



# **Bullying and Harassment Policy**

**May 2022.**

*The web version of this policy redacts a staff-specific section which is accessible to IWGB staff internally.*

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## **1. Background to the policy**

While the labour movement and the left more widely espouse the highest values regarding the treatment of workers, it has at times failed to properly address allegations of bullying within its ranks.

In 2019, IWGB staff and activists brought forward accusations of bullying against a small number of senior branch officials. In all instances the union acted by initiating investigations and procedures where possible. However, there were delays in people coming forward with complaints.

This policy seeks to provide better checks and balances on senior union officials in order to stop or minimise such events from happening again, as well as supporting people in bringing complaints forward.

We try to act as a model employer, which includes ensuring that staff have a safe working environment. We cannot claim that it is possible to eliminate all issues with staff, volunteers' and members' conduct, but we can investigate ways to ensure that our standards of conduct and processes are beyond reproach, and that no-one, irrespective of how high-profile or 'valuable' they are considered for the movement, can eschew accountability. This policy provides a model for conduct, ensuring that we hold each other to the highest standards and support staff and members of the union if we ever fall short of them.

Before formulating this policy, the Executive Committee sought advice from a panel of individuals who are at arm's length from the day-to-day decision-making structures of the union. The Review Panel consisted of a member who is not a union official, a member of staff with no managerial responsibilities, an employment lawyer and someone with third-sector organisation experience.

This policy should be read in conjunction with the union's other policies.

## **2. Aim and Scope**

This Policy aims to:

- Support and sustain a positive (thriving) environment for all, free from any form of inappropriate or unacceptable behaviour;
- Make it clear that discrimination and harassment are unacceptable and that all members of the IWGB have a role to play in creating a thriving environment for everyone, free from discrimination and harassment;
- Provide a framework for respect and good conduct to prevent and eliminate all forms of bullying and harassment, including racial and sexual harassment and sexual misconduct;
- To highlight the options available to members and staff and officials who feel they are or have been subject to bullying, harassment, discrimination, misconduct, or any other inappropriate or unacceptable behaviour;
- Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way;

The IWGB ('the Union') deems there to be no legitimate grounds to ever bully, harass, victimise or discriminate against another individual. Instances of bullying and harassment are regarded seriously and will be treated as grounds for disciplinary action up to and including dismissal. The effects of discrimination, bullying and harassment, not only affect the individual and their family and friends, but can also impact the work environment and culture.

The Policy covers bullying and harassment of and by all members of IWGB Trade Union staff, including managers, staff, elected officials, representative officers, contractors, agency staff and anyone else engaged to work at the IWGB Trade Union. The Policy applies to those working in both paid staff, elected officials and voluntary positions. It covers bullying and harassment in the workplace and in any work-related setting outside work, e.g. work trips and work-related social events. Everyone in the IWGB Trade Union has a responsibility to act in line with the Union's values to create and maintain a work environment free of bullying and harassment.

The Union takes a zero-tolerance approach to discrimination, bullying, harassment and victimisation. As part of the zero-tolerance approach, discrimination, bullying and harassment are considered gross misconduct under our disciplinary policy. Correspondingly, the Union does not tolerate victimisation of a person for making allegations of bullying or harassment or supporting someone to make a complaint.

## Definitions

Harassment is defined as 'unwanted conduct including verbal, written or physical, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment for the individual and interferes with their learning, or working, which is related to a relevant protected characteristic. So harassment is unwanted behaviour on the basis of race, religion or belief, sex, pregnancy and maternity, sexual orientation, age, disability, gender reassignment, marriage and civil partnership. Inappropriate behaviour can apply to social activities (both online and offline) and may include physical, verbal or nonverbal conduct.

A person may feel harassed or distressed even if the perpetrator was unaware or had not intended this to be the effect of their actions, but his or her reaction must be a reasonable one.

Harassment is behaviour which is uninvited and unwelcome by the recipient, even if there has been some previous relationship, and regardless of whether the harasser intended to be offensive. Whether or not the behaviour is unacceptable is up to the recipient to decide so long as this reaction has a reasonable basis.

Unwelcome does not mean "involuntary". A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable.

