

Policy Name: Equality and Diversity
Version 1.2

Part 1: Harassment and Bullying Policy

1. Purpose

The Company aims to create a working environment that respects the dignity and rights of all employees and learners, and where individuals have the opportunity to realise their full potential. The aim of the Company's policy is to support this ethos and to strive to prevent harassment and bullying from occurring.

2. Our Commitment

The Company will not tolerate any form of harassment or bullying and is committed to ensuring that employees and learners are able to work confidently and without fear of harassment, bullying or victimisation. Therefore, if a complaint is made to the Company, it will be investigated promptly, and appropriate action will be taken in line with the Company's policy. Where a person is found to have committed a serious act of bullying or harassment this will be dealt with under the disciplinary procedure and may be viewed as gross misconduct, which could result in summary dismissal. Where a learner is found to have harassed or bullied an employee, the Company will deal with this under the learner disciplinary procedure, which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party, staff, or learners, the Company will take immediate and appropriate action.

In order to meet our commitments, the Company undertakes to publicise its policy fully and to ensure that employees understand their rights and responsibilities. All employees and agency workers will be made aware how to access the policy, either via the Company Intranet or in hard copy. In addition, the Company will make contractors, consultants and secondees aware of its policy. Visitors to the Company will also be made aware of the Company's stance on bullying and harassment.

3. Legislation

Individuals are protected from harassment and bullying under the following legislation:

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Disability Discrimination Act 2005
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2010
- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Employment Rights Act 1996
- Criminal Justice Public Order Act 1994
- Protection from Harassment Act 1997

Under these pieces of legislation, an employee may be held individually liable for an act of harassment, as well as the Company being held vicariously liable for that employee's act.

4. Background

Where harassment and bullying occur, they cause serious repercussions for the employer and employees. They can affect people's health, work performance and the success of the Corporation. Bullying, as a cause of stress at work, should be regarded as a workplace health and safety hazard.

5. Definition of Harassment and Bullying

5.1 Harassment

Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- * violating a person's dignity, or
- * creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual, or
- * continuation of small acts of detrimental treatment.

Moreover, harassment is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion/belief, or for a reason relating to a person's disability. It is also unlawful to subject an individual to sexual harassment, or to harassment on the grounds of that individual's membership or non-membership of a trade union, or, in Northern Ireland, on the grounds of an individual's political belief.

The Company will not tolerate harassment or bullying in any form.

It is the individual's perception of whether the conduct in question was unacceptable that is important in determining whether harassment occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when taking into account all the circumstances, including the complainant's perception.

5.2 Bullying

Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behavior, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.