

Harassment Policy

Policy Statement

This care service forbids all forms of harassment at work (and at work-related events, including social events) and seeks to ensure that the working environment is comfortable for all its employees. The following procedure informs employees of the types of behaviour that are unacceptable and provides employees who are the victims of harassment with a means of redress.

Harassment on the grounds of sex, transgender status, pregnancy, sexual orientation, race, colour, nationality, ethnic or national origins, religion or belief, marital status, civil partnership status, disability, age or on any other grounds is unacceptable. It is equally unacceptable for an employee to harass a colleague because they associate with someone of a different race, religion, sexual orientation, age, etc, for example because they are married to someone of a minority ethnic origin or chooses to socialise with gay or lesbian friends.

The prohibition on harassment applies equally to situations where someone thinks or perceives that a colleague is of a different race, sexual orientation, religion, age, sex or that they have a disability, is a transgender person, or is pregnant, irrespective of whether that perception is right or wrong.

Implementation of the policy is the duty of all managers and supervisors. All employees are expected to comply. (The care service welcomes the support of the recognised trade union(s) in seeking to eradicate all forms of harassment from the workplace.)

Procedure

Generally, harassment is unwanted conduct related to a protected characteristic which has the purpose or effect of violating the person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Examples of harassment

1. Sexual harassment may take many forms, from relatively mild sexual banter to physical violence. Employees may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment may be physical, verbal or non-verbal. Examples include:
 - a. insensitive jokes and pranks that contain a sexual element

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- b. remarks or banter that have a sexual content
 - c. lewd comments about appearance
 - d. unnecessary and unwelcome body contact
 - e. displays of sexually offensive material, eg pin-ups, emails with offensive attachments
 - f. requests for sexual favours
 - g. speculation or gossip about a person’s private life and sexual activities
 - h. threatened or actual sexual violence
 - i. threat of dismissal, loss of promotion, etc for refusal of sexual favours
 - j. emails of a sexual nature.
2. Sex-based harassment, ie harassment on grounds of gender, can take many forms. Examples include:
- a. demeaning jokes, remarks or banter about women (or men) in the workplace
 - b. pranks played on women (or men), particularly where women (or men) form a minority in the workforce
 - c. deliberate exclusion of women (or men) from conversations
 - d. abusive, threatening or insulting words or behaviours aimed at women (or men).
3. Racial harassment can also take many forms, from relatively minor abuse to physical violence. Examples of harassment include:
- a. insensitive jokes related to race, colour or nationality
 - b. remarks or banter that have a racial content or are racist in nature
 - c. calling someone a nickname linked to their nationality or skin colour
 - d. pranks perpetrated on racial grounds
 - e. deliberate exclusion from conversations on racial grounds
 - f. abusive, threatening or insulting words and behaviour on racial grounds
 - g. displaying racially abusive writing or pictures
 - h. emails of a racist nature

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- i. insulting a colleague because they are married to someone of a minority racial group.
4. Harassment relating to disability could take many forms, including:
 - a. insensitive jokes relating to disability or disabled people
 - b. remarks or banter about disabled people
 - c. abusive or insulting remarks or gestures on the grounds of a person's disability
 - d. emails with unnecessary references to a person's disability
 - e. mimicking a disabled person's mannerisms.
5. Harassment on the grounds that a person is intending to undergo, is undergoing or has undergone gender reassignment can take many forms including:
 - a. insensitive jokes about a person's transgender status
 - b. remarks, banter or gossip about a person's transgender status
 - c. deliberate exclusion of gender reassigned people from conversations
 - d. abusive, threatening or insulting words or behaviours aimed at people who are intending to undergo, are undergoing or have undergone gender reassignment.
6. Harassment relating to sexual orientation could take many forms, including:
 - a. insensitive jokes relating to sexual orientation
 - b. remarks, banter or gossip about gay or lesbian people
 - c. displays of sexually offensive material relating to sexual orientation, eg e-mails with offensive attachments
 - d. speculation about a person's private life and sexual activities
 - e. emails making unnecessary reference to sexual orientation
 - f. derogatory remarks about a heterosexual employee because they socialise with friends who are gay or lesbian.
7. Harassment relating to religion or belief could take many forms, including:
 - a. insensitive jokes or pranks linked to religion or belief or to absence of religion or belief
 - b. remarks or banter about religious beliefs or practices

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- c. abusive, threatening or insulting words or behaviour on the grounds of religion or belief or absence of religion or belief
 - d. displaying writing or pictures that are abusive towards a particular religion
 - e. emails making unnecessary reference to a person’s religion or belief
 - f. foisting religious beliefs on others
 - g. derogatory treatment of any kind because of a mistaken perception that the employee adheres to a particular religion.
8. Harassment relating to age could take many forms, including:
- a. insensitive jokes that make fun of younger or older people
 - b. remarks or banter about older or younger people
 - c. pranks perpetrated on age grounds
 - d. deliberate exclusion from activities or conversations on grounds of age
 - e. a refusal to co-operate with someone on grounds of a perception that they are “too young” or “too old” to bother about
 - f. treating someone’s ideas as inferior or worthless on account of youth or age
 - g. making demeaning remarks (whether in fun or not) alleging that someone’s physical or mental abilities have declined on account of their age
 - h. emails and social media posts making unnecessary reference to age, gender or sexual orientation
 - i. offensive age-related birthday cards.
9. The examples above are not exhaustive. Some of the types of behaviour listed above may, after investigation, amount to gross misconduct, punishable by summary dismissal, depending on the circumstances of the case in question.

