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# **Anti-harassment and Anti-bullying Policy and Procedure: Staff**

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<b>Changes made at the last review</b>	Updated the whole policy to reflect current definitions, terms and best practices, with more focus on sexual harassment to reflect new requirements. Removed references to students.
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## Related GBS policies

- GBS Equality and Diversity Policy
- GBS Safeguarding and Prevent Policy
- GBS Staff Grievance Policy
- GBS Social Media Policy
- GBS Staff Disciplinary Policy

## External Reference Points

- Employee Assistance Programme
- Worker Protection (Amendment of Equality Act 2010) Act 2023

**Contents**

1. Policy Statement ..... 4

2. Scope ..... 4

3. Policy Overview ..... 4

4. Definitions ..... 4

    4.1 Bullying ..... 7

    4.2 Harassment ..... 5

    4.3 Sexual Harassment ..... 6

    4.4 Victimization ..... 8

    4.5 Third-party Harassment ..... 8

5. Characteristics of Harassment and Sexual Harassment ..... 9

6. Roles and Responsibilities ..... 9

    6.1 Responsibilities of Management ..... 10

    6.2 Employee Responsibilities ..... 11

7. Designated Contact Person ..... 11

8. Independent Support ..... 12

9. Complaint Procedure ..... 12

10. External Assistance ..... 13

11. Malicious Complaints ..... 13

12. Procedure for addressing allegations of bullying and harassment ..... 13

    12.1 Mediation ..... 14

    12.2 Informal Procedure ..... 14

    12.3 Formal Method ..... 15

13. Formal Training ..... 16

14. Policy Amendment and Administration ..... 17

15. Data Protection and Confidentiality ..... 17

16. Alternative Format ..... 17

## 1. Policy Statement

1.1. Global Banking School (GBS) is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. Accordingly, no form of bullying, harassment or sexual harassment is tolerated by or against employees, contractors, vendors, students, third parties or any other individuals who conduct business with the Company. Any violation of this policy, including inappropriate actions or failure to act, may result in disciplinary action, up to and including dismissal.

## 2. Scope

2.1 This policy applies to bullying/harassment not only by fellow employees but also by a client, student or other business contact with whom an employee might reasonably expect to come into contact in the course of their employment.

## 3. Policy Overview

3.1 This policy defines bullying and harassment (including sexual harassment) and sets out the procedures that the Company has in place and will adhere to should any employee make a complaint that they have been the victim of bullying or harassment (including sexual harassment).

3.2 Complaints by employees under this policy will be treated with fairness and sensitivity and in as confidential a manner as possible.

3.3 Any employee accused of bullying or harassment under this Policy will be afforded natural justice and treated with fairness and sensitivity.

## 4. Definitions

### 4.1 Who is protected from harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;

- religion or belief;
- sexual orientation; and
- age.

4.1.1 Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any grounds to be unacceptable.

## 4.2 Harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

4.2.1 Harassment can also occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

4.2.2 Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

4.2.3 While this is not an exhaustive list, further examples include:

- insensitive jokes and pranks
- lewd or abusive comments
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- abusive, threatening or insulting words or behaviour
- name-calling
- picking on someone or setting them up to fail
- exclusion or victimisation
- undermining their contribution/position
- demanding a greater work output than is reasonably feasible
- blocking promotion or other development/advancement.

4.2.4 Disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

4.2.5 A single incident can amount to harassment.

### 4.3 **Sexual harassment**

Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:

- Jokes, innuendos or gestures of a sexual nature;
- Sexually-charged computer programs, emails or messages;
- Demeaning language or behaviour that is based on sex;
- Compliments about a person's body of a sexual nature;
- Repeated requests for a date despite refusals;
- Unwelcome sexual advances;
- Requests for sexual favours;
- Questions or comments about personal or intimate sexual matters;
- Deliberately brushing up against someone else;
- Sexual epithets or name-calling;
- Sexually intimidating behaviour or ridicule;
- Objects, pictures, photographs, or cartoons of a sexual nature; or
- Other verbal or physical harassment of a sexual nature.

4.3.1 Sexual harassment can also take place when an employee is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities.

