

BULLYING, HARASSMENT AND VICTIMISATION

The Isle of Man Post Office is committed to ensuring that everyone can work in an environment free from any form of harassment, and can be treated with dignity and respect. It is every employee's responsibility to reflect this commitment.

We will not tolerate harassment of employees in any form.

Prevention of Bullying, Harassment and Victimisation at Work Policy

Part one

Purpose

To establish and communicate Isle of Man Post Office's policy with regard to bullying, harassment and victimisation. This document also sets out guidance to support the policy which includes guidance on the type of behaviour that is deemed to be bullying, harassment or victimisation and gives a recommended framework for reporting and managing it.

Scope

The requirements of this policy cover everyone that comes into contact with those involved in the activities directly within the control of the Isle of Man Post Office

The Policy

Bullying, harassment or victimisation in an organisation can create distress and dissatisfaction that can impact on the working environment and individual's effectiveness at work. If left unmanaged further problems can arise such as:

- Low morale and a lack of team spirit
- General air of unpleasantness
- Absenteeism
- High staff turnover
- Reduced performance of individuals and the organisation

The Policy Statement:

The Isle of Man Post Office is committed to promoting equal opportunities and is actively seeking to maintain an environment where there is fairness, equal opportunity, mutual respect, trust and confidence. In such an environment bullying, harassment or victimisation shall neither be condoned nor tolerated.

Allegations of bullying, harassment or victimisation will be treated very seriously and could result in disciplinary action being taken against the person(s) responsible. Serious cases of bullying, harassment or victimisation may constitute gross misconduct and could lead to dismissal. People who express concern with regard to the conduct of another person or persons will have their concerns investigated promptly and will not be victimised as a result.

All complaints of bullying harassment or victimisation will be assumed to have been made in good

faith unless there is evidence to the contrary. However, it is important that people understand that allegations that are found to be malicious or vexatious will result in disciplinary action being taken against any person making such a complaint.

The following guiding principles are those that will be applied to this policy:

- Informal complaints will be dealt with in confidence with the aim of resolving the situation and preventing escalation
- Counselling, support and mediation will be offered through the Human Resources department, to both the complainant and the person responsible.
- Formal complaints should be made and investigated in accordance with the process outlined in Part 2 of this document
- All parties will be required to co-operate with the investigation
- Victimisation of individuals who have accused or been accused of inappropriate behaviour or are involved in the investigation will not be tolerated
- The Post Office reserves the right to report any complaints of alleged unlawful behaviour to the appropriate enforcing authority

All employees have a responsibility to be aware of what constitutes bullying, harassment and victimisation, take positive steps to conduct themselves appropriately and discourage and challenge it whenever it occurs. All managers and supervisors have the added responsibility of ensuring that all their staff are aware and understand what constitutes bullying, harassment and victimisation and the consequences of contravening the policy. Any manager or supervisor who fails to address a breach of the policy may be subject to a disciplinary or capability action.

All employees, particularly department managers and line managers must ensure that all forms of bullying, harassment or victimisation are challenged as soon as they are identified. It should be made clear that such behaviour is not acceptable and where appropriate will be treated under the relevant regulation as a disciplinary matter or dealt with under Part 2 of this policy.

Investigation of complaints of bullying, harassment or victimisation will be dealt with seriously, promptly, fairly and sensitively with due regard for the rights of both the complainant and the alleged bully/harasser. Sexual harassment may be deemed to be sexual discrimination under the Isle of Man Employment (Sex Discrimination) Act 2000. The Act provides that a complaint of harassment should be submitted to the Employment Tribunal within 3 months of the occurrence of the alleged discriminatory act.

Whenever possible any employee (the complainant) who believes that he/she is being bullied, harassed or victimised should, in the first instance, make it clear to the person(s) responsible that such behaviour is unwelcome and unacceptable and ask that it ceases. If the complainant feels that he/she cannot approach the individual or group concerned, or if this approach has been tried and has failed to remedy the situation, he/she should speak to his/her line manager on an informal basis or a more senior manager where the line manager is the subject of the complaint. Further guidance on this stage and making the complaint more formal is contained in Part 2 of this document. Guidance is also available in Part 2 on how to manage a situation where either the complainant or the person(s) responsible is not an employee.

