

Bullying and Harassment Policy for Sustain: The alliance for better food and farming

The Sustain alliance is a charity registered in England and Wales (no. 1018643) and company limited by guarantee (no. 02673194).

This policy applies to members of Sustain's Council of Trustees and all staff, contractors and volunteers, and to our dealings internally between colleagues as well as externally with beneficiaries, members, supporters, partners, clients and others, as well as the general public.

Why Sustain has this policy

Sustain is an organisation that advocates food, farming and fishing policies and practices that enhance the health and welfare of people and animals, improve the working and living environment, enrich society and culture and promote equity.

Sustain is an unusual organisation – small, creative, friendly, supportive, responsive and highly effective. We value our trustees, staff and volunteers – as well as our good relationships with beneficiaries, members, supporters, partners, clients and others, as well the general public – and pride ourselves on creating an organisational culture that focuses on good relationships and working together to achieve ambitious change. We promote policies and practices that cultivate physical and mental health and respect for people, animals and the planet.

Bullying and harassment are therefore entirely contrary to Sustain's values, what we stand for and the world we want to live in. We have developed this policy as one of the steps to ensure that our trustees, staff, contractors, volunteers and everyone we work with can enjoy the highest levels of respect, safety and fair treatment.

What is bullying and harassment?

Bullying and harassment means any unwanted behaviour – physical, verbal or non-verbal – that makes someone feel intimidated, degraded, humiliated or offended, or undermines someone's dignity. It is not always obvious or apparent to others, and may happen in the workplace without an employer's awareness, nor the awareness of colleagues.

Bullying or harassment can be between two individuals or involve groups of people. It might be obvious or insidious; persistent or an isolated incident. It can occur in written communications, by phone or through email or other online communications, not just face-to-face.

Employers are responsible for preventing bullying and harassment – they are also legally liable for harassment suffered by their employees, under the terms of the Equality Act 2010. Anti-bullying and harassment policies can help prevent such issues arising or recurring.

Examples of bullying and harassment

According to ACAS,¹ examples of bullying or harassing behaviour include:

- spreading malicious rumours
- unfair treatment
- picking on or regularly undermining someone
- denying someone's training or promotion opportunities

Bullying and harassment can happen, for example:

- face-to-face
- by letter
- by email or other online communications
- by phone

Examples in Equality Commission guidelines include:

- Verbal and written harassment through jokes, racist, sexist or sectarian remarks, homophobic comments, comments about a person's disability, offensive language, gossip and slander, sectarian songs, mobile telephone ring tones, threats, letters, emails;
- Visual displays of posters, computer screen savers, downloaded images, graffiti, obscene gestures, flags, bunting or emblems, or any other offensive material;
- Isolation or non-co-operation at work, exclusion from social activities;
- Coercion, including pressure for sexual favours, pressure to participate in political or religious groups;
- Intrusion by pestering, spying, following, etc.

The law

Bullying itself isn't against the law, but is unacceptable at Sustain. Harassment is against the law, when the unwanted behaviour is related to one of the following ('protected characteristics'):

- age
- sex
- disability
- gender (including gender reassignment)
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

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Sexual harassment is also outlawed. As the Equalities and Human Rights Commission explains: “Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- Violating a person’s dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.”

“‘Of a sexual nature’ can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature. “

If the problem behaviour does not relate to any of these ‘protected characteristics’ explicitly covered by the law, then it may constitute bullying. This might include, for examples issues like size or height, physical appearance, or level of seniority in the workplace.

As part of our culture, in compliance with the law and under the terms of Sustain’s Equal Opportunities Policy, Sustain must not and will not discriminate against any individual on the basis of any of the above ‘protected characteristics’, nor will we tolerate sexual harassment. Under the terms of Sustain’s Bullying and Harassment Policy, we will not tolerate bullying or harassment relating to any of the above attributes, nor to others not listed here.

What should you do if you are bullied or harassed, or identify that this is happening?

It is the responsibility of Sustain’s senior management team to ensure that:

- Sustain trustees, staff and volunteers are aware of this policy, for example as part of induction and ongoing internal communications;
- Complaints are handled carefully, responsibly in line with the policy, and ensuring the adequate protection of any complainant and anyone accused of misconduct;
- Cases of harassment under the law, or other relevant statutory guidance, are adequately reported to appropriate authorities;
- Sustain’s Safeguarding Policy protecting children and vulnerable adults takes precedence.

Sustain trustees, staff, contractors and volunteers should see if they can sort out the problem informally first. If this is not possible, or fails to address the problem, they should talk to their:

- Line manager
- Senior manager
- Chief Executive
- Another sympathetic and experienced member of Sustain staff, or similar – such as a Chair of a Sustain Working Party or a Trustee

Anyone at Sustain identifying a problem with bullying or harassment, or being notified of such a circumstance by a colleague, should listen and respond non-judgmentally, in the spirit of Sustain’s culture of collegiate support and respect. With the agreement of the person affected by bullying or harassment, they may also later be asked to comment on remedial action or Sustain’s response to any complaint.

If the bullying or harassment relates in any way to the safeguarding of children or vulnerable adults, this must be immediately reported to Sustain's senior management team, and the terms of Sustain's Safeguarding Policy will apply.

Either the person experiencing the bullying or harassment, or their representative (perhaps a colleague they have confided in) can report the concerns to their line manager, a senior manager or the chief executive. These are duty bound to listen and respond non-judgmentally, in the spirit of Sustain's culture of collegiate support and respect, and also to take appropriate action. This might involve, for example, gathering evidence from all parties and other colleagues; challenging the bully or harasser (or a group) for their behaviour; issuing a written warning; recording behaviours and reported behaviours for future reference; arranging for external advice or other support; and agreeing monitoring arrangements to ensure that there is no recurrence of unacceptable behaviours. The accused person or group will have the right to reply and for their side of the story to be heard. A written note of all interactions described here will usually be kept.

If the problem is serious and/or persistent and/or not resolvable by such informal means, the person experiencing the bullying or harassment can make a formal complaint, in line with Sustain's Grievance Policy and Procedure. There are three people to which a complaint can be submitted, in this order of preference:

1. To the Chief Executive, see: www.sustainweb.org/about/sustain_staff_profiles/
2. To another member of the Sustain senior management team, Deputy Chief Executive or Programme Manager, see: www.sustainweb.org/about/sustain_staff_profiles/
3. If neither of the above is possible or appropriate (such as if, for example, the complaint is against the Chief Executive or a member of the senior management team), a complaint can be submitted to the Chair or Vice-Chair of the Board of Trustees of Sustain, see: www.sustainweb.org/about/council_members/

It should be noted that at Sustain, bullying and harassment will be treated as misconduct, and may be treated as gross misconduct – in serious cases being grounds for dismissal. It will not be possible for Sustain to provide a reference for ex-trustees, employees or volunteers dismissed on such grounds without including details of the circumstances of their dismissal.

In serious cases of harassment, if not satisfactorily resolved by Sustain, it is possible for a person experiencing such harassment to take legal action via an employment tribunal.

Policy agreed by Sustain's Council of Trustees, May 2018

Availability: To be referenced in induction materials, and published on the Sustain intranet.

Also for consideration: Availability to stakeholders and supporters on request; publication on the Sustain website if appropriate.

This policy is drawn from guidance published by the UK's Equality & Human Rights Commission: www.equalityhumanrights.com

This policy is also based on advice from ACAS (Advisory, Conciliation and Arbitration Service), which provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law and good practice, see: www.acas.org.uk/index.aspx?articleid=1864. For impartial advice, contact ACAS helpline: 0300 123 1100, Mon-Fri, 8am-6pm.