



Harassment and Bullying Policy

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| CONTRIBUTORS: | (By Job title, department, directorate) | |
| | TUS Chair and Members of FDA, Prospect, PCS, Strategic HR Manager & HRBPs | |
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| 2005 | Harassment, Bullying and Discrimination Policy | |

| | | Page |
|-----------|--|-------------|
| 1. | Introduction | 3 |
| 2. | Purpose and scope | 3 |
| | 2.1 Purpose | 3 |
| | 2.2 Scope | 4 |
| 3. | Main principles | 4 |
| | 3.1 What is harassment | 4 |
| | 3.2 What is bullying | 6 |
| | 3.3 What is victimisation | 7 |
| | 3.4 What is cyber harassment/bullying? | 8 |
| 4. | Taking action – informal resolution | 8 |
| | 4.1 How to deal with complaints at the | 8 |

| | | |
|-------------------|--|-----------|
| | earliest opportunity. | |
| | 4.2 Employee direct approach | 9 |
| | 4.3 Employee approach with support | 9 |
| | 4.4 Manager approach | 9 |
| | 4.5 Workplace mediation | 10 |
| 5. | Making a formal grievance complaint | 11 |
| | 5.1 Lodging a formal grievance complaint | 12 |
| | 5.2 Suspension as a result of a complaint | 12 |
| | 5.3 Possible outcomes of a formal complaint | 13 |
| | 5.4 Support for staff in this process | 13 |
| 6. | Equipping the Library with knowledge to implement this policy | 14 |
| 7. | Diversity and Equal Opportunities Monitoring | 14 |
| Appendix 1 | Frequently Asked Questions | |

1. Introduction

1.1 Everyone should be treated with dignity and respect at work, where they can work in an environment that is not hostile or intimidating. The British Library has a zero tolerance policy against all forms of bullying, harassment, victimisation and discrimination which are seen as extremely harmful behaviours, that are unwelcome, unwarranted and have a detrimental effect on the workplace and the people involved. They will not be tolerated and where behaviours are detected they will be managed swiftly and effectively.

1.2 The British Library is committed to supporting, developing and promoting equality and diversity in all of its practices and activities. The Library aims to establish an inclusive culture, based upon the values of dignity, respect, and compassion at work. Everyone at the Library should be safe to carry out their duties in a respectful environment. This policy should be read in conjunction with the Library's Equality and Diversity Policy.

This policy actively supports the following British Library values:

- Treat everyone with respect and compassion
- Embrace equality, fairness and diversity

2 Purpose and scope

2.1 Purpose

2.1.1 Ensure that the Library maintains a workplace culture in which everyone is treated with dignity and respect, and is free from harassment, bullying, victimisation and discrimination.

2.1.2 Provide a framework for understanding, managing and preventing any unsatisfactory conduct that may occur so that:

- an individual feels confident in bringing forward complaints if they feel they have been subjected to discrimination, harassment, bullying or victimisation;
- all reported allegations of discrimination, harassment, bullying and /or victimisation will be investigated promptly, positively and in confidence;
- any perpetrator found to have committed discrimination, harassment, bullying and/ or victimisation will be subject to the Library's disciplinary policy.

2.2 Scope

- 2.2.1 The standard of conduct and mechanisms in this policy apply to all direct employees of the British Library², volunteers, interns, apprentices, work experience placements and voluntary unpaid assistants. External contractors, agency workers or third parties who provide Library services will be expected to comply with standards of conduct laid out in this policy however any breaches of this policy should be notified to their employer or work agency as well as Library management so an appropriate course of action can be sought.
- 2.2.2 The Library will draw this policy, the Conduct at Work Policy, Section M of the Staff Handbook and the Equality and Diversity Policy to the attention of Temporary Work Agencies, consultants and contractors through its procurement processes.
- 2.2.3 This policy applies to any incidents that occur in the workplace, and in any work-related setting outside the workplace, e.g. work-related social events or business trips.
- 2.2.4 This policy does not cover poor conduct (third party harassment) from the public or service users towards staff which is covered in the Library's **Prevention and Management of Abuse to Staff at Work Policy**. It also does not cover harassment of a domestic nature in the workplace where the alleged perpetrator is not an employee, agency worker, contractor etc. This is covered in the Library's **Domestic Abuse policy**.

