

Harassment Policy

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Policy on Harassment

1 Introduction

The College is committed to the elimination of discrimination on the grounds of ethnic or national origins, creed, gender or marital status, disability, age, sexual orientation, race, colour, nationality, HIV status, social class, religious or other beliefs. It is the right of every member of staff and visitor to work and visit the College without fear of harassment or victimisation. The College recognises the problems associated with harassment and is committed to providing an environment in which all individuals can operate effectively, confidently and competently. If a complaint is brought to the attention of management it will be investigated promptly and appropriate action taken.

2 Background

Harassment is a serious problem which has often been dismissed as individuals being over sensitive. It can affect people's health, work performance, promotion, job prospects and ultimately the success of the College. Claims from individuals may be brought within the tribunal system as well as the court system under legislation of which the following are some examples:

Sex Discrimination Acts 1975 and 1986;
Race Relations Act 1976;
Health and Safety at Work Act 1974;
Employment Protection (Consolidation) Act 1978;
Disability Discrimination Act 1995;
The Criminal Justice Public Order Act 1994;
EC Resolution 1990 on the Protection of Dignity of Women and Men at Work;
EC Code of Practice on Measures to Combat Sexual Harassment;
Trade Union and Labour Relations (Consolidation) Act 1992;
Trade Union Reform and Employment Rights Act 1993;
Protection from Harassment Act 1997.
Race Relations Act 2000
Employment Act 2002

Harassment is unacceptable in the College whether or not it is unlawful.

3 What is Harassment?

Harassment is any conduct which is unwanted by the recipient, or which affects the dignity of any individual or group of individuals at work. Harassment may be repetitive or an isolated occurrence against one or more individuals.

Harassment may include the following:

- Physical - contact e.g.: touching, patting, assault or gestures, intimidation, aggressive behaviour

- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, insults, jokes and banter, verbal intimidation or aggressive behaviour
- Non verbal - offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities.
- Bullying - persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress

4 Victimisation

Any complainant has the right not to be victimised as a result of bringing to the attention of the alleged harasser or management any conduct that the individual finds unwanted. Victimisation of complainants may amount to a disciplinary offence.

5 Responsibilities

It is the duty of every member of the College and those visiting the College premises to take responsibility for their behaviour and modify it if necessary, as harassment is not acceptable under any circumstances. In the event of a failure to do so disciplinary action in accordance with the College's disciplinary procedure may be a consequence and anyone found responsible may also be held personally liable should the person who has been harassed undertake legal proceedings.

In communicating this to staff, managers are required to ensure that the policy is effectively applied and that harassment does not occur. Failure to do so could result in disciplinary action in accordance with the disciplinary procedure.

Anyone experiencing harassment has the right to use the procedure on harassment, irrespective of the right which may exist to pursue a grievance through an employment tribunal or a court of law. The College will ensure that this policy is widely publicised and its contents made known to all staff and where practicable contractors and visitors.

6 Training

Training will be provided, as appropriate, to all staff as part of the induction process. Specific training will also be provided to all managers to ensure they gain knowledge, skills and awareness necessary to operate the College's policy and relevant legislation effectively, and to communicate this to all staff. Those involved in acting as a 'confidential friend' or those who may be part of the investigating panel will receive specialist training. The harassment policy

will be incorporated into all aspects of training wherever appropriate. (e.g.: induction and management development programmes).

7 Supportive Framework

The College recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for individuals to raise complaints directly with line managers. Accordingly individuals may approach a confidential counsellor, a colleague or trade union representative to raise the issue with management on their behalf in line with procedure. The College will appoint a number of mediators/confidential “counsellors”, who represent a cross section of the College community, to provide advice and assistance to individuals who may have been subjected to harassment.

The confidential “counsellor” has no role in formal investigations and will not give evidence in any proceedings, since all discussions between counsellor and individual are confidential.

Individuals who have been accused of harassment may also approach a confidential counsellor to receive appropriate support and advice as the allegation is investigated.

Wherever possible the College will ensure that normal working relationships will continue whilst allegations are being investigated. When this is not possible then as a matter of principle the College will temporarily remove the alleged harasser unless this would substantially affect operational continuity or performance.)

8 Time Limits

Under the Equal Opportunities legislation individuals may bring Employment Tribunal claims within 3 months of the alleged incident. The College requests that individuals who do submit an application to an Employment Tribunal to defer any proceedings pending the outcome of the College investigation. In such cases union members may wish to contact their union representative.

9 Review and Monitoring of the Procedure

It will be the responsibility of the Assistant Principle, Learner and Staff Services, through the Equal Opportunities Steering Group, which comprises representatives from recognised trade unions and employees, to review and monitor the progress of the policy and procedure and recommend change where necessary on an annual basis.