

Prevention of Harassment Guidance

This information is intended to assist employees to ensure they are aware of their rights and responsibilities' in relation to harassment. It is also intended to assist managers in handling harassment complaints. It is non-contractual and may be subject to change at Barnardo's discretion.

These Frequently Asked Questions (FAQs) support the Prevention of Harassment Policy.

Questions

1. I've read Barnardo's definition of Harassment, is there anything else to consider?	2
2. What is a 'protected characteristic'?	3
3. What does harassment related to a protected characteristics look like? .	4
Age Harassment.....	4
Harassment on the grounds of disability, impairment, mental or physical health condition	4
Homophobic and Bisexual Harassment.....	5
Racial Harassment	5
Religion and Belief Harassment	6
Sectarian/ Political Opinion Harassment*	6
Sexual Harassment.....	7
Sex Related Harassment	7
Trans Harassment.....	7
4. What can I do to prevent harassment?	8
5. I am considering making a harassment complaint – what should I do? ...	8
6. What are my rights if I make a harassment complaint?	9
7. Where can I go for advice and support?	9

8. Someone has made an informal harassment complaint against me – what should I do?	10
9. A harassment complaint has been made against me – what are my rights?	10
10. Do normal work arrangements apply during an investigation into a harassment complaint?	11
11. Can I raise a harassment complaint against anyone other than a Barnardo’s employee?	11
12. Can I withdraw a harassment complaint once it is made?	11

1. I’ve read Barnardo’s definition of Harassment, is there anything else to consider?

As the Prevention of Harassment Policy states, harassment is unwanted conduct related to relevant protected characteristics (which are age, disability, gender reassignment, race, religion and belief (or political opinion under NI legislation) sex and sexual orientation):

- that has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person;
- or is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for their, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not offence was intended.

Something intended as a "joke" may cause offence. Different people find different things acceptable.

Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient is not.

Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their son is gay, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are age, disability, gender reassignment, religion or belief (or political opinion under NI legislation), sex and sexual orientation. Serious bullying or harassment may amount to other civil or criminal offences.

2. What is a 'protected characteristic'?

The Equality Act 2010 (and Northern Irish legislation) outlines characteristics which are protected from discrimination. The protected characteristics are: age, disability, gender reassignment, race, religion and belief (or political opinion under NI legislation), sex and sexual orientation. With the exception of disability and gender reassignment these categories are **inclusive** this means protection is provided to all ages; all racial backgrounds (whether Black or White); both genders; all sexual orientations (whether gay or straight); all religions and beliefs (including no religion or belief).

Pregnancy and maternity and marriage and civil partnership are also protected characteristics but are not protected directly under the harassment provisions of the Equality Act (or NI legislation). However, pregnancy, maternity and marriage harassment would amount to harassment related to sex, and harassment related to civil partnership would amount to harassment related to sexual orientation.

3. What does harassment related to a protected characteristics look like?

Some examples are listed below. This is not an exhaustive list.

Age Harassment

Making derogatory or insulting remarks about anyone based on their age, including 'jokes', banter, ridicule or taunts

Ignoring or excluding anyone from activities because of their age especially when they are in a minority e.g. within a team

Making assumptions about a person's ability or preferences based on their age

Unwanted nicknames related to a person's age

Unjustified assumptions about a person's value and abilities because of their age

Harassment on the grounds of disability, impairment, mental or physical health condition

Making derogatory or insulting remarks about people with a disability, impairment, mental or physical health condition including 'jokes', banter, ridicule or taunts

Using a disparaging or patronising tone when referring to, or communicating with people with certain disabilities, impairments, mental or physical health conditions.

Asking intrusive/unnecessary questions about a person's disability, impairment, mental or physical health condition.

Purposefully or continually communicating in a way that excludes a person with a disability, impairment, mental or physical health condition e.g. not facing a person who needs to lip read or not attempting to be on eye level with a wheelchair user.

Making assumptions about a person's ability or preferences based on their disability, impairment, mental or physical health status.

Ignoring or devaluing a person's ability.

Limiting of job opportunities including a refusal or avoidance of making reasonable adjustments.

