

Positive Work Environment

Purpose

- This procedure details the arrangements that are in place at ateb to ensure a positive, open and inclusive work environment free from discrimination, harassment and bullying where employees are treated respectfully, fairly and with dignity.
- It will apply to ateb housing, West Wales Care & Repair and Mill Bay Homes ("the Group"). It does not apply to agency workers who are employed by a third party agency, consultants or self-employed contracts who provide casual work for the Group.
- This procedure does not form part of any employee's contract of employment and we may amend it at any time.

Overview

- Discrimination, harassment and bullying are unacceptable behaviour and will be treated as misconduct, which may include gross misconduct warranting dismissal.
- All employees will be given a fair and impartial hearing and investigated promptly and objectively. If the investigation is valid, prompt attention and action to stop the behaviour will be taken preventing recurrence.

Self Definition

- A person bullies or harasses another when he or she engages in unwanted conduct that has the purpose or effect of:

- violating the other person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- The definition of what is bullying and harassment is mainly a subjective one. Unless the conduct was intentionally hostile, it would be considered to have the effects described above if, after considering all the circumstances including the perception of the person affected, it was considered unreasonable to act in this way.
- Behaviour that is considered bullying by one employee may be considered firm management by another. Where employees feel aggrieved about the management of their work performance, this should be raised under the Group's Grievance Procedure.

Definition of Harassment

- Harassment is unwanted physical, verbal or non-verbal conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. It often (but not exclusively) targets the characteristics set out in paragraph 2 above and may be persistent or an isolated incident.
- Unlawful harassment may involve conduct of a sexual nature, or it may be related to

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 orientation. Harassment is unacceptable even if it does not fall within any of these categories.

- Harassment may take many forms. It can range from extreme forms such as violence to less obvious actions. The following, though not an exhaustive list, may constitute harassment:
 - unwanted physical contact ranging from touching to serious assault.
 - verbal and written harassment through jokes, offensive language, gossip and slander.
 - downloading data, text, image or sound files etc., or sending or displaying material that is in bad taste, sexist, racist or pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a

- workplace social activity;
 - intrusion by pestering, spying, following etc;
 - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - mocking, mimicking or belittling a person;
 - outing or threatening to out someone as gay or lesbian; or
 - general prevailing culture, for example one in which it is acceptable to tell homophobic/ageist jokes.
- A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if those jokes create an offensive environment for him.

Definition of Bullying

- Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

- It can be direct or indirect, either verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. The following examples may constitute bullying:
- overbearing and intimidating levels of supervision
 - abuse of authority or power by those in positions of seniority
 - deliberately excluding someone from meetings or communications without good reason
 - threats, abuse, teasing, gossip, practical jokes, being sarcastic towards, ridiculing or demeaning others
 - humiliation and ridicule either in private, at meetings or in front of customers/clients
 - setting impossible deadlines or imposing excessive workloads or allocating menial and pointless tasks
- It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.
- Legitimate, reasonable and constructive criticism of performance or behaviour or reasonable requests will not constitute bullying.

Bullying and Harassment in the Workplace

- The terms bullying and harassment are often used interchangeably by most employees and many definitions include bullying as a form of harassment. It can be hard to recognise and individuals experiencing bullying and harassment may appear to overreact to something that seems relatively trivial to others, but to them is the "last straw".
- Bullying and harassment can consist of persistent incidents or a single serious incident.

Confidentiality

- As far as possible, the confidentiality of the employee raising the concern will be maintained. However, the Group as an employer does have a duty of care under the Health and Safety at Work Act 1974 to provide a safe place of work, and as such an investigation may be instigated. Once the investigation process is set in motion, any disclosure will be treated with sensitivity.
- Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Options for Action

- Employees who believe they are being discriminated, bullied or harassed may take the following steps:
 - Personal Action
 - Informal Action
 - Formal Action

Personal Action

- An employee who believes that they have been the subject of harassment or bullying, should, in the first instance, ask the person responsible to stop the behaviour, as it is unacceptable to them. This approach may be appropriate if the employee raising concerns believes that the destructive behaviour is unintentional, and the perpetrator is unaware of its impact.
- The employee raising concerns should keep a note of what was said, when and what the reply was.

