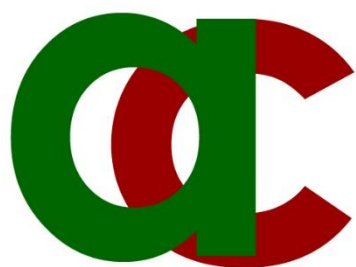


2021

# Anti-Bullying policy



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Version: 1.1



# Anti-Bullying, Harassment, Victimisation & Discrimination Policy

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## 1. Introduction

**Angling Cymru (AC)** does not, under any circumstances, tolerate any form of bullying, harassment, victimisation, or discrimination, by or against any of its employees

It is not our intention to discourage normal social interactions amongst staff or with members of the public. We are simply aiming to create an environment where people are free to be themselves. Where unlawful direct or indirect discrimination, harassment, victimisation or unfair treatment, whether intentional or unintentional does not exist.

It is therefore Angling Cymru`s policy that:

- If **any member of staff** is found to be bullying, harassing, victimising or discriminating against either colleagues or a third party, they will be dealt with under the disciplinary procedure, with their actions normally being treated as gross misconduct which is likely to result in dismissal.
- Should **any third party** be found to be bullying, harassing, victimising or discriminating against, a member of staff or any other third party, AC has the right, where possible, to remove the service or contract from the third party instigating this unacceptable behaviour.
- We will ensure that all our policies, practices and activities are free from any form of discrimination

## 2. Purpose of the policy

The aim of this policy is to aid the eradication of bullying, harassment, victimisation and discrimination. It provides:

- Clear guidance on the standards of behaviour that we expect not only our staff, but partners, customers and suppliers to demonstrate
- Our commitment to engaging in non-discriminatory services or practices
- The procedure for which to raise complaints of bullying, harassment, victimisation or discrimination

Due to the seriousness with which AC views bullying, harassment, victimisation and discrimination, both informal and formal reporting procedures are provided which are separate to the grievance procedure. We believe that these procedures provide an appropriate and effective mechanism for dealing with such issues. However, staff may choose to use the grievance procedure as an alternative.

### 3. Scope

This policy and associated procedures apply to all staff of AC. It covers unacceptable behaviour in **any** situation and is not confined to the workplace, or working hours.

The policy extends to situations that occur outside the working environment and across electronic media, which may affect the working relationship between employees and/or partners, customers and suppliers.

### 4. Context

It is important to note that with bullying, harassment, victimisation and discrimination, it is the **impact of the behaviour or action** rather than the intent of the perpetrator that is the determinant as to whether bullying, harassment, victimisation or discrimination has occurred.

However, the matter of context is equally as important. Within organisations, it is necessary and appropriate for managers to be able to manage their staff, demonstrating strong leadership in terms of their application of appropriate policies and procedures:

- Issuing reasonable instructions and expecting them to be carried out
- Setting and publicising expected standards of performance
- Disciplining staff for misconduct, where appropriate, following a fair and reasonable investigation
- Implementing action in respect of the management of sickness absence in line with the AC policy

It is reasonable to expect a manager to perform these functions fairly, firmly and consistently. Performing these duties does not constitute an act of bullying, harassment, victimisation or discrimination, although some staff may feel stressed or anxious while the procedures are on-going.

It is important to differentiate between firm, fair management and peer to peer challenge and bullying, harassing, victimising and discriminatory behaviours.

**If you are unsure, you should seek advice from Sport Wales Human Resources Department, Cardiff, before making allegations of bullying, harassment, victimisation or discrimination.**

### 5. Definitions of bullying, harassment, victimisation and discrimination

**WORKPLACE 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 an employee or group of employees. Bullying is unlikely to be a single or isolated instance.

#### **Examples include:**

- Personal insults, unjustified criticism or spontaneous outburst of anger

- Using sarcasm or aggression against an individual for a system or service failure
- Excluding, ignoring or whispering about an individual
- Setting unrealistic workloads, targets or deadlines or making detrimental changes to, or removal of, responsibilities, without consultation
- Singling out or treating an individual differently
- Physical conduct ranging from touching to serious assault
- Undermining authority in front of others or inconsistent application of rules and procedures
- Spreading malicious rumours; malicious gossip or slander which may include letters, any electronic communication e.g. email/text messages and social media

Some of the examples outlined may only cause mild irritation if occurring once, but if repeated, this can become bullying.