Homophobic and Bisexual Harassment

Making derogatory or insulting comments about homosexuality or bisexuality including 'jokes', banter, ridicule or taunts

Using religious belief to justify discriminatory treatment of lesbian, gay or bisexual people

Asking lesbian, gay or bisexual people intrusive questions about their private life

Ignoring or excluding a person from activities because they are lesbian, gay or bisexual or from lesbian and gay events, because they are bisexual

Threatening to 'out' a person who is lesbian, gay or bisexual

Making assumptions about a person's ability or preferences based on their sexual orientation

False allegations of sexual misconduct

Pressuring a bisexual person to identify as either straight or gay

Racial Harassment

Making racially disparaging or racist comments including 'jokes', banter, ridicule or taunts

Using a disparaging or offensive tone when communicating with people from certain ethnic backgrounds

Demanding people explain or justify cultural observances

Making assumptions about a person's ability or preferences based on their ethnicity or cultural background

Ignoring or excluding a person from activities because of their ethnic background

Assigning a person an Anglicised name rather than their given name

Ridiculing peoples accents or names

Unnecessarily picking on people from particular ethnic backgrounds

Unwanted nicknames related to a person's ethnic background

Religion and Belief Harassment

Making derogatory or insulting remarks about religion/belief (and/or political opinion in NI), including 'jokes', banter, ridicule or taunts

Pressurising people to join religious (and/or in NI political) groups

Demanding people explain and justify religious (and/or in NI political) convictions

Ridiculing religious (and/or in NI political) observances and traditions and/or suggesting that they are inferior to other beliefs (and/or political opinion in NI)

Making assumptions about a person's ability or preferences based on their religion or belief (and/or political opinion in NI), including those who do not follow a religion or belief (and/or political opinion in NI)

Unwanted nicknames related to a person's religion/belief (and/or political opinion in NI)

Sectarian/ Political Opinion Harassment*

Sectarian remarks

Sectarian songs

The wearing of football shirts, e.g. Rangers or Celtic at work

Wearing badges and insignia linked to paramilitary or political organisations e.g. button holes or tattoos

Badges or insignia identifying community background e.g. Easter lilies, orange symbols

Posters, displays, emblems, screensavers, ringtones etc linked to the above.

*These examples (although not exclusive to Northern Ireland) should be read within the context of relevant guidance on '[Promoting Good & Harmonious Working Environment](#)' that applies in Northern Ireland. Such guidance distinguishes between what is likely to create an intimidating and hostile working environment and what (if worn with decorum and at the appropriate period) would not.

Sexual Harassment

Making unwelcome sexual advances or sexually explicit comments or 'jokes'

Being verbally abusive in a sexually charged way

Sexual assault

Sending sexually explicit emails

Displaying sexually explicit posters

Inappropriate physical contact

Sex Related Harassment

Making sexist remarks including 'jokes', banter, ridicule or taunts

Ignoring or excluding a person from activities, because of their gender, especially when they are in a minority within a work team

Purposefully or continually assigning tasks to a person along sexist and gender stereotyped lines

Applying different standards of dress code to each gender

Unwanted nicknames related to a person's gender

Trans Harassment

Derogatory remarks about Trans people

Intrusive/unnecessary questions about a Trans person's physical status

Avoiding people because they are Trans

Purposefully or continually referring to a Trans person by the wrong pronoun ('he' instead of 'she' or vice versa);

Showing reluctance or distaste at sharing facilities such as toilet facilities with a Trans person.

4. What can I do to prevent harassment?

Treat individuals with dignity and respect by placing yourself "in their shoes". However, guard against assuming that just because something is acceptable to you that it will be to others too.

Think about the impact of seemingly harmless comments or actions before saying or doing them.

If possible, intervene to stop harassment if witnessed and give support to the recipient.

Report any suspicions of harassment against others to an appropriate manager or Local People Team contact, or if you are a manager, take responsibility and work to resolve such issues.

Make sure you are fully aware of Barnardo's expectations of you by reading the Equality & Diversity Code of Conduct for Staff and Volunteers.

5. I am considering making a harassment complaint – what should I do?

Refer to the Grievance Resolution Policy & Procedure (on Inside.Barnardo's) which sets out the process for raising and dealing with a harassment complaint. To avoid the confusion that can sometimes result from recollecting events a complaint should be made as soon as possible after the alleged event(s) and preferably within three months. You are also advised to keep a personal record of the event(s). You should be aware that details of a formal complaint will be shared with the alleged harasser, as the process must allow them an opportunity to respond.

