

Harassment and Bullying Policy

1. General

BMS forbids all forms of harassment, including that committed by third parties, and seeks to ensure that the working environment is comfortable for all its employees, learners and colleagues. The purpose of this policy is to increase awareness of harassment and encourage a quick and fair resolution to any grievance relating to harassment or bullying. Highlighted in the policy is an informal and a formal route to resolving problems.

2. Responsibility

It is the responsibility of the Line Manager and / or Human Resources to ensure that any query or grievance raised by an employee or colleague is handled quickly, confidentially and with sensitivity.

It is the responsibility of each employee to raise any grievance he/she has either formally or informally with his/her Line Manager or Human Resources. The grievance should be put in writing as soon as possible and allow the issue to be taken up and investigated.

Learners should follow the procedure outlined in our Complaints Policy should they wish to report harassment or bullying within the learning environment.

3. Definitions of Unacceptable Behaviour

3.1 Harassment on the grounds of sex, transgender status, pregnancy, sexual orientation, race, religion or belief, marital status, civil partnership status, disability, age or perceived age or on any other grounds is unacceptable. Harassment is unwanted conduct that is related to one of the mentioned grounds, and which has the purpose or effect of violating the person’s dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Examples of harassment include:

- 3.1.1 Insensitive jokes, remarks or banter relating to one of the grounds of harassment mentioned in this policy.
- 3.1.2 Pranks played on certain groups of people
- 3.1.3 Deliberate exclusion of certain individuals or groups of people
- 3.1.4 Abusive, threatening or insulting words or behaviours aimed at individuals or groups of people in relation to the grounds of harassment.
- 3.1.5 Emails with unnecessary references to sex, transgender status, pregnancy, sexual orientation, race, colour, nationality, ethnic or national origins, religion or belief, marital status, civil partnership status, disability, age or perceived age.
- 3.1.6 Displaying inappropriate / abusive images, posters or leaflets.
- 3.1.7 Lewd comments about appearance
- 3.1.8 Unnecessary body contact
- 3.1.9 Speculation about a person’s private life
- 3.1.10 Threat of dismissal, loss of promotion etc due to one of the above grounds of harassment

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3.1.11 Refusal to co-operate with someone on the grounds of a perception about age, religion, disability, gender etc.

These examples are not exhaustive and some of the types of behaviour listed above may, after investigation, amount to gross misconduct, punishable by summary dismissal, depending on the circumstances of the case in question.

3.2 Employees may not always realise that their behaviour constitutes harassment but they must recognise that what is acceptable to one person may not be acceptable to another.

The below definitions provide some clarification over what will not be tolerated in the workplace:

3.2.1 Unwanted physical conduct, for example unnecessary touching, patting, pinching, brushing against another individual’s body, insulting or abusive behaviour or gestures, physical threats, assault.

3.2.2 Unwanted verbal conduct for example unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to an individual or a group’s gender, colour, race, nationality, ethnic or national origins, disability, sexual preference, etc., repeated suggestions for unwanted social activities inside or outside the workplace.

3.2.3 Unwanted non-verbal conduct such as racially or sexually based graffiti referring to an individual’s characteristics or private life, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature or other items, pictures or films/videos or inappropriate use of visual display units (VDUs) or network systems for this purpose.

3.2.4 Bullying including persistent criticism and personal abuse and/or ridicule, either in public or private, which humiliates or demeans the individuals involved.

3.2.5 Cyber-bullying including detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying.

3.2.6 Unlawful victimisation consists of treating an individual less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the Race and Discrimination Acts.

3.2.7 Any other conduct that denigrates, ridicules, intimidates or is physically abusive of an individual or group.

These examples are not exhaustive. Much of this behaviour would be considered to be gross misconduct, resulting in a summary dismissal. However, none of the above behaviour shall be tolerated. Any behaviour in breach of this policy will result in a disciplinary investigation and may constitute gross misconduct depending upon the circumstances of the case in question.

4. Harassment Complaints Procedure

4.1 If an employee feels they have been subject to, or have witnessed harassment, victimisation or bullying, they should follow the Harassment Complaints Procedure:

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4.2 All complaints shall be taken seriously and dealt with confidentially and promptly. The Company reserves the right to investigate any allegations/complaints it considers serious without the consent of the complainant. Normally, cases shall be treated as urgent and concluded as quickly as possible.

4.3 If a complaint is upheld, the resolution of the situation needs to be immediate and to be aimed, at preventing any repetition of the behaviour or any associated behaviour.

5. Informal Action

It is intended that wherever possible issues shall be resolved on an informal basis.

5.1 If an employee feels they or others have been harassed, victimised, bullied or treated in a way that breaches this Policy, and they wish to resolve the matter themselves informally without the involvement of the Company, they should, if they feel able to do so, immediately tell the individual(s) doing it that the behaviour in question is offensive, unwanted, and that they want it to stop.

5.2 Alternatively, they may prefer to put it in writing to the individual(s) doing it or ask a colleague to speak to the individual(s) on their behalf.

A note should be kept of the date(s) and what was said by all involved and/or a dated copy of any related correspondence. This may be needed as evidence should harassment, victimisation or bullying continue or subsequently recur.

This may be sufficient to correct the situation, particularly if the individual(s) involved was/were unaware that the behaviour was causing offence.

The nature of harassment, victimisation or bullying is such that it is recognised that an individual may not wish to discuss it initially with their immediate Line Manager or Supervisor.

5.3 An individual who feels unable to do this or who wants guidance on an issue, or who continues to be subjected to behaviour which is in breach of this Policy, may choose to discuss the matter with Human Resources informally in confidence and seek the appropriate guidance.

5.4 Informal action may also be invoked after an individual reports an issue in relation to this policy to their manager or to HR. Informal action is sometimes more appropriate and more successful and awareness of the issue allows the company to be pro-active to deter a reoccurrence of the alleged behaviour.

6. Formal Action

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6.1 At any time, whether or not informal action has been taken, any individual who feels that they or others have been harassed, victimised, bullied or treated in a way that breaches this Policy can raise the matter directly with their Line Manager or Human Resources either verbally or in writing stating that they wish to invoke the formal procedure.

6.2 Any behaviour that breaches this Policy, whether or not a formal complaint has been made, shall be taken seriously and fully investigated.

6.3 Such investigations shall be independent and the objective with respect for the rights of both the complainant and the alleged harasser and shall be properly heard and represented.

6.4 The matter will be dealt with as follows:

The appropriate Manager in conjunction with Human Resources, shall set up an investigation into the allegations as soon as reasonably possible and shall establish whether there is a need to take disciplinary action. The provision of specialist counselling support to any of those involved shall also be considered.

The outcome shall be communicated to the complainant and the alleged harasser as soon as possible following the conclusion of the investigation.

If, following the investigation, it is decided that there is a case to answer, the Disciplinary Procedure shall be invoked immediately.

The complainant shall be informed of the outcome as soon as possible following disciplinary action.

The rights of the alleged harasser shall be in accordance with the Disciplinary Procedure.

7. Appeal

7.1 If the complainant considers that the handling of the matter has been inappropriate, they may appeal in writing, stating the reasons, as per the Appeals process of the Disciplinary Procedure. This appeal shall be heard as soon as possible but provided business circumstances permit, within 5 working days of the appeal being received. The complainant will be entitled to be accompanied to such an appeal in accordance with the Appeals process of the Disciplinary Procedure.

8. Confidentiality

8.1 All complaints, associated correspondence and interviews shall be treated in strict confidence. Breaches in confidentiality will result in disciplinary action being taken.

9. Documents Associated with this Policy

- Safeguarding Policy
- Complaints Policy

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