



**omega**  
MULTI-ACADEMY TRUST

# Equal Opportunities and Dignity at Work Policy

This policy uses The School Bus model and takes due consideration of all policies that transferred across to the Omega Multi-Academy Trust on conversion and in consultation with the Joint Consultative and Negotiation Committee.

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## Review Date & Summary Changes

July 2021	Summary of Changes
	7.8 Updated the list of protected characteristics
	13.1 changed responsibility to HR Department
	14.1 changed responsibility to HR Department
March 2023	Summary of Changes
	Logo changed on front cover
	Removed old vision and values and Rationale
	Changed CEO signature
	Changed HR Department to HR Professional Services Team throughout the document
	Changed Staff to Employees where appropriate throughout the document
	9.3.3 Amended to refer to the Guaranteed Interview Scheme
	10.1 Removal of line referring to all staff appraisals as currently there is no non-teaching staff appraisal policy
	12.2 Amended to incorporate the need for an OH referral to determine reasonable adjustments

Signed by:



CEO

Date: 18<sup>th</sup> April 2023



Chair of Trustees

Date: 18<sup>th</sup> April 2023

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## Statement of Intent

Omega Multi-Academy Trust (“the trust”) is committed to promoting equality of opportunity for all employees and job applicants. The trust aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The trust does not discriminate against employees on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual (the protected characteristics), amended in line with the Equality Act 2010. More detail on each of the protected characteristics can be found in Appendix 1.

Dignity at Work is not just about inappropriate behaviour (such as bullying and harassment), it’s about structures and practices that offer equality of opportunity, collective and individual voice, safe and healthy working conditions, secure terms of employment and just rewards. More details can be found in Appendix 2.

The trust recognises its duty of care to employees and that to work effectively people need a climate in which they are respected and valued. All workers, especially those who have responsibility for others, share this duty of care. The trust expects all employees’ members to treat each other with respect, courtesy and consideration at all times. All employees’ members have the right to expect professional behaviour from others, and have a corresponding responsibility to behave professionally towards others.

The principles of non-discrimination and equality of opportunity also apply to the way in which employees treat students, parents, governors, trustees, third party organisations and former employees’ members.

All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of employees, regardless of their status.

## **1. Legal Framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Human Rights Act 1998
- Equality Act 2010
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Protection from Harassment Act 1997

## **2. Policy Cover**

- 2.1. This policy covers all employees of the trust, volunteers, interns, casual workers and agency employees.

## **3. Roles & Responsibilities**

- 3.1. The Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the HR Professional Services Team.
- 3.2. All leaders within the trust must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote aims and objectives with regard to equal opportunities.

## **4. Scope**

- 4.1. This policy applies to all aspects of relationship with employees and to relations between employees members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures and termination of employment.
- 4.2. The trust will take appropriate steps to accommodate the requirements of different religions, cultures and domestic responsibilities.
- 4.3. This policy operates in conjunction with the following trust policies:
  - Disciplinary Policy
  - Complaints Policy
  - Grievance Policy

## 5. Expected Behaviours

- 5.1. All employees have a role to play in helping to create a culture where dignity at work is respected and any form of inappropriate behaviour is not accepted.
- 5.2. All employees should:
- 5.2.1. Take into account the views, concerns and feelings of others when giving and receiving information
  - 5.2.2. Contribute to a healthy and safe working environment
  - 5.2.3. Project a helpful and professional image to colleagues and trust associates
  - 5.2.4. Through their own behaviour, manner and conduct, represent the trust to the outside world in a positive way
  - 5.2.5. Recognise the needs of others who may have special requirements, e.g. barriers to communication or access
  - 5.2.6. Be positive and helpful when communicating with the trust associates
  - 5.2.7. Build working relationships based on trust, respect, sharing, co-operation and mutual support, by:
    - Co-operating with others, sharing useful or relevant information and experience
    - Being supportive and offering assistance when required
    - Encouraging and listening to other team members' ideas, opinions and feelings and appreciating their perspective
    - Establishing and maintaining constructive and open relationships with colleagues
    - Understanding how their own work can impact on other team members
  - 5.2.8. Display a commitment to equality of opportunity and dignity at work by:
    - Demonstrating an understanding of the trust's equality and diversity commitments
    - Respecting and valuing diversity issues
    - Contributing to a non-discriminatory work environment
- 5.3. In addition to the behaviours listed for all employees, leaders should:
- 5.3.1. Actively encourage co-operative working
  - 5.3.2. Support and empower members of their team
  - 5.3.3. Involve others in the process of making decisions and planning
  - 5.3.4. Provide opportunities for others to explore problems, arrive at and/or contribute to solutions
  - 5.3.5. Know the importance of getting feedback from others
  - 5.3.6. Encourage, enable and use such feedback in a constructive manner

5.3.7. Actively develop self and encourage others to take an active part in their own development, while ensuring that team development is relevant and cost-effective

5.4 Line managers have a legitimate right to manage and set realistic performance objectives and raise poor performance. The key is the manner in which this is done.