4.3.2 A single incident may constitute sexual harassment

## 4.4 Bullying

Bullying is the repeated abuse of power or position to undermine a person so that their confidence and self-esteem/self-worth are weakened or destroyed. Bullying may happen in public or in private. It may arise from the personal style of the bully, and attacks may be irrational, unpredictable, and unfair. An isolated incident of the behaviour in this definition may be an affront to dignity but as it is not “repeated” it is not considered to be bullying

4.4.1 The following is a non-exhaustive list of examples of types of bullying:

- Exclusion with negative consequences
- Verbal abuse/insults
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive and unreasonable monitoring of work
- Humiliation
- Withholding work-related information
- Repeatedly manipulating a person’s job content and targets
- Blame for things beyond the person’s control

It is important to note that the following do not constitute bullying:

- Expressing differences of opinion strongly
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome
- Ordinary performance management
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees
- Workplace conflict where people disagree or disregard the others' point of view

## 4.5 Microaggressions

4.5.1 Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

4.5.2 Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 4.6 Victimization

Victimization takes place when an employee is treated unfavourably as a direct result of raising a genuine complaint of discrimination or harassment. Furthermore, any employee who supports or assists another employee to raise a complaint is also subjected to victimisation if they are treated unfavourably.

## 4.7 Third-Party Harassment

The Company operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees by a third party, such as a client/customer or visitor to the organisation. All employees are encouraged to report any and all instances of harassment that involve a third party in line with our reporting procedure, as outlined below.



4.7.1 If we find that the allegation is well-founded, we will take the steps we deem necessary in order to remedy this complaint. This can include, but is not limited to:

- warning the individual about the inappropriate nature of their behaviour
- banning the individual from Company premises
- reporting the individual's actions to the police.

4.7.2 In addition to this, GBS will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

## **5. Characteristics of Harassment and Sexual Harassment**

5.1 To constitute sexual harassment or harassment the behaviour complained of must firstly be unwelcomed by the recipient. This distinguishes unwanted behaviour from friendly behaviour which is welcome or reciprocal. In addition, the behaviour, to constitute harassment or sexual harassment, must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

5.2 Employees should be sensitive to the impact their behaviour and/or actions may have on the feelings of others. It is the impact of unwanted behaviour on the recipient and not the intention of the harasser of such unwanted behaviour which determines whether harassment or sexual harassment has taken place. It is therefore important for all employees to understand that the intention of the harasser is irrelevant, the fact the harasser has no intention of bullying or harassing a victim is no defence.

5.3 Harassment and sexual harassment are unacceptable, whether perpetrated by superiors, peers, juniors, non-employees or by persons of the same sex. In some circumstances, sexual harassment may be unlawful and, in such circumstances, the Company, where it is aware that such behaviour has occurred, will take the necessary steps to inform the appropriate authorities.

## **6. Roles and Responsibilities**

## 6.1 Responsibilities of Management

GBS will be responsible for ensuring all members of staff, including seniors and those within management positions, understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

6.1.1 We will also take into account aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take.

6.1.2 Where an incident is witnessed, or a complaint is made under this policy, the Company will take prompt action to deal with this matter. All incidents will be deemed serious and dealt with in a sensitive and confidential manner.

6.1.3 The Company will take such steps as are reasonably practicable to ensure that bullying, harassment (including sexual harassment) does not occur and that complaints are addressed appropriately. It is the Company's commitment to:

- effectively communicate this policy to all employees, and in so far as is practicable, to all non-employees including clients, students and other business contacts including those who supply and receive goods and services;
- monitor incidents of bullying, harassment and sexual harassment;
- train employees in issues of bullying, harassment and sexual harassment; and
- review this policy on a regular basis in line with changes in the law, relevant case-law and other developments.

In particular, management will:

- Provide good example by treating all in the workplace with courtesy and respect.
- Promote awareness of the GBS' policy and complaints procedures.
- Be attentive for signs of bullying, harassment and sexual harassment and take action where appropriate, before a problem escalates.

- Respond sensitively to an employee who makes a complaint of bullying, harassment or sexual harassment.
- Explain the procedures to be followed if a complaint of bullying, harassment or sexual harassment is made.
- Take reasonable steps to ensure that an alleged harasser is treated fairly.
- Take reasonable steps to ensure that a recipient is not victimised for making a complaint.
- Monitor and follow up the situation after a complaint is made so such behaviour does not recur.

