



HR04-P01 Bullying & Harassment Policy

VERSION CONTROL

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Policy Statement

Scottish Squash Limited (SSL) has a continuing responsibility to maintain, as far as reasonably practical, the health, safety and welfare of all employees whilst at work. In accordance with this, SSL seeks to ensure that employees are treated with dignity and respect during the course of their duties. This includes providing a work place that is free from bullying and harassment. Employees must also note that harassing or bullying behaviour outside working hours at social events or events connected to work and the workplace will not be tolerated. Legally, it is possible to define work related social functions as an extension of employment.

The following procedures are designed to inform employees of the types of behaviour which SSL deems unacceptable and provide them with a recognised, structured means of resolving the problem should they be involved in bullying or harassment.

Definition of Bullying and Harassment

Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People (2024) defines bullying as:

"Bullying is face-to-face and/or online behaviour which impacts on a person's sense of physical and emotional safety, their capacity to feel in control of their life and their ability to respond effectively to the situation they are in."

"The behaviour does not need to be repeated, or intended to cause harm, for it to have an impact. Bullying behaviour can be physical, emotional or verbal and can cause people to feel hurt, threatened, frightened and left out."

Bullying can be defined as:

Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, which makes the recipient feel upset, threatened, humiliated or vulnerable, undermines their self-confidence and may cause them to suffer stress.

Examples of bullying behaviour, which SSL considers to be unacceptable, are listed below. However, please note that bullying has many forms and this list is not exhaustive.

- Shouting at a colleague
- Persistent negative attacks on a colleague's personal or professional performance
- Belittling or unprofessional criticism of a colleague and more so if in front of others
- Spreading malicious rumours or allegations
- Threatening behaviour or attack, both verbal and physical
- Isolating employees by treating them as non-existent
- Undervaluing a colleague's work, withholding significant information, constantly changing work targets or setting unattainable targets in order to cause a colleague to fail
- Imposing unfair sanctions or intrusively monitoring a colleague's work
- Deliberately blocking a colleague's training or promotion opportunities.

Harassment can be defined as:

Any behaviour or conduct, which is inappropriate or unsolicited, unwanted and unacceptable to the recipient making them feel upset, embarrassed, offended, isolated, threatened or humiliated. This may be one serious incident or a series of incidents.

Forms of harassment can range from the use of offensive language to extreme violence. In whatever form, it is unwanted, unwelcome and unpleasant. People can be subjected to harassment on a variety of grounds including:

- Race, ethnic origin, nationality or skin colour
- Gender or sexual orientation
- Religious, political or personal beliefs and convictions
- Physical characteristics
- Willingness to challenge harassment (may lead to victimisation)
- Membership, or non-membership, of a Trade Union
- Disabilities, sensory impairments or learning difficulties
- Ex-offenders
- Age
- Real or suspected infection with AIDS/HIV and other diseases.

It is important to note, that it is not the intention of the perpetrator but the behaviour or actions and their impact upon the recipient that constitutes harassment. Examples of harassment include:

- Unwelcome physical contact, ranging from touching to serious assault
- Inappropriate jokes or gossip, offensive language or e-mails, slander or sectarian songs (in verbal or written form)
- Display of offensive posters, emblems or graffiti; obscene gestures
- Isolation or non-Cooperation at work
- Exclusion from social activities otherwise open to all in a work group
- Coercion for sexual favours or pressure to participate in political/religious groups
- Intrusion by pestering, spying, stalking.

Consequences of Bullying and Harassment

Anyone can be a victim of bullying or harassment and it can occur at any level within the organisational hierarchy. Although the bully or harasser may hold a position of power or authority, bullying or harassment can also happen at peer group level or be instigated by subordinates or external customers and partners. Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, cause serious problems for both employers and employees. Consequences may include:

For the individual:

- Loss of confidence and self-esteem
- De-motivation
- Poor work quality and reduced output
- Stress or anxiety related ill-health
- Stress and strain in personal or family life
- Resignation from work
- Potential tribunal or court cases.

