

Anti-Bullying, Harassment and Racism Policy

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1. ABOUT THIS POLICY

- 1.1 Birds Eye View is committed to providing an environment free from bullying, harassment, racism or any other forms of discrimination. Birds Eye View strives to ensure that everyone is treated, and treats others, with dignity and respect.

We have a duty of care to protect you and will make it our priority to support you if you experience problems with bullying or harassment or racism. If you have a problem with bullying or harassment or racism we encourage you to use the support available to try to resolve it as early as possible. We will investigate any complaint that you bring to our attention in a fair, independent and confidential way and, after considering all the facts, we will take prompt and appropriate action. Informal resolution is also a route available to you to deal with bullying or harassment or racism and will usually be offered as the first option in all cases.

- 1.2 This policy covers harassment or bullying or racism which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions, as well as via telephone, email, text messages and online.
- 1.3 This policy applies to all employees (full-time and part-time), workers, consultants, contractors, trustees and volunteers, and also third parties such as audience members, partners, guests, speakers, and workshop participants.
- 1.4 This policy does not form part of any employee's contract of employment. We reserve the right to amend this policy at any time.

2. POLICY STATEMENT

- 2.1 Birds Eye View is committed to maintaining a non-discriminatory working environment which is free from harassment on the grounds of age; disability; sex; gender reassignment; sexual orientation; marital or civil partnership status; pregnancy, maternity, or paternity; race; religion or belief; (known as protected characteristics under the Equality Act 2010) or socio-economic background.
- 2.2 You must at all times treat everyone with respect. Harassment, bullying, and racism are not acceptable and against our ethos and policies. All those working with us are expected to comply fully with the terms of this anti-bullying, harassment and racism policy.
- 2.3 Breaches of this policy will be thoroughly and promptly investigated whilst maintaining confidentiality insofar as it is possible. Where allegations are substantiated, appropriate disciplinary action will be taken against anyone responsible where permitted.

3. DEFINITIONS

- 3.1 **Harassment** is defined as unwanted conduct which is related to a protected characteristic of the Equality Act 2010 (age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation), which has the purpose or effect of violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

Actions or comments which you may consider to be harmless may not be appreciated by the recipient in the same light. The recipient might view such behaviour as demeaning and unacceptable. Harassment can be persistent and repeated, continuing after the person subjected

to it makes it clear that they want it to stop. However, if sufficiently serious a single incident can also constitute harassment.

Harassment may take many different forms. It may be physical, verbal or some other form of communication including telephone calls or email, jokes or gestures. Unlawful harassment may also involve conduct of a sexual nature.

It is important to note that not all harassment is sexual but keep in mind that, with sexual harassment:

- A hug, kiss on the cheek, or casual touch is not necessarily sexual harassment. The key is whether the behaviour was unwanted or offensive
- It does not matter if a person has sexual feelings towards the recipient, only that the behaviour is of a sexual nature and that it was unwanted and/or offensive
- Sexual harassment is gender neutral and orientation neutral. It can be perpetrated by any gender against any gender.

3.2 **Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

This includes ignoring or excluding someone, giving an individual unachievable tasks, spreading malicious rumours or gossip, humiliating somebody or making belittling remarks.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to staff in the course of their employment, will not amount to bullying on their own.

Bullying and harassment can be:

- Intentional or unintentional, targeted at an individual or a group
- Not specifically targeted but have an overall impact that creates a negative work environment
- Repeated behaviour over a period of time, or one isolated incident
- Between workers and/or managers at the same or different levels in the organisation
- In the same or different departments or areas of work within or outside of the organisation
- Between employees, workers and external contractors and/or clients within or outside of the organisation
- Mobbing – when more than one person is involved
- Neglect or marginalisation
- During daily work activities, at work-organised events held on-site or off-site, inside and outside of working hours
- Face-to-face, over the telephone, by email, text messages and online, e.g. social media platforms.

3.3 **Racism** is a form of discrimination based on an individual's race. It is one of the nine protected characteristics covered by the Equality Act 2010.

The Equality Act 2010 defines race as your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may have Chinese national origins and be living in Britain with a British passport.

Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

A racial group can be made up of two or more distinct racial groups, for example black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.

You may be discriminated against because of one or more aspects of your race, for example people born in Britain to Jamaican parents could be discriminated against because they are British citizens, or because of their Jamaican national origins.

There are four main types of race discrimination.

DIRECT DISCRIMINATION

This happens when someone treats you worse than another person in a similar situation because of your race.

INDIRECT DISCRIMINATION

This happens when an organisation has a particular policy or way of working that puts people of your racial group at a disadvantage.

HARASSMENT ON THE GROUNDS OF RACE

Harassment occurs when someone makes you feel humiliated, offended or degraded.

For example, a young British Asian man at work keeps being called a racist name by colleagues. His colleagues say it is just banter, but the employee is insulted and offended by it.

VICTIMISATION

This is when a person is treated badly because they have made or supported a complaint or raised a grievance or because they are suspected of doing so.

For example:

- the young man in the example above wants to make a formal complaint about his treatment. His manager threatens to sack him unless he drops the complaint.

There are some circumstances when being treated differently due to race is lawful.

