



ELHAP – A SPECIAL NEEDS ADVENTURE PLAYGROUND
119, Roding Lane North
Woodford Bridge
Essex
IG8 8NA

Telephone: 020 8550 2636
Fax: 020 8550 2683
Email: info@elhap.org.uk
Website: www.elhap.co.uk

ELHAP Harassment at Work Policy

SECTION 1: Understanding Harassment

1.0 Introduction

1.1 This policy, the “ELHAP Harassment at Work Policy”, applies to all ELHAP staff and volunteers. Its overall objective is to protect the dignity of individuals and to ensure that each ELHAP employee is able to work in an environment free of harassment.

1.2 What is harassment?

1.3 ELHAP’s definition of harassment is derived from the European Commission Code of Conduct on Sexual Harassment. The Commission has defined sexual harassment as unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women at work. ELHAP accepts this definition of sexual harassment and adapts it to define harassment on other grounds, including those listed at paragraph 1.6 below. In addition to this definition, the following characteristic features about harassment can also help us to understand and recognise it:

- (a) harassment always involves unwanted conduct of a discriminatory and or intimidating kind which may be directed at an individual, group, culture, religion or lifestyle.
- (b) harassment frequently promulgates material or creates conditions in the workplace which are oppressive and or offensive to one or more individuals.
- (c) harassment frequently involves a display of power which undermines, intimidates, isolates or degrades the victim.
- (d) harassment always involves some form of behaviour by which an individual or group is treated in a detrimental way on improper grounds.

1.4. ELHAP believes that whether or not an instance or situation constitutes harassment is not determined by the intentions of the doer but by the seriousness and frequency of the doer’s actions and their impact upon the victim. In some cases a single instance will constitute harassment.

1.5 Who can be harassed?

1.6 In addition to sexual harassment, employees in the workplace may be subjected to harassment based on any of the following:-

- * sexuality
- * gender
- * disability, sensory impairment and or learning difficulty

- * real or suspected infection with the HIV (AIDS) virus
- * race, ethnicity, skin colour and or nationality
- * culture and religion
- * class
- * political beliefs
- * willingness to challenge harassment against others
- * membership or non membership of a trade union
- * status as an ex-offender
- * age (young or old)
- * their physical height or size
- * facial scarring or other facial features

This list is not exhaustive.

1.7 Who can harass?

1.8 Employees can be harassed by peers and subordinates as well as by managers or supervisors. Harassment can also occur between people of the same sex, sexuality, race, etc. In practice, however, there are frequently actual or perceived differences between the harasser and the victim. In addition, experience shows that the risk of harassment is increased for employees who are, or are perceived to be, less powerful in the workplace. This often means lesbians, gay men, women, people with disabilities, black people and non managerial staff.

1.9 Forms of harassment

1.10 Harassment can take several forms which generally fall into three main categories. The following are some examples:-

(a) verbal forms of harassment

- * verbal and written statements or innuendo which are meant to ridicule or insult someone;
- * subjecting someone to insults or ridicule because of their sexuality, gender, disability, race, etc.
- * making verbal or written sexual advances or lewd, suggestive and over familiar remarks;
- * the use of jokes, threatening or offensive language, gossip, slander, etc.;

(b) physical forms of harassment

- * physical contact ranging from touching to assault;
- * suggesting to someone that sexual favours may benefit their career or that refusal may damage it;
- * persistent, unwanted attention which continues after the person receiving it makes clear that they want it to stop (depending on its nature or seriousness, a single incident can also constitute harassment);
- * intrusion by pestering, spying on, following or stalking;
- * action or behaviour whose effect is to intimidate or degrade;

(c) offensive material

- * displaying or distributing material which degrades or offends, including posters, graffiti, flags, bunting, emblems and material of a sexist, racist, sexual, or pornographic, etc. kind;

- * bringing into the workplace badges or other insignia which are intended or are likely to create hatred or fear based on sexuality, gender, disability, race, etc.

1.11 How individuals and groups may experience harassment

- 1.12 Some of the ways in which groups and individuals may experience harassment are as follows:-

1.13 **Lesbians and Gay Man** often suffer harassment in the form of hostility, ridicule, jokes, innuendos, teasing and insults relating to their sexuality. They can also be isolated in the workplace because others may not wish to associate with people who are lesbian or gay. Lesbians and Gay men may therefore be reluctant to be open about their sexuality because they fear this might lead to discrimination or harassment.