3. Main principles

3.1 What is harassment?

3.1.1 Harassment is unwanted conduct because of a relevant 'protected characteristic'³, 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.

3.1.2 Harassment takes place whether the reason for the conduct is deliberate or is an unintended effect of the conduct. An individual does not have to explicitly claim that behaviour was 'unwanted' for it to be seen as harassment. In many cases unintentional conduct or even conduct that is intended to be funny or friendly, may amount to harassment. An individual could also feel harassed or

² In addition to the Standard of Conduct expected as governed by the Staff Handbook – Section M Conduct and the Conduct at Work Policy.

³ For detailed information about 'Protected Characteristics please go to the website for the [Equality and Human Rights Commission](#).

offended even when the inappropriate behaviour or comment is not made towards or about them personally. Harassment can never be justified.

3.1.3 Typically, for behaviour to be considered harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute harassment. It can take place for any number of reasons. A person may be subjected to harassment because they are perceived as being different to the norm. For this reason, people who are in a minority position may be more vulnerable to being harassed. Harassment can occur in any number of scenarios and may come from peers, managers, staff members or customers.

3.1.4 Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples may include (list not exhaustive):

- Insults, name-calling, offensive language and gestures;
- Making inappropriate jokes or banter;
- Repeatedly ignoring someone;
- Subjecting someone to unwelcome attention, ridicule or humiliation;
- Malicious gossip or spread of rumours;
- Intimidating, coercive or threatening actions;
- Isolation, non-cooperation or deliberate exclusion;
- Inappropriate comments about someone's appearance;
- Intrusive questions or comments about a person's private life;
- Review or display of offensive images and literature;
- Spying or stalking;
- Inappropriate physical contact or unwelcome sexual approaches;
- In extreme cases it could include threats of physical assault and violence.

3.1.5 Harassment is both a criminal offence and grounds for a civil action under the Protection from Harassment Act 1997. Also, if the reason someone is being harassed is because of who they are (e.g. because of race, sex, disability for example) it would also be unlawful discrimination under the Equality Act 2010.

3.1.6 The Equality Act 2010 protects people in the workplace and places responsibilities on employers to ensure this. The main forms of discriminatory conduct prohibited under the Act include *harassment* and *victimisation*. Under the Equality Act 2010, the harassment could be linked to:

- A relevant Protected Characteristic;
- the perception that they have a Protected Characteristic, or
- their association with people who have a particular Protected Characteristic;
- it might also be related to the Protected Characteristic generally, without any connection with the worker themselves.

3.1.7 Harassment is a form of discrimination, and is illegal where it takes place because of one or more "Protected Characteristics". These are described below along with some examples.

- Age - e.g. insults or jokes about a person's age, life expectancy (e.g. by giving them an offensive birthday card);
- Disability - e.g. jokes or insults about a disability or perceived disability, ignoring, mocking ridiculing or denying opportunities;
- Gender reassignment - e.g. transgender jokes, name calling, refusal to call someone by their chosen name or pronoun, humiliation, comments about toilet or changing room use, exclusion;
- Race – e.g. expressions of racist language, jokes or banter, views or stereotypes , display or racist materials or exclusion/refusing to work with someone because of their race. It can also include offensive remarks about dress, culture or customs which have the effect or ridiculing or undermining and individual, fostering hatred and/or prejudice towards individuals of particular ethnic groups;
- Religion or belief – e.g. jokes or insults about items of clothing, religious objects, religious beliefs or rituals. It can also include harassment of people with no religious belief;
- Sex – e.g. unwanted conduct by either sex that is sexual in nature. It can include conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include intrusive questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material. It can also include the use of demeaning, gender-specific terminology.
- Sexual orientation – e.g. Harassment related to sexual orientation can include homophobic remarks, jokes, banter or gossip, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV status. It most frequently affects individuals who are gay, lesbian or bisexual, but can sometimes be directed at heterosexuals too.

3.2 What is bullying?

3.2.1 Bullying may be characterised as unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, belittle or injure the recipient. Typically, bullying is one person or a group of people taking offensive action against another.

