

# Anti-harassment and Bullying Policy (Associates)



NFER is committed to providing a work environment where we prioritise wellbeing, inclusion, professionalism, open communication and where everyone is treated with dignity and respect. We do not tolerate bullying or harassment.

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## Introduction

### Definition

Bullying and harassment is behaviour from a person or group that is unwanted, unacceptable and has a negative impact on your emotional wellbeing.

### Applicable to

This policy applies to all NFER Associates. This policy does not form part of your worker agreement. We reserve the right to amend or remove this policy at any time. NFER will use this policy flexibly alongside other policies that might also be relevant to the issues presented.

## Overview

We, NFER, will not tolerate bullying or harassment by or to anyone engaged with NFER. It is expected that you treat people with respect and dignity in all communications and interactions you have with them, whether face-to-face, over the phone or in writing, and on social media.

We have clear standards of workplace conduct, which are underpinned by NFER's Values and Behaviours, as well as our Code of Practice, for Associates:

- Bad and/or offensive language or gestures of any nature should not be used in the workplace, whether directed at a particular person or not.
- Inappropriate images or other content should not be viewed or shared at work.
- You should always think before making a joke during your assignment with NFER – could anyone be upset or offended by what you say?
- You should never invade colleagues' personal space.
- You should not exclude colleagues unfairly from discussions or events.
- You should not use lewd humour.
- You should not use an aggressive tone or language when speaking with colleagues.
- You should not be physically aggressive towards colleagues.
- You should avoid gossiping about your colleagues and not spread malicious gossip.

## What is bullying and harassment?

Bullying is unwanted behaviour from a person or group that is either offensive, intimidating, malicious, insulting or an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm.

When bullying or unwanted behaviour relates to certain protected characteristics under UK discrimination legislation, it is referred to as 'harassment'. The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Harassment applies when someone who has a relevant protected characteristic is harassed because they are thought to have a protected characteristic even when they do not.

It also applies to someone who has witnessed harassment of an individual or group that has a protected characteristic if what they have seen violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them.

## Bullying

Bullying could involve a pattern of behaviour or a one-off incident. It could happen face-to-face, online, by phone or in writing. It can be verbal or non-verbal. It is not always obvious to others.

Bullying can involve personnel at all levels of the organisation and can include a more senior colleague bullying a more junior one, or bullying

being directed at someone more senior than the bully.

Bullying may take the form of spreading rumours, refusing to follow instructions, undermining authority, making fun of or mocking the more senior person.

Constructive and fair feedback about your behaviour or delivery of your assignment from your assignment manager or other NFER colleagues is not bullying. It is part of normal project management and practices.

Examples of bullying include but are not limited to:

- Spreading malicious rumours about someone.
- Consistently putting someone down and undermining them.
- Deliberately giving someone a heavier workload than everyone else.
- Excluding someone from team social events.

## Harassment

Behaviour can still be harassment even if the person being harassed does not complain or ask for it to stop.

Even if you did not intend to harass someone, if your behaviour has this effect on someone else, then you may be found to have harassed them.

They may only be a bystander to the behaviour you directed at someone else, but they may still have been harassed.

The following examples of harassment must link to an individual's protected characteristic/s.

- 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.

These examples are not exhaustive, and action under NFER's Associates' Conduct and Competency Policy and Procedure will be taken against Associates committing any form of harassment.

## Sexual Harassment

Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by a colleague towards another. To be sexual harassment, the unwanted behaviour must have either:

- Violated someone's dignity, or
- Created an intimidating, hostile, degrading, humiliating or offensive environment for someone.

It can be sexual harassment if the behaviour:

- Has one of these effects even if it was not intended.
- Intended to have one of these effects even if it did not have that effect.

Sexual harassment can take place in many forms within the workplace. It can go undetected for a period of time where an individual does not

understand that a particular behaviour is classed as sexual harassment. Examples of sexual harassment include:

- Lewd or abusive comments of a sexual nature, such as regarding an individual's appearance or body.
- Unwelcome touching of a sexual nature.
- Displaying sexually suggestive or sexually offensive writing or material.
- Asking questions of a sexual nature.
- Sexual propositions or advances, whether made in writing or verbally.
- Sharing inappropriate images and/or videos of a sexual nature.

Sexual harassment can also take place where an individual 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.

Where less favourable treatment occurs as a result, it can include areas such as blocking promotion, refusal of training opportunities or other development opportunities.

