

## **Staffing Policy against Discrimination, Harassment and Bullying in the Workplace**

### **1 INTRODUCTION**

As part of its commitment to Equality and Diversity, the University of Aberdeen aims to develop and encourage a working environment and culture in which the harassment, discrimination and/or bullying of members of staff is **neither tolerated nor accepted** and where individuals have the confidence to complain of such incidents without fear of intimidation or reprisals.

**It is the responsibility of all members of staff to behave courteously and respectfully towards each other and to ensure that their behaviour does not cause unnecessary offence or upset.**

The University undertakes to continuously publicise, disseminate, monitor and review this policy to ensure that it continues to adhere to recognised standards of best practice.

### **2 WHAT IS DISCRIMINATION?**

Discrimination may involve the less favourable treatment of one employee over another as a result of a legally protected characteristic\* or by the application of unnecessary criteria which some members of staff will find easier to meet than others.

### **3 WHAT IS HARASSMENT?**

Harassment can take many forms and may be directed at an individual or group of individuals. A perception of harassment can be the result of various types of communication, including face to face exchanges, email correspondence and written correspondence. Harassment occurs when someone's actions or words, based on the relevant grounds (some examples are listed below), are unwelcome and violate another person's dignity or create an environment that is intimidating, hostile, degrading, humiliating or offensive. Differences of attitude or culture and mis-interpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. Behaviour shall be regarded as harassing if, having regard to all the circumstances, including in particular the perception of the person who is the subject of the harassment, it should reasonably be considered as having that effect.

#### **3.1 Examples of Harassment**

Personal harassment occurs when one person's behaviour towards another creates an intimidating, hostile, degrading, humiliating or offensive environment for employment, study and/or social life. Personal harassment can be the result of prejudice in relation to the legally protected characteristics\* or any other grounds as listed in Appendix A.

In addition, it should be noted that harassment on the grounds of a person's sex, sexual orientation or gender reassignment, harassment of a sexual nature and treating a person unfavourably because he or she has either rejected or submitted to harassment will not be tolerated within the University. Sexual harassment occurs when a person's unwanted conduct on these grounds could reasonably be considered by the recipient as having the effect of either violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

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Footnote\*

*"Legally protected characteristics" are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.*

## **4 WHAT IS BULLYING?**

Bullying can be defined as frequent or infrequent threatening, abusive, intimidating, cruel, vindictive or humiliating behaviour, (which may be an abuse of power, position or knowledge and information) towards a member of staff which erodes their self-confidence and self-esteem. It should be noted that academic debate and legitimate and reasonable management of staff performance must be distinguished from bullying.

## **5 WHAT TO DO IF YOU ARE BEING HARASSED, DISCRIMINATED AGAINST AND/OR BULLIED**

### **5.1 Personal Action**

If you feel that you are being subjected to harassment, discrimination and/or bullying in any form, do not feel that you are to blame for the situation or that you have to tolerate it. It is important that you seek appropriate advice and support before a situation reaches an intolerable level or your personal wellbeing is put in jeopardy.

You can seek advice on courses of action open to you from the following University sources;

- Human Resources Adviser / HR Partner
- Supervisor/Head of School/Head of Section/
- Trade Union Representative
- Wellbeing Coordinator
- In-house Mediation Team

You can seek support from the following University Sources:

- Occupational Health Service
- University Counselling Service
- Chaplaincy
- In-house mediation team
- Alternatively, you may wish to contact your GP or a trained counsellor

### **5.2 Wellbeing Coordinators**

Wellbeing Coordinators will provide you with the opportunity to talk to someone who has had specialist training and who is willing to listen and offer help and support, whether or not you want to make a formal complaint. All discussions with Wellbeing Coordinators will be treated in the strictest confidence and allegations will not be made known to any other department or individual within the University without your express consent. The only time this confidentiality may not be maintained is if the allegation contains information which constitutes an unacceptable risk to you, another member of staff or the University.