6. What are my rights if I make a harassment complaint?

You have the right to make a complaint; state your case; be listened to; and have your complaint investigated thoroughly. You can identify witnesses if appropriate.

You will get the opportunity to respond to any issues raised during the investigation including by the alleged harasser.

You can expect to be treated fairly and with dignity and respect.

You will not be victimised for having raised a complaint.

You have the right to have reasonable adjustments made to the process to remove or reduce any barriers it may present to you, if you have a disability, impairment, mental or physical health condition.

Employees have the right to be accompanied at formal meetings. For further information refer to the Accompaniment information sheet on Inside.Barnardo's).

7. Where can I go to for advice and support?

Sources of support and advice for potential harassment issues include:

- Line Manager (or a nominated impartial manager)
- Local People Team
- UNISON/other trade union representative (Refer to list of current UNISON representatives including Equalities Officer etc).
- Local/National Staff Equality, Diversity & Inclusion (EDI) Network
- Equality, Diversity & Inclusion Manager - Barnardo House (refer to Workplace for contact details)

Making contact with any of the above does not commit you to making a harassment complaint. There may be particular reasons that prevent you making a complaint e.g. to do so would require you to 'come out' as LGBT when you do not wish to do so. The Equality, Diversity & Inclusion Manager is your designated point of confidential support in these circumstances.

Also for Barnardo's employees:

The Employee Assistance Programme (EAP) is a confidential service for employees, which provides an opportunity to talk through any issues or concerns. This service can be accessed by calling 0800 716 017, Minicom 0845 600 5499 or if calling from overseas +44 1455 254198. Also online at healthassuredeap.com (username and password: barnardos) all available 24 hours a day, 7 days a week.

The EAP is a one to one service, and EAP counsellors cannot speak to one employee on behalf of another.

8. Someone has made an informal harassment complaint against me – what should I do?

If you are approached informally about your behaviour, you should not dismiss the matter as simply being an overreaction to a joke etc. You should remember that different people have different perceptions of what is offensive and this should be respected. The person who approached you may be happy with an explanation and genuine apology thereby bringing the matter to an amicable end.

For information refer to the Equality & Diversity Code of Conduct for Staff and Volunteers, which sets out expectations for all workers.

9. A harassment complaint has been made against me – what are my rights?

If a formal complaint is made, the receiving manager will be required to investigate the full circumstances and, where appropriate, decide if the matter should be considered under the disciplinary procedure.

Employees and workers alleged to have harassed someone will be given all the relevant information and an opportunity to present a response to the allegation as per the Grievance Resolution Procedure. You will also be entitled to bring a companion to any formal meetings (see Accompaniment information sheet on Inside.Barnardos).

It should be remembered that "guilt" is never assumed and persons against whom allegations have been made are equally encouraged to make use of available support. Please see Question 7.

10. Do normal work arrangements apply during an investigation into a harassment complaint?

The manager, in consultation with the Local People Team will consider whether normal working arrangements can be maintained during the investigation. Where business operation may/will be unreasonably disrupted or where a preference is stated by the complainant it may be appropriate to temporarily separate those involved, which might include redeployment, or paid leave. In the case of potential gross misconduct, the alleged harasser may be suspended (in line with the Disciplinary Policy). In addition, should the complaint be about a line manager, alternative reporting lines may be agreed as a temporary measure. Where the alleged harasser is a third party, it may require reallocating case work or contact with the third party. Whichever option is chosen it will be a neutral act, for the shortest period of time possible and subject to regular review.

11. Can I raise a harassment complaint against anyone other than a Barnardo's employee?

You can raise a complaint where you believe you have been subjected to harassment by third parties such as agency workers; consultants; service users or their families; employees of partner agencies etc. The Grievance Resolution Procedure should be used for this purpose.

12. Can I withdraw a harassment complaint once it is made?

A complaint can be withdrawn provided that this is not prompted by coercion and instead is an attempt to restore goodwill and re-establish sound working relationships. Notwithstanding this, managers have a duty of care to all of their workers and so, according to their judgement, may insist upon a formal procedure or continue an ongoing investigation if a complaint is withdrawn.

Policy and Advice Team
July 2019