1.14 **Men and women** may experience sexual harassment through unwanted sexual attention. However, in practice, sexual harassment is almost always directed at women by men. Sexual harassment involves behaviour which is unwelcomed and unreciprocated. It can be overt, but is often done in a more subtle way, in which the doer's behaviour is suggestive. Women in the workplace who are being sexually harassed may feel unable to seek help and support from colleagues because of the sensitive nature of the problem. In addition, female employees can suffer harassment through a demonstration of power by male managers and colleagues or where the harasser seeks to influence them and or undermine their confidence through threats and intimidation.

1.15 **People with disabilities** may be subject to harassment from an assumption that they should be grateful to receive sexual advances or that they do not have a right to or are unable to have physical relationships. Harassment of disabled persons can also take the form of ignoring during workplace discussions, or of taunting and telling jokes about disabled people. In general, every employee with a disability is likely to experience some form of harassment where the focus is on their *disability* rather than on their *ability* - for example, where the line manager or the culture of the organisation regards the employee's disability as a nuisance.

1.16 **White and black people** may experience racial harassment. However, in practice, racial harassment in organisations is almost always directed at black people by white people. Black and other ethnic minority people may suffer harassment because of their race, ethnicity, nationality, perceived differences, and various prejudiced assumptions and stereotypes about black people. It can range from physical abuse to racially abusive insults, disguised as jokes. Harassment of black and ethnic minority persons in organisations can also take the form of them being spoken to or treated by white people in a dismissive, inferior or unequal way. Quite often the harasser is junior in grade, which exacerbates the victim's feelings of frustration and injustice. In addition, experience has shown that where victims challenge racial harassment they can be regarded as aggressive or over-sensitive. As a result, black and other ethnic minority persons may suffer harassment in silence.

1.17 **Nationality, culture and religion** are grounds on which employees may suffer harassment. For example, Irish, Spanish, Greek, Turkish and Italian employees can be pressurised to accept jokes and behaviour which ridicule or undermine them on the basis of their nationality. Employees may also experience cultural and religious harassment through a variety of means, ranging from overt ridicule of their culture and religion to a quiet but visible relegation of their religion and culture to a lesser, inferior status or through pressure to conform to the norms and standards of another religion or culture.

1.18 The effects of harassment

1.19 Sustained harassment can have a devastating effect on the lives of victims. Individuals can suffer fear, anxiety and stress, which can cause or exacerbate physical illness, reduce their work performance, increase absenteeism and even cause them to resign from work.

1.20 If unchecked, harassment can also damage the workplace by creating tension and conflict which can lead to poor staff morale, divided teams, absenteeism, reduced productivity and

higher staff turnover.

SECTION 2: Dealing with Harassment

2.0 What to do if you feel you are being harassed

2.1 If you believe you are being harassed you should do the following:-

- (i) Tell someone else about it. If you are feeling uncomfortable about a situation and are not sure if it is harassment, still try to talk to someone about it;
- (ii) keep a written record of the offending behaviour. Write down the dates, times and places when events occurred and what was said or done. If anyone else witnessed any of the instances make a note of whom it was;
- (iii) make it clear to the person who is harassing you that their behaviour is unwelcomed and that you want it to stop. In most cases, once the person knows that her/his behaviour is unwelcome, they will stop. You can do this in various ways: alone, with a friend (ie iii), by asking your manager to speak to the person (iv), etc.
- (iv) ask a friend or representative to be with you when you speak to the person;
- (v) If you prefer an informal approach you can ask your line manager to tell the person who is harassing you that their behaviour is unwelcomed and that you want it to stop.
- (vi) If the behaviour continues, talk to your manager or representative. You may need to make a formal complaint;
- (vii) If it is your manager or supervisor who is harassing you, speak to the Chair of the ELHAP Human Resources Committee.
- (viii) if you feel you are being harassed and you wish it to be dealt with formally, you can make a formal complaint of harassment. **You can do this as soon as the first instance of harassment occurs** or at any subsequent time. Formal complaints of harassment must be made in writing to the Chair of the ELHAP Human Resources Committee, at the above address, and must set out the specific way(s) in which you feel you have been harassed. Formal complaints of harassment will be investigated fully and may lead to disciplinary action.
- (ix) If for some reason you feel that none of the above are reasonably available to you, you can seek assistance from the following external sources:-

Equal Opportunities Commission, Overseas House, Quay Street, Manchester, M3 3HN. Tel: 0161 - 833 9244.

