

Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy

Cheshire Community Foundation is committed to providing a work environment free from discrimination, harassment, bullying and victimisation. All employees should be treated and treat others with dignity and respect so that people can work in an environment free from intimidating, hostile, degrading, humiliating or offensive treatment, regardless of their sex, marital status, sexual orientation, disability, age, race, colour, nationality, national or ethnic origins, religion or belief. Similarly, no employees shall be the subject of victimisation, that is, less favourable treatment as a result of raising, or giving evidence in connection with a complaint, either in relation to themselves or a colleague.

The Foundation has a duty to protect employees from this form of behavior whilst at work or in circumstances where they are in attendance because of their work, including off-site training, travel on office business and Foundation social events. Therefore, all allegations of this nature will be taken seriously, and handled sensitively. Similarly, employees making false allegations will be dealt with through the Disciplinary Policy.

Workplace bullying and harassment should not be confused with managing workplace performance that might include critical comments indicating performance deficiencies. Giving feedback on performance must always be carried out in a constructive manner that is not humiliating or threatening.

Discrimination

The contribution of all individuals should be valued and respected. Basing judgements on characteristics or status unrelated to the individual's ability to perform a role can amount to discrimination: discrimination is unacceptable to the Foundation and is potentially unlawful. The Foundation is committed to providing equal opportunities in employment and aims to ensure that it will not unlawfully discriminate against job applicants or employees on the grounds of their sex, marital status, sexual orientation, disability, age, race, colour, nationality, national or ethnic origins, religion or belief.

Examples of discrimination include:

- Direct discrimination, where a person is less favourably treated because of sex, marital status, sexual orientation, disability, race, colour, nationality or national ethnic origins, religion or belief or age, for example, selection criteria, policies, benefits or employment rules:

Examples:

- A woman with young children fails to obtain a job because it is feared that she might be an unreliable member of staff; or
- A Sikh applicant for a senior post is not appointed because he might not 'fit in' with the existing (all white) team.
- Indirect discrimination, where a provision, criterion or practice which cannot be justified is applied equally to all groups but has a disproportionately adverse effect on one particular group.

Example:

- A requirement for GCSE English as a selection criterion. This would have a disparately adverse impact on people educated overseas and may not be justified if all that is needed is to demonstrate a reasonable level of literacy.
- Victimisation, where a person is treated less favourably because they have, in good faith, taken action in relation to the discrimination legislation, for example brought proceedings or given evidence or information in a case under the legislation or alleged (expressly or otherwise) that anyone has committed an act which could constitute a breach of the legislation.

Harassment

Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other employees not themselves the object of unwanted behaviour who are witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct. Harassment is a disciplinary offence and it will normally be treated as gross misconduct.

Harassment can be:

- Unwanted conduct (whether verbal or not) which is of a sexual or racial nature, or other conduct based on someone's race, gender, marital status, disability, sexual orientation, religious or other philosophical belief or age which affects the dignity of men or women at work.
- Displaying intimidating behaviour towards colleagues.
- Unfavourable conduct at work, whether verbal or non-verbal, towards someone based on his/her race or gender or marital status or disability or sexual orientation or religious or other philosophical belief or age which could affect his/her dignity at work.
- A single incident can amount to harassment if sufficiently grave.

Examples of harassment include:

- Insensitive jokes and pranks;
- Lewd comments about appearance;
- Unnecessary body contact;
- Displays of sexually offensive material, e.g. Pin-ups;
- Repeated instances of minor harassment acts;
- Requests for sexual favours;
- Speculation about a person's private life and or sexual activities;
- Threatened or actual violence;
- Threat of dismissal, loss of promotion, etc. for refusal of sexual favours;

- Jokes about a person being either too old or too young to do a job properly;
- Age related jokes.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include:

- Spreading malicious rumours, or insulting someone by words and behaviour (including on the grounds of sex, marital status, sexual orientation, disability, age, race, colour, nationality or ethnic origins, religion or belief);
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Copying correspondence that is critical about someone to others who do not need to know;
- Exclusion or victimisation;
- Unfair treatment;
- Overbearing supervision or other misuse of power or position;
- Unwelcome sexual advances including touching, standing too close, displaying offensive materials;
- Making threats or comments about job security without foundation;
- Deliberately undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally and without good reason blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written, e-mail and phone communications.

Bullying and harassment make some people feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Victimisation

The Foundation will not tolerate victimisation against employees because they have made, or intend to make, a complaint or allegation, or have given, or intend to give, assistance and/or evidence in an investigation. The Foundation will also not tolerate victimisation or discrimination against employees who have left, for example, by refusing to give a reference because the person has made a genuine complaint.

Taking Action

We believe each employee is responsible for his/her own behaviour and for maintaining an environment in which discrimination, harassment, bullying and victimisation are regarded as unacceptable. In addition, we all have a responsibility not to indirectly support unfair behaviour by ignoring what is happening around us.

What to do: informally

If you believe that you have suffered any form of discrimination, harassment, bullying or victimisation, we encourage you to speak to the person concerned and seek to resolve the matter. Approach them and explain that you find their behaviour unacceptable. Ask them to recognise the effect of their actions and stop acting in that way. You can approach the person with the support of a colleague, your line manager or the Chief Executive. However, please recognise that at the informal stage their role can only be one of support or assistance. Ask your line manager or Chief Executive to talk to the person on your behalf, if it is too difficult or too embarrassing to do this yourself.

If your harasser is acting anonymously then speak to your line manager as soon as possible in order that appropriate safeguards can be put in place.

What to do: formally

If you believe the behaviour is serious, if you prefer a formal approach, or if the behaviour continues after the informal procedures have been used, we encourage you to use the formal procedure.

Make your complaint in writing as soon as possible to the Chief Executive, clearly setting out your areas of concern and giving details of any alleged incidents. You will then be invited to a meeting to explain your allegations so that they can be fully understood and the details investigated. After this meeting, a series of interviews will be conducted with the alleged harasser and anyone else who can assist with the investigation. The facts will then be considered and the appropriate course of action developed. You will then be notified in writing of the outcome.

In the event that you are unhappy with the outcome reached or the behaviour continues, you have the right to appeal. You should write to the Chief Executive within five working days of the dated letter stating the reasons why you disagree with the decision taken and giving any additional information you wish to be considered.

You have the right to be accompanied at all of the above meetings by a colleague.

While investigations are ongoing, you should avoid contact with the alleged harasser where possible. If appropriate, you will be offered counselling and on-going support to ensure no further harassment takes place.