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Person Responsible	
Approval/Review Body	ELAS / Senior Leadership Team
Frequency of Review*	12 months

*Policies will be reviewed more frequently if legal changes or good practice require

Purpose

Oracle Care is committed to creating a work environment free from harassment and bullying, where everyone is treated with dignity and respect. A work environment free from hostility leads to a happier workforce and a better level of service for our young people.

Scope

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the Company, whether by direct contract with Oracle or otherwise.

If the complainant or alleged Harasser is not employed by the Company, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that Oracle could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after their own investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside of the workplace, e.g. business trips, and work-related social events.

The policy does not cover bullying and harassment by clients, suppliers, vendors or visitors and, in these cases, employees should report any such behaviour to their line manager or Head of Department who will take appropriate action. Bullying and harassment of clients, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

Principles

- Oracle's commitment to equality and opportunity will be observed at all times during the operation of this procedure
- Appropriate action, which may include a formal disciplinary hearing, up to and including dismissal, will be taken against employees found to have harassed or bullied others or who have been victimising / retaliating against an employee for bringing a complaint of harassment or bullying.
- Any employee who feels that they have been harassed or bullied can seek confidential advice and support from *any* Oracle Manager or Head of

Department if they do not feel comfortable talking to their own line manager.

- Employees will have the right to be accompanied by a trade union representative or a work colleague during any investigation interviews into allegations of harassment or bullying, or any subsequent disciplinary or appeal hearings.
- Any allegations of harassment or bullying will remain confidential; any breach of confidentiality may result in disciplinary proceedings being used to deal with the breach.
- Managers will be responsive and supportive to any employee who complains of harassment or bullying, provide clear advice on the procedure to be followed and sources of support available, maintain confidentiality and take appropriate action to ensure there are no further problems or any victimisation after a complaint has been addressed. Failure to respond appropriately compounds the behaviour and therefore action may be taken if managers fail to do so.
- Harassment and bullying will usually occur in the workplace. However work-related incidents outside the workplace will also fall within the remit of this policy, e.g. work-related functions held outside normal working hours, either on or off work premises.

Unacceptable Behaviour

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Harassment

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment when taking into account all the circumstances and the perception of the victim. Harassment may be related to sex, race, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic of the individual.

Examples of bullying and harassment

With bullying and harassment it is the offensiveness to the recipient and not the intention of the alleged offender that is of concern. Something intended as a 'joke' by one person may offend another. Bullying and harassment may be misconduct which is physical, verbal or non-verbal, e.g. via letter or email.

Oracle considers the following examples as unacceptable behaviour under this policy. This list is not exhaustive:

- physical contact ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;

- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, assigned work, or other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature;
- questions about a person's sex life;
- unwanted nicknames related to a person's race or disability;
- the use of obscene gestures;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e. g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him or her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work;
- excluding someone from social activities;
- making comments or uploading material which is disparaging, derogatory, offensive, racist, sexist, abusive or discriminatory towards colleagues using electronic media such as email or an any web based social networking site such as Facebook, Friends Reunited or YouTube (this list is not exhaustive) whether inside or outside of work.

Sometimes it may not be clear in advance that some forms of behaviour would be unwelcome or could offend a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment. It will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious. All bullying and harassment is misconduct and a disciplinary offence which will be dealt with under the Company's disciplinary policy. Bullying and harassment will often be gross misconduct which may result in disciplinary action being taken including, where appropriate, dismissal without notice or pay in lieu of notice.

Some bullying and harassment will constitute unlawful discrimination, e. g. if it relates to a person's sex, race, religion or belief, sexual orientation, age or disability. Serious bullying or harassment may amount to other civil or criminal offences, e. g. under the Protection from Harassment Act 1997 and criminal offences of assault.

Victimisation

Victimisation is treating someone less favourably than others because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving him or her worse work.

Provided that you have acted in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything, within reason, in relation to a complaint of bullying or harassment. Oracle will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint which you know to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against you.

Discrimination

It is unlawful to discriminate directly or indirectly in recruitment or employment on the grounds of sex, age, gender reassignment, pregnancy, sexual orientation, religion or belief, colour, race, nationality, ethnic or national origins, or marital status. It is unlawful to treat someone less favourably on the grounds of disability compared to how others without that disability are or would be treated, unless the less favourable treatment can be justified, or to fail to make reasonable adjustments to overcome barriers to employment caused by disability.