## Prevention of sexual harassment

NFER takes all reasonable steps to prevent sexual harassment in the workplace. The following preventative measures are in place:

- Having a sexual harassment policy in place that is easy to access.
- Providing mandatory sexual harassment training for all employees and Associates.
- Undertaking specific risk assessments on sexual harassment.

- Undertaking impact assessments for NFER events.
- Providing Associates with information on how they can report sexual harassment.

## Third-party harassment

NFER operates a zero-tolerance approach in relation to harassment perpetrated against one of its workers by a third party. These include, but are not limited to, our: customers, clients, contractors, partners or suppliers.

Harassment of this type will be treated just as seriously as that by an Associate or employee.

All Associates are encouraged to report any and all instances and forms of harassment that involve a third party following our Associates' Conduct and Competency Policy and Procedure.

If NFER finds the allegations to be well-founded, we will take the steps we deem necessary in order to remedy the situation. This can include, but is not limited to:

- Raising the incident with the third party's senior management.
- Warning the individual about the inappropriate nature of their behaviour.
- Banning the individual from Foundation premises.
- Reporting the individual's actions to the police.

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

### Third-Party Complaint

If a third party raises or wants to raise a concern about an NFER Associate, they should follow NFER's Complaints Policy, available on [www.nfer.ac.uk](http://www.nfer.ac.uk).

## Victimisation

Victimisation takes place when an individual is treated unfavourably as a direct result of raising a genuine complaint of discrimination, harassment or bullying. Any Associate who supports or assists another Associate to raise a complaint is also subjected to victimisation if they are treated unfavourably.

### Useful Links

[Sexual harassment training video](#)

[Policy and Training Hub for Workers and Associates - NFER](#)

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# Procedure

If you believe that you are being bullied or harassed, then you should first consider whether it would be appropriate to discuss the matter informally with the person who you believe is bullying or harassing you.

Sometimes, people do not realise how their actions are impacting others, and it might be that an informal discussion can resolve the issue and reset behaviours.

If you do not feel comfortable approaching the person yourself or if a direct approach has not worked, you should refer to NFER's Complaints Policy, which sets out a clear process for raising complaints.

Anyone who raises an allegation of bullying or harassment with us in good faith will not be subjected to any detriment as a result.

## Responsibilities

### NFER responsibilities

NFER will be responsible for ensuring all Associates understand the rules and policies relating to the prevention of all forms of harassing and bullying behaviour while undertaking work on behalf of NFER.

We will promote a professional and positive workplace whereby managers and leaders are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

A breach of this policy will be treated seriously, if any form of harassment or victimisation is committed:

- In a work situation.
- During any situation related to work, such as a social event.

- Against a colleague or other person connected to NFER outside of a work situation, including on social media.
- Against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- Brings NFER into disrepute.

Breaching policy may lead to action as outlined in NFER's Associates' Conduct and Competency Policy and Procedure, while taking into account aggravating factors.

We also encourage all Associates to speak up and report any wrongdoing they may have witnessed. You can raise a concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Where an incident is witnessed or a complaint is made under the Complaints Policy, NFER will take prompt action to deal with this matter.

All incidents will be deemed serious and dealt with sensitively and confidentially.

## Confidentiality

All discussions during the complaints process are confidential. Any breach of confidentiality may be regarded as an offence in accordance with NFER's Associates' Conduct and Competency Policy and Procedure.

You can discuss matters with your companion, or trade union representative where you have one.

## Associates' responsibilities

We require all Associates to behave appropriately and professionally, in line with our Values and Behaviours at all times during their assignments.

This may extend to events outside of normal working hours that are classed as work-related, such as training events and work-related travel.

Associates should not engage in discriminatory, harassing or aggressive behaviour towards any person at any time.

Every Associate should feel confident in reporting any form of bullying or harassment and have a responsibility to do so.

## Criminal offences

If the police are involved in any issues or where harassment is alleged to be a criminal offence, we will not usually delay our internal processes whilst we await the outcome of any decision to charge or bring a criminal prosecution.

Any form of harassment outside of NFER which is alleged to be criminal may be considered a formal matter under our Associates' Conduct and Competency Policy and Procedure if we reasonably believe that it is relevant to your job.

# Other Considerations

## Circumstances that are covered

This policy covers behaviour which occurs in the following situations:

- A work situation.
- A situation occurring outside of the normal workplace or normal working hours that is related to work, e.g., a working lunch, a business trip, or social functions.
- Outside of a work situation but involving an Associate or other person connected to the organisation, including on social media.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

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If you have any questions regarding this policy, please email [associates@nfer.ac.uk](mailto:associates@nfer.ac.uk)