3.2.2 Bullying may be face-to-face, verbal (i.e. telephone, tele/web conference etc.) written, by electronic communication method (e.g., email, social media etc.) and can involve the use of visual images (e.g. displaying inappropriate posters, sharing inappropriate pictures or embarrassing photographs of colleagues). Bullying may be hard to detect, as it may not be obvious to others. The recipient may accept some inappropriate behaviour before the cumulative effect becomes persistent and on-going.

3.2.3 Bullying behaviour might include (list not exhaustive):

- Ridiculing a person
- Shouting or screaming at a person
- Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
- Persistently 'singling out' a person without good reason
- Deliberately excluding, isolating or ignoring an individual
- Making threats or negative comments about a person's abilities, future or failures without foundation
- Spreading malicious rumours, or insulting someone
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

3.3 What is victimisation?

3.3.1 Victimisation is subjecting someone to a detriment, because they have, in good faith, made a complaint of harassment or discrimination (or another 'protected act'), or may do so in the future or they have supported someone else to make a complaint.

The following are protected from detriment under the Equality Act:

- Bringing proceedings under the Equality Act;
- Giving evidence or information in connection with proceedings under the Act;
- Making an allegation that someone has contravened the Act;
- Making or seeking a relevant pay disclosure from a colleague.

3.3.2 Victimisation can affect an individual after they have made a complaint, for example, if you or other workers change their behaviour and put the individual at a disadvantage or treat them less favourably. As with harassment, victimisation can never be justified.

3.3.3 The motivation of the person committing the act of victimisation may be conscious or unconscious. Those committing the alleged act of victimisation must have knowledge of the protected act as described in 3.3.1.

3.3.4 Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to work with them, provide them with opportunities to progress, hold them back at work, refusal to provide a reference or to treat them in any way less favourably as a result of their actions.

3.3.5 To establish victimisation a complainant simply needs to show that they were subjected to a detriment, and does not need to compare their treatment to that of a real or hypothetical person. An individual is protected from victimisation even if their allegation turns out to be wrong, providing that it was made in good faith.

3.4 What is Cyber Harassment/Bullying?

Cyber bullying refers to the use of the social media, Internet, smart phones or other technology to harass, threaten or maliciously embarrass people. Spreading of offensive jokes/comments or shocking or sexual material via phone or email may also constitute cyberbullying.

If instances of online harassment or bullying are reported they should be dealt with in the same way as if the alleged harassment or bullying had taken place in person.

4. Taking action – informal resolution



4.1 How to deal with complaints at the earliest opportunity

4.1.1 The Library encourages employees to raise concerns informally at the earliest opportunity to prevent matters from escalating and becoming more

difficult to resolve. Sometimes people are not aware that their behaviour is inappropriate and an informal discussion can lead to a greater understanding and an agreement that the behaviour will stop.

- 4.1.2 An individual may wish to keep a diary of the instances of harassment or bullying, including dates and times and the description of the behaviour and its impact on them as well as details of actions taken. After any informal meetings staff should keep a file note of the areas discussed and agreed.
- 4.1.3 It is up to the individual to decide which approach is appropriate to address the situation. The following approaches do not have to be made in the order they appear in this guidance.
- 4.1.4 At any point employees are encouraged to seek support and advice from their manager, HR Business Partner or Advisor, Trade Union representative(s) or the Library's Employee Assistance Programme helpline (EAP).

4.2 Employee direct approach

4.2.1 Employees can choose to initiate direct action themselves with the perpetrator(s) and make them aware that they find their behaviour or actions unacceptable or inappropriate and they want it to stop. Actively challenge inappropriate or unacceptable behaviour and highlight that if the behaviour persists they would need to take further action. This can be done face to face or the employee may find it easier to do so in writing.

4.2.2 In any case a note of the conversation or a copy of the email or letter should be kept by the employee confidentially should they need to refer back to it later.

4.3 Employee approach with support

4.3.1 In some cases, the employee may not feel comfortable facing the person alone and may therefore choose to approach the alleged perpetrator with the support of Human Resources, a trusted colleague, a Trade Union representative, or with an appropriate person of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues or other relevant circumstances.

4.3.2 Employees should keep a confidential note of the actions taken should they need to refer to it later.

4.4 Manager approach

4.4.1 In some cases employees may not feel confident approaching the perpetrator themselves, and can ask for the initial approach to be made on their behalf by their manager or another appropriate manager.