For SSL:

- Increased absenteeism
- Increased employees turnover
- Decline in employees relations, loss of team spirit or possible industrial unrest
- Lack of motivation within the workforce

- Decline in productivity or profit
- Damage to SSL's reputation as an employer
- Potential tribunal or court cases.

Achieving high levels of performance from people at work is essential for an organisation to be successful and employees cannot contribute their best or work well when under fear of harassment, bullying or abuse. SSL will not tolerate such behaviour and accordingly encourages an open and trusting culture where employees have the confidence to report bullying or harassment without fear of the consequences.

Procedure

SSL will communicate these procedures to all employees and will make a copy of the policy available to all employees. New employees will also be informed of the policy during formal induction training. In return, SSL expects all employees to be responsible for their behaviour and have knowledge of, and adhere to, this policy at all times.

To allow the Executive Team to minimise bullying and/or harassment in the work place, SSL will ensure that appropriate training programmes are available. These will focus on management and supervisory skills, teambuilding and working relationships. In addition, every effort would be made to ensure that support is available to all employees through independent counselling. For further information, employees should contact their line manager.

Where an individual believes that they have been bullied or harassed there are a number of options available to them dependent upon the circumstances of their situation. These options are listed below.

- Accessing a confidential contact
- Following the grievance policy which includes:
 - Informal stage
 - Formal stage

Accessing a Confidential Contact

SSL recognises the sensitive nature of complaints involving bullying or harassment. Consequently, employees who wish to discuss such complaints in confidence should contact their line manager, or if unavailable or involved then the CEO, and if either is unavailable or involved then the employee should contact the President of SSL.

The Line Managers, CEO or President will:

- Listen sympathetically to your concerns
- Explain or clarify SSL policy or other concerns regarding this matter
- Advise you on the courses of action available to you.

Informal Stage (as per grievance policy)

SSL recognises that it is preferable for all concerned if complaints of bullying or harassment are dealt with informally wherever possible. It is hoped that this approach will produce speedy and effective solutions and therefore minimise stress.

The employee being bullied/harassed should contact the alleged bully or harasser (either verbally or in writing) advising them that their behaviour is found to be offensive, the reasons why and to ask them to stop using such behaviours.

The employee should record any informal action including dates, witnesses and relevant comments made by those involved.

In the event that the individual being bullied or harassed feels incapable of taking these steps, they can request the presence of their line manager, confidential contact, work colleague or Trade Union representative. If they feel that even this support is insufficient, they may request that one of these appropriate people contact the alleged bully/harasser on their behalf.

It may be that the alleged perpetrator has been unaware of, or is insensitive to, the impact of their behaviour on the bullied/harassed employee and so hopefully this informal approach will put an end to the situation. However, if it does not, the individual may decide to progress with a formal complaint.

Formal Stage (as per grievance policy)

SSL is aware that formal procedures will be necessary where the informal stage proves ineffective, for more serious instances of bullying or harassment, or where an individual prefers to use the formal procedure.

Initially, complaints should be raised with the line manager, or if unavailable or involved then the CEO, and if either is unavailable or involved then the employee should contact the President of SSL. . This complaint should include:

- The name of the harasser
- The nature of the harassment
- Dates and times when harassment occurred
- The names of any witnesses to the harassment
- Any action taken by the complainant to stop the harassment.

Investigation

Upon receipt of a complaint, the Line Manager, CEO or President will be responsible for conducting a thorough investigation as quickly as possible, usually within seven working days. It may be appropriate to get an impartial third party to undertake the investigation if it is felt that the recipient is too close to the situation.

The alleged bully or harasser will be informed in writing that an allegation has been made and the nature of the allegation. Where the alleged bullying or harassment is serious, (e.g. serious verbal intimidation or physical attack) the alleged bully or harasser may be suspended on full pay in accordance with the provisions of SSL's Disciplinary Policy.

The complainant, alleged bully or harasser and any witnesses will be interviewed to ascertain the facts of the case. Where possible, written statements will be taken to eliminate repetition of interviews, thereby reducing stress for all involved parties. (grievance meeting stage)

All matters relating to the investigating process will be kept confidential. A breach of confidentiality will be viewed seriously and will be dealt with in accordance with SSL's Disciplinary Policy.

