

Respect at Work SN 2/03

NERC Policy Covering Bullying and Harassment

This Staff Notice replaces the following Notices:

SN 17/89 - Sexual Harassment

SN 7/99 - Harassment - an informal procedure

SMPN 82 - Guidance on Prevention of Bullying at Work

Introduction

1. NERC believes that it is in all our interests to work positively and constructively with one another. Throughout the organisation, the overwhelming majority of staff treat each other with dignity and respect. This notice is about those circumstances where standards of behaviour fall below the level we expect to see observed and bullying and harassment occur. Bullying and harassment by NERC staff are unacceptable and will not be tolerated. It is important that where such behaviour is found it is challenged and changed. All staff have a right to fair treatment and to challenge bad behaviour in the workplace. Disciplinary action will be taken against any member of staff proven to be a bully.

NERC expects all its staff to:

- Treat other people with courtesy and respect, regardless of their status; if you have to ask someone to do something, do it in an appropriate and constructive way;
- Appreciate that different people have different approaches to life; don't assume that everyone thinks the way you do, has the same sense of humour, or shares the same view of the world;
- Take account of others' views, listen to their ideas, respond constructively, even when you cannot agree;
- Ensure that the way that you communicate with people, on all occasions, is appropriate. You should not need to raise your voice;
- Even if you do not like or agree with other people, act professionally in all your dealings with them.

2. By promoting and reinforcing the above behaviour, we can meet both the individual's and the organisation's needs.

3. Unfortunately, there can be occasions when - either consciously or unconsciously - staff do not treat others respectfully. This can have an adverse impact on everyone concerned. When this happens, everyone needs to know what to do. This notice provides some background on this.

How will I know if I am bullying or harassing someone?

Bullying

4. Bullying is behaviour that leaves a person feeling that they have not been treated with respect and that they have been devalued, belittled or threatened. Bullying is often associated with people trying to impose their point of view, reinforce their own position or establish superiority over another person. Bullying is not necessarily the preserve of those in positions of authority, although it may often be directed at people seen as weaker or lower in a hierarchy. Bullying is rarely a one-off incident – it is often easier to recognise bullying by considering patterns of behaviour, repeated reports of recurring incidents or incidents reported by several people, perhaps over a lengthy period of time.

5. Bullying is **not** simply being asked to do something you don't like or agree with. It is **not** being asked to change your priorities or meet someone else's requirements. We all have to accept such things at work. It is the way these day-to-day working requirements are dealt with that distinguishes acceptable behaviour from bullying.

6. Sometimes things happen at work which you don't like – for instance, changes that affect your work. If one person informed you of the change, you may feel they are bullying you by passing on news, or that the person who decided on the change is targeting you. If you're on the receiving end of the change, it can be difficult to step back and be objective, and you may feel that you are being bullied.

7. If you feel like this, talk to someone about it. Maybe start with the contacts listed in the Annex under the informal procedure. Using their experience, they can consider objectively whether you are being bullied or whether the events are reasonable, even if you don't like them. Either way, you may find it a lot easier to deal with your problem by having talked it over with someone else. This is often the best way to resolve most issues – sometimes people genuinely don't realise the effects of their words or actions on you. Discussing it informally with them can often resolve the problem with no negative effect on the working relationship between you.

8. The box below contains some examples of behaviours associated with bullying and the positive behaviour which is a better basis for working relationships. This is not an exhaustive list.

Negative Behaviour	Positive Behaviour
Asking someone to carry out an instruction in a belittling way	Explain the basis for an instruction
Continually setting unreasonable deadlines without discussing the difficulties of meeting them or setting unattainable targets	Explaining the reason for a deadline or target and discussing it; trying to agree a reasonable basis for proceeding
Shouting or swearing at someone when	Discussing privately what went

something goes wrong or humiliating someone in front of others	wrong and how to prevent it from happening again
Excessively supervising/ monitoring someone when the circumstances don't justify it. Eroding someone's job by removing responsibilities or autonomy	Assuming people can do the work required, unless there are legitimate reasons for doubting this, requiring greater monitoring
Cold-shouldering someone to exclude them from an activity, meeting or communications or withholding information or resources required to do the job	Inviting comments and participation from all those you think may have an interest, even if you cannot act upon everything
Unnecessarily bombarding someone with emails, copying e-mails about personal matters to unnecessary recipients or being brusque or offensive in emails	Using email sensibly and communicating email requests reasonably
Not giving individuals appropriate credit for their contribution to eg papers, reports or other literature	Discussing and publicising contributions with all those involved
Publicly casting aspersions on a person's personal or professional standing, through jokes, innuendo or malicious gossip	Praising people for their positive contributions or talking to them privately about any issues of concern
Making physical or verbal threats, which may include the use of intimidating body language or swearing, to block a person's career development or to threaten a person with redundancy if research papers are not produced/income is not generated at the levels desired	Communicating with people privately, in a professional manner, as soon as a problem occurs. Being openly committed to NERC's appraisal and career development philosophies