**HARASSMENT** is defined in the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic<sup>1</sup>, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Staff are able to complain of behaviour that they find offensive even if it is **not directed at them**. In addition, the complainant need not possess the relevant characteristic themselves, they may complain of harassment that is related to a perceived or associated link to a protected characteristic.

Harassment may be an isolated occurrence or repetitive.

- 1. Age-related harassment** occurs if a person is subjected to unwanted conduct because of their particular age, or membership of an age group. Ageism can affect anybody regardless of how old they are.
- 2. Harassment of disabled people** may be based on the fact that a person has a physical or mental impairment, learning difficulty or disfigurement and can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/disability rather than their ability can become the focus of attention.
- 3. Sex-related harassment** is unwanted conduct that is related to an individual's gender or the gender of another person and has the purpose of violating the person's dignity or of creating an environment that he or she finds intimidating, hostile, degrading, humiliating or offensive.
- 4. Sexual harassment** occurs when there is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that creates an intimidating, hostile, degrading or offensive environment. It can occur with women harassing men, men harassing women, and also between members of the same sex.
- 5. Harassment on the grounds of gender identity** may be aimed at transgender people, or people who have undergone, are undergoing, or intend to undergo gender reassignment. Harassment occurs when

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<sup>1</sup> **Protected Characteristics under the Equality Act 2010:** age, disability, gender reassignment, marriage and civil partnership, race, religion and belief (including lack of belief), sex and sexual orientation

someone engages in unwanted conduct related to a worker's gender identity which violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

6. **Racial harassment** is any behaviour, deliberate or otherwise, pertaining to race, colour, nationality - including citizenship, or ethnic or national origins, which is directed at an individual or group and which is found to be offensive or objectionable and which creates an intimidating, hostile or offensive environment.
7. **Religious harassment** is any behaviour deliberate or otherwise, pertaining to religion, religious belief or other similar philosophical belief and it is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
8. **Harassment on the grounds of a person's sexual orientation** may be aimed at heterosexual people but is more usually experienced by gay men, bisexual men and women and lesbians. Homophobia is generally the term used to describe 'hostility towards or a fear of gay people'<sup>2</sup>. It may be directed against individuals, couples (same-sex partners and Civil Partnerships) or groups of people who are, or are thought to be, lesbian, gay, bisexual or transgendered. The behaviour can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment
9. **Harassment on the grounds of political belief or Trades Union membership** may include offensive comments or jokes about a staff members' political affiliation, ridiculing or name calling, or even displaying offensive written or visual material.

**VICTIMISATION** is the less favourable treatment of someone because they, in good faith, have complained (whether formally or otherwise) that someone has been bullying, harassing or discriminating against, them or someone else, or they have supported someone to make a complaint, or given evidence in relation to a complaint. This would include the isolation of someone because he or she has made a complaint, or of giving him or her worse work to do than his or her colleagues.

***For example:***

An employee makes a formal complaint against their manager because they feel that they have been discriminated against. Although the complaint is resolved through the organisation's grievance procedures, the employee is subsequently ostracised by their colleagues, including the manager. The employee could claim victimisation.

**DISCRIMINATION** is the unjust or prejudicial treatment of different categories of people. Within the Equality Act 2010 discrimination is broken down into 4 main types:

1. **Direct Discrimination:** occurs when a person treats one person less favourably than they would another because of a protected characteristic  
***For example:***

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<sup>2</sup> Avert.org

A job advert goes to press, requiring that job applicants have a particular national origin.

- 2. Indirect Discrimination:** occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic

**For example:**

A manager is aware that an employee is pregnant but still disciplines her for taking too many toilet breaks. Although the manager would do this for any other member of staff, this is indirect discrimination because of pregnancy and maternity.

- 3. Direct Discrimination by Association:** refers to discrimination against a person who does not have a protected characteristic but is associated with someone who has a protected characteristic

**For example:**

An employee who is offered a promotion following an interview, has the promotion withdrawn after telling their line manager that their father, with whom they live, has MS. The line manager thinks the employee will not be able to focus on the new role due to the caring responsibilities they have. This may be discrimination due to the employee's association with a disabled person.