4.4.2 If this approach is not possible because the complaint is against their line manager, and they feel unable to approach them, they should raise the issue with the next most senior manager to their line manager who should seek to uncover more information accordingly.

4.4.3 Managers should attempt to find out the facts as soon as possible by meeting with the staff member to understand the nature and severity of the issue followed by a discussion with the alleged perpetrator. A third meeting may involve bringing both parties together if there is a good chance of resolution. The complainant may have already informed the relevant manager what action they feel comfortable with, and his/her views should be taken into consideration but are not binding on the manager and/or the Library. Potential resolutions the manager could propose include:

- (1) An apology by the perpetrator;
- (2) Workplace mediation of the persons involved (see section 4.5 for more details);
- (3) Informal counselling of the parties involved;
- (4) Re-training to improve working relationships of individuals or whole teams.

4.4.4 If at any point the manager becomes aware of complaints of a serious nature (for instance assault) they must proceed immediately to a formal investigation by alerting Human Resources.

4.4.5 If the situation cannot be resolved informally or the behaviour does not stop, the next step is for the complainant to make a formal complaint.

4.4.6 Managers should keep a confidential note of any actions taken and any agreements made should the matter proceed to formal stages of this policy.

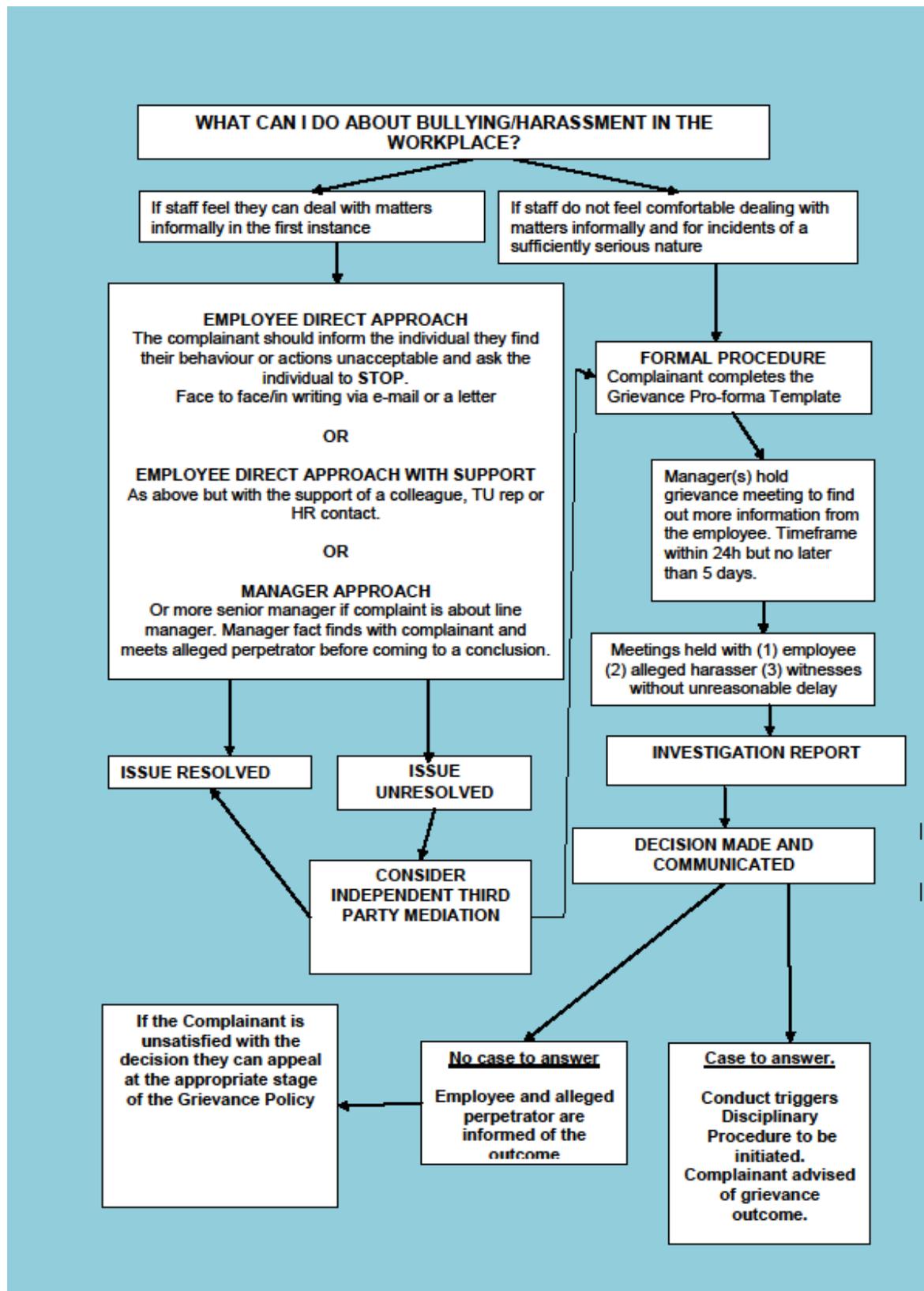
4.5 Workplace mediation

4.5.1 Workplace mediation is a voluntary process whereby an independent third party, with the agreement of those involved, assists two or more parties who are in dispute to try to reach a mutual and manageable agreement about how they will work better together in the future. This is achieved through a series of facilitated and structured meetings.

4.5.2 This is an informal resolution route that is best introduced at the earliest possible stage to avoid issues escalating further but can be arranged at any stage of a dispute. Managers or staff can ask their HR contact for details of approved mediators.

4.5.3 The confidential nature of workplace mediation ensures a safe environment in which the parties can have open and honest discussions (which they have entered into voluntarily), reassured in the fact that nothing will be disclosed to anyone else without the expressed agreement of all those involved.

