



## NORFOLK BROADS YACHT CLUB

### BULLYING AND HARASSMENT POLICY

March 2004

#### Policy

As part of its overall commitment to promoting equality of opportunity, NBYC aims to provide a working environment where everyone is treated with respect and dignity, where no-one feels threatened or intimidated and everyone can carry out their work free from harassment and/or bullying. The policy is not contractual but is intended as a statement of current NBYC policy. NBYC reserves the right to amend the policy and procedure as necessary to meet any change in requirements.

The aim of this policy and procedure is to take all reasonable steps to prevent harassment or bullying, to provide guidance where problems occur and to prevent any recurrence. Unlawful harassment of whatever type (including on grounds of gender, sexual orientation, marital status, race or disability) and/or bullying will be viewed with the utmost seriousness. It will normally be dealt with in accordance with NBYC's current Disciplinary Procedure, although in certain exceptional circumstances it may also constitute a criminal offence. Serious cases of harassment or bullying will constitute gross misconduct and may, depending on the circumstances, result in dismissal or, in the case of members, suspension of membership without notice.

All employees and members have a responsibility to help ensure a working environment in which the dignity of everyone is respected. All must therefore comply with this policy and should ensure that their behaviour towards colleagues, volunteers, and members does not cause offence and could not in any way be considered harassment or bullying.

Any complaint will be dealt with seriously, without undue delay and, where practicable, in confidence.

NBYC recognises that employees have a right to complain about harassment and/or bullying should it occur. At all stages of the harassment procedure the person making the complaint is entitled to be accompanied by a work colleague.

#### Definitions

Harassment is defined as unwanted verbal, non-verbal or physical conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct may also be regarded as unlawful discrimination on the grounds of gender, race, disability, sexual orientation or religion/belief.

Harassment covers a wide range of behaviour including (but not limited to):

- a) physical contact ranging from unnecessary touching or brushing against a person, to actual physical contact or serious assault;

- b) verbal and written harassment through making derogatory remarks or jokes, racist or sexist remarks or inappropriate comments about disabled people, expressions of discriminatory views and/ or intimidating comments, obscene gestures, pin ups, flags, graffiti, using e-mail to send suggestive and unwanted remarks and/ or graphics (including pornography) or other offensive material;
- c) isolation or non co-operation at work, exclusion from social activities;
- d) coercion, including pressure or requests for sexual favours, pressure to participate in political or religious groups;
- e) intrusion by pestering, spying, stalking etc;

Bullying within the workplace can include intimidation of an individual or a group of individuals on a regular and persistent basis and can undermine the confidence and competence of that other person. Serious bullying may constitute a criminal offence.

One trivial incident will not constitute bullying or harassment. However a series of incidents will do so, particularly where an employee has expressed a dislike of such behaviour and/or has asked for it to stop. A single serious incident, for example threatened or actual violence or threats of dismissal, would also be sufficient.

### **The responsibilities of NBYC**

NBYC has a legal responsibility to ensure the health and safety of staff and a working environment which is free from unlawful discrimination.

### **Managers' responsibilities**

The legitimate management of staff should be distinguished from bullying or harassing behaviour. Managers have a responsibility to issue reasonable instructions and expect them to be carried out. However, managers should not behave in a way that would generally be considered unreasonable. They should set a good example by treating all staff with dignity and respect. Managers have a particular responsibility to prevent and eradicate harassment or bullying in the work area for which they are responsible. They should respond sensitively and supportively to any member of staff who makes an allegation of harassment and ensure that the issue is resolved promptly in accordance with the procedure below.

### **Staff responsibilities**

Everyone has a responsibility to respect the feelings of others and to be sensitive to the impact their conduct may have on colleagues. Differences in culture, attitudes and experience can mean that what is perceived by the person experiencing the behaviour as bullying and harassment, may be perceived by others as normal. It is important to be sensitive to the reactions of others and adjust behaviour accordingly.

In some instances individuals may be genuinely unaware that their behaviour is causing offence and there may be no malicious intent, but in most cases people should know that their remarks or actions are causing offence and that such behaviour is unacceptable. The test is: would a reasonable person think that the behaviour amounted to bullying or harassment?

Employees should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who experience such treatment. Anyone who sees bullying or harassment happening has a responsibility to take action by raising the matter with a manager.

## **Procedure**

### **1. Informal Stage**

Most people suffering harassment or bullying simply want it to stop. Attempts should first be made (if possible) to deal with the problem informally. The individual may turn to the Secretary or a Flag Officer for assistance before taking informal action, but is not obliged to do so. Employees can seek to resolve matters informally by:

- a) approaching the alleged harasser/bully direct and speaking to them politely and in private, making it clear that the behaviour in question is offensive, is not welcome and should be stopped. As an alternative, the request may be conveyed in writing specifying the behaviour concerned, with the details and dates of its occurrence;
- b) approaching the alleged harasser/bully with the support of a colleague, unrelated to the incident. Any employees approached to give support are encouraged to do so if willing and able to help. They must respect the need for confidentiality;
- c) approaching the alleged harasser/bully with the support of a manager or a Flag Officer;
- d) if it is too difficult or embarrassing for the employee to do this themselves, they may ask their line manager or the Secretary or a Flag Officer to approach the alleged harasser/bully on their behalf.