## **6.2 Employee Responsibilities**

6.2.1 GBS expects all employees to contribute to achieving a bullying and harassment-free environment by cooperating with management to eliminate such behaviour.

6.2.2 Every employee is responsible for safeguarding their own safety and welfare, as well as that of their colleagues who may be affected by their actions, or omissions, while at work. It is noted that it is up to each employee to decide what behaviour is unwelcome irrespective of the attitude of others to the matter.

6.2.3 All employees share the responsibility for enforcement of this policy and are strongly encouraged to report concerns regarding conduct that may be contrary to it. Employees and Managers who have learned of conduct that is contrary to this policy or who have concerns about such matters must contact Human Resources.

## **7. Designated Contact Person**

7.1 The Senior Employee Relations Manager has been designated as the Company's contact person in respect of this Policy, to act as a first step for anyone enquiring about a possible breach. The role of the Contact Person is a supportive one: to listen and offer guidance on options in line with company policy and procedures, on a strictly confidential basis. Please note that speaking to the designated contact person is not

the same as making a formal or informal complaint. The Contact Person will have no further involvement in the complaints process.

## **8. Independent Support**

8.1 The Company has arranged with an independent organisation, to provide a 365 day a year confidential helpline service for the Company's employees and their families. This independent organisation offers support and assistance in a wide range of circumstances including those where people feel they are suffering stress and/or distress as a result of bullying or harassment in the workplace.

8.2 Employees can call our Employee Assistance Programme on 0800 028 0199.

8.3 It is important to note that speaking to this independent organisation is not the same as making a formal or informal complaint. The independent organisation provides support and assistance, but the employee may still need to make a formal or informal complaint in order to resolve the problem in the context of which bullying or harassment may have occurred. Formal and informal complaints should be made by the employee in the manner prescribed in this policy.

## **9. Complaint Procedure**

9.1 The Company strongly encourages the reporting of all incidents of bullying, harassment or sexual harassment, regardless of the alleged harasser's identity or position, so that an effective process can be conducted, and corrective action can be taken when appropriate. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying and/or harassment. Therefore, while no fixed reporting period has been established, employees are strongly encouraged to promptly report any complaints or concerns so that constructive action can be taken.

9.2 Confidentiality will be maintained throughout any investigation to the greatest extent, consistent with the requirements of a fair investigation. The Company cannot therefore guarantee anonymity.

9.3 Any employee, who makes a complaint in good faith, supports a recipient, gives evidence in proceedings or gives notice of an intention to do any of the foregoing, will

not be victimised or subject to sanction. Retaliation against those who, in good faith allege a breach of this policy or participate in an investigation concerning an alleged breach, is prohibited. Any retaliation, including, but not limited to intimidation, coercion, threats, or discrimination resulting from an employee making a complaint under this policy may result in disciplinary action against the retaliator, up to and including termination of employment.

9.4 The Company has both an informal and formal procedure to deal with complaints of bullying or harassment or sexual harassment.

9.5 Any meetings under the complaints procedure may take place virtually where necessary.

## **10. External Assistance**

10.1 In any situation where, by reason of the size of the Company, seniority of a recipient or a person complained of, or for any other reason, GBS decides that it is not appropriate, for a complaint or appeal to be dealt with by an employee of the Company, then GBS reserves the discretion to appoint an appropriate external person to address the matter. Any such external person will carry out his or her functions in accordance with the provisions of this Policy and the Company will give appropriate effect to the findings of such an external person.

## **11. Malicious Complaints**

11.1 If a complaint is found to be malicious or not made in good faith, then disciplinary action (up to and including dismissal) may, if the Company deems it appropriate, arise (in respect of any of the parties involved) in accordance with the GBS' Disciplinary Policy.

11.2 A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of bullying or harassment.

## **12. Procedure for addressing allegations of bullying and harassment**

## 12.1 **Mediation**

Mediation involves parties seeking to arrive at a solution through mutual agreement rather than through an investigation and decision so is an alternative method of resolving issues relating to bullying and harassment. Mediation provides a confidential opportunity for the person who feels that he/she has been bullied or harassed and the alleged harasser of this inappropriate behaviour to discuss the matter and to reach an agreement on their continuing working relationship.

12.1.1 Mediation is conducted in private, directly between the parties concerned, with the support of a Mediator, who acts as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that he/she wishes to do so.

