



Anti-Bullying, Harassment and Victimisation Policy

POLICY STATEMENT

Zenith Nurseries is committed to creating an equal, inclusive and diverse organization that provides a high quality and safe service to all members of the community.

Bullying

1.1.1 Bullying is behaviour that is:

- a) Threatening, aggressive or intimidating
 - b) Abusive, insulting or offensive
 - c) Cruel or vindictive, or
 - d) Humiliating, degrading or demeaning
- Bullying can occur between two or more adults or young people, or between an adult and a young person(s).
 - Bullying can affect the victims' confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, deliberately hurtful and targeted at a particular individual. Bullying can leave victims feeling lonely, isolated and very unhappy.
 - Bullying can be an abuse of power, position or knowledge, and may be perpetrated by the victim's manager or team leader, their peers (e.g. other co-workers or young people), or by subordinates. Often (but not always) the bully is aware of the impact of their actions on the victim and gains a sense of self-gratification.
 - Bullying can have an effect on everyone, not just those directly involved. Some feel they can only stand on the side-lines and do nothing because they believe if they intervene they run the risk of being bullied themselves. Many people who are bullied will not tell anyone, for fear of making their situation worse, belief that nothing can or will be done, or a number of other reasons.
 - Bullying can take many forms. It can be physical, verbal, or non-verbal. Bullying can also occur through cyber-bullying, e.g. via mobile phones, the internet or instant messaging.

Harassment

- Harassment can be physical, verbal or non-verbal. Harassment often involves conduct which is also bullying. However, such conduct becomes harassment when it relates to a protected characteristic (see below).
- Employment law concerning harassment only applies to employees (rather than volunteers and members). It is important that employees are aware of when such laws apply, as the outcome of allegations of harassment may be different for them (verses volunteers and members – e.g. – allegations may result in a tribunal. Therefore, when employment law applies, employees have been specifically highlighted and underlined in this section.
- This does not mean that this section only applies to employees. All people whether employees, volunteers or members have the right to participate in Zenith Nurseries activities free from harassment of any kind.

Harassment against employees as a form of unlawful discrimination.

Harassment directed at **employees** will amount to **unlawful discrimination** if it relates to a 'relevant protected characteristic' under the Equality Act 2010.



Protected characteristics:

1. Sex
2. Gender reassignment
3. Race, which includes skin colour, nationality, ethnic or national origins
4. Religion or belief
5. Sexual orientation
6. Disability
7. Age
8. Pregnancy/ maternity
9. Marital status, including civil partnership.

See the **Inclusion and Non-Discrimination Policy** for further information.

- The right not to be harassed at work extends to all employees, including agency temps, casual staff and contractors.
- Types of behaviour that may amount to unlawful harassment: under discrimination law, behaviour will potentially amount to harassment if it is unwanted conduct and has the purpose or effect of:
 - a) Violating a person's dignity, or
 - b) Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- The term "unwanted" makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to them personally. People are different, and what one person finds funny, another may find offensive or degrading.
- In judging whether or not particular conduct may amount to harassment, it is important to bear in mind that the motive of the 'harasser' is irrelevant. The phrase "purpose or effect" makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It may not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it. Managers should, therefore, not assume that an individual who objects to certain behaviour is overreacting or that the complaint is trivial.
- The phrase "creating an intimidating, hostile, degrading, humiliating or offensive environment" means that behaviour can amount to harassment even if it is not targeted at an individual. It may be enough that the behaviour creates an atmosphere at work that causes offence to a particular employee or makes them feel uncomfortable. For example, the circulation of sexually explicit material around an office, even though it might not be targeted at a particular employee, could constitute sexual harassment against any woman or man who found it distasteful.
- General banter linked to a protected characteristic is the most common form of harassment in employment. Managers should make sure that they properly brief all their staff as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour will be unacceptable.
- The basic rule should be that any jokes, remarks or banter that might cause offence to another employee on any grounds will not be permitted. Employees should be encouraged to realise that their colleagues will have differing views, feelings and levels of sensitivity about certain matters.



Victimisation

- Victimisation is when a person is treated in some way detrimentally because s/he has, or is going to, or is believed to have or be going to:
 - e) make a complaint (i.e. of discrimination and/or harassment)
 - f) given evidence or information in connection with a complaint
 - g) done anything for the purposes of or in connection with a complaint
 - h) made any allegations that another person has discriminated and/or harassed
 - i) raise a concern using the Whistleblowing policy ("Freedom to Speak-up") or
 - j) be open and transparent with service users about all aspects of their care and treatment, including when any mistakes or harm or potential harm have taken place.
- **The Zenith Nurseries will take appropriate action to prevent any form of victimisation.** This could include taking disciplinary action or termination of membership against anyone found to have victimised others