- 4. Discrimination by Perception:** refers to discrimination against a person because of a belief that someone has a protected characteristic, whether or not they do have it

**For example:**

An individual may often be teased by their work colleagues for being gay, based on their colleagues perception, although the individual is not actually gay.

## **6. Electronic bullying, harassment, victimisation and discrimination**

Electronic bullying, harassment, victimisation and discrimination can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages to name but a few.

When sending communications through electronic means, all members of staff should consider the content, language and appropriateness of such communications.

As detailed in the scope (paragraph 3), this policy covers unacceptable behaviour in **any** situation, including that of electronic media, and is not confined to communications sent within the workplace, or during working hours, it also extends to situations that occur outside the working environment which may affect the working relationship between employees and/or partners, customers and suppliers, or even those situations that simply bring AC into disrepute.

## **7. Complaints of bullying, harassment, victimisation and discrimination**

Any complaint of bullying, harassment, victimisation or discrimination will be dealt with seriously, promptly and confidentially.

## **PROCEDURE FOR RAISING COMPLAINTS**

### ***Making a Complaint***

Complaints should be raised as soon as possible following an act of alleged bullying, harassment, or victimisation so that the matter can be dealt with swiftly and decisively.

### ***Investigation***

The manager or supervisor will acknowledge receipt of the complaint and make arrangements to investigate within **five working days**.

During the investigation, officers should:

- be empathetic towards staff complaining about bullying, harassment, victimisation or discrimination
- ensure confidentiality at all times
- keep good records of the complaint and advise the complainant to keep full notes of incidents
- inform the alleged perpetrator of the existence of the complaint
- conduct a full, fair and open investigation of the complaint.

During the investigation the complainant, the alleged perpetrator, and anyone who can assist with the investigation, will be interviewed by an appropriate manager.

**Angling Cymru may provide mediation from ACAS at any point during this process where this is agreed by both parties.**

### ***Reporting the facts***

The Manager undertaking the investigation will prepare a written report outlining the facts, indicating his/her findings, and recommending whether the disciplinary procedure should be invoked or action taken. Where the manager does not have the authority to take the necessary action, this report should be forwarded to the Chairman. The Chairman will then decide on the appropriate course of action.

There are three possible appropriate courses of action:

#### **1. Complaint Not Validated:** Evidence regarded as inconclusive

*Possible actions:*

- Consideration should be given to transferring either party.
- provide counselling for both parties
- informal monitoring of situation / relationship

#### **2. Complaint Validated:** Informal resolution recommended

In less serious situations it may be appropriate to resolve the situation with non-disciplinary measures, less serious disciplinary actions, or a combination of the two.

*Possible actions:*

- provide counselling for the victim, or both parties
- issue a warning to the perpetrator that any repeat of the behaviour will result in disciplinary action
- consider implementing changes in the complainant's work environment
- informal monitoring of situation / relationship

### **3. Complaint Validated:** Recommendation of disciplinary action

Disciplinary procedures are appropriate when the investigation concludes that there is sufficient evidence of unacceptable conduct. Disciplinary measures can include dismissal in the case of gross misconduct.

*Other possible actions:*

- an official reprimand that outlines dismissal if harassment recurs
- if the perpetrator is a manager or supervisor, they could be transferred to another role that does not involve the responsibility of managing others
- provide counselling for the victim
- provide counselling and training for the perpetrator

***Victimisation, if founded, will result in disciplinary action and will normally warrant dismissal. Malicious complaints which are unfounded may also result in disciplinary action.***

Please refer to the ***disciplinary procedure*** for the next steps and the right of appeal.

### ***Communicating the Outcome***

Having made a decision on the most appropriate course of action, the person who has complained will be advised that the matter has been dealt with and concluded, and appropriate action taken.

***Information as to the actual course of action taken will not be available to the complainant.***

### **Unfounded allegations**

Although a complaint may not have been validated, provided that it was made in good faith, the complainant should not be subjected to disciplinary action. Complainants who make malicious complaints of bullying, harassment, victimisation or discrimination will be subject to disciplinary procedures.