9. Do not fall into the trap of thinking it is only managers who bully junior colleagues: staff in lower bands can bully (for example by "passively resisting" or deliberately misunderstanding instructions and missing deadlines which affect a manager who is vulnerable to other pressures), and there can also be bullying towards staff on the same band.

Harassment

10. There can be a number of grounds on which harassment may occur:

Sexual harassment is behaviour of a sexual nature which is unwanted and offensive to the recipient.

Racial harassment is conduct based on race, colour, nationality or ethnic origin which is offensive to the recipient. It includes hostile or offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act.

Harassment on the grounds of disability can undermine the dignity, self-confidence and career opportunities of people with disabilities.

Harassment on the grounds of sexual orientation may be aimed at heterosexuals but is more usually aimed at lesbians, gay men, transsexuals or bisexuals. They may find it difficult to complain because they fear disclosure.

Harassment on the grounds of religion/religious beliefs may have more than one strand. It can be aimed at people who are followers of particular conventional religious faiths (eg Christianity, Hinduism) or could be aimed at people who follow less common religious beliefs (eg Druidism or Jediism). However, it can also be aimed at people who do **not** subscribe to any religious belief simply **because** they do not subscribe to any religious belief.

Harassment for an unspecified reason can occur as part of bullying and is often prompted by feelings of dislike for a person, or by a wish to undermine the person's position.

Why is this issue important?

11. There are sound reasons for dealing with bullying and harassment. These include:

- It damages a person's morale, and the morale of staff in general if is left unchecked.
- It can stop people performing well, and can cause people to take time off work with stress-related sickness, which has financial implications for the organisation;
- It is against the law. In certain circumstances, harassment can be a criminal matter and can be investigated by the police;

12. NERC's procedures for dealing with bullying and harassment are in Annex A. If you feel that you are being bullied or harassed, you should follow these procedures rather than the NERC Grievance Procedures.

Bullying/harassment and the public

13. You must treat the public with respect while on official duty or at any work-related event. If a member of the public makes a complaint of bullying or harassment against you, you must tell your local Personnel Section, who will investigate the complaint. Similarly, if someone outside NERC bullies or harasses you during the course of your work, you should tell your manager and seek advice from your local Personnel Section.

Victimisation

14. In the context of this policy, victimisation is giving unfair treatment to a person who has complained of or challenged the bullying or harassment of others. It is also the unfair treatment of anyone, including witnesses, for helping an investigation or for supporting another person. NERC does not tolerate victimisation and will take disciplinary action against it.

Replaced Notices

15. This Notice, which has been fully discussed with the Trade Unions and agreed by them, replaces the following Notices, which are now withdrawn:

SN 17/89: Sexual Harassment

SN 7/99: Harassment – an informal procedure

SMPN 82: Guidance on Prevention of Bullying at Work

Review and Monitoring

16. The Personnel Corporate Strategy Group will review the use and effectiveness of this policy each year with the Trade Unions.

17. New staff will be informed of this notice as part of the induction process and the Joint Training Service will be integrating the principles of this policy in all of their management and personal development courses.

NERC Corporate Personnel

June 2003

ANNEX A

Procedure for informal action for dealing with bullying and harassment

What can you do?

1. Explaining clearly to the perpetrator how they are upsetting someone and telling them to stop is a proven and effective way of dealing with issues informally. However, it can be difficult to confront someone who makes you feel uncomfortable or intimidated. We have a range of experienced people in NERC who can give you confidential help and support.

The Welfare Service

2. Your local Welfare Officer or, if you prefer, the NERC Welfare Adviser will advise you. Welfare officers are trained in counselling skills; they treat all cases in confidence and management will not be informed of your complaint without your consent.

Personnel

3. Your local Personnel Officer will take your complaint seriously and, if you wish, try to help you resolve it informally. Alternatively, you may contact NERC's Equal Opportunities advisors in Corporate Personnel, Swindon.

Trade Unions

4. Trade Unions are trying to stop bullying and harassment in the workplace. Your local Trade Union representative or, if you prefer, the NERC Trade Union Secretary or Chair, will offer help and guidance.

