PRESCRIPTION PRICING AUTHORITY

HARASSMENT AT WORK

1. INTRODUCTION

1.1 This policy conforms to the general guidelines set down in the General Whitley Council in Section 51: Equal Opportunities in Employment and Section 48: Harassment at Work. Certain types of harassment are regarded as unfair discrimination and are covered by legislation. Sexual and Racial harassment are covered by the Sex Discrimination Act 1975 and 1986 and the Race Relations Act 1976, the Fair Employments (NI) Acts 1976 and 1989 and the Employment Rights Act 1996. The Disability Discrimination Act 1995 protects people with disabilities against unfavourable treatment.

1.2 Under the Criminal Justice and Public Order Act 1994 the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, alarm or distress is a criminal offence. Harassment can cause demoralisation and anxiety amongst employees and this may lead to increased absenteeism, apparent lack of commitment, poor performance and even resignation. The resulting effects are poor morale, higher labour turnover, reduced productivity, lower efficiency and divided teams.

2. PURPOSE

2.1 The PPA, as an equal opportunities employer supports the rights and opportunities of all persons to seek, obtain and hold employment without discrimination.

2.2 It is the policy of the PPA that both male and female employees have a right to the protection of their dignity at work.

2.3 The PPA affirms that harassment at work in any form is wholly unacceptable and it is the intention of the PPA to provide a working environment in which the dignity of the individual is respected.

2.4 It is against the policy of the PPA for an employee to be subjected to harassment. It is important that every employee is aware that they have the right to complain should harassment occur. All employees are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

3. SCOPE

3.1 The policy applies to all employees of the PPA.

4. THE POLICY

4.1 It is the PPA's policy to provide a productive working environment free of harassment, intimidation and victimisation on the basis of sex, race, colour, disability, sexual orientation or any other personal characteristic. The PPA is committed to ensuring that all its employees are treated with dignity and respect.

4.2 As an employer the PPA recognises its legal responsibility to protect employees and will not tolerate harassment based on sexual, racial, disability or age grounds. Incidents involving harassment will be dealt with under the Grievance and Disciplinary procedures.

4.3 Employees who are found guilty of harassment at work will be dealt with under the Disciplinary Procedure and will be subject to disciplinary action which may include warnings, compulsory transfer or dismissal.

5. RESPONSIBILITIES

5.1 Under the terms of this policy each member of staff of the PPA carries a responsibility for their own behaviour,

5.2 It is important that the PPA and Directors clearly communicate this policy to employees so that they are aware of their right to complain, know who to complain to and to know that their complaint will be dealt with fairly and quickly.

5.3 Prior to the implementation of this policy the Authority Members and Directors will ensure that a wide ranging network of suitable persons is set up throughout the organisation to provide a confidential support system to employees who find themselves in potential harassment situations.

5.4 Managers are expected to exercise leadership in this field by discouraging prejudice and through role modelling appropriate behaviour. They are also responsible for the implementation of this policy, taking all reasonable steps to prevent harassment at work and to take appropriate action if it occurs.

5.5 Where a complaint of harassment is brought to the attention of management, prompt action will be taken to investigate the case and if proven corrective action will be taken which will include disciplinary action being taken against the offender.

5.6 Investigation of the complaint should be handled with sensitivity and due respect for the rights of both the complainant and the accused.

6. PROCEDURE

6.1 The victim should try to resolve the problem informally by making it clear to the harasser that his/her actions are unwanted and should not be repeated.

6.2 However, the victim may feel unable to do this, depending on the nature of the harassment and the status of the harasser, and in these circumstances a colleague or representative could be asked to speak to the harasser on the victim's behalf. It is important that the victim accompanies the representative, even if they do not say anything. This will prevent the harasser claiming that the victim did not complain personally, leading him/her to believe that the victim did not object to his/her behaviour.

6.3 Alternatively, the request to stop the harassment can be done in writing by the victim who should be sure to keep a copy.

6.4 This informal action may be sufficient to stop the harassment.

6.5 If the harassment continues, the victim should keep a written record of incidents and dates. The matter should then be reported to the victim's immediate manager. Alternatively, the victim may wish to confide in a Manager outside his/her own work area, in which case she/he (or his/her representative) should speak directly to an HR Adviser (or other designated person).

6.6 The Manager will take the complaint seriously and all cases will be investigated impartially within 7 working days. The Manager will:

a. Take full details of the incidents in writing from the victim

b. Take account of any witnesses/other victims who may come forward

c. Inform the harasser of the complaints against him/her and invite him/her to comment.

6.7 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation in accordance with the established disciplinary procedure.

6.8 If the harasser does acknowledge that the allegations are correct it may be possible for the Manager to issue a verbal warning at this stage which would close the matter. The victim should be informed of the outcome.