### **8. What if I am accused of bullying or harassment?**

If you are accused of bullying or harassment you should seek advice and support from appropriate sources. If the person you seek advice or support from is involved in the investigation, they will refer you to another source of help.

### **9. Unacceptable behaviour by third parties**

AC acknowledges that its employees may suffer unacceptable behaviour by partners, suppliers and users of Angling Cymru services. This may, for example, take the form of racist or sexist abuse or of a refusal to accept services from employees of a particular ethnic origin.

***Angling Cymru does not regard it as part of an employee's duties to accept such behaviour and does not expect them to tolerate it.***

AC will provide support to you if you are the victim of unacceptable behaviour by employees by partners, suppliers or a member of the public in the course of your employment.



## MANAGING COMPLAINTS OF UNACCEPTABLE BEHAVIOUR BY A THIRD PARTY

### Managing complaints

Angling Cymru's response to unacceptable behaviour towards its employees by partners, suppliers or service users may be restricted by the lack of applicable sanctions or by statutory duties to provide services. Within these restrictions, however, the following guidelines must be observed by managers of employees who have been subjected to unacceptable behaviour in the course of their employment, by employees by partners, suppliers, service users or other members of the public:

1. Any employee who has been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by managers, and may be offered suitable counselling
2. Managers should deal explicitly with perpetrators with a view to withdrawing service if behaviour is not moderated
3. Managers should not automatically respond by removing the employee from the area of work, or workplace, where the unacceptable behaviour occurred. To do so is likely to undermine the employee and give the perpetrator the impression that their actions are acceptable

AC's disciplinary procedures should not normally be invoked against employees who refuse to deal with individual partners, suppliers or service users because of unacceptable behaviour.

### Appeal against the withdrawal of services

Where a service is withdrawn because of unacceptable behaviour by the client it is clearly important that the course of events and the reasons for withdrawal be thoroughly documented.

If the client wishes to appeal against the withdrawal of the service, whether on the grounds that they deny that the unacceptable behaviour took place or because they believe the penalty to be too harsh, a hearing should be arranged at which the client should be given the opportunity to state their version of events and to hear the specific allegations made against them.

It may not, however, be necessary or advisable for the victim to be present at this hearing, as it may cause undue distress or constitute further harassment. The staff member's immediate supervisor should be sufficiently well informed to provide the necessary information at the hearing (if the victim's immediate supervisor is also the manager who has made the decision to withdraw the service, the hearing should be conducted by a more senior manager).

If, after the hearing, the client is still not satisfied that they have been fairly dealt with, they may have recourse to AC's complaints' policy.

## 10. Responsibilities

**ALL STAFF** have a responsibility to create a working environment in which the dignity of staff is respected. We must all comply with this policy, and should ensure that our behaviour to colleagues, partners, customers and suppliers does not cause offence, and could not in any way be considered to be bullying, harassment, victimisation or discrimination.

**MANAGERS AND SUPERVISORS** have a duty to implement this policy and to make every effort to ensure that bullying, harassment, victimisation or discrimination do not occur, particularly in work areas for which they are responsible. Managers and supervisors have responsibility for any incidents of bullying, harassment, victimisation or discrimination of which they are aware, or ought to be aware.

Failure of a manager or supervisor to act on a complaint of bullying, harassment, victimisation or discrimination reported to them from an individual will be treated as a failure to fulfil the responsibilities of their position and will normally lead to disciplinary action being taken against them.

Managers and supervisors should:

- Explain the policy and take steps to promote awareness of the procedure for raising bullying, harassment, victimisation or discrimination complaints
- Be responsive and supportive if staff do make an allegation of bullying, harassment, victimisation or discrimination, and provide clear advice on the procedure to be adopted
- Maintain confidentiality and seek to ensure that there is no recurrence after a complaint has been resolved
- Set a good example by treating all staff, colleagues, partners, customers and suppliers with dignity and respect
- Be alert to unacceptable behaviour and take appropriate action.