BULLYING, HARASSMENT OR VICTIMISATION - EXPLANATION OF TERMS

Bullying

Bullying and harassment can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident, can constitute bullying or harassment when repeated. Harassment and bullying may not always be intentional, but is always unacceptable, whether intentional or not.

Bullying for the purposes of this policy means conduct which has some or all of the following elements: Offensive, hostile, abusive, intimidating, malicious or insulting behaviour, or abuse of position which makes the recipient(s) feel frightened, upset, threatened, humiliated or vulnerable, or which undermines their self-confidence and causes them distress.

Examples of bullying:

- Verbal or physical threats or actual violence;
- Shouting at employees in public or in private;
- Ridiculing, demeaning or humiliating a person in front of others;
- Systematically undermining a competent worker through overloading or excessive or repeated criticism or negative comments;
- "Flying off the handle" often over trivial matters;
- Making offensive or abusive personal remarks about a person;
- Excluding, deliberately ignoring, non-cooperation with, or victimising a person;
- Spreading malicious rumours or making false allegations;
- Sending abusive or inappropriate emails;
- Copying memoranda or emails that are critical about a person to others who do not need to know;
- Intrusion through pestering, spying or stalking;
- Overbearing supervision or other misuse of power or position;
- Giving repeated unreasonable assignments or duties which are obviously unfavourable to one individual;
- Giving repeated impossible deadlines, or impossible tasks, or setting someone up to fail;
- Making threats or implied threats or comments about job security without foundation;
- Preventing a person progressing by intentionally blocking promotion or training opportunities.

The above list is not exhaustive. However, it should be noted that constructive and fair criticism of an employee's conduct or work performance does not constitute bullying. Poor work performance must be dealt with through the application of appropriate procedures and not through an aggressive management style or isolating individuals. Managers must not actively discourage employees from seeking the advice of a trade union representative should they wish to do so.

Bullying, harassment or victimisation at work can affect the working environment and create distress within the organisation. It damages and demeans the individuals being treated in such a manner, that their morale, health, job performance, attendance, career prospects and job security can be affected. It transcends grades and can be experienced from Manager to subordinate,

subordinate to Manager, peer to peer, or from one group of employees to another individual. Its effect can also affect an office, Department or Division as a whole leading to:

- Low morale and a lack of team spirit;
- A general air of unpleasantness;
- Employees leaving or requesting transfers – the reasons given may be plausible but this may be due to employees being unwilling to admit that they are being bullied or that the bullying is having an adverse effect upon them.

Harassment

Harassment for the purposes of this policy means:

- (a) Any unwanted conduct affecting the dignity of people involved in the activities of the Post Office. It includes unwelcome verbal, non-verbal and physical conduct. It may be related to age, sex, race, disability, sexuality, sexual orientation, marital status, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are perceived as demeaning and unacceptable to the recipient.
- (b) Any interaction between two or more people which is acceptable to both parties will nevertheless be considered harassment if it causes harassment or offence to others.

It is the impact of the unwelcome behaviour on the individual that determines harassment rather than the intention of the alleged harasser. However, in an attempt to deal quickly with trivial or mischievous complaints, when determining whether the alleged conduct is unacceptable, investigating officers should make an assessment of whether a reasonable, fair-minded person, would find it so.

Examples of harassment

Racial Harassment can take the form of racial abuse, racially explicit derogatory statements, offensive jokes, racist graffiti, display of offensive material, an offensive or dismissive manner, or any other form of abuse which is on the grounds of an individual's race, colour, cultural differences, ethnic origin, creed and/or nationality. It can also occur when rules, regulations or criticisms are applied to an ethnic member of staff in a way they are not applied to others.

Sexual Harassment means unwanted conduct of a sexual nature or conduct based on sex which is offensive to the recipient. It refers to behaviour that is unsolicited, that is personally offensive and that fails to respect the rights of others including unnecessary touching or unwanted physical contact, suggestive remarks or verbal abuse, leering at a person's body, compromising invitations, demands for sexual favours, stalking, physical assault and display of offensive materials. General discussions on sex, sexual behaviour or recounting of sexual exploits are also regarded as inappropriate. Sexual harassment can be perpetrated by persons of either sex and their victims may be persons of the same or the opposite sex. It is not the intention of the harasser but the deed itself and the impact on the recipient which determines what constitutes harassment.