6.9 At the end of 7 days the Manager may decide it is appropriate to hold a formal disciplinary hearing which both parties should attend with their representatives (if required).

6.10 The normal disciplinary procedure for misconduct/gross misconduct should be followed. The decision made at the disciplinary hearing must, as always, depend on the particular circumstances revealed at the hearing.

6.11 If the complaint is upheld and the harasser is not dismissed, it may be necessary to transfer or relocate him/her.

6.12 No Manager or Supervisor shall threaten or insinuate either explicitly or implicitly that an employee's complaint of harassment will be used as a basis for decisions affecting the employee. Such conduct will be treated as a serious disciplinary offence.

7. APPEALS

7.1 Appeals against any decisions taken under this policy (except appeals against disciplinary action which should be dealt with in accordance with the disciplinary procedure) should be progressed through the established Grievance Procedure machinery.

8. CONFIDENTIALITY

8.1 All matters relating to any part of the above procedure are to be treated in strict confidence, in accordance with the sensitive nature of the matter. This applies whether the discussions are on an informal level, or in obtaining relevant information to pursue a hearing, or in a hearing, at any level of the procedure. Any breach of this confidentiality may render those responsible liable to disciplinary action.

8.2 However it must be remembered that legislation requires the accused to be made aware of the allegations against them and the name of those making the allegations

9. MONITORING

9.1 In each individual case, a nominated officer will, after an agreed period of time, check with the complainant that harassment has not recurred.

9.2 The Director of Human Resources is responsible for monitoring the operation of this policy on behalf of the Authority. It is also the responsibility of this officer to ensure that the policy is correctly implemented, that staff receive the necessary guidance and training, that records are established and maintained, monitoring of procedures are carried out, regular reports on the operation of the policy are made to the Authority and that any necessary follow up action is taken.

10. DEFINITIONS

General

10.1 Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, sexual

orientation, physical or mental disability or some other characteristic. Forms of harassment may include:

10.2 Physical contact ranging from touching to serious assault

10.3 Verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters, etc.

10.4 Visual displays of posters, graffiti, obscene gestures, flags, bunting and emblems.

10.5 Isolation or non-co-operation at work or exclusion from social activities.

10.6 Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.

10.7 Intrusion by pestering, spying, following.

10.8 It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence.

10.9 It can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

10.10 It can be defined as any action or practice by a person (or group of people) which:

- Is unwanted and unreciprocated
- Is found objectionable
- Causes humiliation, offence and distress
- It may be done deliberately or unknowingly.
- It may be an isolated incident or a series of events.

11. EXAMPLES

Sexual Harassment

11.1 The EC Resolution defines sexual harassment as '*unwanted conduct or a sexual nature, or other conduct based on sex affecting the dignity of women and men at work'.*

11.2 Any behaviour of a sexual or sexist nature, which is neither invited or welcome, and will cause offence.

- physical conduct of a sexual nature
- verbal conduct of a sexual nature
- non-verbal conduct of a sexual nature

11.3 Harassment may be verbal or non-verbal, plainly demonstrated or suggestively implied.

Racial Harassment

11.4 The effect of racial harassment is to humiliate exploit and undermine ethnic minority persons and to convince them that their presence is not wanted in the workplace.

11.5 Racial harassment exists in many forms ranging from violent physical abuse to more subtle ways of intimidating or undermining the employee including offensive or abusive remarks, racist jokes and graffiti, excluding the employee from conversations or particular types of work etc. Harassment may also take the form of silence

Disability Harassment

11.6 Such harassment is almost always directed at staff with disabilities, serious health conditions or persistent ill-health.

11.7 It includes offensive or patronising remarks, ridicule, exclusion from certain types of work, ignoring or deriding the disabilities, physical assault, and excluding the employee from full participation at work.

Sexuality Harassment

11.8 This harassment is directed towards lesbian women or homosexual men.

11.9 Such harassment includes written, verbal, physical abuse or insults, denial of job opportunities or exclusion from certain types of work, jokes relating to lifestyle and exclusion from social groups which form at work.

Age Harassment

11.10 This harassment is directed on the basis of unjustified assumptions being made about a persons value and abilities because of their age.

11.11 It includes ageist jokes, remarks based on stereotypes with particular reference to out-dated ideas and inflexibility.

Other Examples

11.12 Religious or political convictions

11.13 Status as ex-offenders

11.14 Real or suspected infection with AIDS/HIV

11.15 The above list is not exhaustive and anyone who is perceived as different runs the risk of being harassed.

12. REVIEW

12.1 The PPA will review this policy regularly and in the light of further legislation and, if necessary, revise it in consultation with trade unions through the National Joint Committee.