5. Making a formal grievance complaint



5.1 Lodging a formal grievance complaint

5.1.1 If at any time, regardless of whether formal or informal action has been taken, an employee wishes to make a formal complaint under the grievance policy they should do this in writing as soon as the incident has taken place or within three months of the last incident (if there are a series of incidents). The grievance policy can be accessed [here](#) and the grievance complaint form can be accessed [here](#).

5.1.2 Employees should keep detailed notes as well as details of any witnesses to the incident(s) and copies of any relevant paper or electronic communication. Try to include as much of the following information on the formal grievance form:

- Identify clearly the name of the person/people about whom the complaint is made;
- be clear about the nature of the behaviour about which the complaint is made (making reference, to harassment, bullying and / or victimisation);
- provide an indication of the impact that this behaviour has had and provide examples of the behaviour or conduct deemed to be inappropriate, including information about the times and locations of any incidents, where possible;
- provide an initial indication of whether anyone else might have observed the behaviour in question;
- describe any action that has already been taken to challenge or stop the behaviour and the outcome of any such action;
- sign and date the Grievance procedure form and send to the line manager/another appropriate manager to take appropriate action.

5.1.3 Complainants should be aware that once a formal complaint has been received it cannot be retracted and the Library has a duty to act on the information received, to inform alleged perpetrators of the complaint and give them an opportunity to put their case in response before any decisions are made.

5.1.4 As soon as possible after a complaint has been lodged the alleged perpetrator will be informed about the complaint, the investigation process and the possible outcomes in line with 5.3 below.

5.2 Suspensions as a result of a complaint

5.2.1 In certain cases, for example, involving allegations of physical violence or threats and intimidation, consideration will be given to whether it is necessary to suspend the alleged perpetrator whilst the investigation is

being carried out. Managers considering suspension should discuss their intentions with Human Resources before agreeing a course of action.

- 5.2.2 The process and consideration for suspending a member of staff should be followed as outlined in the Discipline Policy section 8.

