



## **BULLYING AND HARRASSMENT POLICY**

### **1. Scope of this policy**

ARTICLE 19 is committed to applying this policy to all employees, interns, consultants and board members working for the organisation, wherever they are based, in the international office in London, in the regional offices or elsewhere.

### **2. Statement of Intent**

ARTICLE 19 treats any form of harassment and bullying seriously. This is not just on legal and moral grounds but also to avoid serious personnel or organisational problems developing, such as poor morale, poor performance, high absenteeism, labour turnover, incidences of work-related stress, less productive and effective teams, and damage to ARTICLE 19's reputation with implications in terms of management time and cost.

It is in everyone's interest to promote a safe, healthy and fair working environment and it therefore follows that preventing and tackling workplace harassment and bullying is the joint responsibility of both ARTICLE 19 and of each individual within it.

Individuals have a responsibility to behave in ways which create a supportive and non-hostile working environment for themselves, their colleagues and others. They should play their part in making this policy a reality including being prepared to challenge inappropriate behaviour. They should also take action if they observe or have evidence that someone is being harassed, even if they are not the target of the harassment, and be aware that they as an individual perpetrator may in certain circumstances become personally liable to pay compensation and be prosecuted under criminal and civil law.

ARTICLE 19 has a responsibility to promote dignity and respect at work. Management will therefore seek to promote a culture where the likelihood of harassment and bullying occurring is reduced. If allegations are made, either directly or by information given by other staff, they will be treated in a sensitive and confidential manner as well as being dealt with promptly and impartially. Appropriate steps will also be taken to prevent victimisation where necessary.

### **3. Definitions**

Harassment and bullying may be by an individual against an individual, or involve groups of people against an individual or group. It can be peer-to-peer behaviour, by a manager against an employee, or vice versa. It may be face to face or more insidious.

Harassment and bullying can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident can constitute harassment and bullying when repeated.

There is often a fine line to be drawn on what constitutes harassment or bullying, with each individual viewing it differently and with contextual factors playing an important role. Differences in employees' attitudes, background or culture can mean that what is perceived as harassment or bullying by one employee may not seem to be so by another. People that may experience a specific behaviour as amounting to bullying or harassment should challenge or question this behaviour, while being aware of differences in background or culture.

Harassment and bullying may be defined as follows:

**3.1. Harassment:** In general terms, harassment is unwanted conduct affecting the dignity of persons in the workplace. It encompasses unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidating. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any other personal characteristic of the individual. It may be persistent or an isolated incident.

**3.2. Sexual Harassment:** Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved and causes that person to feel threatened, humiliated or embarrassed. Examples of sexual harassment are: requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status; offensive gestures or comments; sexually-orientated jibes, innuendo or jokes; unwanted physical contact; the display of sexually offensive visual material such as calendars, photographs, books or videos; Sexual harassment may be experienced by men or women as a result of the conduct of men or women. It applies equally regardless of grade or level of job and may also occur when dealing with external clients and/or members of the public.

**3.3. Racial or Sectarian Harassment:** In the workplace, racial or sectarian (perceived differences between subdivisions within a group, such as between tribes or different denominations of a religion or factions of a political movement) harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person's skin colour, physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, patronising remarks, unfair allocation of work or pressure about the speed and/or quality of their work in a way which differs from the treatment of other employees.

**3.4. Harassment of people with disabilities** can take the form of employees being ignored, disparaged or ridiculed because of their disability. The disability rather than their ability can become the focus of attention. Harassment can include inappropriate personal remarks, jokes or inappropriate reference to an employee's appearance.

**3.5. Harassment on the grounds of a person's sexuality** may include homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others, or offensive behaviour/abuse relating to HIV or AIDS status.

**3.6. Harassment on the grounds of age** can include ridicule, jokes and inappropriate comments based on age (e.g. 'spring chicken', 'wet behind the ears', 'long in the tooth' and 'old goat'.)

**3.7. Bullying** is the intimidation or belittling of someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning job performance, or constant criticism. Bullying

can be carried out by an employee or groups of employees. Bullying undermines self esteem and confidence. It is often a form of violence at the psychological and emotional level rather than the physical. It normally takes place over a period of time through an accumulation of perhaps seemingly unconnected incidents rather than as a one-off incident.