## **6. Unacceptable Behaviours**

6.1. Unacceptable behaviour is defined as behaviour that breaches the generally recognised norms of socially acceptable conduct at work, or which contravenes the trust's policies. Unacceptable behaviour is assessed by the impact the behaviour has on the recipient.

6.2. Unacceptable behaviour may occur in a manager/employee relationship, between colleagues in the workplace or across the trust. It may be persistent or in some circumstances, an isolated incident.

6.3. There are many forms of behaviour which are inappropriate and unacceptable within the workplace, and what may be appropriate within one set of circumstances may be inappropriate in another. Usually, people are able to judge where the limits of acceptability lie and to modify their behaviour appropriately in any given situation, however this is not always the case (for example, conflicts and misunderstandings can sometimes result from cultural differences).

6.4. Inappropriate behaviour carries a cost at both an individual and organisational level. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life and can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation. For the organisation, the costs can be poor morale, reduction in quality of service, higher staff turnover, divided teams and damage to reputation.

6.5. For the purpose of this policy, behaviour is defined as inappropriate if it is:

6.5.1. Unwanted by the recipient

6.5.2. Perceived by the recipient as violating their dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment

6.5.3. Having regard to all the circumstances, including the recipient's perception, the behaviour could reasonably be considered as being unacceptable

6.6. Inappropriate behaviour includes a number of specific behaviours, (e.g. victimisation, bullying or harassment) relating to gender, race, ethnicity or national origin, disability, sexuality, religion or belief, marital status, age, social class, trade union activity or political belief. Such behaviours may have legal, as well as moral and ethical, implications.

## **7. Forms of Discrimination**

- 7.1. Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 7.2. Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not “fit in” would be direct discrimination.
- 7.3. Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.
- 7.4. Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 7.5. Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else’s complaint.

## **8. Complaints**

- 8.1. The trust has a grievance procedure to recognise the particular nature of complaints of unacceptable behaviour, including bullying and harassment. The grievance procedure provides for both informal and formal resolution of complaints. Whilst every employee has the right to ask for a formal investigation to be undertaken, the trust recognises the considerable strain such investigations can in themselves generate and would wish to promote and facilitate informal resolution wherever possible.
- 8.2. It is recognised that, in many cases, all that the complainant wants is for the unwanted, offensive, discriminatory or bullying behaviour to stop. In addition, it is often the case that the person who is responsible for such behaviour may not know that their behaviour is having that effect. If told about the problem, the person may be willing to change their behaviour immediately. The grievance procedure is therefore intended to be flexible enough to cater for such circumstances, but also robust enough to deal with cases of discrimination, harassment, bullying or victimisation which require an investigation and possible disciplinary proceedings.
- 8.3. The trust will endeavour to ensure that employees making complaints, and others who give evidence or information in connection with the complaint, will not be victimised. Victimisation is discrimination contrary to equality legislation. Any complaint of victimisation will be dealt with seriously, promptly and



confidentially. Victimisation may result in disciplinary action, including the possibility of dismissal.

- 8.4. The trust has a duty to monitor hate crimes and incidents. Hate incidents are any incidents that are targeted at a person because of hostility or prejudice towards that person's:
  - 8.4.1. Disability
  - 8.4.2. Race or ethnicity
  - 8.4.3. Religion or belief
  - 8.4.4. Sexual orientation
  - 8.4.5. Transgender identity
- 8.5. Hate crimes and incidents are reportable to the police. Their website "True Vision" provides information on what hate crimes and incidents are and how you can report them.
- 8.6. Where there has been an allegation of inappropriate behaviour, an employee has the right to seek advice from the HR Professional Services Team, and/or their Trade Union Representative, as appropriate, and will be advised in writing, of this right, should a formal complaint be made. They have a right to respond fully to such accusations and to be accompanied in this process by their trade union representative or work colleague.
- 8.7. Behaviour that can be construed as harassment, bullying and/or victimisation, and the failure to deal with such incidents or allegations, may expose the trust and individual employees to a number of legal consequences.
- 8.8. Discrimination and harassment based on race, ethnicity, gender identity, sexual orientation, disability, age, sex, pregnant married/civil partnerships or religion and belief are serious employment issues and may be in breach of the Equality Act 2010, the Human Rights Act 1998, the Protection from Harassment Act 1997 and/or Employment Equality Regulations.
- 8.9. Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken, there could potentially be a fundamental breach of contract. Employers are usually responsible in law for the acts of their employees.
- 8.10. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

