where all people are treated with respect. Any behaviour that undermines this aim is unacceptable.

Willing and Able Limited does not tolerate any form of harassment or bullying under any circumstances of any individual, whether any employee, contractor, customer or other individual.

While implementing and upholding the policy is the duty of ALL managers and supervisors, it is also expected that all employees have a responsibility to ensure that harassment does not occur.

This document outlines the type of behaviour that is considered unacceptable and the means of redress for those who are the victims of bullying or harassment. This policy also applies to work related functions held outside of normal working hours, either on or off Willing and Able Limited's premises, such as working lunches, parties, leaving celebrations etc.

## Communication

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All employees will be informed of this policy at induction training and through regular communication and training awareness programmes to ensure that all staff:

- understand our commitment to prevent harassment and bullying.
- understand their responsibilities and role in the process.
- know how to seek advice and guidance.
- know how to make complaints and are confident they will be handled effectively.

Customers participating in our programmes will be advised of this policy as part of their programme introduction.

## Associated Policies

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This Policy and associated procedures should be read in conjunction with the following Policies:

- Discipline & Dismissal
- Equality & Diversity
- Employee Code of Conduct
- Feedback & Complaints
- Grievance
- Safeguarding
- Whistleblowing

## Definitions

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### Harassment

Harassment is unwanted conduct related to a relevant protected characteristic covered by equality legislation with the intent or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Where it cannot be established that there was an intention to offend, the actions will still be regarded as harassment if, when considering all the circumstances, it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds, including:

- Sexual orientation
- Marital status
- Race, nationality, ethnic origin, national origin or skin colour
- Religion or religious beliefs
- Political and personal beliefs
- Health problem or disability
- Age
- Gender or gender reassignment
- Criminal record
- Physical characteristics
- Social class
- Raising or supporting a complaint of bullying or harassment
- Employment status e.g. part-time
- Membership (or not) of a trade union
- Carrying out health and safety duties

Examples of harassment include (but not exhaustive):

- **Verbal:** crude language, open hostility, offensive jokes/songs, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip.
- **Non-verbal:** wolf-whistles, obscene gestures, pornographic material (paper-based and electronic), graffiti, offensive letters, e-mails and text messages, and offensive objects.
- **Physical:** unwanted touching, patting, pinching or brushing against someone, intimidating behaviour, assault and physical coercion.
- **Coercion:** pressure for sexual favours e.g. to get a job or promotion, or to participate in activities including political, religious or trade union groups.
- **Isolation** or non-cooperation and exclusion from social activities.
- **Intrusion** – following, pestering, spying etc.

Note that what is acceptable behaviour to one individual may not be acceptable to another.

Harassment is normally characterised by more than one incident of unacceptable behaviour, but one incident may constitute harassment if it is sufficiently serious.

Harassment is unlawful under the Equality Act 2010 and Protection from Harassment Act 1997 – Organisations, managers and individuals can be held liable if they fail to take steps to prevent harassment. Organisations are also liable for harassment by a third party e.g. a customer or supplier, if that harassment occurs on more than one occasion, the organisation is aware it has happened and does nothing to stop it happening again.

## Bullying

Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, with the intent or effect of undermining, humiliating, denigrating or injuring the recipient. Bullying is a sustained form of psychological abuse that makes victims feel demeaned and inadequate.

Bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone:

### **Obvious:**

- Shouting or swearing at people
- Persistent criticism
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort
- Dispensing disciplinary action that is totally unjustified
- Spontaneous rage often over trivial matters

### **Less obvious:**

- Withholding information
- Deliberately supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets
- Imposing impossible deadlines
- Removing areas of responsibility and imposing menial tasks
- Blocking applications for holiday, promotion or training

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determines whether any action or statement is considered bullying.

Harassment and bullying can have a major impact on our business – the damage, tension and conflict it creates should not be underestimated. It can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The result is not just poor morale, but higher turnover of staff, reduced productivity, divided teams, poor service and poor product quality. The Company's public image can be badly damaged when incidents of harassment and bullying occur.