#### **4. Examples**

Examples of unacceptable behaviour amounting to harassment and bullying include:

- Spreading malicious rumours about someone or insulting someone
- Ridiculing or demeaning someone
- Exclusion or victimisation of someone
- Overbearing supervision or misuse of power or position
- Making comments or behaving in a manner which discriminates against someone on the basis of gender, sexuality, race, religion, age or disability
- Making threats or comments about employment rights or terms and conditions without foundation
- Undermining a competent worker through overwork or criticism
- Unjustified criticism of an individual's personal or professional performance,
- Shouting at an individual, criticising an individual in front of others
- Ignoring or excluding an individual from the team / group
- Repeated inappropriate behaviour, direct or indirect and by one or more persons which undermines an individual's right to dignity
- Removing areas of responsibilities without cause
- Constantly changing work guidelines, establishing impossible deadlines that will set up the individual to fail or assigning unreasonable duties or workload which are unfavorable to one person (in a way that creates unnecessary pressure)
- Withholding necessary information or purposefully giving the wrong information
- Preventing opportunities for training, leave or promotion
- Intruding on a person's privacy by pestering, spying or stalking

Examples of behaviour which would not normally amount to harassment and bullying include:

- Academic or other forms of debates, including heated debates and firm exchange of views over work-related issues, including on freedom of expression
- General office conversation, unless a member of staff affected by the conversation warns other staff that they find the conversation unacceptable.
- A firm but fair management style, in which a manager sets achievable targets and regularly reviews performance against them
- Performance appraisal against agreed targets by a manager, and concerns raised for failing to achieve specific work targets or poor performance generally
- A manager following an agreed Article 19 HR procedure against a member of staff
- A manager following up on work absences

#### **5. Victimisation**

Anyone making a complaint will not be victimised. **Victimisation** occurs specifically when a person is treated less favourably because he/she has asserted his/her rights under this policy, either by making, or intending to make, a complaint or has given, or intends to give, assistance and/or evidence in an investigation. Such victimisation is a disciplinary offence. The victimisation of others involved, including those against whom the complaint is made, and witnesses, is a disciplinary offence.

## **6. Getting familiar with the policy**

- ARTICLE 19 Management will actively encourage an internal dialogue on the Bullying and Harassment Policy, and provide guidance and training for staff and managers.
- Copies of the Bullying and Harassment Policy will be provided to each employee, intern, consultant and Board member at induction and will be published on our web site.
- Participants to ARTICLE 19 trainings and workshops will be informed in writing and orally at the beginning of the trainings or workshops that bullying and harassment will not be tolerated. A version of the bullying and harassment policy will be made available to all participants as part of their logistical and information package.

## **7. Process if you believe you are the victim of harassing and/or bullying behaviour**

Prior to making a written complaint and instigating a formal process about someone's behaviour, you might consider discussing your concerns with your line manager, another senior manager in the organisation, a representative from human resources or other colleagues. Making a formal complaint about someone is a serious accusation, and may result in disciplinary action against that person.

### **7.1 *Informal process***

It may be possible to rectify matters informally, particularly where the alleged perpetrator may be unaware that their behaviour is unacceptable to the person alleging harassment (the complainant). It is often the case that when a clear indication is made to the perpetrator that such behaviour is found objectionable, it ceases.

You can seek advice or discuss concerns about bullying or harassment and approach the Human Resources Adviser (HR Advisor), your line manager or another manager. If the person you are considering making a complaint about is your line manager, please consider approaching another senior manager in the organisation, the executive director or the board member responsible for human resources if the allegation concerns the executive director.

Anyone approached to discuss the matter informally should

- find a quiet place to discuss the issue confidentially and without interruption
- Listen carefully to what they are being told and ensure that they understand the full facts
- when they are sure they understand and if they feel confident to do so, they should discuss the options open to the individual.

Confidentiality is very important in dealing with cases of alleged harassment as experience shows that they will be much more difficult to resolve informally if information about the matter becomes common knowledge. Anyone approaching a manager or the HR Advisor for advice may however wish to be accompanied by a work colleague or staff representative.

If after having been approached, the HR Advisor or manager wishes to seek advice on how to deal with an alleged case of harassment they should seek your agreement. If they do not feel able to advise in a particular case they should explain the reasons and refer you to another senior manager, executive director or board member responsible for human resources.

Having heard the facts about the incident and the context of the action or behaviour that caused concern, there are a number of informal options available to resolve the matter.