## **9. Confidentiality**

- 9.1. A high degree of discretion, sensitivity and confidentiality must be exercised by all those involved at any stage of dealing with a complaint. However, confidentiality must not act as an impediment to the thorough investigation of

complaints where that is required and nor should it be used to undermine the right of any employee to be treated fairly.

- 9.2. All employees involved in any investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.
- 9.3. Statistical information will be gathered for monitoring purposes and will be treated with confidentiality and in accordance with the Data Protection Act.

## **10. Recruitment and Selection**

- 10.1. The trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. The recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. Short listing of applicants will be done by more than one person wherever possible.
- 10.2. Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. Steps will be made to ensure that vacancies are advertised to a diverse labour market.
- 10.3. Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which will only be used with the HR Professional Services Team approval. For example:
  - 10.3.1. Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - 10.3.2. Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
  - 10.3.3. Positive action to recruit disabled persons by following the Guaranteed Interview scheme for those with disabilities who meet the essential criteria for the role they have applied for.
  - 10.3.4. Equal opportunities monitoring (which will not form part of the decision-making process)
- 10.4. Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of a HR advisor within the trust (who will first consider whether such matters are relevant and may lawfully be taken into account).
- 10.5. The trust is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of

nationality, will be expected to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

- 10.6. To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, the trust monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an applicant's chances of recruitment or any other decision related to their employment. The information is removed from applications before short listing, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps to take appropriate steps to avoid discrimination and improve equality and diversity.

## **11. Employee Training, Promotion and Conditions of Service**

- 11.1. All employees will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 11.2. Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.
- 11.3. Conditions of service, benefits and facilities are reviewed regularly to ensure that they are equal opportunities for all.

## **12. Termination of Employment**

- 12.1. The trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 12.2. The trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **13. Disability Discrimination**

- 13.1. If an employee is disabled or becomes disabled, the trust encourages employees to inform them about conditions so that support can be offered.
- 13.2. If employees experience difficulties at work because of a disability, they may wish to contact their line manager or HR to discuss any reasonable adjustments that would help to overcome or minimise the difficulty. If deemed appropriate, a referral to Occupational Health can be made by HR for an independent medical assessment to be carried out, to identify any possible reasonable adjustments to can be considered. The matter will be considered

carefully and will accommodate employees needs within reason. If an adjustment is deemed unreasonable, explanations will be offered and an alternative solution will be found where possible.

- 13.3. The trust will monitor the physical features of premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other employees. Where reasonable, steps will be taken to improve access for disabled employees and service users.

## **14. Zero Hours, Fixed-Term Employees and Agency Workers**

- 14.1. The HR Professional Services Team will monitor the use of zero hours, fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. Where relevant, will monitor their progress to ensure that they are accessing permanent vacancies.

## **15. Part-Time Work**

- 15.1. The HR Professional Services Team will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits, training and promotion opportunities and ensure requests to alter working hours are dealt with appropriately.

## **16. Breaches of This Policy**

- 16.1. If employees believe that they may have been discriminated against, they are encouraged to raise the matter through the grievance procedure. If they believe that they may have been subject to harassment, they are encouraged to raise the matter with their line manager and / or a member of the HR Professional Services Team.
- 16.2. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under the disciplinary procedure.
- 16.3. Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The trust takes a strict approach to serious breaches of this policy.

## **17. Monitoring and review**

- 17.1. This policy will be reviewed annually and any changes made to this policy will be in joint negotiation with a consultation committee and be communicated to all employees.

## Appendix 1

# Equality Act 2010 Protected Characteristics

The definitions used in this appendix are based on the Equality Act 2010.