A single incident or persistent behaviour can amount to harassment if it has the purpose or effect of **unreasonably** interfering with an individual's work or study performance. Sexual Harassment can include catcalling, following, making unnecessary and unwanted physical contact, giving unwelcome personal gifts, wolfwhistling, leering, derogatory comments, unwelcome comments about a person's body or clothing, asking questions about a person's sex life, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material.

Other examples of harassment include:

- Jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's sex, gender or identity, or threats to disclose a person's sexuality to others;
- making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups;

- ignoring, disparaging, or ridiculing a person because of assumptions about their capabilities, or making offensive reference to an individual's appearance which may or may not be in the context of their disability;
- controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief;
- online harassment takes many forms, including intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.

### **Definition of bullying where conduct does not meet legal definition of harassment**

Bullying is coercion or intimidation, which serves to undermine the competence, effectiveness, confidence and integrity of another individual. The abuse of power, position or knowledge by one person to criticise or humiliate another, can cause the individual being bullied to feel vulnerable, humiliated and lacking in confidence. Bullying does not have to be on the grounds of a protected characteristic: this is how it specifically differs from 'harassment'.

Examples of bullying may include:

- Offensive, intimidating, malicious or insulting behaviour
- An abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient
- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone, picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- 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.

Bullying does not have to occur face to face, but also in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

## **Achieving Resolution**

While the procedure is designed to enable the concerns of staff and members of the union to be addressed, the onus is not on the individual only to address the problem or to make a complaint. All staff members are responsible for bringing any suspected acts of harassment or discrimination to the attention of the line managers/HR, who will investigate allegations. Line Managers are also responsible for facilitating the use of the Complaints Procedure & Grievance Policy to anyone wishing to submit a complaint of bullying.

We encourage everyone to seek to resolve matters informally wherever and whenever possible. However, the IWGB also supports everyone in formally reporting instances of bullying and harassment. In order to address and resolve instances, the IWGB would like individuals to make clear what resolutions are desired via the relevant procedure. Members of staff may utilise the Grievance procedure, and officials and volunteers may utilise the Complaints procedure to report instances of bullying behaviour. If individuals do not wish to make formal complaints then they can seek advice and moral support from their managers and/or HR. Confidential third party Mental Health support is available to all IWGB staff (details below).

Staff affected by unacceptable behaviour may be reluctant or nervous about complaining. They may be worried about not being taken seriously, about reprisals or about damaging their career prospects. So Investigators and Managers must therefore take steps to quickly resolve any problems in a sensitive manner, supporting and reassuring staff as necessary.

If you raise a serious allegation with HR/managers, please be aware that they have a duty of care towards all at the IWGB and therefore, may have to disclose information or investigate further. This means that reporting to your manager/HR cannot always be done in absolute confidence as further action may be required, however managers and HR are there to support individuals and will only take action where they deem it necessary to maintain a safe and inclusive work environment. Further action may be required particularly for reasons of safeguarding.

## **Confidentiality**

The IWGB wishes to protect the privacy of complainants and other members and information will only be disclosed to relevant parties, depending on the circumstances of the case and only where absolutely necessary. A complainant may request anonymity when making an allegation of discrimination, bullying, or harassment. Where possible, this will be accommodated, but the extent to which anonymity can be guaranteed will have to be made on a case by case basis (see also above under Achieving Resolution). Thus, information will be limited to those who have a need to know (and only to the extent necessary) for the purposes of the particular grievance.

Any person against whom a complaint has been made has the right to know the nature and sufficient details of the complaint in order to respond. It is important that no decision is taken until the complaint has been investigated and the person against whom the complaint has been made has had the opportunity to respond.

The IWGB will take any breach of confidentiality extremely seriously and further disciplinary action may follow. For more information about how the IWGB handles confidentiality, please see the Confidentiality Policy in the Staff Handbook.



## **Training and communication of this policy**

The contents of this Policy will be incorporated into all induction and ongoing training for those to whom it applies (see above). This Policy shall be introduced to all Staff and IWGB officials as soon as reasonably possible.

When a Line Manager starts work, they must be trained on handling complaints of bullying and harassment.

All staff, elected officials and members should familiarise themselves with this policy.

At a minimum, the IWGB's Head of HR should ensure all staff and elected officials are trained in having difficult conversations and handling and/or referring complaints, during their induction or once per year.