

# BULLYING & HARASSMENT POLICY & PROCEDURE

## 1) Policy Statement

- a) Engineering Training Trust (ETT) has a firm commitment to equality of opportunity and believes that every learner has the right to study and work in an environment free from bullying and harassment. ETT welcomes diversity and as such does not condone or tolerate bullying or harassment at any level or in any form.
- b) ETT aims to provide a working and learning environment which will enable learners to fulfil their personal potential. This can only be achieved where learners feel safe and secure and free from bullying and harassment. Learners and colleagues both have an important role to play in creating an environment where harassment and bullying is unacceptable.
- c) ETT accepts that such an environment cannot be created or sustained if, individually or collectively, learners are subject to bullying, harassment intimidation or victimisation. Learners who feel persecuted, vulnerable and powerless will not be able to work or study successfully.
- d) There is a range of options for resolving complaints involving allegations of bullying and harassment, from informal approaches through to the use of the formal grievance procedure (involving an investigation based on evidence gathered from all parties). Wherever possible the route taken should be the complainant's choice, but ETT also has a duty of care as training provider and will take action to fulfil this where necessary. Complainants are encouraged to consider carefully the likely consequences of different routes. In many cases, an informal or semi-formal approach may be more effective in putting a stop to any bullying or harassment and facilitating a continued working relationship (where this is possible and appropriate) than invoking formal procedures.
- e) A learner who is found to have been bullied or harassed by a colleague, ETT Staff, fellow learner or third party of ETT will have the support of senior staff.
- f) Allegations of bullying and harassment will be taken very seriously and dealt with promptly and sensitively. Confidentiality, where possible, will be maintained between the complainant and the person they contact informally about any allegation and also during investigation of formal complaints, in order to respect the privacy of all parties.  
There may be times when this is not possible, and in these situations ETT will undertake to restrict to a minimum the number of people informed, whilst complying with its statutory duties. ETT will ensure that all communications are kept to a minimum and on a "need to know" basis. It may be that the complainant alleges bullying or harassment and does not wish for the information to go any further. ETT will not take further action without the consent of the individual concerned, where possible, unless the allegation is so serious that it involves a criminal offence or serious misconduct, or there is an unacceptable risk to the complainant, another person, or to ETT itself which requires immediate action.
- g) ETT regards bullying and harassment as a serious matter. Where serious allegations of bullying or harassment are proved by a formal investigation, disciplinary action (including dismissal or expulsion) may be taken against the harasser.
- h) It is especially important that a person in authority who is, or has been, the subject of a complaint under these procedures does not use their legitimate authority to victimise a complainant. Such victimisation will be treated as further bullying or harassment. If a person in authority initiates grievance or disciplinary proceedings against an individual who has made a complaint against them under this Code, they will be required to show that the action being taken is not victimisation. The onus of proof will be on the person in authority

to show (to those considering the disciplinary or grievance case) that the action taken is reasonable in the circumstances of the case. As long as that can be established, the disciplinary or grievance proceedings may proceed in the normal manner.

- i) Where a formal complaint is found on investigation to be based on allegation(s) made maliciously and/or on knowingly false information, the complainant may be subject to the relevant disciplinary procedure.
- j) Nothing in this Code will prevent any learner or member of ETT from exercising their legal rights.
- k) Assistance will be given to learners who need language support or support for a disability under any part of this policy - as complainant, alleged harasser or witness.
- l) Bullying and harassment can take many forms and these are listed in Section 2.
- m) The effects of bullying and harassment are explained in Section 3.
- n) The procedure to follow if you feel you have been bullied, harassed or victimised is outlined in Section 4 of this document.