The environment

- 1. The care service prohibits the display of any offensive material in any part of the provider’s premises, eg pin-ups and suggestive posters, and will remove all offending material and discipline the perpetrators.

Compliance

- 1. All new employees will be informed of the care service’s policy towards harassment at induction training, when it will be stressed that all complaints of harassment will be treated very seriously.

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2. The care service expects all managers and supervisors to ensure that this policy and procedure are adhered to at all times.
3. The care service recognises the sensitive nature of complaints of harassment. Employees may wish to be accompanied at investigatory meetings and this will be facilitated where possible.

Informal remedy

1. Employees who are victims of minor harassment are advised to make it clear to their harasser that the behaviour is unacceptable and must stop. If an employee is unable to do this verbally then a written request (explaining the distress caused) handed to the harasser may be effective.

Formal procedure

1. Where informal methods fail, or serious harassment occurs, employees are advised to bring a formal complaint, and may seek assistance in doing so from the *Operations Manager*. The complaint should be made in writing, and where possible, state:
 - a. the name of the harasser
 - b. the nature of the harassment
 - c. dates and times when harassment occurred
 - d. names of witnesses to any incidents of harassment
 - e. any action already taken by the complainant to stop the harassment.

The complaint should be sent, in confidence, to the *The Operations Manager, Rainbow Direct Care, Office 14, Corby Business Centre, Eismann Way, Corby, NN17 5ZB*

2. Immediately following the receipt of a complaint of harassment, action will be taken where possible to separate the alleged harasser from the complainant; in serious cases, this may involve suspension with pay until the complaint has been resolved.
3. The senior manager handling the complaint will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.
4. Copies of statements made by witnesses will be made available to the alleged harasser and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances, the manager will, if necessary, adjourn the hearing to ask supplementary questions of witnesses in private.

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5. In cases of harassment, the complainant may, if they wish, be supported throughout the procedure and hearing by a colleague of their choice or by a trade union representative.
6. The employee accused of harassment will be afforded a full and fair opportunity to defend or explain their actions at a hearing, in accordance with the care service's disciplinary procedure. The right to be accompanied by a work or a trade union representative will also apply.
7. The severity of the penalty imposed upon an employee found guilty of harassment will be consistent with those detailed in the disciplinary procedure (eg serious harassment will normally result in summary dismissal). Where a lesser penalty is appropriate (eg a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, the manager may order the transfer of the harasser to a different work area, or arrange for the amendment of working practices to minimise contact between the two employees. If the victim so wishes their own transfer will be arranged, subject to practical limitations. The result of the investigation and hearing will be confirmed in writing to both employees.
8. If the complainant is not satisfied about the way their complaint has been handled, they may use the grievance procedure.
9. An employee who receives a warning or is dismissed for harassment may appeal against the penalty in accordance with the care service's disciplinary appeals procedure.
10. An employee who brings a complaint of harassment will not suffer victimisation for having brought the complaint. However, if the complaint is untrue and has been brought maliciously (eg out of spite), disciplinary action will be taken against the complainant.

Harassment by Third Parties

The care service will not tolerate any form of harassment (in particular sexual harassment) of its workforce by third parties (eg service users, suppliers or members of the public). All service users, suppliers and other third parties have been informed of the care service's policy and action will be taken against those who subject any of the workforce to any form of harassment. Any employee who is the victim of harassment by a third party, or who becomes aware that another employee is suffering such harassment, should report the matter immediately to *HR manager*.

Consequences

1. Harassment at work on the grounds of sex or of a sexual nature, trans-gender status, race, sexual orientation, disability, religion or belief, or age is unlawful, and both the

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care service and the harasser may be held liable for such unlawful actions, and be required to pay compensation to the person who has suffered the harassment.

2. Any form of harassment can reduce the effectiveness of the care service by creating a threatening environment, and increasing sickness absence and labour turnover. All employees have the right to work in an environment free from all forms of harassment.

Counselling

The organisation offers access to a free and confidential counselling service to employees who believe they have been, or are being, harassed at work; the service is also available to any employee who is alleged to have harassed a colleague.

Training

All staff receive training in this and related policies so that they know how to apply them.

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