



Learning Development (Quality)

Harassment Policy

POLICY NO.	POL/034/000
APPROVED BY	Corporation
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INVESTOR IN PEOPLE

1. Scope

This policy applies to all current employees and previous employees (where a complaint is received from a previous member of staff) up to a period of 3 months following their end of employment date.

2. Statement of Commitment

- 2.1 Stafford College is committed to protecting its staff from Harassment. All forms of harassment are unacceptable and the College is committed to creating an environment in which harassment is not tolerated at any level.
- 2.2 Staff, regardless of their status, should feel valued for their contribution, confident that they will be treated with dignity and respect and assured that any incidents of harassment will be dealt with swiftly and effectively.
- 2.3 A helpful point to remember is that all staff, irrespective of position or status, should treat others as they wish to be treated themselves.

3. Nature of Harassment

Harassment may be:

- Physical - contact, assault or gestures, intimidation, aggressive behaviour
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the above characteristics
- 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 makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress
- Harassment is sometimes confused with poor or firm management or occasions when operational or management decisions/issues do not suit individuals even though they are reasonable and valid.
- A manager who does not handle a discussion about poor performance well may come across as intimidating or aggressive. There is a fine but distinguishable line between harassment and poor management and some staff and managers may prefer or need to seek Personnel advice or involvement when dealing with performance concerns or occasions when constructive criticism is necessary.

Complaints or concerns of harassment are best discussed with a trade union representative or Personnel where a member of staff is in doubt.

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Appendix A provides further definitions on: Harassment in the Workplace; Bullying in the Workplace; Racial Harassment; Examples of Sexual Harassment and some other general definitions that do not fit into either of these categories.

4. Principles

- 4.1 To affirm our commitment to good employment practice, to good practice in equal opportunities and to the fulfilment of our legal and professional obligations.
- 4.2 To ensure all staff are aware of their responsibility to be proactive in promoting an atmosphere free from harassment, and to challenge instances of harassment whenever they are encountered.
- 4.3 To provide a framework and guidance for managers and staff on how harassment can be eliminated. The policy describes instances of behaviour, which may be deemed unacceptable and outlines the procedures and support mechanisms available to staff who are subjected to harassment.
- 4.4 To recognise that trade union representation is welcomed in dealing with concerns or complaints of harassment.
- 4.5 To ensure managers are aware of their specific duty to be vigilant to the behaviour of others and their responsibility for addressing actions, which might cause offence. It is part of a manager's responsibility to act before waiting for a complaint to be registered.
- 4.6 To encourage all employees to report incidents of harassment in the knowledge that complaints will be dealt with promptly and sensitively and in strict confidence.
- 4.7 To expect co-operation and support from relevant parties in addressing concerns identified.
- 4.8 To confirm that staff whose behaviour breaches this policy will be subject to disciplinary action. Harassment, in any form, could constitute gross misconduct and lead to dismissal.
- 4.9 Malicious or vexatious complaints, if proven, could be viewed as grounds for disciplinary action against the complainant.

5. Equal Opportunities

Stafford College is committed to the implementation of policies to achieve equality of opportunity for all staff, students and members of the community it serves. In doing so the College will actively work to achieve equality regardless of age, race, skin colour, disability, gender, marital status, sexuality and faith.

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6. Related documents

QAL/0027/000 - Procedure for dealing with harassment

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Appendix A

Harassment in the Workplace

There is no one single definition of harassment at work, but it can be defined as:

“Any conduct based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, property, birth or other status which is unreciprocated or unwanted and which effects the dignity of men and women at work”.

(Adopted from the Human Rights Act 1998 enacted in UK law October 2000 and European Community Recommendation and Code of Practice on Harassment)

Harassment can take many forms, whether as a single incident or persistent incidents, and can include:

- Unwanted physical contact.
- Verbal abuse such as anonymous answerphone messages, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumours.
- Written abuse such as letters, faxes, emails or graffiti or displaying offensive pictures or posters.
- Explicit behaviour such as mimicking the affect of a disability and threats.
- Covert or disguised behaviour such as social isolation and non-co-operation, implicit threats, and pressures for sexual favours.
- Incidents associated with work such as stalking.

Such behaviour is unacceptable if:

- It is unwanted, unreasonable and offensive to the recipient.
- It is used for the basis of employment decisions.
- It creates a hostile or ineffectual working environment.

Bullying in the workplace

“Bullying is the misuse of power or position that undermines a persons ability, or leaves them feeling hurt, frightened, angry or powerless”.

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Features of bullying behaviour can include:

- Sadistic or aggressive behaviour over time.
- Exclusion from meetings.
- Humiliation or ridiculing.
- Criticism in public that is designed to humiliate.
- Persistent, unwarranted criticism in private.
- Treating colleagues as children not as adults.
- Undermining staff by replacing their areas of responsibility unreasonably or without justification.
- Withholding information to deliberately affect a colleague's performance.
- Constantly changing work deadlines or work guidelines.
- Shouting at a colleague or student or a student shouting at a member of staff.
- Excluding others by talking solely to third parties to isolate another.
- patronising remarks.
- shunning or excluding people from normal workplace conversation or social events.
- unjustified criticism of work performance.
- unfair allocation of work and responsibilities.
- access to training and/or overtime denied.
- black and minority ethnic staff more likely to be disciplined than white staff.
- threatening and abusive language.
- physical abuse or intimidation.

Racial harassment

- racist' jokes/banter and insults.
- display or articulation of racially offensive material including racist graffiti.

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Racial harassment may be deliberate and conscious, but it can also be unintentional, as when an individual is oblivious to another person's feelings and sensitivities.

Examples of sexual harassment

- unwanted, non-accidental physical contact ranging from unnecessary touching, e.g. patting, pinching or brushing against a colleague or employee's body, to assault and coercing sexual relations.
- lewd comments, leering, whistling, making sexually suggestive comments or gestures, innuendoes.
- suggestion that sexual favours may further a colleague's career, or that refusal may hinder it, e.g. promotions, access to training, etc.
- the display of pornographic or sexually suggestive pictures, objects or written materials in hard copy or displayed on computers including screen savers.
- unwelcome sexual advances and/or flirting, propositions or pressure for sexual activity; continued suggestions for social activity outside of the workplace, after it has been made clear that such suggestions are unwelcome.
- conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress.
- the undermining of a colleagues work specifically because of their gender; or ignoring or dismissing the quality of a colleague's work, contribution or experience because of their gender.

Other examples of harassment:

- the undermining of a colleagues work specifically because of their part time working status.
- excluding colleagues from meetings or training and development opportunities due to their part time working status.
- derogating nicknames or name calling related to a person's religion or political, trade union or other opinion or belief.
- open hostility to colleagues or being "frozen out" of conversations due to a person's HIV status.

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- derogating remarks, graffiti jokes that ridicule a colleague because of his/her sexual orientation.

This is not an exhaustive list and staff may experience what they believe is a form of harassment which is not listed above.

If staff feel they have experienced harassment, in whatever form, they should in the first instance discuss this in a confidential manner with Personnel, a manager or trade union representative.

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