1. **Age:** The Act protects people of all ages; however, differential treatment because of age is not unlawful direct or indirect discrimination if it can be justified, i.e. if you can demonstrate that it is a proportionate means of achieving a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.
2. **Disability:** The Act protects people who are disabled; the Act defines this as someone who has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
3. **Gender identity and/or reassignment:** The Act protects transgender people. The Act no longer requires a person to be under medical supervision to be protected, so a person who does not undergo any medical procedures would be covered by these protections.
4. **Marriage and civil partnership:** The Act protects people who are married or in a civil partnership against discrimination. Single people are not protected.
5. **Pregnancy and maternity:** The Act protects people against discrimination on the grounds of pregnancy and maternity during the period of their pregnancy and any statutory maternity leave to which they are entitled.
6. **Race:** The Act protects people of all races; the Act's definition of race includes colour, nationality, and ethnic or national origins.
7. **Religion or belief:** The Act protects people of any religion, including specific denominations or sects, as well as a lack of religion, i.e. employees or jobseekers who do not follow a certain religion or do not follow any religion are protected. The Act protects people of any belief; this is defined as any religious or philosophical belief, or a lack of such belief, which is a weighty and substantial aspect of human life and behaviour.
8. **Sex:** The Act protects men and women.
9. **Sexual orientation:** The Act protects lesbian, gay, bisexual and heterosexual employees.

## Appendix 2

# DEFINING INAPPROPRIATE BEHAVIOUR

## 1. INTRODUCTION

- 1.1 There are many forms of inappropriate behaviour, some of which can be defined/labelled under bullying or harassment or victimisation. However, there are behaviours that do not come under a specific label but are equally inappropriate.
- 1.2 Any conduct that denigrates, ridicules, intimidates or is physically abusive of an individual or group is inappropriate and will not be tolerated.

## 2. HARASSMENT

### 2.1 What is Harassment?

Harassment can be any unwanted attention or behaviour that a person finds objectionable or offensive and which makes them feel threatened or uncomfortable, leading to a loss of dignity or self-respect. It is not the intent of the harasser but the impact on the recipient that defines harassment. People can be subjected to harassment on a wide variety of grounds. These can include:

- Sex
- Sexual orientation (or perceived sexual orientation)
- Transgenderism (transsexual, transgender)
- Marital status
- Race, nationality, ethnic origin, national origin or skin colour
- Disability
- Age
- Employment status, e.g. part-time, fixed-term, permanent, self-employed, agency worker, etc.
- Membership or non-membership of a trade union
- The carrying out of health and safety duties
- Religious or political beliefs
- Deeply held personal beliefs
- Criminal record
- Health, e.g. AIDS/HIV sufferers, etc.
- Physical characteristics
- Willingness to challenge harassment - being ridiculed or victimised for raising a complaint

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear

that the recipient regards it as offensive. However, just one incident may constitute harassment if it is sufficiently serious.

Harassment takes many forms: from relatively mild banter to actual physical violence. Employees may not always realise that their behaviour constitutes

harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another - determining what is acceptable is an individual right that we must all respect.

## 2.2 **Forms of Harassment**

The following is not intended to be an exhaustive list, but to provide some examples:

### **Sexual Harassment**

Sexual harassment can be defined as unwanted conduct of a sexual nature or other conduct based on gender, which is offensive to the recipient and affects the dignity or well-being of men or women. Examples include:

- Negative or stereotypical comments about the ability to work by one or other gender
- Unwelcome physical contact, propositions or demands for sexual favours
- Unwanted comments about dress or appearance
- Leering and suggestive gestures
- Unwelcome sexual remarks such as jokes, innuendo or teasing
- The display of pin-ups, pornographic pictures, sexually suggestive subjects or offensive objects.

### **Racial Harassment**

Racial harassment can be defined as unwanted conduct of a racial nature, or other conduct based on race, colour, ethnic or national origin, or conduct which is offensive or which affects the dignity or well-being of an individual.

Examples include:

- Racist language, jokes, banter or derogatory statements about national origin
- Racist graffiti or the display of racially offensive material
- Physical attacks on individuals because of their race or ethnicity

### **Harassment on the grounds of Disability**

This can be defined as words, actions or other conduct, which ridicules, intimidates or threatens an individual because of their disability and which affects the dignity or well-being of the individual. Examples include:



- Patronising remarks, belittling comments or assumptions based on the person's disability
- Mimicking the particular disability
- Intimate questioning about a person's disability
- Exclusion from conversation or social activities
- The assumption that physical disability equals mental disability

### **Harassment on the grounds of Sexual Orientation**

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their sexual orientation, and

which affects the dignity or well-being of the individual. Examples include:

- Offensive comments, language or jokes
- Threatening to publicise that a colleague is gay or lesbian
- Intimate questioning about someone's personal or sexual life
- Making stereotypical assumptions about lesbians and gay men
- Displaying or circulating homophobic or anti-gay materials,
- Gossip and speculation about someone's sexuality

### **Harassment on the grounds of Religion or Belief**

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their religion or belief, and which affects the dignity or well-being of the individual. Examples include:

- Offensive comments, jokes or offensive language or ridicule
- Exclusion from social activities
- Coercive pressure to convert or conform to a religion or belief that an individual may not hold
- Offensive graffiti or visual images

In addition to those examples of unwanted conduct stated above, people may also be harassed on the grounds of their age, which could include assumptions or derogatory remarks about their ability or competence. Harassment can also involve deriding or mocking people's social class, or their trade union involvement (or lack of it).

### **Harassment on the grounds of Gender Reassignment**

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their transsexual status, and which affects the dignity or well-being of the individual. Examples include:

- Refusing to associate with or ignoring someone
- Refusing to address the person in their acquired gender or use their new name
- Probing into the person's private life

- Failing to keep confidential information about their transsexual status
- Indefinite refusal to allow use of sanitary facilities appropriate to their gender following a reasonable transition period

### 2.3 Why Do Some People Harass Others?

There is no age, class or gender profile of the person most likely to harass. Like other forms of discrimination, harassment can be deliberate, wilful and conscious. It can however, also be unintentional or unconscious. Reasons why people harass others include:

- Many regard "banter" to be a normal part of the working environment (a view often expressed is that "It's just the way things are around here")
- Some see overtly sexist or racist behaviour as a laugh and a joke, and not to be taken seriously
- Some see harassment as the rightful treatment to be meted out to certain groups
- Some have grown up with a set of values that view members of the opposite sex as sex objects or subservient, other racial groups as inferior in some way, disabled people as subnormal/freakish, or homosexuals as "unnatural"
- Some see it as part of the natural order of things - "the way things are in the world" (a view often expressed is that "everyone has the mickey taken out of them at some time")
- Some privately view their behaviour as embarrassing but are unwilling to do anything about it because their colleagues do it and they don't want to be seen as being different
- Regrettably, sometimes people do not even realise that there is a problem until it has been pointed out that such a problem actually exists.

One person's idea of banter or a joke, however innocent, may well be interpreted by the recipient as personal ridicule. Essentially it is the impact of the behaviour that actually counts, not necessarily the intent.

It is impossible to give guidelines as to what people can and cannot say. The important message for everyone is this: "one person's idea of a joke may well be another person's idea of offensive behaviour; if anything you think about saying may cause offence - don't say it!"

## 3. BULLYING

- 3.1 Bullying can be defined as 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.

## **Examples of Bullying**

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work. These can be split into two categories:

Obvious Bullying:

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

Less obvious bullying:

- Withholding information or supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets, without justification
- Setting individuals up to fail by imposing impossible deadlines
- Removing areas of responsibility and imposing menial tasks
- Unjustifiably blocking applications for holiday, promotion or training

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

Bullying and harassment do not necessarily occur on a face to face basis.

They may also occur as:

- Written communication
- Electronic mail
- Persistent text messages
- Posting up or downloading offensive material
- Phone messages
- Unfair work allocation

## **Understanding the Bully**

Some reasons that bullies act the way they do is because they:

- Have deep feelings of personal insecurity, i.e. very low self-esteem,
- Like to punish people for being too competent,
- Think that by shouting at people it gets things done,

- Want to make life difficult for people who can do the job better than they can,
- Cannot trust anyone so they think that they have to do everything themselves,
- Enjoy picking on people in front of others to show how powerful they are,
- Insist that they are always in the right so that everyone else must be an “idiot”, and therefore must be treated as such,
- Dislike having their authority challenged,
- Feel envious of other peoples' professional or social abilities, so they set out to make them appear incompetent, or make their lives a misery.

Bullying is not:

- Legitimate and constructive feedback on an employee's performance or behaviour (either positive or negative);
- An occasional raised voice or argument between two or more people;
- A momentary loss of temper, which an individual regrets, apologises for and learns from;
- Legitimate management behaviour.

It is unacceptable to condone bullying under the guise of 'firm management'. A firm management style is acceptable, providing that employees are treated with respect and dignity.

## **4. VICTIMISATION**

- 4.1 Where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.
-