The names of staff members who are trained as Wellbeing Coordinators are available on-line at <http://www.abdn.ac.uk/hr/policies/harrasment.shtml>  
(link will be updated when webpage is live)

### **5.3 Informal Action**

You should keep a note of details and dates of any incidents which distress you, including a note of the ways in which the incidents cause you to change your normal pattern of work or social life.

You may be able to deal with harassment, discrimination or bullying by making it clear to the alleged perpetrator (either in person or in writing) that you find their behaviour unacceptable and that it is causing you offence. If you feel you need help or advice, you could seek the involvement of a friend or colleague or any of the sources mentioned above. If you wish, a Human Resources Adviser or member of the In-House Mediation Team can facilitate a meeting between yourself and the other individual. If you think that your attempts to resolve the situation informally have not succeeded or if you feel unable to personally confront the individual, you should contact either:

- Supervisor/Head of School/Head of Section/
- Human Resources Adviser
- Trade Union Representative
- Wellbeing coordinator

Wherever possible, allegations of discrimination, harassment or bullying will be resolved informally at a School/Section level through the use of mediation, at which all parties can be accompanied.

## **5.4 Formal Action**

### **5.4.1 Concerns involving Staff**

If a solution is not reached, or if you feel that the matter should be taken further, you should raise it in writing with your Line Manager who will arrange for further investigation under the Disciplinary Procedures. If your concern(s) relate(s) to your Line Manager, you should raise the matter with an individual at the next level of the management structure within your School/Section.

Harassment, discrimination and bullying are serious breaches of the Equality and Diversity Policy and Code for Staff and Students and are viewed very seriously by the University. Discrimination, harassment or bullying may result in action being taken up to and including dismissal. Both you and the alleged perpetrator will have the opportunity to be represented, accompanied and to make a case.

The purpose of any formal action taken will be to investigate the circumstances and to arrive at a solution. All allegations will be taken seriously and in good faith and will be investigated thoroughly.

### **5.4.2 Concerns involving Students**

If the alleged incidents involve students, the matter will be referred to the Head of Student Support and will be dealt with under Student Procedures.

### **5.4.3 Concerns involving Third Parties**

If the alleged incidents involve a contractor or visitor to the University, you should report the details of the matter, including the date and time, to the Director of Human Resources.

### **5.4.4 Criminal Offences**

If a criminal offence takes place, this Policy is not intended to prevent or dissuade you from contacting the Police e.g. threatening phone calls, physical assault. Matters referred to the Police as criminal offences will normally be dealt with in parallel by the University under the Disciplinary Procedure.

## **6 CONFIDENTIALITY**

The University will treat as confidential all records concerning allegations or complaints of discrimination, harassment or bullying. When complaints are made, confidentiality will be maintained wherever possible. However, if an allegation contains information which constitutes an unacceptable risk to yourself, another member of staff or the University, action may be taken.

## **7 TRAINING AND DEVELOPMENT**

An awareness of best practice in relation to anti-discriminatory behaviour and an appreciation of how to deal with complaints of harassment or bullying will be incorporated into staff training where appropriate. If you feel you would like personal development in this area, you should contact your line manager or any of the Human Resources or Staff Development Advisers.

All new staff are offered the opportunity to undergo a central induction programme, which includes being informed about the University's Equality and Diversity Policy and Code for Staff and Students.

Approved by the University Court on 26 June 2012  
Revised July 2017 due to College restructure

**EXAMPLES OF HARASSING BEHAVIOUR**

Examples of Harassment may include:

- Spreading malicious rumours or insulting someone
- Ridiculing or demeaning someone or setting them up to fail
- Exclusion e.g. withholding information, not talking to someone, not including someone in discussions or meetings, exclusions from social occasions
- Overbearing supervision or other misuse of power or position e.g. making threats or comments about job security or performance without foundation
- Unwanted physical contact including the invasion of personal space and/or inappropriate touching
- Intrusion by pestering, spying, following, stalking etc.
- Deliberately undermining a colleague by setting an unrealistic volume of work and constantly criticising
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Making derogatory remarks, jokes, insults, offensive language, gossip and slander in verbal and written communication, including by email

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