After taking into consideration all the information available, the recipient will decide whether or not to proceed with any disciplinary action, and discuss the findings and decision at hearing with the complainant (grievance hearing)

Where it is concluded that the allegation of bullying or harassment is unjustified or that evidence is insufficient or inconclusive, the complainant shall be informed in writing that no formal disciplinary action will be taken. All paperwork relating to the investigation will then be removed from the personnel file.

Where a disciplinary hearing is not considered appropriate, the Line Manager, CEO or President may wish to consider counselling for the bully/harasser and/or complainant.

Disciplinary Hearing

Where a disciplinary hearing is deemed to be appropriate, the matter will proceed as per SSL's Disciplinary Policy, with the stages undertaken being the initial stages of the disciplinary procedure. Specifically the alleged bully or harasser will be given:

- Five days written notice of the date and time of the disciplinary hearing
- The right to be accompanied by a Trade Union representative or work colleague of their choice
- Every opportunity to defend or explain their actions.

Decision

Both the complainant and the alleged bully or harasser will be notified of the outcome of the hearing, in writing, within five working days and with due regard to the confidentiality of both parties.

Formal Action

Where disciplinary action is taken against an employee guilty of bullying or harassment, the severity of the action will be consistent with those detailed in SSL's Disciplinary Policy, up to and including dismissal for serious offences, or gross misconduct.

Where disciplinary action is taken, the employee will be advised of their right of appeal and other details as per SSL's Disciplinary Policy.

In cases where action short of dismissal is considered appropriate, relocation of the bully or harasser should be arranged as soon as practically possible. If, however, it is the wish of the person who has suffered harassment to be relocated, this should be looked upon favourably and arranged as soon as practically possible.

Victimisation

Victimisation occurs when an individual is harassed for making a complaint or giving evidence in regards to bullying or harassment. SSL recognises that this is a serious matter and will be dealt with according to SSL's Disciplinary Policy.

Appeals

If the complainant or the alleged bully/harasser is not satisfied with the way their complaint has been handled, the individual may ask for it to be considered by the Commercial, Finance and HR Committee as per SSL's Grievance Procedure or Disciplinary Policy. Such requests should be made to the CEO, with a copy sent to the President, within ten working days of the individual's written notification.

Bullying and Harassment by Non Personnel

SSL recognises that employees have the right to complain if bullied or harassed by external personnel. These may include members of the general public, Board Members, representatives of Local Authorities, governing bodies and other associated organisations.

If an employee is bullied or harassed in the course of carrying out their duties the following procedure should be adopted.

Procedure

Informal Stage

If an employee feels able to do so they should inform the alleged bully or harasser that they find their behaviour to be unacceptable and ask them to stop. If unable to do this then the employee should inform their line manager as soon as practically possible. If reporting to their line manager is inappropriate then they should report the matter to the CEO.

It will be the responsibility of the line manager/CEO to discuss the action taken to date and what should be done in future if any further incidents occur. A file note should be kept detailing this information.

Formal Stage

The CEO must consider the following prior to taking any action and making their decision:

- The degree to which the incident undermines the relationship between parties
- If any previous incidents have occurred and the severity of these
- The effects of the incident on the employee.

If the incident is serious, or a repetition of a previous incident(s) for which informal action has been taken, then the alleged bully or harasser should be written to officially by their line manager informing them:

- That their behaviour is not acceptable
- That further incidents will not be tolerated
- Further incidents may result in disciplinary action being instigated.

Sexual Harassment

Sexual harassment is a serious issue and SSL recognises it as such. It may affect male or female employees and this policy applies equally to both. SSL also recognises that harassment may also involve external contacts.

Policy

It is the policy of SSL to provide a safe working environment, free from sexual harassment and intimidation of employees or clients.

SSL recognises the problem of sexual harassment in the workplace and is committed to ensuring any incidents are quickly and positively dealt with.

Sexual harassment is a disciplinary offence and will be grounds for disciplinary action. If the alleged harasser is not an employee of SSL, the circumstances should be discussed with the appropriate manager who will take appropriate action necessary to protect the employee. This may involve the police as appropriate.