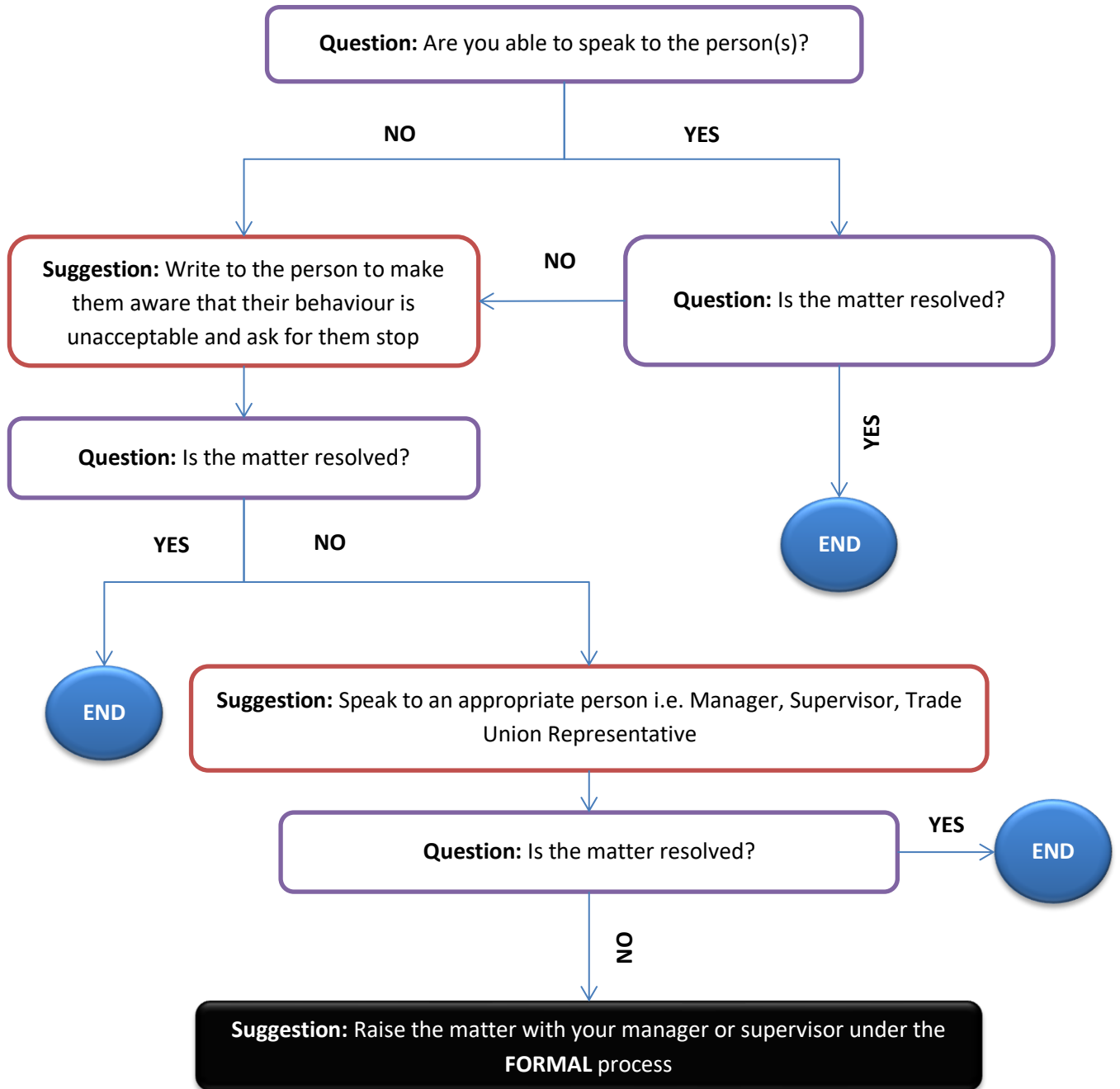
Angling Cymru will ensure that this policy and procedure is communicated to all members of staff, and will ensure that all employees, managers and supervisors are aware of their responsibilities.