12.1.2 If the Company deems it appropriate and both parties agree to resolve the issue by mediation, the Company will seek to arrange a mediation process. An appropriate person, suggested by the Company, acceptable to both parties, from within or outside the Company (at the Company's sole discretion) will be assigned as Mediator.

12.1.3 If the mediation process results in an agreement acceptable to both parties, the Mediator will draw up a written record of the terms of the agreement for signature by both parties.

12.1.4 If the matter is resolved by mediation no further action under this procedure will be taken.

## 12.2 **Informal Procedure**

12.2.1 While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying, harassment or sexual harassment informally, by using the informal procedure. The objective of the informal approach is to stop the harassment, bullying or sexual harassment with the minimum of conflict, stress and time for the individuals involved.

### 12.2.2 **Informal Process**

Sometimes the alleged harasser is genuinely unaware that the behaviour being complained of is disrespectful or unwelcome and/or causing distress.

- If the recipient feels able to do so, they should in the first instance, raise the unacceptable behaviour with the alleged harasser, verbally or in writing.
- Where the concerns relate to an immediate manager, the recipient may wish to discuss the matter with the next level of management.
- This initial informal process can be sufficient to alert the person concerned to the effects of the alleged behaviour and can lead to a greater understanding and an agreement that the behaviour will stop.

12.2.3 If a manager or Contact Person is involved in the initial informal process, a brief written record of the matter and the agreed outcomes should be retained.

12.2.4 The employee may request the assistance of a manager or supervisor (whether or not that person has direct supervisory responsibility) in raising the issue with the alleged harasser(s) as a confidential helper.

### 12.3 **Formal Procedure**

12.3.1 Where the informal approach fails or if the harassment is more serious, the employee should bring the matter to the attention of the HR Team as a formal written grievance and again, their confidential helper can assist them in this. If possible, the employee should keep notes of the harassment so that the written complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by the employee to stop the alleged harassment.

12.3.2 On receipt of a formal complaint, the Company will commence an investigation. In all except exceptional cases, all parties are expected to

continue to work normally, in a professional manner, during the investigation. The investigation will be conducted objectively, with sensitivity, confidentially and with due respect to the rights of both the recipient and alleged harasser.

- 12.3.3 In extreme circumstances, the Company may take action to separate the parties to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.
- 12.3.4 On conclusion of the investigation, which will normally be within ten (10) days of the meeting with the recipient, a report of the findings will be submitted to the manager who will hold the grievance meeting.
- 12.3.5 The recipient will be invited to attend a meeting at a reasonable time and location to discuss the matter once the person hearing the grievance has had opportunity to read the report. The recipient will have the right to be accompanied at such a meeting by a colleague and they must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.
- 12.3.6 The recipient will be able to put their case forward at the meeting and the manager will explain the outcome of the investigation.
- 12.3.7 They will have a right to appeal the outcome, which is to be submitted within five (5) working days of receiving the outcome. An appeal is not a re-hearing of the original issues. Rather, the appeal will focus on the conduct of the investigation in terms of fair process and adherence to the formal process.
- 12.3.8 If the decision is that the allegation is well-founded, the alleged harasser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including dismissal.

## **13. Formal Training**



To ensure that GBS' employees remain educated about their obligations under this policy, GBS will require all employees to periodically receive training regarding our zero tolerance for harassment and bullying at work.

#### **14. Policy Amendment and Administration**

This policy may be amended by GBS at any time. If there are any queries relating to policy administration, please contact the Academic Standards and Quality Office at [asqo@globalbanking.ac.uk](mailto:asqo@globalbanking.ac.uk).

#### **15. Data Protection and Confidentiality**

GBS is registered with the Information Commissioner's Office as a Data Controller. Details of the School's registration are published on the [Information Commissioner's website](#). GBS as a Data Controller implements appropriate technical and organisational measures to ensure that processing of personal information is performed in accordance with the UK General Data Protection Regulations (UK GDPR) and under the Data Protection Act 2018 (DPA).

#### **16. Alternative Format**

This policy can be provided in alternative formats (including large print, audio and electronic) upon request. For further information, or to make a request, please contact the Academic Standards and Quality Office at [asqo@globalbanking.ac.uk](mailto:asqo@globalbanking.ac.uk).