## 2) What is Bullying and Harassment?

### a) Bullying

- i) Workplace bullying is the repeated less favourable treatment of a person by another or others, which may be considered unreasonable or inappropriate. Such behaviour can be physical, such as violent acts or non-consensual touching, verbal, non-verbal, anti-social or technological, such as cyber bullying. Bullying is the intentional and persistent victimisation of a person and can be offensive, abusive, intimidating or humiliating behaviour; or an abuse or misuse of power which is meant to undermine the recipient personally and/or professionally and has the effect of making the recipient feel isolated, marginalised, powerless or worthless.
- ii) Bullying can be motivated by many reasons, including on the grounds of someone's gender, race, age, disability, sexual orientation, gender identity, religion or belief, marital or civil status, pregnancy or maternity or any other personal characteristic. Bullying may also take the form of singling out a member of staff or learner because they belong to a particular group.
- iii) Bullying is to be distinguished from the actions of a manager or lecturer making reasonable, but perhaps unpopular, requests to staff or learners.
- iv) Bullying, harassment and victimisation may include:
  - Offensive songs, remarks, jokes, emails or gestures;
  - Display of offensive posters, publications and graffiti;
  - Unwanted physical contact or advances;
  - Offensive remarks about a person's dress or appearance;
  - Offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age;
  - Shouting, abusive or intimidating language;
  - Spreading malicious rumours, allegations or gossip;
  - Excluding, marginalising or ignoring someone;
  - Intrusion by pestering, spying or stalking;
  - Copying memos that are critical about someone to others who do not need to know;
  - Deliberately undermining a competent worker by overloading, taking credit for his/her work or constant criticism;
  - Removing areas of responsibility and imposing menial tasks;

- Cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.

b) **Harassment**

- Harassment can take many forms and can be defined as unwanted conduct related to gender, race, age, disability, sexual orientation, gender identity, religion or belief, marital or civil status, pregnancy or maternity or any other personal characteristic which has the purpose or effect of violating a learners or staff members' dignity or creating an intimidating, hostile, degrading or offensive environment for employment, study or social life. The defining feature is that the behaviour is unwanted by the recipient and unwarranted by the working or study/social relationship and also would be regarded as such by any similarly-situated reasonable person.
- Unacceptable behaviour may be physical, verbal and/or non-verbal, such as ignoring an individual. It may be repetitive, sporadic or an isolated incident against an individual or group. Conduct may be harassment regardless of whether the person behaving in that way intends to offend, or whether the person for whom the behaviour was directed witnesses it or not.
- Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another.
- Harassment may not always be intentional, but it is always unacceptable, whether intentional or not.
- Examples of harassment would include:
  - **Sexual Harassment** is any behaviour, deliberate or otherwise, that makes the recipient feel that they are being viewed as a sexual object. Sexual harassment involves any unwanted attention of a sexual nature, which creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. Sexual harassment may occur between members of the same sex or of the opposite sex. It may be directed at an individual or a group. In addition to the behaviour referred to above, sexual harassment may include:
    - Suggestive comments, sexual innuendo and foul language or expletives of a sexual nature;
    - Displaying pornographic photographs or sending emails with material of a sexual nature;
    - Unwelcome sexual advances, inappropriate touching or attention, invitations or demands for sex;
    - Unnecessary and unwanted physical contact\*;
    - Indecent assault and rape\*.

*\*It should be noted that behaviour under (e) represents a criminal act. Behaviour under (d) may also do so.*

It is also unlawful to treat a learner less favourably because they either submit to or reject sexual harassment.
  - **Gender harassment** is any behaviour, deliberate or otherwise, pertaining to gender, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group. In addition to the behaviour referred to in 2.5 above, gender harassment may include abusive comments/jokes about an individual's gender e.g. comments/jokes about capability, based on assumptions relating to gender.

Complaints regarding the behaviour of men and women, directed towards members of the same or other sex, will be taken equally seriously.

- **Racial Harassment** is any behaviour, deliberate or otherwise, relating to race, colour, ethnic or national origin, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group. In addition to the behaviour referred to above, racial harassment may include abusive comments about racial origins and skin colour, racist insults, jokes and comments about capability, racist graffiti or offensive material, and exclusion/ignoring someone based on assumptions relating to race.
- **Harassment on the Grounds of Religion or Belief or Non-Belief** is any behaviour deliberate or otherwise, relating to a person's religion or similarly held belief or non-belief which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. In addition to the behaviour referred to above, harassment on these grounds may include:
  - (a) Refusal to work/study alongside a person because of their religion/belief or non-belief;
  - (b) Excluding a person from social events or meetings on the grounds of their religion/belief or non-belief;
  - (c) Prejudging an individual's capability on assumptions relating to their religion/belief or non-belief;
  - (d) Making offensive comments or jokes about a person's religion/belief or non-belief.
- **Harassment on the Grounds of Sexual Orientation** is any behaviour, deliberate or otherwise, relating to sexual orientation which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. Harassment on grounds of sexual orientation may be experienced by, for example, bisexual men and women, lesbian women and homosexual men. It may be directed at an individual or a group. In addition to the behaviour referred to above, harassment on grounds of sexual orientation may include:
  - (a) Failure to accept that same-sex partners should be given the same recognition as heterosexual partners;
  - (b) Threats of, or actual unwanted disclosure of sexuality (sometimes referred to as 'outing' someone);
  - (c) Expressing or acting on stereotypical assumptions.
- **Harassment on the Grounds of Disability** is any behaviour, deliberate or otherwise, relating to a person's disability, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or a group. Disabilities may be visible or hidden, and include physical disabilities, learning difficulties and mental illness. In addition to the behaviour referred to in 2.5 above, harassment on grounds of disability may include:
  - (a) Unwelcome discussion of the effects of a disability on an individual's personal life;
  - (b) Refusal to work/study alongside a person with a disability;
  - (c) Communicating with a person with a disability via a third party;
  - (d) Excluding a person with a disability from social events or meetings;