Informal Action

- If a personal approach fails or is inappropriate, informal action by the appropriate line manager or HR Manager may be more effective. N.B. if the alleged harasser or bully is the immediate line manager, the appropriate manager would be the person to whom the alleged harasser or bully reports.
- The advantages to using the informal process are:

- it produces quick and effective solutions
- it keeps embarrassment and the risk of confidentiality breaches to a minimum
- it minimises disruption at work
- This approach should not be taken if the employee raising concerns wishes to take formal action or if the seriousness of the incident(s) makes it inappropriate.
- After discussing the issue with the employee raising concerns, the manager should speak to the alleged harasser/bully to attempt to resolve the issue.
- The manager should take notes of both discussions. Following these discussions the manager should provide feedback to the employee raising concerns. If appropriate, the manager can offer to facilitate a joint meeting with both sides to re-establish effective working relations. In addition coaching, mentoring and further learning and development may be appropriate.

Formal Action

- If an employee decides to make a formal complaint they should do so in writing setting out the full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any approaches asking the alleged harasser/bully to stop.

- If the alleged harasser or bully is an employee, a thorough investigation will then be carried out in line with the Group's Disciplinary Procedure. It is essential that at the earliest opportunity the alleged bully or harasser is made aware of the allegations being made against them. As such they, together with the employee raising the concern and any witnesses, should be interviewed as part of this process as soon as possible.
- The investigation will be carried out in a timely and confidential manner. The investigation should be thorough, impartial and objective and carried out with sensitivity and due respect for the rights of the parties concerned.
- We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or trade union representative of your choice, who must respect the confidentiality for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- The Investigation Officer will need to submit their findings in a written report to the line manager of the alleged harasser/bully or complainant or another appropriate senior manager. A summary of the main findings and recommendations should also be given to the alleged bully/harasser.
- The investigation should consider if the bullying or harassment has occurred and if so recommend one of the following:

- Support action - the matter can be dealt with through mediation or provision of appropriate training for the people involved. If both sides agree to this, the alleged bully/harasser's manager will be informed confidentially.
 - Disciplinary action – the Group's Disciplinary Procedure will be used. The Investigating Officer will present the management case at the Disciplinary Hearing. The bully/harasser will be disciplined in line with the Group's procedures which may lead to dismissal in cases of gross misconduct.
 - Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- In certain circumstances, if relocation proves necessary, every effort will be made to relocate the harasser or bully rather than the victim; however, the Group will endeavour to relocate the victim if this is their preference.
 - At the end of the investigation, we will arrange a meeting with you, usually within a week of the written report order to discuss the outcome and what action, if any, should be taken. You have the right to be accompanied by a colleague or trade union representative to the meeting.

- A copy of the report and the manager's findings will be given to you and the alleged harasser as an outcome.

Suspension

- During the course of the investigation of the complaint, consideration will be given to the suitability of the working environment for the employees concerned. If it is felt that the investigation will be compromised if the alleged bully/harasser remains in the workplace consideration should be given to temporarily transferring them out of the department or placing them on paid suspension.

Victimisation

- Employees will be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation under this procedure. Retaliating against an employee for complaining about harassment or bullying or providing evidence in a bullying and harassment investigation is a disciplinary offence.

Inappropriate Use of the Procedure

- Whilst this procedure is designed to assist genuine victims of harassment or bullying, employees should be aware that if they raise complaints, which are proven to be deliberately vexatious, they themselves may become subject to proceedings under the Disciplinary Procedure.

Appeals

- If you are not satisfied with the outcome you may appeal in writing to Victoria Evans – People & Communications Manager stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

Responsibilities

- All employees must treat colleagues respectfully and with dignity being prepared to raise any incidents of bullying and harassment that they are witness to under this procedure. Anyone supporting or encouraging discrimination, harassment or bullying by others may be liable to action under the Disciplinary Procedure.
- Managers and supervisors have a responsibility to ensure that harassment or bullying does not occur in work areas for which they are responsible.

- Managers have a responsibility to explain the Group's procedure to their employees and take steps to promote it positively.
- Managers will be responsive and supportive to any employees who make a complaint, provide full and clear advice on the procedure to be adopted, maintain confidentiality in all cases, and ensure that there is no further problem or victimisation after a complaint has been resolved.

Training & Monitoring

- The Group will provide training to ensure that all managers and employees are fully aware of this procedure and the procedures for dealing with discrimination, harassment and bullying.

Review & Amendment

- The Group will periodically review the effectiveness of this procedure and make amendments where necessary.

Associated Documents

- The following documents should be used with this procedure:
 - Disciplinary Procedure
 - Equal Opportunities Policy and Diversity Policy

Need additional help?

Contact our People &
Communications Team