5.3 Possible outcomes of a formal complaint

- 5.3.1 The investigating panel will outline their decision in an Investigation Report, with recommendations about which formal policy should apply. The full investigation report would not normally be sent to both the complainant and the alleged perpetrator in the interests of protecting witnesses. However if witnesses have agreed to full disclosure of their evidence the full report can be released to the complainant.
- 5.3.2 If the investigating panel's findings state that the complaint is not upheld no further action will be taken.
- 5.3.3 If the complaint is **partly or fully upheld** the investigating panel will make recommendations in the report which may include:
- (1) Initiating disciplinary procedures against the perpetrator (but not making a decision on level of sanction);
 - (2) A review of current working location arrangements / reporting lines, if appropriate;
 - (3) Training or a coaching intervention for the perpetrator;
 - (4) A separate investigation of other individuals or issue revealed as part of this investigation, if appropriate.
- 5.3.4 The complainant will be advised that action is being taken to resolve the grievance (e.g. disciplinary policy instigated or staff member moved to a different area) but **will not** be advised of the details / outcome of any subsequent disciplinary action taken against the perpetrator as a result of the complaint (i.e. the level of penalty awarded).
- 5.3.5 If the complainant is not satisfied with the outcome of the decision taken i.e. not upheld they may appeal at Stage 2 of the Grievance Policy. On appeal the complainant is entitled to have access to the witness statements used in the case unless a witness feels threatened or if there is a genuine belief of a threat of violence. The appeal at Stage 2 of the Grievance Policy will be the final internal remedy for the complainant.
- 5.3.6 Disciplinary action may also be taken if an employee's complaint is found to have been submitted maliciously or in bad faith.

5.4 Support for staff in this process

- 5.4.1 The Library recognises that an employee's well-being will be impacted if they are involved in or affected by a complaint under this policy and they should receive support from their line manager or if appropriate the senior

manager (where they are not the subject of the complaint). Other sources of support are your local HR contact (or another HR contact if your local contact is working on your case) or another staff member who you can confide in that you can talk to freely.

- 5.4.2 Alternatively, the Library can offer the Employer Assistance Programme (EAP) as a confidential first point of contact. The EAP is confidential service that protects employee's anonymity, as long as there is no immediate serious threat of harm to the employee or others. The EAP provides access to professional counselling, and has a helpline 24 hours a day 365 days a year.

6. Equipping the Library with knowledge to implement this policy

- 6.1 To ensure this policy is effective, training is provided for all staff that have a specific responsibility for its implementation. Human Resources provide the following training and raising awareness initiatives below:
- Mandatory online training including equality and diversity;
 - Training for managers on Managing Workplace Investigations;
 - Mediation awareness/training;
 - Any other training required due to legislative changes.

7. Responsibilities

- 7.1 All staff should:

- Be aware of and comply with this policy, aiming to deal with matters informally at the earliest possible stage by seeking support and advice at the earliest opportunity from HR, line managers or Trade Unions.
- Respect the feelings of others in the workplace by role modelling respectful behaviours and to behave in a way that does not cause offence. Challenge inappropriate behaviour and ensure it is reported correctly.
- Be supportive of colleagues who consider they have been subjected to discrimination, harassment, bullying or victimisation.

- 7.2 In addition to the above responsibilities all managers, as part of their managerial duties should:

- Treat any complaints received seriously and take appropriate action promptly;
- Remember that managers have a duty of care to their staff and should seek advice from their Human Resource Business Partner / Advisor, if the well-being of an individual is being affected;
- Be aware that managers have a responsibility to manage and may have to make difficult and unpopular decisions, which may not always coincide with the views of their staff. However in doing this they should, at all times, act in accordance with the Library's values.

7.3 Human resources additional duties will involve:

- Advising and supporting managers in the fair and consistent implementation of this policy;
- Advising managers and staff where individuals feel that they are being discriminated against, harassed, bullied or victimised in the course of their employment;
- Reviewing the policy as necessary.

7.4 The Library's Trade Unions:

- Work in partnership with the Library and its managers and staff to raise awareness, implement the policy and tackle harassment, bullying, victimisation and discrimination in the workplace;
- providing representation for their members in formal cases held under the Grievance procedure.

8. Diversity and Equal Opportunities Monitoring

8.1 Human Resources will compile the personal details such as the race, gender, age, sexual orientation and disability status of all members of staff reporting formal incidents of discrimination, harassment, bullying and victimisation. This information will be kept confidentially by Human Resources and will be used for no other purpose than monitoring and ensuring Equal Opportunities.

8.2 Human Resources have the responsibility for ensuring the maintenance, regular review and updating this policy. Proposed changes to the policy will follow the process as described in **Section A: Introduction: Paragraph 1.1** of the Staff Handbook.