



Anti-Harassment Policy

Purpose

This policy is designed to promote a working environment at Impetus that is free from all forms of bullying and harassment.

Scope

This policy governs the behaviour of members, staff, volunteers, trustees, and steering group members when acting within or on behalf of Impetus. This policy also applies to service users in dealings with Impetus.

Context / Background

Harassment may be a criminal offence or cause for civil remedy under various laws¹ and may also amount to unlawful discrimination². There is also an offence of intimidation or annoyance³. A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure⁴. The reporting of harassment could be a protected disclosure. An employer may be liable for harassment by a third party⁵, or vicariously liable for harassment committed by an employee in the course of his employment⁶.

Policy

Impetus strives to provide an environment where employees and volunteers can work free from harassment. Impetus will take immediate and appropriate action to investigate any complaints of harassment. Impetus encourages all who have evidence of harassment involving Impetus to report this to an appropriate senior staff member or trustee.

The key to distinguishing what does and does not constitute harassment is that harassment is behaviour which is unwanted by the person towards whom it is directed. There are many kinds of harassment, including the following examples.

Sexual Harassment:

- Unnecessary physical contact
- Jokes of sexual nature
- Sexual innuendo
- Inappropriate use of affectionate names
- Persistent unwanted invitations
- The display of suggestive material
- The threat of dismissal or loss of promotion etc. as a result of refusal of sexual favours
- Aggressive or insulting behaviour related to gender or sexual orientation.

Racial Harassment:

- Insulting threatening or demeaning behaviour with racist intent
- Ridicule of a person because of their race or religion
- Racist names
- Racist jokes

Grievances

Any staff member or volunteer who feels he/she has been a victim of harassment or bullying should raise the issue through Impetus' established Grievance Procedure.

Any job applicant or service user who feels he/she has been a victim of harassment or bullying should raise the issue through Impetus' established Complaints Procedure. Impetus will not treat lightly or ignore grievances on the assumption that the complainant is over-sensitive about discrimination.

Disciplinary Procedure

Any member of staff found to be in breach of this policy will be subject to disciplinary action. All incidents of harassment by staff are disciplinary offences and will be dealt with under the Disciplinary Procedure.

Any volunteer, including trustees or members of any steering group, found to be in breach of this policy will be counselled on his/her actions and may, where necessary, be removed from Impetus' volunteer register.

Any service user found in breach of this policy will, where appropriate, be counselled on his/her actions and may, where necessary, be referred back to his/her organisation or refused future services from Impetus.

Related Documents

- Grievance Procedure
- Complaints Procedure
- Disciplinary Procedure

Date Approved: 31st January 2012

Review Date: February 2014

Footnotes

¹ Protection from Harassment Act 1997 as added to by Criminal Justice and Police Act 2001 and amended by Serious and Organised Crime Act 2005.
Equality Act 2010.

Public Order Act 1986.

Criminal Justice and Public Order Act 1994.

² Equality Act 2010.

³ Section 241 of Trade Union and Labour Relations (Consolidation) Act 1992.

⁴ Section 2 of Public Interest Disclosure Act 1998.

⁵ Section 40 of Equality Act 2010 and *Gravell v London Borough of Bexley* [2007] EAT/0587/06.

⁶ *Majrowski v Guy's and St. Thomas' NHS Trust* [2006] UKHL 34.