- (e) Uninvited, patronising or unnecessary assistance with work/study;
- (f) Prejudging an individual's capabilities without reference to him/her;
- (g) Mischievous interference with personal aids or equipment.

- **Other Forms of Harassment** - In addition to the specific forms of harassment referred to above, harassment can take a variety of other forms, including ageist harassment and the harassment of other minorities including, transgender people or people who have had their gender reassigned.

- c) Bullying and harassment includes situations where a person is treated less favourably or experiences unwanted conduct in reference to a personal characteristic of someone who they have an *association* with for example, a learner is subjected to offensive joking about their brother's disability or their friend's religion.
- d) Bullying and harassment also includes situations where a person is treated less favourably or experiences unwanted conduct in reference to a *perceived* personal characteristic for example, a heterosexual staff member is excluded from social events because they are thought to be gay because of rumours and their mannerisms.
- e) Bullying and harassment may involve an actual or perceived unequal power relationship. Individual harassment tends to reflect wider social inequalities. Those who are in authority are less likely to experience harassment than other members of society.

### 3) Effects of Bullying and Harassment

- a) People may be afraid to report incidents of bullying, harassment and victimisation because of the fear of reprisal.
- b) Reporting bullying, harassment and victimisation requires courage and determination. Those who have suffered bullying, harassment and/or victimisation may feel:
  - i) A lack of confidence;
  - ii) Unable to deal with the situation;
  - iii) Isolated and stressed;
  - iv) Traumatized and/or may unreasonably blame themselves;
  - v) Depressed and/or physically ill.
- c) Bullying and harassment affect's people's ability to undertake their studies, or the duties of their job. It can also affect their performance, health and the quality of their life. The feeling of being unable to deal with the situation may be made worse when the harasser is, or is perceived to be, in a position of power in relation to the person who feels harassed. People experiencing bullying or harassment may also fear that their own particular vulnerabilities, e.g. a history of mental illness, may undermine their case. All complaints should be taken equally seriously.
- d) It is also recognised that, where allegations of bullying and harassment are made maliciously against someone, or they are made on knowingly false information, the alleged harasser may also be affected in the manner described above.

### 4) Guidance for Learners

- a) ETT does not condone or tolerate any form of bullying or harassment of learners. ETT takes any form of inappropriate behaviour toward learners very seriously. All allegations of bullying, harassment or inappropriate behaviour towards any learner will be fully investigated under ETT procedures.
- b) ETT encourages learners to raise concerns using one of the following methods:
  - i) By speaking to their training officer;
  - ii) By speaking to the work supervisor or manager;
  - iii) By raising the issue with any member of ETT staff.

- c) Any allegation raised regarding bullying and harassment will be treated confidentially, where possible, and investigated in the normal way. Although the learner raising the allegation of bullying or harassment may not wish for the information to go any further, there may be times when this is not possible, and in these situations ETT will try to restrict the number of people informed and will ensure that all communication is kept to a minimum and on a “need to know” basis.
- d) ETT will not take further action without the consent of the learner concerned, where possible, unless the allegation is so serious that it involves a criminal offence or serious misconduct, or there is an unacceptable risk to the learner, another person, or to ETT itself, which requires immediate action.
- e) Any issues raised regarding bullying and harassment will be taken very seriously and dealt with promptly and sensitively. ETT will try a variety of procedures to ensure that the matter is reconciled and resolved and that the learner who has been bullied and/or harassed feels confident that the matter has been dealt with effectively.
- f) Any substantiated allegation in respect of learners will be dealt with through the normal disciplinary procedures.
- g) ETT puts in place support for learners who feel they may be experiencing bullying or harassment.