

# ANTI-HARASSMENT AND BULLYING POLICY

## Statement and Purpose of Policy

1. Control & Move Fitness CIC (the **Employer, we or us**) is committed to providing a work environment free from harassment and bullying and ensuring that all staff are treated, and treat others, with dignity and respect.
2. This Policy does not form part of any employment contract and the Employer retains the right to amend it at any time, in its absolute discretion.

## What Does This Policy Cover?

3. This Policy covers harassment, victimisation and bullying which takes place within and outside of the workplace, including on business trips, work-related social functions or events.
4. This Policy applies to all staff, irrespective of seniority, tenure and working hours, including all directors and officers, casual or agency staff, trainees, interns, fixed-term staff, volunteers, consultants and contractors. It also covers harassment and bullying by third parties, such as customers, suppliers or visitors to the business premises.

## What is Harassment?

5. Harassment is defined as unwanted conduct related to a relevant protected characteristic (within the Equality Act 2010) which has the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
6. Unlawful harassment may involve conduct of a sexual nature or it may be related to age, race, colour or nationality, ethnic or national origins, sex, gender reassignment, sexual orientation, disability, religion or belief, pregnancy or maternity.
7. Harassment can arise in some cases even though the person complaining does not actually possess a protected characteristic but is perceived to have it (for example, when a person is harassed because they are (wrongly) believed to be homosexual) or associates with other people who possess a protected characteristic (for example, because they have a spouse who is Muslim).
8. A person may also be subject to harassment even if they were not the intended target. For example, a person may be harassed by a sexist joke about a different gender if it creates an offensive environment for them to work in.
9. Examples of harassment include, but are not limited to:
  - a. use of insults or slurs based on a protected characteristic or of a sexual nature or other verbal abuse or derogatory, offensive or stereotyping jokes or remarks;
  - b. physical or verbal abuse, threatening or intimidating behaviour because of a protected characteristic or behaviour of a sexual nature;
  - c. unwelcome physical contact including touching, hugging, kissing, pinching or patting, brushing past, invading personal space, pushing grabbing or other assaults;
  - d. mocking, mimicking or belittling a person's disability, appearance, accent or other personal characteristics;
  - e. offensive or intimidating gestures or comments (regardless of if they were made in person, over emails, text messages or in social media content);
  - f. unwelcome requests for sexual acts or favours, verbal sexual advances, vulgar, sexual, suggestive or explicit comments or behaviour;

- g. repeated requests, either explicitly or implicitly, for dates;
  - h. repeated requests for social contact or after it has been made clear that requests are unwelcome;
  - i. comments about body parts or sexual preference;
  - j. displaying or distributing offensive or explicit pictures, items or materials relating to a protected characteristic or of a sexual nature;
  - k. shunning or ostracising someone, for example, by deliberately excluding them from conversations or activities;
  - l. 'outing' or threatening to 'out' someone's sexual orientation (i.e. to make it known);
  - m. explicit or implicit suggestions that employment status or progression is related to toleration of, or acquiescence to sexual advances, or other behaviour amounting to harassment;
  - n. racists, sexist, homophobic or ageist jokes, and stereotypical remarks about a particular ethnic or religious group or gender;
  - o. posters, graffiti, obscene gestures, flags and emblems; and
  - p. isolation from normal work or study places, conversations or social events.
10. Other important points to note about harassment:
- a. a single incident can amount to harassment;
  - b. behaviour that has continued for a long period without complaint can amount to harassment;
  - c. it is not necessary for an individual to intend to harass someone for their behaviour to amount to harassment;
  - d. it is not necessary for an individual to communicate that behaviour is unwelcome before it amounts to harassment; and
  - e. the burden is on each individual to be certain that their behaviour and conduct is appropriate and is not unwanted and, in the case of doubt, you must refrain from such conduct.

## **What is Victimisation?**

- 11. Victimisation occurs where a member of staff is subjected to detrimental treatment because they have, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has assisted or supported another person in bringing forward such an allegation, or participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation.
- 12. We seek to protect all staff from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in a disciplinary process.

## **What is Bullying?**

- 13. Bullying is any behaviour, be it physical, verbal or non-verbal, that is offensive, intimidating, malicious or insulting and that involves a misuse of power (e.g. a position of authority or physical strength), which can result in a person feeling vulnerable, upset, humiliated, undermined or threatened.
- 14. Examples of bullying include, but are not limited to:
  - a. unfair treatment;
  - b. inappropriate and/or derogatory remarks about a person's performance;
  - c. physical or psychological threats;
  - d. overbearing and intimidating levels of supervision;

- e. abuse of authority or power by those in positions of seniority;
  - f. constantly changing targets in order to cause someone to fail;
  - g. making false allegations; and
  - h. deliberately excluding someone from meetings or communications without good reason.
15. On their own, any reasonable, legitimate and constructive criticism or comments of a person's performance or behaviour, or reasonable instructions given in the courts of employment, will not amount to bullying.

