



## **PROMOTING A SAFE AND SUPPORTIVE WORKING ENVIRONMENT CHECKLIST FOR PREVENTING AND DEALING WITH HARASSMENT AND BULLYING**

### **1. Review your policy on harassment and bullying**

- Your procedures dealing with harassment and bullying may be within a dignity or respect at work policy, a combined equal opportunities and dignity or respect at work policy or a separate anti-harassment and bullying policy.
- Your policy can apply to all staff, including contractors, consultants and agency workers, as well as to employees, and can also cover conduct by visitors, eg customers, members of visiting companies. You should consider how it applies to these different categories of people.
- As well as having a duty of care to employees, employers can be held legally responsible for instances of harassment which take place in the course of employment, which can be interpreted widely. Having, and following, a clear policy should help to establish that you took all reasonable steps to prevent bullying and harassment taking place.
- It should be clear from your policy what kind of behaviour could amount to harassment or bullying and that this type of behaviour is unacceptable.

#### *What is harassment?*

- For the purposes of discrimination law, harassment is unwanted conduct related to age; disability; race (including colour, nationality, ethnic or national origins); sex; religion or belief; sexual orientation; gender reassignment, or unwanted conduct of a sexual nature (sexual harassment), which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- Treating someone unfavourably because they have rejected or submitted to the unwanted conduct referred to above can also amount to harassment.
- Unwanted conduct can be physical, verbal or non-verbal.
- Creating an offensive environment by, for example, making racist jokes, even if the person offended is not from the ethnic group referred to or the "target".
- Examples include offensive emails, texts or social media content, suggestive comments, unwanted physical conduct such as grabbing someone, offensive comments to a man based on his wife's disability or demeaning comments to someone because they are perceived to be gay.

Serious harassment can amount to a criminal offence even if it is not related to one of the characteristics set out in discrimination law, which are referred to above.

A single incident can amount to harassment.

*What is bullying?*

- Bullying is not defined in the law but it includes offensive, intimidating, malicious or insulting behaviour or a misuse or abuse of power which makes a person feel vulnerable, degraded, humiliated or offended.
- Examples include insulting or patronising comments, exclusion or intimidating levels of supervision.
- Bullying can be physical, verbal or non-verbal conduct.

Giving legitimate feedback on, for example, performance does not of itself constitute bullying.

- It should be clear what an individual should do if they consider they are being harassed or bullied, whether it is at their normal place of work or in other work-related settings, eg at work events, out on tour; what additional support (if any) is available; and that they will not be treated unfavourably because they have raised this issue.
- The formal process for making and dealing with a complaint which cannot be resolved informally should be clear, eg your grievance procedure for employees and/or a separate anti-harassment and bullying procedure for all staff.
- It should be clear what the potential consequences of unacceptable behaviour are, eg action under the disciplinary procedure for employees, which could include dismissal.
- If you also set out who an individual should speak to if they witness someone being bullied or harassed this should help staff understand that they have a responsibility to report such incidents and empower them to do so.
- If the policy reassures staff that complaints will be dealt with fairly, confidentially and sensitively individuals may be more likely to come forward if there is an issue.
- It is crucial to fully and promptly investigate the complaint as part of any process and to keep records of information gathered during the process.
- Consider whether your procedure works in practice for your organisation and regularly review your policy.

## **2. Communicate your policy to staff**

- A policy can only assist if staff are made aware of it, so it should be well communicated to your staff and easily accessible. If you are revising your existing procedures, think about communicating this by using posters around the workplace, as well as by email, intranet and through staff meetings. You may also consider putting the policy on your noticeboard
- If training is provided, this will both aid understanding and further demonstrate that you are genuinely seeking to prevent harassment and bullying.

### **3. Ensure managers understand how to handle issues raised**

- Ensure managers have read your policy and been made aware of the importance of taking complaints seriously, the need to be sensitive to the emotional nature of the issue and the need to follow the procedures in an objective manner.
- As above, there are advantages to providing training on procedures, particularly for those who have specific roles to play.

### **4. Keep matters confidential**

- These types of issues can be difficult to raise, due to the nature of the behaviour concerned, fear of not being believed and the potential consequences of disclosure for an individual's career. A complaint of harassment or bullying can also affect the reputation of the person who the complaint is against, regardless of whether the complaint is upheld. Additionally, a complaint of harassment can affect the reputation of an organisation. It is, therefore, crucial that information in relation to such a complaint is kept confidential and only disclosed to those who need to know for the purposes of dealing with the matter.

### **5. Consider a strategy for managing communications**

- Consider how you would manage communications with other staff, without breaching confidentiality, both during the process and following its conclusion.
- Consider how you would manage external communications if an issue became public.

[More support](#) is available to help you to develop policies and procedures to address harassment and bullying.

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