Lesbian and Gay Employment Rights, LAGER, Unit 1G, 436 Essex Road, N1 3QP.
Tel: 0171 704 8066 (lesbian issues); 0171 704 6066
(Gay issues).

Greater London Association of Disabled People, 336 Brixton Road, London SW9 7AA.
Tel: 0171 346 5800.

Commission for Racial Equality, Elliot House, 10-12 Allington House, London, SW1E 5EH. Tel: 0171 828 7022.

Trades Union Congress, Congress House, Great Russell Street, London WC1B 3LS,
Tel: 0171 636 4030.

Advisory, Conciliation and Arbitration Service (ACAS), Clifton House,
83-117 Euston Road, London, NW1, 2RB. Tel: 0171 388 5100.

2.2 Responsibilities of Managers

2.3 Each ELHAP manager is obliged to act fully in accordance with this policy at all times. This includes creating a work environment which neither condones nor gives support of any kind to acts of harassment and ensuring that each of their staff is aware of and understands the policy.

2.4 Where a manager becomes aware that harassment is taking place but the employee has not complained, the manager should raise it with the employee and advise the employee along the lines outlined at paragraph 2.1 above. Where a manager becomes aware of or receives a complaint about an alleged case of harassment affecting one of their staff she/he should:

- * be sympathetic to the complainant;
- * try to establish from the employee, the nature, seriousness and impact of the alleged harassment;
- * consider, with advice from the ELHAP Human Resources Committee, if the matter should be dealt with formally or informally. If it can be dealt with informally, advise the employee as at paragraph 2.1 above. If the matter needs to be dealt with formally, ask the employee to make a formal written complaint.

2.5 There may be cases where a manager believes that an employee is being harassed but the employee either denies it or insists that they want no action taken about it. In such cases the manager should not pressure the employee to complain or request action. However, the manager should consider other ways in which the particular behaviour or situation can be stopped.

2.6 Guidance to employees

2.7 Employees should:

- * be aware of the issue of harassment, of the forms it can take and of the damage it can do to individuals and organisations;
- * make sure their own conduct does not include behaviour that could possibly constitute harassment.
- * not be afraid to stand up against harassment or to support a colleague who is being harassed.
- * talk in confidence to any employee that you believe is being harassed. Advise them that they can take the action outlined at paragraph 2.1 above. It is possible that the employee may be reluctant to have the matter dealt with formally. If so, be encouraging but sensitive to their wishes.

SECTION 3: Procedures

3.0 Introduction

3.1 ELHAP deplores all forms of harassment and believes that there are no circumstances under which harassment in the workplace can ever be justified. ELHAP regards harassment as a serious disciplinary offence which can result in dismissal. Accordingly, harassment in the workplace in any form will not be tolerated at ELHAP.

3.2 ELHAP believes that it is preferable for complaints of harassment to be resolved informally wherever this is possible and appropriate as this is most likely to produce speedy solutions which minimise the risk of breaching confidentiality. However, where an employee makes a formal complaint of harassment the matter will, in each case, be dealt with formally.

3.3 Informal Procedure

3.4 In many cases of harassment the victim simply wants the offending behaviour to stop and wishes the matter to be dealt with quickly and informally. Where an employee wishes their case to be dealt with informally they can:

- (a) follow the steps outlined at paragraph 2.1 above;
- (b) seek the assistance of their trade union representative or a work colleague;
- (c) speak to their line manager, the ELHAP Centre Manager or the Chair of the ELHAP Human Resources Committee.

3.5 Where a case is dealt with informally no written records will be kept on the complainant's file and no disciplinary action can be taken against the alleged perpetrator.

3.6 Formal Procedure

3.7 Allegations of harassment will be dealt with formally where:

- (a) informal attempts have not been successful, or;
- (b) management considers the behaviour too serious to be dealt with informally, or;
- (c) the employee wishes the matter to be dealt with formally, i.e., wishes to make a formal written complaint.