## **What If You Are Being Bullied or Harassed?**

16. If you are being bullied or harassed, consider if you feel able to raise the problem informally with the person responsible. Clearly explain to them that their behaviour is unwanted and makes you feel uncomfortable. If you cannot speak to the responsible person (for example, because it is too difficult or embarrassing), speak to your line manager or the Employer's HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
17. If you are uncertain whether an incident or series of incidents amounts to bullying or harassment, contact your line manager or HR Department for confidential advice.
18. If your request is ignored, the bullying or harassment continues and/or you would prefer to take formal action, you should raise the matter formally under the formal complaint procedure set out below.
19. A formal complaint about bullying or harassment should be made in writing and sent to the HR Department, identifying:
- a. who has been bullying or harassing you;
  - b. the nature of the bullying or harassment;
  - c. the specific acts relied upon as constituting bullying or harassment;
  - d. when the alleged acts of bullying or harassment took place, including the dates and times where possible;
  - e. the names of any witnesses to any of the alleged acts of bullying or harassment; and
  - f. any action that has already been taken to attempt to stop the bullying or harassment from occurring (e.g. informally reporting it to your line manager).
20. You will be invited to attend a meeting with the HR Department to discuss your complaint. You must make every effort to attend any scheduled meeting under this Policy.
21. You have the right to be accompanied by a companion to any meeting under this procedure. Your choice of companion will be agreed to if they are either a colleague, a trade union official or a trade union representative (which, if not an employed official, must be certified by their union as competent to accompany a worker) and under the circumstances, you have made a reasonable request to be accompanied.
22. Your complaint will be investigated in a confidential and timely manner, by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation, including the names of the person accused of bullying or harassment and the person making the complaint, will be disclosed on a 'need to know' basis. We will also consider if any steps are necessary to manage the ongoing relationship and the person accused of bullying or harassment.
23. When the investigation is completed, you will be informed of the Employer's decision. If we consider that you have been bullied or harassed by a staff member, we will deal with the matter under the Employer's Disciplinary Procedure as a case of possible misconduct or gross misconduct. If we consider that you have been bullied or harassed by a third party, such as a customer or visitor, we will consider what actions will be appropriate to deal with the problem. If you are unhappy with the decision, you can raise an appeal under the formal appeal procedure set out in the section entitled 'Appeal' below.

24. Regardless of whether your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

## **Appeal**

25. If you are unhappy with the decision and you wish to appeal, you should contact the HR Department within 10 working days of the date of the decision, saying that you disagree with the decision and giving your reason(s) why and, where relevant, providing any new evidence you seek to rely on.
26. You will then be invited to an appeal hearing, normally within five working days of us receiving your letter of appeal.
27. Your appeal will be heard by an impartial manager or if necessary an independent HR advisor who has not been part of the process up until the appeal stage. Your appeal will either be a review of your complaint or a complete rehearing, at the Employer's discretion.
28. After the meeting, you will be given a decision, normally within 24 hours. The Employer's decision is final and there is no further right to appeal.

## **Supporting and Protecting Those Involved**

29. Staff who make complaints or who participate in good faith in any investigation under this Policy must not suffer any form of victimisation or retaliation as a result. If you believe to have suffered such treatment, speak to your line manager or HR Department. If the matter is not resolved or remedied, raise it formally under this Policy, where appropriate.
30. Anyone found to have victimised or retaliated against someone will be subject to disciplinary action under the Employer's Disciplinary Procedure.
31. If an investigation under this Policy concludes that a malicious or false claim of bullying or harassment has been made, the complainant may be subject to disciplinary action under the Employer's Disciplinary Procedure.

## **Keeping Records**

32. Information regarding any complaints made by or about a member of staff may be recorded on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. Such data will be processed in accordance with the Employer's Data Protection and Data Security Policy available online at [https://www.cmstudios.online/\\_files/ugd/b27d60\\_dc5d8db43d884e5dabe9086424cff325.pdf](https://www.cmstudios.online/_files/ugd/b27d60_dc5d8db43d884e5dabe9086424cff325.pdf).
33. For more information on how we use personal data, refer to the Privacy Notice, which is available from your line manager or the HR Department.

## **Attribution**

34. This Anti-Harassment and Bullying Policy was created using a document from [Rocket Lawyer](https://www.rocketlawyer.com/gb/en) (<https://www.rocketlawyer.com/gb/en>).