What kind of support can you expect?

5. All the contacts listed above understand that bullying and harassment are important issues. They will treat anything you tell them as confidential. They will listen, and discuss ways of handling the situation with you. They will then support you in whatever action you decide to take.

What can be done?

6. Talking the problem through with your contact will help you to decide if action is necessary. You may decide that you want to do nothing or you may want to take some action but in a low key manner.

7. With support, you could do this yourself, either verbally (perhaps with your contact present) or in writing. Your contact will help you clarify what you want to say and how best to express it. If you don't want to do this, you can ask someone to act on your behalf. Your contact will help you decide who is the

most appropriate person to do this. You/your contact should make sure that a record is kept of any conversation or a copy of any letter that is sent.

8. Where possible, NERC encourages issues to be resolved informally.

However, your contact may feel that the problem warrants formal action (perhaps because it is also affecting other people or is damaging your health). Your contact will help you choose the best way to deal with the issues.

Procedures for formal action

9. Formal action takes place when informal procedures have failed to resolve a bullying or harassment problem or when the allegations are particularly serious. The procedures for formal action are outlined below.

10. First, start keeping a written record of incidents which upset you. It doesn't matter if these seem trivial; they are important if they have an adverse impact on you. Your record will establish the pattern of behaviour and can support a complaint. In addition, note the names of potential witnesses and any informal action that has been taken so far.

11. If you wish to raise a formal complaint of bullying or harassment, first go to the Head of Administration at your Research or Collaborative Centre. You can take along any NERC contacts you used during your informal process to this meeting. The Head of Administration needs to understand from you what the issues are, what steps you have already taken to resolve them and to outline the procedure that will be followed. If you feel that you cannot approach the Head of Administration at your Research or Collaborative Centre, you can talk to the NERC Head of Personnel instead and explain why you feel you cannot approach your Head of Administration.

12. If you agree that you want to proceed with a formal complaint, the Head of Administration/NERC Head of Personnel will consider the best way forward. If an investigation is thought to be appropriate, this will be carried out within two weeks of the complaint being made (unless circumstances make this impossible). Every effort will be made to ensure the investigation does not cause unnecessary distress to those involved. In making or responding to a complaint, you are free to seek advice and assistance from a Trade Union representative, local Welfare Officer or the NERC Welfare Adviser, or other colleagues.

13. An investigation aims to establish the facts of the matter and to assist the Head of Administration/NERC Head of Personnel in deciding what recommendations to make to resolve the situation. In carrying out the investigation, the investigating officer (normally a Personnel representative, but not one who was involved in the informal procedure) will:

- be objective and assume that the complaint has been made in good faith;
- be aware that making a complaint or questioning witnesses or alleged offenders may be a distressing experience for those concerned;
- tell the complainant that the nature of the complaint will have to be explained to the alleged offender;
- give the person(s) complained against an early opportunity to respond;
- report their findings to the Head of Administration/ NERC Head of Personnel within two weeks of completing the investigation;
- ensure, throughout, that the complaint is dealt with discreetly and sensitively.

14. If you are involved with a formal complaint in any capacity, including as a witness, NERC expects you to maintain confidentiality and co-operate with management during any investigation.

15. In cases where bullying or harassment are found to have occurred, disciplinary action will be taken. The form of this action will depend upon the nature and circumstances of the situation. The main intention of any action is to correct the injustice and the circumstances leading to the complaint and to prevent similar incidents from happening in the future. Such action might include any of the following:

- provision of counselling, training or on-going support for both the bully and the person bullied;
- appropriate redress for the person bullied or harassed, eg amending a discriminatory report, or arranging an apology;
- transfer to a different work area;
- formal warning as to future conduct or recommendation for dismissal in serious cases.

16. The complainant will be told in confidence the outcome of the case and, where appropriate, the action taken.

17. Under this procedure, every effort will be made to complete a formal investigation and inform all parties of the outcome within four weeks of the complaint being made.

18. Disciplinary action will be taken against the complainant if an investigation finds that a complaint was malicious.

Appeals

19. You may appeal against the outcome of any formal investigation into alleged incidents of bullying or harassment, whether you are the complainant or the person complained against. Appeals should be addressed to the Director of People, Skills and Communication in NERC within ten days of the outcome of the investigation being known and should include details of steps taken to resolve the issue and why you feel that the outcome is unfair or inappropriate. Director, People, Skills and Communication will respond within 15 days.