For example the person who has experienced harassment could talk to the individual on his/her own, or with a colleague accompanying him/her. The purpose of the conversation would be to make the respondent aware of the way his/her behaviour has been perceived and ask him/her not to repeat it.

Alternatively, the HR Advisor or manager could facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent and explain his/her view of the offending behaviour. Normally, the HR Advisor or manager advising should not take action following an informal approach concerning harassment, without the agreement of the individual concerned. In some cases, both parties may wish to refer themselves for mediation which can be done through outsourcing experts or through the board member responsible for Human resources.

Possible outcomes of the informal process include but are not limited to: clarification of points of view; clearing up misunderstanding; an apology for and/or acknowledgement of a possible violation; a commitment not to re-offend etc.

The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should be submitted where the informal approach has not achieved satisfactory results, or where the nature of the incident(s) warrants a more formal approach.

## ***7.2. Formal process***

If the situation cannot be resolved informally, or if the complainant does not wish to consider informal procedures, then the complainant has the right to pursue his or her complaint formally via ARTICLE 19's Grievance Procedure, as outlined in the UK Staff Terms and Conditions (articles 19 and 20).

### ***Things to consider before making a written complaint***

Examples of harassment or bullying behaviour are rarely clear-cut. Before making a written complaint, please:

- Discuss your concerns in an informal and confidential manner with a workplace independent third party. This may be a colleague, line manager, staff representative or representative from human resources.
- Consider whether there are understandable reasons that may explain a member of staff's behaviour, and consider asking a senior member of staff to discuss these informally with the relevant member of staff.

### ***Making a Written Complaint***

A written complaint should be made to the complainant's line-manager. If the complaint is made against a regional director or senior manager, the written complaint should be addressed to the Executive Director. If the complaint is made against the executive director, the written complaint should be addressed to the member of the Board responsible for Human Resources.

A formal written complaint of harassment and/or bullying should include the nature of the complaint, with reference to date(s), time(s) and place(s) (where possible) in relation to a specific incident(s) and what effect this had on the employee. The details of any witness(es) to the incident(s) should also be included. The complaint should be as detailed as possible to aid the subsequent investigation. If the letter of complaint is regarding dissatisfaction from an outcome under the informal process, the employee should outline what they consider a satisfactory outcome

to be. If the letter is the first action taken in relation to an employee's complaint the employee should also detail why they did not attempt to resolve the matter informally.

An initial response will be given within 5 working days to the person who made the complaint; this will state how the complaint will be investigated and the timescale for investigation.

Best practice in relation to confidentiality will be maintained during this investigation; and both the complainant and alleged harasser will have the opportunity to have their say. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.

## **8. Potential outcomes of the grievance procedure**

Every potential incident of harassment and bullying that is investigated as part of a grievance procedure will be different. There is no definite guidance on how an incident will be investigated, or what the potential remedies may be. The following remedies are examples of good practise:

### ***8.1 Counselling***

Counselling can play a vital role in complaints about harassment and bullying, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the matter without need for any further action.

### ***8.2 Mediation***

An independent third person or mediator can sometimes help two (or more) people in dispute to find a solution to the issue both parties can agree to. The mediator will not take sides or instruct those in dispute what to do. Such mediation is most likely to be successful only if the mediator is seen to be impartial, both parties understand what mediation involves, enter into the process voluntarily and are genuinely seeking to resolve the matter and repair the working relationship.

### ***8.3 Disciplinary Action***

If the investigation uncovers clear indication of harassment or bullying, then the investigator will consider whether to initiate disciplinary action (see clause 20 of UK Terms and Conditions of Employment). Harassment or bullying would either be considered "unsatisfactory conduct", or "gross misconduct". The disciplinary action would proceed as stated in clause 20.4 of the UK Staff Terms & Conditions

## **9. Communication**

9.1. All staff, interns and consultants will be informed of the Harassment Policy and Procedure.

9.2. The Harassment and Bullying Policy will be in staff induction programmes, with a summary in the Staff Handbook.

## **Main Sources of information**

The following give more detailed guidance on harassment and bullying in the workplace and have been used in compiling this document.

ACAS Guide for managers and employers on Bullying and Harassment at work

ACAS Guide for employees on Bullying and Harassment at Work

CIPD Harassment and bullying at work factsheet

EOC Guide on Sexual Harassment

UK National Workplace Bullying Website ([www.bullyonline.org](http://www.bullyonline.org))

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