### **2. Formal Complaint**

The complaint should be pursued formally if the harassment or bullying continues after the informal procedure has been used, or if the person making the complaint prefers to pursue a formal complaint.

Complaints should be raised as soon as possible following the alleged act of harassment or bullying so that the matter can be dealt with quickly and before memories fade.

The complaint should first be raised with the employee's immediate line manager. Where this is inappropriate the employee may raise the issue with the next higher level of management, or a Flag Officer. Where possible employees will be able to bring a complaint in the first instance to someone of their own gender, race or who is aware of disability issues, if they so choose.

The complaint should be made in writing and wherever possible it should include:

- a) name of alleged harasser/bully;
- b) nature of behaviour complained of;
- c) date(s) and time(s) when harassment or bullying is alleged to have occurred;

- d) names of any witnesses;
- e) any action already taken by the complainant to stop the alleged harassment or bullying.

The manager will report the allegation to the Secretary or a Flag Officer and will carry out the investigation or arrange for another uninvolved manager or Flag Officer to do so. Those carrying out the investigation will not be connected with the allegations in any way and every effort will be made to ensure that complaints are resolved as quickly as possible.

The person making the complaint may be accompanied by a work colleague.

### **3. Timescale**

Time limits are set out below. Where it is not possible to comply with these limits the complainant will be informed of the reason why and given a revised timescale.

The person dealing with the complaint will aim to complete the procedure within 10 working days of the written complaint being received.

### **4. Initial Meeting with Complainant**

The person appointed to carry out the investigation will acknowledge receipt of the complaint and will arrange to meet with the complainant within 3 working days.

He/she will meet the complainant to clarify and formally record the nature of the complaint, address the implications of any request for anonymity, ensure the complainant is aware of the next stage of the procedure and remind them they have a right to be accompanied. Further meetings may be necessary.

### **5. Informing the alleged harasser/bully**

The investigator will meet the alleged harasser/bully and outline the nature of the complaint, confirm that it is being handled under the formal procedure, make the individual aware of the procedure and of their right to be accompanied throughout the procedure. This will be followed up and confirmed in writing.

### **6. Avoiding contact between the complainant and the alleged harasser/bully**

Once a formal allegation of harassment or bullying has been made the issue of avoiding contact between the complainant and the alleged harasser/bully must be considered.

The investigator will take appropriate action following discussion with the complainant. Both parties should be advised that there should be no communication between them, directly or indirectly, regarding the complaint and the investigation.

Consideration may also be given to suspending the alleged harasser/bully (on full pay if a member of staff) to enable the investigation to proceed. An individual who is

to be suspended should be notified in writing following a meeting with the investigator, and has the right to be accompanied at that meeting.

## **7. Investigation**

NBYC will ensure that a full, prompt, sensitive and impartial investigation is conducted of all formal complaints, with due regard to the rights of both the complainant and the alleged harasser/ bully.

The purpose of meetings is to establish facts. All persons giving information will be required to do so in private and not in the presence of any other person present at, or involved in, the alleged incident. Strict confidentiality will be maintained throughout subject to any statutory requirements. A complete record will be maintained of all meetings and investigations.

Having obtained as much information as possible from all persons who can assist with the investigation, the investigator will consider whether NBYC's Disciplinary Procedure should be invoked or some other action taken.

Neither the complainant nor the alleged harasser/bully will be victimised in any way. Any malicious or false complaints will be viewed as gross misconduct and appropriate disciplinary action taken against the complainant and/or any worker who maliciously supports or assists in the bringing of the false complaint.

## **8. Reporting the facts**

The person undertaking the investigation should prepare a written report outlining the facts, indicating their findings and whether the Disciplinary Procedure should be invoked or some other action taken.

Where the investigator does not have the authority to take the necessary action, the report will be passed to a Flag Officer who does have the appropriate authority.

The investigator, or some other manager with the requisite authority, will then decide either to initiate the Disciplinary Procedure against either party as appropriate, or to take no further action, or to take appropriate management action.

Both the complainant and the alleged harasser/bully will be informed of the Club's decision in writing. Details of any disciplinary action, including the content of the written report, will remain confidential. The written report shall, at the sole discretion of NBYC, either be promptly destroyed or alternatively shall be stored by the Secretary for a period of up to twelve months after the investigation is completed.

After the investigation the Club will consider whether it is appropriate to amend working practices or offer support, training or counselling.

## **9. Managers**

Kitchen/bar staff – L. Swift

All other staff – K.A.D.Izatt