3.8 Formal complaints must be made in writing to the Chair of the ELHAP Human Resources Committee, and should try to set out precisely the alleged harassment. Where possible, the complaint should state:

- (a) the name(s) of the harasser(s);
- (b) the nature of the harassment;
- (c) the dates, times and places where the harassment took place;
- (d) the name(s) of any person(s) who witnessed any of the incidents of harassment.
- (e) details of any action taken by the complainant or others to stop the harassment;

3.9 The Chair of the ELHAP Human Resources Committee will be obliged, within five (5) working days of receipt of the complaint, to appoint a manager (apart from the complainant and person complained about) to carry out an investigation of the alleged harassment. The investigating officer will carry out a thorough investigation as quickly as possible.

3.10 Any employee seen by the investigating officer, including the complainant and alleged harasser, will have the right to be accompanied by a trade union representative or friend. Upon conclusion, the investigating officer will make a report to the appropriate officer, to the Chair of the ELHAP Human Resources Committee setting out:

- (a) the conclusions of the investigation, including a view on whether or not harassment has occurred;
- (b) a proposed resolution, where appropriate, of the situation;
- (c) a recommendation as to whether or not disciplinary action is required.
- (d) if disciplinary action is recommended, the stage at which it should commence.

3.11 The Chair of the ELHAP Human Resources Committee will consider and decide whether or not to accept the investigating officer's report and recommendations. Where disciplinary action is recommended and agreed by the Chair of the ELHAP Human Resources Committee, it will take place in accordance with ELHAP's disciplinary procedure, commencing at the Stage recommended at 3.10 (d) above.

3.12 The Chair of the ELHAP Human Resources Committee will write to the complainant within ten working days of receipt of the officer's report stating:

- (a) the conclusions, proposals and recommendations and;
- (b) The action(s) of the Chair of the ELHAP Human Resources Committee intends to take in

response to the complaint.

3.13 Counter Allegations

3.14 Where following a complaint of harassment against a person that person then makes a counter allegation against the complainant, the investigating Officer will consider the counter allegation at the same time as the initial complaint.

3.15 Right of Appeal

3.16 If the complainant is not satisfied with the response of the Chair of the ELHAP Human Resources Committee, she/he will have the right to appeal to the ELHAP Board of Trustees. The employee must appeal in writing within 5 working days of receipt of the Chair of the ELHAP Human Resources Committee's response, stating the precise grounds of appeal. The grounds of appeal may be as follows:-

- (a) that the Chair of the ELHAP Human Resources Committee's decision was unreasonable;
- (b) that the procedure was not followed;

3.17 Where an appeal is received, the Chair of the ELHAP Board of Trustees will set up a meeting of the ELHAP Board of Trustees Appeal Panel within the following 20 working days. The Panel will decide whether to uphold or reject the appeal. The complainant will be allowed to have a trade union representative or friend and will be given the opportunity to present their case, including calling witnesses. The Chair of the ELHAP Human Resources Committee or their representative will be given the opportunity to respond, including calling witnesses.

3.18 The ELHAP Board of Trustees Appeal Panel will receive only such evidence or representations which it deems relevant to the specified grounds of the appeal. The Panel will not redo the initial investigation. Where the appeal includes interviewing or receiving evidence from an employee, she/he will have the right to be accompanied by a trade union representative or friend. The decision of the ELHAP Board of Trustees Appeal Panel will be final.

3.19 Complaints of harassment against the ELHAP Centre Manager should be made in writing to the Chair of the ELHAP Human Resources Committee who, in consultation with the Chair of the ELHAP Board of Trustees will set up a meeting of the ELHAP Human Resources Sub-Committee to undertake a preliminary hearing of the allegations. The ELHAP Centre Manager will have the right to be accompanied by a trade union representative or friend. The Sub Committee will:

- (a) decide whether or not harassment occurred;
- (b) make proposals, where appropriate, to resolve the matter;
- (c) decide if disciplinary action is required, and, if so, the stage at which it should begin.

The Chair of the ELHAP Human Resources Committee will inform the ELHAP Centre Manager in writing of the Sub committee's decision. The ELHAP Centre Manager will have a right of appeal to the ELHAP Board of Trustees in accordance with the steps outlined at paragraphs 3.15 to 3.18 above.

**Implemented by the ELHAP Board of Trustees
3rd October 2005**