Introduction

Sexual harassment is difficult to define by drawing up lists of acceptable and unacceptable behaviour or to classify according to degrees of seriousness. This is because behaviour which one person finds acceptable may cause annoyance or outrage to another.

Sexual harassment can be defined as behaviour of a sexual nature, which is unwelcome and offensive to the victim and which, may adversely affect the individual's health and performance at work, particularly if this behaviour is persistent.

Examples of Sexual Harassment:

- Suggestive remarks, jokes or insulting language.
- Sexual innuendo.
- Unwelcome comments about dress or appearance.
- The display of "pin-ups" or pornographic pictures.
- Unwelcome physical contact.
- Demands for sexual favours.

Sexual harassment is not sexual flirtation based on mutual consent. Sexual harassment is frequently a display of power, which is intended to intimidate, coerce, embarrass or degrade another employee or client.

Sexual harassment is unwelcome and unreciprocated. Because of the nature of the problem and the likelihood that incidents may not come to light through the reluctance of the employees to complain, SSL has devised procedures which have as their main aim the prevention and cessation of sexual harassment in the workplace.

All allegations of sexual harassment will be treated as serious; however, if such allegations are made maliciously the person making the allegation may be subject to disciplinary action.

Procedure

General Information

To ensure that complaints relating to sexual harassment are dealt with fairly and speedily the following procedure shall be adhered to:

Support for employee

Where complaints are raised with management, the complainant should be advised of the availability of help and guidance in pursuing a complaint and will be entitled to such representation at any stage of raising the complaint and during the disciplinary procedure.

Action to be taken by the employee

If sexually harassed, the employee:

- Should make it clear to the harasser that the acts are unwelcome. A colleague may be asked to accompany the employee when confronting the harasser with the complaint causing offence.
- Should clearly inform the harasser that the attentions are unwelcome and should cease forthwith.
- Should, when unable to confront the harasser, ask a colleague to make the approach on their behalf.

It is advisable that both victim and alleged harasser should keep a note of the details including times and date of the approach.

If the behaviour continues, then the victim should report the matter to the CEO (if the victim feels that they are unable to raise the matter with the CEO, they should raise it with the President). Details and dates of the incidents should be given. Such complaints may be made orally or in writing.

When an employee reports such a matter to the CEO or other person as previously outlined, SSL will act promptly to:

- Investigate the validity of the complaint involving both parties, and witnesses.
- Ensure that where witnesses are involved and interviewed confidentiality is maintained at all times.

This investigatory stage will normally be undertaken by the CEO, but may be undertaken by another appropriate member of staff or the President where this is more appropriate in the context.

Provided the CEO is satisfied, after reasonable investigation that there are grounds for believing that sexual harassment has taken place, the harasser shall be dealt with in accordance with SSL's Disciplinary Policy depending on the severity of the offence.

If a disciplinary hearing is convened, care should be taken that the victim does not unnecessarily have to state repeatedly in evidence, the circumstance leading to the complaint.

Role of the CEO

The CEO will be responsible for the administration of the sexual harassment policy, in particular:

- Informing the victim's line manager of the complaint if the victim has not already done so
- Giving advice on how to proceed
- Ensuring the complaint is progressed timeously in compliance with the sexual harassment policy.

Guidance Note

Managers have to be aware of the need to remedy such behaviour when it becomes apparent, with minimum upset to the victim. It is important that sexual harassment is treated as a serious offence but in order to reduce the possibility of ambiguity among employees and managers, the following listing of offences, which is by no means exhaustive, should be applied.

- Certain kinds of sexual harassment such as assault, physical contact or demands for sexual favours could be treated as gross misconduct and result in dismissal.
- Less serious offences such as displaying posters and making suggestive remarks may be treated as unsatisfactory conduct, but repeated offences under this category could lead to dismissal.
- Where there is a need to apply a (paid) suspension pending an enquiry into sexual harassment, the alleged harasser will always be the employee who is suspended or moved.

Monitoring

Responsibility for monitoring the application of this policy will rest with the CEO. This policy will be reviewed on a regular basis with amendments being made as appropriate following consideration of employees, employee's representation and management.