## **11. Monitoring**

All incidents of bullying, harassment, victimisation or discrimination will be reported and monitored by Angling Cymru Line Manager. Our aim is to monitor the effectiveness of the policy and actions and as such we commit to collating data to identify any trends or patterns emerging. If trends and patterns are found to be emerging, we will analyse whether or not these are justified and, where appropriate, endeavour to identify and take all steps necessary to eliminate bullying, harassment, victimisation and discrimination from our workplace

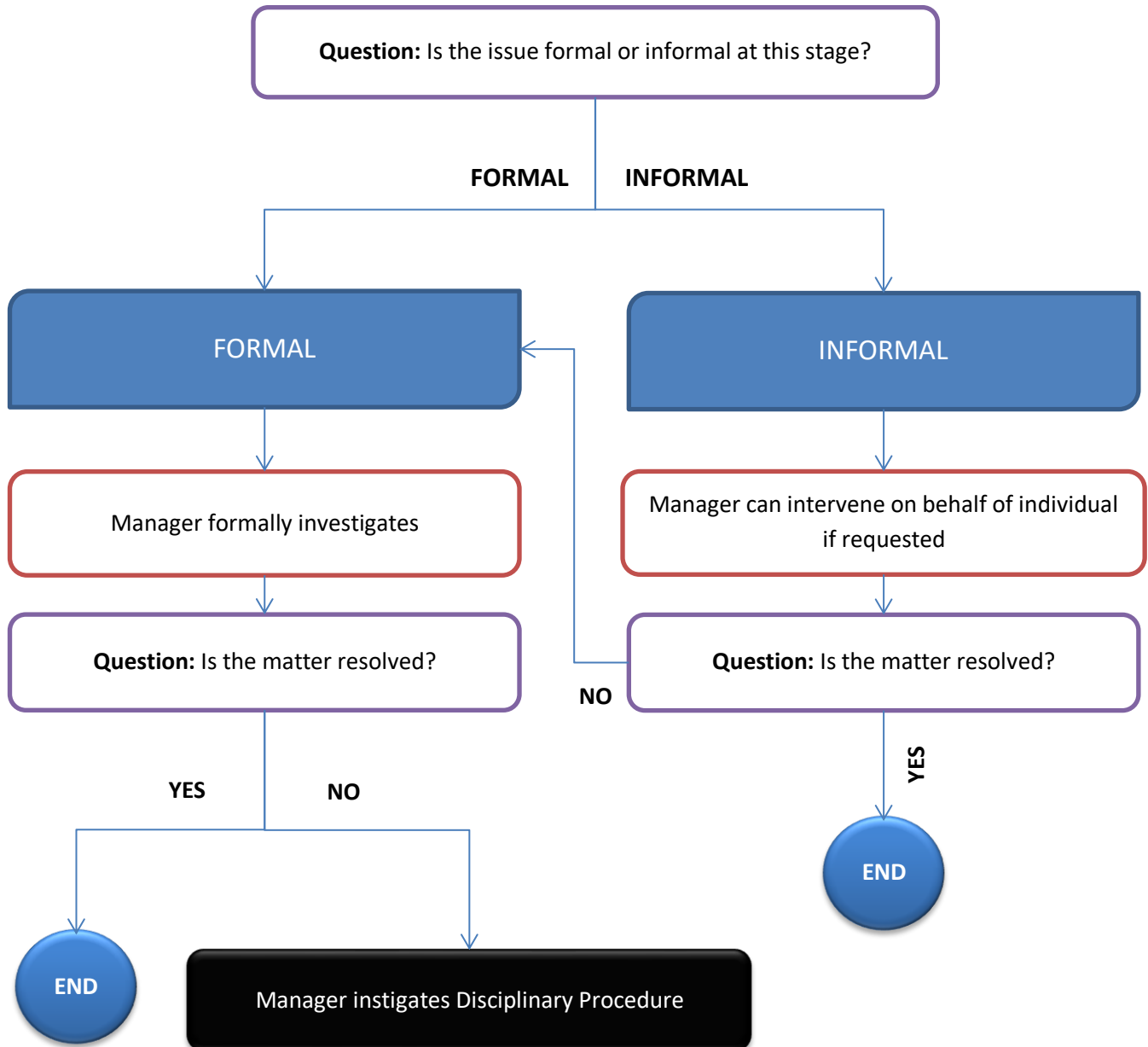
**APPENDIX 1 - SUMMARY OF INFORMAL PROCEDURE FOR STAFF**

**You believe you are being bullying, harassed, victimised or discriminated against by another person(s)**



## APPENDIX 2 - SUMMARY OF FORMAL PROCEDURE

Individual raises issue with Manager



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