## **Procedure**

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Any harassment or bullying perpetrated by staff will be classed as gross misconduct, potentially leading to dismissal.

Where a customer participating in a programme is found to be bullying or harassing other parties (including staff) the manager will discuss the case with the person who referred the customer to the programme to agree appropriate action. This may result in dismissal from the programme, short-term exclusion, transfer to another provider, or a change to the structure and content of their programme.

## *Initial Action*

Victims of harassment or bullying may wish to discuss their situation before deciding what action to take. Willing and Able Limited operates an open-door policy to discuss workplace problems and employees can discuss the matter with their manager on an informal basis. If this is not appropriate employees may discuss the situation with the next higher level of management.

Customers should discuss the matter with their Training and Learning Mentor.

Advisers may:

- ensure the conversation remains confidential as far as possible;
- listen sympathetically;
- help individuals consider objectively what has happened;
- discuss what outcome the individual would wish to see;
- draw attention to available procedures and options;
- help weigh up the alternatives, but without pressure to adopt any particular course;
- assist the individual in dealing with the situation, if they ask for help.

Confidentiality will be maintained as far as possible. It is for the individual to decide what action to take to address a problem that has occurred.

However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, Willing and Able Limited reserves the right to investigate the situation as part of our overall duty of care to ensure the safety of all employees and customers.

## *Informal Action*

Individuals can choose to solve the matter themselves by approaching the perpetrator, telling him or her that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a third party who can accompany the victim when speaking to the perpetrator.

The victim may also put his or her views in writing telling the perpetrator that their behaviour is unacceptable and that it must stop.

## *Formal Action*

Where informal solutions fail, or serious harassment or bullying occurs, a formal complaint may be made. Legal action may also be considered, at which point independent advice should be sought by the individual.

**Employees:** a formal complaint will be in the form of a grievance following the Willing and Able Limited Grievance Policy, with procedures adapted to take account of the sensitivities of such situations. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. If the complaint is upheld the matter will be passed to the appropriate line manager to conduct a disciplinary hearing with the perpetrator.

Where employees feel unable to work in close proximity with a complainant/alleged perpetrator during any investigation or following the outcome of the proceedings, Willing and Able Limited will consider a request from either party to transfer to another work location, although this cannot always be guaranteed.

**Customers:** should raise a formal complaint following Willing and Able Limited's Feedback & Complaints Procedure.

All complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged perpetrator are protected. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – where employees fail to do so, this will be a disciplinary matter.

## *Monitoring*

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment or otherwise on site, regular checks will be made to ensure the activity has stopped and that there has been no victimisation or retaliation against the victim or the perpetrator.

## *Malicious complaints*

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to Willing and Able Limited's disciplinary procedure, as will any witnesses who have deliberately misled Willing and Able Limited during its investigations.

## **Responsibilities**

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All staff within Willing and Able Limited have a responsibility to uphold the commitments in this policy, to treat their colleagues and others with dignity and respect, to take steps to eliminate bullying and harassment by challenging offensive behaviour and bringing it to the attention of a manager.

Other responsibilities include:

- **Managers** – responsible for implementing, communicating and explaining this policy to staff; for taking positive action to prevent harassment, encouraging incidents to be reported and ensuring satisfactory solutions are applied; for addressing incidents promptly and as sensitively and confidentially as possible.
- **Head Apprenticeships and Training** – responsible for supporting managers in dealing with

harassment and bullying complaints and ensure that all cases are dealt with on a consistent basis and are objectively assessed.

## Monitoring & Review

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The policy will be regularly monitored by the Head of Apprenticeships and Training and the Director of Commerce to ensure that it is achieving its aims and that managers and employees are confident about its application through consultation and case reviews.

This policy will be reviewed annually to ensure it continues to meet current legislative requirements, adopts emerging best practice, and continues to be effective and relevant to the wider business.