Harassment of People with Disabilities may take the form of: staring and/or uninvited touching; disablist (discriminating or prejudiced against disabled people) language, comments or jokes; exclusion from workplace activities and social events; speaking to others rather than the

disabled person directly; asking intimate questions about a person's impairment; making assumptions about people with disabilities, for example that they do not have a social, sexual or private life; questioning the existence of non-apparent impairment; physical abuse and intimidation; questioning a disabled person's work capacity and/or ability by making inappropriate demands for example, over-zealous scrutiny of sickness records; making assumptions or speculating about someone's impairment.

Harassment on the grounds of Sexual Orientation may be aimed at gay men or lesbians, heterosexuals, bisexuals and transsexuals and can take many forms including: homophobic language, comments or jokes (homophobia is the term used to describe anti lesbian and gay attitudes and behaviour); the asking of intimate questions about someone's personal or sexual life; assumptions that everyone is heterosexual; gossip and speculation about someone's sexuality; excluding someone because of their sexual orientation; homophobic graffiti or the displaying or circulating of antigay or anti-lesbian material; offensive actions and physical attacks; making assumptions that any illness experienced by gay men is HIV related.

Other Forms of Harassment include discrimination and harassment on the grounds of religion or belief, political convictions, gender identity aimed at transsexuals or people who have undergone, are undergoing, or intend to undergo gender reassignment, willingness of individuals to challenge harassment leading to victimisation, status of people as ex-offenders and age (or youth).

These examples are not exhaustive as anyone who is perceived as different or who is in a minority or who lacks organisational power or position runs the risk of being harassed. Harassment can take many forms ranging from extreme forms such as bullying to less obvious actions. Although the terms 'bullying' and 'harassment' are not synonymous, the examples of bullying quoted are equally applicable to harassment. Whatever the form of harassment, it will be unwanted, unwelcome and unpleasant behaviour and may be unlawful.

Victimisation

Victimisation for the purposes of this policy can be summed up as when a person is singled out for punishment or unfair treatment. This can be as a reaction to a complaint within the organisation or for exercising their legal rights.

Victimisation also occurs when an employee is treated less favourably because they have complained about an incident(s) of discrimination or supported someone else who has. Discrimination can be described as unfavourable treatment based on prejudice with regard to race, age or sex. It would be regarded as victimisation where an employee suffered unfavourable treatment from their employer because the employee had in good faith given evidence in connection with a discrimination claim brought against the employer by another person.

Examples of victimisation

This list is not exhaustive but illustrates the types of unfair punishment that could be meted out by the employer as a result of the employee's action:

- disciplines or dismisses the employee;
- denies the employee the usual overtime opportunities;

- bars the employee from a bonus scheme;
- enforces petty rules against the employee which were previously overlooked;
- unreasonably refuses to agree holiday dates;
- unreasonably excludes the employee from important meetings;
- marginalises the employee or "sends him/her to Coventry";
- pressurises the employee to drop the allegation;
- Threatens the employee with damage to his/her career if he/she persists with the allegation.

Any employee who victimises or retaliates against another employee for bringing a complaint or grievance or for giving evidence in connection with a complaint or grievance will be subject to disciplinary action.

Bullying, harassment or victimisation are not necessarily carried out face to face and may be by written communications, email, telephone or the recording of telephone conversations if these are not universally applied to all employees. All work performance measures should be introduced in an open manner and must be applied to all employees working within the same area.

Advice

How to Stop Harassment and Bullying

- Tell the harasser to stop
- Note down the times, dates and nature of any incidents.
- Talk to other people in your workplace
- Talk to other people outside your workplace

Confidential advice, guidance and support in dealing with unwelcome behaviour is available from Human Resources which aims to provide a confidential and informal avenue to enable employees to talk through what has happened and to decide what they wish to do about it. Confidential advice and support is also available from the Government Staff Welfare Office who can provide counselling, mediation and support services to both the complainant and the alleged bully or harasser on a confidential basis. The Industrial Relations Officer and the DTI's Equality Adviser could also be used as sources of support and/or information. Advice and assistance is also available from the employee's union representative.

Part Two - Procedures for Dealing with Bullying, Harassment or Victimisation

People are sometimes unaware that their actions may constitute bullying, harassment or victimisation and when it is made clear to them that it does, the matter can often be quickly and simply resolved. With this in mind, this policy includes informal, as well as formal, procedures for dealing with complaints.