Further details regarding discrimination can be found in the Company's equal opportunities policy and procedure.

Procedure

Informal resolution

It is in the interests of all parties involved to try and resolve issues informally. Sometimes individuals are simply not aware of how their behaviour is perceived or that it is unwelcome. An informal discussion may help them to understand the effects of their behaviour and obtain their agreement to change it.

You may feel able to approach the person yourself, or with the help of someone: a manager, trade union representative, or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour of theirs you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complain to your manager or Head of Department.

Mediation

Another form of informal resolution is mediation. This process involves bringing the involved people together in the presence of an impartial third party, e.g. a manager from another part of the Company or Head of Department, who facilitates a resolution. If you think that this method would be beneficial you should inform your line manager or Head of Department.

Making a formal complaint

If an informal approach does not resolve matters, or you think that the situation is too serious to be dealt with informally, you can make a formal complaint by using the Company's grievance procedure.

In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with your Head of Department. We will ensure that you can bring your complaint in the first instance to someone of your own sex if you choose. However, you must state this when raising your complaint so a suitable manager can be released from duties to investigate your concerns.

In very serious cases a criminal offence may have been committed and you may wish to report matters to the police. The Company urge you to also raise your concerns with us so that we can deal with them from an employment perspective. Further, the Head of Department can arrange for someone to accompany you to make a complaint to the police and offer support.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.

You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance.

You will be kept informed of the general progress of the investigation and the outcome of any disciplinary proceedings.

The investigating manager will decide on a balance of probabilities, after considering all available evidence, whether harassment or bullying has occurred and what the appropriate next steps are.

All complaints of bullying and harassment will be treated sensitively and confidentially to the maximum extent possible.

Investigation of allegations will normally require limited disclosure on a 'need to know' basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he or she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

If the complaint is upheld and a person has been found to have harassed you is kept in the Company's employment, line managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, we will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation if this is something that you request.

This could involve giving you the option of remaining home on special leave if you wish and if it is considered necessary for your wellbeing. In a serious case the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

If your complaint is upheld and the person found to have bullied or harassed you remains in Oracle's employment, every effort will be made to ensure, if possible and if you request, that you do not have to continue to work alongside the harasser.

We will discuss the options with you. Alterations to working arrangements will be assessed on their reasonableness and ability to be accommodated by the particular area of the business you work in. We will not unnecessarily avoid making a reasonable adjustment, however, in some cases, business reasons will prevent certain changes being made.

If your complaint is not upheld, the Head of Department will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

Oracle will consider making arrangements to avoid you and the alleged harasser having to continue working alongside each other, if either of you do not wish to, or if it is reasonable practical given business needs. Mediation will be considered as the first method of resolution.

Preventing bullying and harassment

We all have a responsibility to help create and maintain a work environment free of bullying and harassment.

You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary. You can still cause offence even if you are only 'joking';
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment and bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or Head of Department and supporting the Company in the investigation of complaints;
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- making sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment;
- report promptly to Head of Department any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

Employees accused of bullying or harassment

If someone approaches you informally about your behaviour do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive.

You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you know may cause offence. Provided that you do not repeat the behaviour which has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the Company may bring disciplinary proceedings if appropriate.

Oracle will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put across your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice.

The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct which could lead to dismissal without notice or pay in lieu of notice.

Oracle will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a 'need to know' basis. For example, some details may have to be given to potential witnesses. But the importance of confidentiality will be emphasised to them.

Wherever possible and if requested, Oracle will try to ensure that you and the complainant are not required to work together while the complaint is under investigation.

If the allegation is of gross misconduct you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until the disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including summary dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, Oracle could decide to transfer you to another post.

If a complaint is made against you which is not upheld and Oracle has good grounds for believing that the complaint was not made in good faith, Oracle will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if Oracle has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, Head of Department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

Oracle will consider making arrangements to avoid you and the complainant having to continue working alongside each other, if either of you do not wish to do this, or if it is reasonably practical considering business needs.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil or criminal proceedings against you, which would proceed independently of the Company's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties

References

This policy should be read in conjunction with the Company's Disciplinary and Equal Opportunity Policies and the Protection from Harassment Act 1997

Questions

If you have any questions on any of the information within this policy or would like further details, please do not hesitate to discuss them with your line manager or Head of Department.