A difference in treatment may be lawful in employment situations if:

- belonging to a particular race is essential for the job. This is called an occupational requirement.

For example, an organisation wants to recruit a support worker for a domestic violence advice service for South Asian women. The organisation can say that it only wants to employ someone with South Asian origins

- an organisation is taking positive action to encourage or develop people in a racial group that is under-represented or disadvantaged in a role or activity. Positive action is a range of measures allowed under the Equality Act 2010 which can be lawfully taken to encourage and train people from under-represented groups to help them overcome disadvantages in competing with other applicants.

For example, a broadcaster gets hardly any applicants for its graduate recruitment programme from Black Caribbean candidates. It sets up a work experience and mentoring programme for Black Caribbean students to encourage them into the industry.

It is important to note that these types of discrimination can be applied to all of the characteristics protected by the Equality Act 2010.

3.4 Examples of behaviour that is unacceptable include:

3.4.1 Insults, offensive, derogatory or patronising comments, name calling, mimicry, ridicule, gestures, pranks or “jokes” made on discriminatory grounds.

- 3.4.2 Unwelcome sexual attention or physical contact
- 3.4.3 Threat of dismissal or loss of promotion on discriminatory grounds
- 3.4.4 Requests for sexual favours
- 3.4.5 Lewd, suggestive or over familiar behaviour, comments or innuendos
- 3.4.6 Display or circulation of material which is offensive on discriminatory grounds (this may include pictures, memes, gifs, magazines, leaflets)
- 3.4.7 Threats or actual violence
- 3.4.8 Verbal abuse
- 3.4.9 Exclusion from conversations, activities or social events.
- 3.4.10 Provocative behaviour e.g. wearing of discriminatory slogans or attire.

3.5 Anyone who is found to have breached this policy may be subject to disciplinary action under our disciplinary procedures where permitted. Such behaviour may be treated as gross misconduct and could lead to summary dismissal.

3.6 Line managers who are aware of potential breaches of this policy but have taken no action to respond to it may also be subject to disciplinary action.

4. REPORTING COMPLAINTS

4.1 All allegations of discrimination, bullying, harassment, defamation or victimisation will be dealt with seriously, confidentially and speedily. We will not ignore or treat these grievances or complaints lightly.

INFORMAL PROCESS

4.2 While we encourage staff who believe they are being harassed or bullied to raise the problem informally with the person responsible, we recognise that actual or perceived power and status may make this too difficult or embarrassing. If appropriate, you can speak to your line manager who can provide confidential advice and assistance in resolving the issue informally.

To address a complaint informally, you should speak to anyone involved in the situation about how their behaviour is affecting you. It can be helpful to describe particular instances of this behaviour, including times, places, events or conversations in order to clearly illustrate your point. You should use the opportunity to ask the person to change or stop their behaviour

FORMAL PROCESS

4.3 If informal steps are not appropriate, or have not been successful, you should follow the following steps:

- 4.3.1 Report the incident in writing to the Director. If the incident involves that person or is of the most serious nature, then you may report the incident in writing directly to the Trustees who will nominate an appropriate person to manage the formal procedure. All such reports should be made promptly so that investigation may proceed, and any action taken quickly.
- 4.3.2 The allegation will be promptly investigated by someone with appropriate experience and (where possible) with no prior involvement in the complaint. As part of the investigatory process, you will be interviewed and asked to provide a witness statement detailing your complaint.

Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. In order to effectively investigate an allegation, Birds Eye View must determine the scope of the investigation and the individuals who should be informed of or interviewed about the complaint. We will

consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

4.3.3 Once the investigation has been completed, you will be informed of the outcome and of Birds Eye View's conclusions. If we consider you have been harassed or bullied by a member of staff the matter will be dealt with under the relevant disciplinary procedures as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a supplier or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

4.3.4 If you are not satisfied with the outcome you may appeal in writing to the Trustees, within one week of receiving the outcome. The Trustees will appoint someone who has not previously been involved in the complaint to hold an appeal meeting with you and impartially reconsider the complaint. Their final decision will be notified to you in writing, usually within one week of the appeal meeting. This is the end of the procedure and there is no further appeal.

4.3.5 What to do if you witness bullying or harassment or racism.

At Birds Eye View, we all share responsibility for ensuring a safe working environment for ourselves and others. You may not have experienced bullying or harassment directly but have witnessed someone else being bullied or harassed. If this has occurred, you should raise your concerns in order to protect the safety and wellbeing of the other person.

We understand you may feel worried about getting involved in a situation that does not directly affect you. We will support you in raising your concerns in an informal or formal way, so the bullying or harassment can stop. We will not victimise, unfairly treat or discipline you for raising a genuine concern.

If you decide to raise a formal complaint, we ask you to send this in writing to the Director, or if the complaint is about them, to a Trustee as soon as possible after the time of the incident. A formal complaint will be investigated in accordance with the process outlined above.

4.4 Birds Eye View is committed to taking appropriate action with respect to all complaints of discrimination, harassment or bullying which are upheld. You will not be victimised for raising a complaint, even if it is not upheld. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our disciplinary procedures.

4.5 However, if your complaint is found to be both untrue and made in bad faith it will also be dealt with under our disciplinary procedures.

4.6 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.