Informal Action

Any employee who believes that he/she is being bullied, harassed or victimised should explain to the person(s) responsible that their behaviour is unacceptable and ask them to stop.

Complainants should make every effort to record all incidents of bullying, harassment or

victimisation and include the date and time and state whether there were any witnesses present.

It is accepted that there may be circumstances where the complainant may find it difficult to approach the person(s) responsible directly and in such cases they should seek help and advice on a strictly confidential basis from their line manager, a work colleague. Confidential advice and support is also available from Human Resources and the Welfare Officers of the Government Staff Welfare Office who can provide counselling, mediation and support services to both the complainant and the alleged bully or harasser on a confidential basis. The Industrial Relations Officer and the Department of Trade and Industry Equality Adviser could also be used as sources of support and/or information. Advice and assistance is also available from the employee's trade union. The decision to progress a complaint should rest with the individual.

The person contacted by the complainant should listen patiently, be supportive and discuss the various options open to the employee concerned.

Having talked to someone, the claimant may request further assistance from their contact in raising the issue with the alleged bully or harasser. In this situation the role of the contacted person should be to provide support and encouragement for the individual and where necessary to draw the individual's attention to whatever further formal or informal courses of action may be available to them.

If after using the informal procedures the matter can be resolved to the satisfaction of the parties concerned, no punitive action should be taken, nor should any written record go on the alleged bully or harasser's personal file, but the situation should be monitored by the line manager to ensure that there is no repetition.

However, the complainant may decide for whatever reason to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

Formal action

If an informal approach is inappropriate, or if after the informal stage the bullying or harassment persists, the following formal procedures should be invoked. Complainants can still be supported by those employees identified in the informal action.

The complainant must make a formal written complaint to his or her Line Manager within seven calendar days of the matter (this may be extended if there are good reasons a complaint was not made earlier) giving rise to the complaint. If the Line Manager is the person against whom the complaint is being made the complaint should be made to the next in line Manager. Complainants should make every effort to record all incidents of bullying, harassment or victimisation and include the date and time and state whether there were any witnesses present.

The alleged bully or harasser(s) should be notified in writing that an allegation of bullying, harassment or victimisation has been made against them. They should be given a copy of the complainant's statement and advised that they will be afforded a fair opportunity to respond to the allegation(s).

The complaint should be subject to an initial investigation by the Line Manager or a designated member of management who can be considered impartial, with a view to determining an

appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts of the allegation(s).

The Manager will appoint an investigating officer(s). The officer(s) must not be connected in any way with the allegation and will, where possible, have had no previous involvement with the case. Ideally the officer should be from another department but it is realised that this may not always be practical. The investigation will be objective and will be carried out with sensitivity and due respect for the rights of both the complainant and the alleged bully/harasser. The investigation should be completed within three weeks. The investigation should be governed by terms of reference, preferably agreed in advance between the parties.

The investigator(s) should meet with the complainant and the alleged bully or harasser and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s).

Management should consider the precautionary suspension of an individual against whom a complaint of bullying or harassment has been made to enable investigations to proceed smoothly. In all cases where suspension is felt to be necessary the advice of the Human Resources Department must always be sought. An individual who is going to be suspended should be advised of the reason for the suspension and restricted from contacting the complainant during the suspension. There may be occasions when the temporary transfer of an officer, either the alleged bully, harasser or complainant, may be appropriate in order to enable a complaint to be investigated.

Investigating Officers will advise complainants and alleged bullies or harassers of the procedures to be followed in the investigation. Both complainant and the alleged bully or harasser has the right to be accompanied at all interviews and be supported by a trade union representative or colleague throughout the process. In certain circumstances the complainant may be represented by their trade union in their place. However, Investigating Officers should only permit this in extreme circumstances, for example if the employee is too distressed to represent themselves. All participants must be employed by IOM Post Office

A detailed report will be submitted to the Manager indicating findings, with a copy to the complainant and the alleged bully or harasser. The Manager, subject to the findings of the investigation, will be responsible for deciding if any action is required, e.g. mediation, training, counselling or disciplinary action. If disciplinary action is decided, the relevant disciplinary procedure will be followed.