

Bullying, Harassment, Discrimination and/or Victimisation policy and procedure – Appendix 1

Guidance on unacceptable behaviour

Harassment and bullying can be very damaging to both the individual and to the organisation, and everyone has a responsibility to try to create a good working environment.

These examples serve to illustrate the type of behaviour which is unacceptable and are provided so that employees can reflect on the kinds of behaviour which may lead to allegations under this policy, in order that they can adopt appropriate behaviour.

- Shouting, swearing or humiliating staff in public and private
- deliberate exclusion or victimisation
- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief); including 'office banter' which is deemed offensive by a work colleague.
- Overbearing supervision or other misuse of power or position
- A management style that is destructive rather than constructive – criticising the person rather than their mistakes and the consequences of their mistakes; publicly humiliating them rather than correcting their mistakes privately;
- Copying memos/emails that are critical about someone to others who do not need to know;
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Behaviour which fails to acknowledge and respect the rights or needs of people with different beliefs or practices;
- Behaviour which condemns or ridicules people because of their sexual orientation or perceived sexual orientation;
- Behaviour which condemns or ridicules people because they propose to undergo, have started or completed a process to change their gender;
- Making threats or comments about job security without foundation;
- Deliberately undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;

- Treating a person less favourably because he/she has complained about the behaviour of someone who is harassing or bullying, has given evidence or information, or has supported someone who has made such a complaint.

Gaslighting

The term Gaslighting is a label which may cover a range of subtle inappropriate and often manipulative workplace practices.

Examples of behaviour may include:

- A lack of openness and transparency.
- A reluctance to minute meetings.
- Setting a person up to fail by withholding information or supplying incorrect information.
- Constantly changing targets.
- Undermining behaviour intended to destroy an employee's confidence, such as open criticism or alleging that others have complained, where there is no evidence of any complaint.

Other less obvious behaviours

- deliberately sabotaging or impeding work performance
- setting individuals up to fail by imposing impossible deadlines
- removing areas of responsibility and imposing menial tasks
- 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.

Harassment

People can be subjected to harassment on a wide variety of grounds.

These include:

- sex or gender
- sexual orientation
- transsexualism (gender reassignment)
- 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, contractor, sub-contractor, 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
- having witnessed harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them.
- willingness to challenge harassment — being ridiculed or victimised for raising a complaint.
- Because they are thought to have a certain protected characteristic when they do not
- Because they're linked to someone with a certain protected characteristic

Harassment can take 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.

Examples of harassment include (but are not restricted to):

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender based remarks.
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper based and electronic, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects.
- Physical - unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault and physical coercion.
- Coercion – pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade unions groups etc.
- Unwelcome sexual advances – staring/leering, touching, standing too close, the display of offensive materials, the use of suggestive explicit language, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- isolation or non-co-operation and exclusion from social activities; intrusion - examples include stalking, pestering, spying, etc.

Mental Health personal Harassment

Personal harassment can take many forms, mental health personal harassment is unwanted behaviour in relation to an individual's mental health. Examples include:

- Insensitive jokes and pranks about the employee or their condition.
- Lewed or abusive comments about mental health.
- Deliberate exclusion from conversations.
- Displaying abusive or offensive writing or material about mental health.
- Abusive, threatening or insulting words or behaviour.
- Name calling or nicknames due to mental health.
- Exclusion or victimisation due to mental health.

Sexual Harassment

- Insinuate, propose or demand sexual favors of any kind.
- Invade another person's personal space (e.g. inappropriate touching.)
- Stalk, intimidate, coerce or threaten another person to get them to engage in sexual acts.
- Send or display sexually explicit objects or messages.
- Comment on someone's looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- Make obscene comments, jokes or gestures that humiliate or offend someone.
- Pursue or flirt with another person persistently without the other person's willing participation. Also, flirting with someone at an inappropriate time (e.g. in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. This is because such actions can harm a person's professional reputation and expose them to further harassment.

The most extreme form of sexual harassment is sexual assault. This is a serious crime and Shropshire Council will support employees who want to press charges against offenders.

Discrimination

Discrimination is one type of unfair treatment, other types of unfair treatment include bullying. Discrimination can be:

- Direct
 - when someone is treated unfairly because of a protected characteristic such as age or disability.
 - Discrimination by association such as when someone is treated unfairly because of the protected characteristic of either someone they know or someone they're associated with.
 - Discrimination by perception such as when someone treats a person unfairly because they think they have a certain protected characteristic, whether or not it's true.

Marriage and civil partnership are not covered by the law on discrimination by association or by perception.

- Indirect
 - Can occur when there are rules or arrangements that apply to a group of employees or job applicants, but in practice are less fair to a certain protected characteristic.
 - Indirect discrimination can be allowed if the employer can prove an objective justification for the rule or arrangement.

Victimisation

- Less favourable treatment which does not need to be linked to a protected characteristic.

Cyber Bullying

Examples include:

- Offensive emails.
- Email threats
- Posting defamatory gossip on blogs and social networking sites.
- Threats or offensive comments by text messages or other messaging platforms e.g. Facebook, Whats App etc.
- Harassment by email.
- Posting private and personal details about someone online.