



TDSFB Policy and procedure on bullying and harassment

1. Introduction

This statement sets out the commitment of TDSFB to ensure the Board and employees are aware of our expectations and their responsibilities in relation to bullying and harassment. It sets out what employees should do if they are experiencing bullying and harassment and the support options available.

This is achieved by:

- Having effective and fair procedures which promote the dignity of employees and deal with unacceptable behaviour.
- Providing advice, information and support to ensure we treat employees with dignity and respect.
- Advising employees about their personal responsibilities to ensure they respect the dignity of their colleagues, and ensuring that Board members are aware of their personal responsibilities as laid out in the FMS code of conduct/TDSFB personal statement.
- Making sure employees have the confidence to make a complaint without fear of ridicule or reprisal.

2. Statement of commitment

TDSFB commit to having a workplace free from bullying and harassment. We recognise the serious consequences of this to employees and to TDSFB. This will not be tolerated or condoned within working relationships. We will not accept any form of bullying, harassment, victimisation, or other inappropriate behaviour which causes an employee distress.

3. Definitions

- 3.1. We define *workplace bullying and harassment* as unwanted and unwelcomed behaviour which makes the recipient feel unpleasant or uncomfortable. It can take many forms, for example:
 - Physical contact ranging from touching to serious assault, including that of a sexual nature.
 - Verbal and written harassment through jokes, offensive language, gossip, or slander.
 - Visual displays of posters, graffiti or obscene gestures.
 - Making, displaying or circulating offensive material or comments by email, mobile phone or social networking sites.
 - Isolation or non-co-operation at work and exclusion.
 - Intrusion by pestering, spying or following an employee.
- 3.2. We define *bullying* as unwarranted offensive, intimidating, malicious or insulting behaviour towards an individual or group of employees. It is an abuse or misuse of power intended to undermine, humiliate, insult or injure the recipient. It is usually persistent and repetitive

behaviour. However, some bullying can be serious enough to be recognised even if the behaviour was a one-off incident. It can range from extreme forms such as violence and intimidation to less obvious actions, such as deliberately ignoring someone.

3.3. We define *harassment* as unwanted conduct affecting the dignity of others. Unlike bullying, it is related specifically to age, sex, gender, race, religion or belief, sexual orientation, disability or any personal characteristic of an individual. It is unwanted conduct that:

- Violates another person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- It takes many forms including physical, verbal or non-verbal conduct. It can include comments, actions, jokes or suggestions that may be viewed as demeaning and unacceptable to the recipient. It may be an isolated incident or repeated actions that may create a stressful working environment.

3.4. We define *victimisation* as less favourable treatment of an individual because they:

- Have made a complaint or intend to make a complaint about being bullied or harassed.
- Have or intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

4. What we expect from employees and board members

Employees and board members have a duty to understand how their behaviour affects others. They all have a role to play in creating a climate where bullying and harassment is unacceptable. They can achieve this by having an awareness and sensitivity towards the issues of bullying and harassment and by making sure that their standards of conduct do not cause offence.

We understand that at times employees and board members may not realise the effect of their behaviour on colleagues. That is why it is important all familiarise themselves with this policy and realise the possible effects of their conduct on others. This should ensure that we:

- Treat all employees and Board members with dignity and respect.
- Think about their behaviour and actions, and how these may impact on others.
- Do not bully, harass, or victimise colleagues or any other person on any grounds.
- Do not display behaviour or actions that are unwelcome or undermine colleagues or any other person.
- Report suspected acts of unacceptable behaviour or practices that go against the bullying and harassment policy.
- Do not make false accusations with a deliberate attempt to damage another person's reputation, dignity and character.

5. Additional responsibilities expected of managers and board members

Managers and board members have a responsibility to uphold and promote the bullying and harassment policy. They should treat employees fairly and with dignity and respect and make sure the working environment is free from bullying, harassment and victimisation. They should:

- Encourage an atmosphere of tolerance and respect.
- Lead by example through a fair and open management style.
- Be supportive of employees who come to them with concerns about unacceptable behaviour.
- Recognise and address unacceptable behaviour and deal with any complaints they receive.

Procedure for dealing with bullying and harassment

It is preferable that complaints are dealt with informally where appropriate. The aim is to produce solutions quickly to resolve issues and reduce the impact on all involved. The informal procedure should not be used to discourage employees from using formal procedures where they prefer that option.

1. Seek support and advice

Employees affected by bullying and harassment should not ignore the issue. There are 2 options available to resolve any issue

Informal procedure

Acts of bullying and harassment are not always intentional. Sometimes the person might not understand the impact of their behaviour on someone else. That is why dealing with the matter informally may be appropriate. By making the person aware of the impact of their behaviour it might resolve the matter.

The employee can, if they wish and are comfortable to do so, talk to the person directly about their behaviour, explain how it has affected them and ask them to stop behaving in that way. If they find it too difficult to do this on their own, they can ask a colleague or their line manager to do this for them. If the person is their line manager, they can ask a member of the TDSFB Board to talk to them. If the complaint is not resolved informally or if the employee wishes they may progress to the formal approach.

Formal procedure – making a complaint

The employee should provide details of the complaint and what or whether attempts they have taken to resolve the matter informally. They should then pass this to their line manager. If, however the complaint is about their line manager they should pass this directly to the convenor of the TDSFB

If a complaint about a member of the Board is brought to the attention of a line manager, they should pass this on to the Convenor.

The line manager or Convenor as appropriate will independently and impartially review the information provided. A panel will be appointed to investigate the formal complaint. The panel will comprise two or three Board members and will not include the Convenor, who may subsequently be required to hear an appeal. In the case of a complaint brought directly to the convenor, the convenor will appoint the panel. In the case of a complaint brought to a line manager, the manager will request that the convenor appoint a panel.

Any complaint against the Convenor by an employee should be made to the Board's Fisheries Director. If the Fisheries Director wishes to bring a complaint against the Convenor then they should notify the Clerk of the Board. In discussion with an appropriate Member of the Board, they should appoint an independent Human Resources consultant to investigate the complaint against the Convenor and provide a full report on their findings. This report should be presented to a panel comprising of two or three Board members which does not include the Board member who commissioned the report. This panel will consider the complaint and investigation report with a view to reaching a decision on the outcome. The Board Member who commissioned the report will hear any appeal against the outcome.

2. Investigation process

The panel will complete an impartial investigation to find out if bullying and harassment has taken place and decide what action needs to be taken. They will keep an open mind, looking at all the information and evidence which supports the complaint and evidence against it.

Anyone involved in the process at any stage has the right to representation by a trade union representative, line manager or colleague of their choice. This person must not have an active role in the investigation process, for example as a witness.

Initially the panel will advise everyone involved of the planned approach to dealing with the complaint, proposed timescales and how they will confirm the outcome. The panel will interview the complainant to clarify full details of the complaint, followed by the respondent and any witnesses in order to gather all relevant evidence. The panel will then review the information to establish the facts of the case and prepare a report summarising their findings and conclusions. The report will confirm whether they have upheld or rejected the complaint and detail recommendations of appropriate action for management to take.

The panel may have the support of an independent advisor if they think necessary.

3. Investigation outcome

The panel will advise management and board, the complainant and the respondent of the outcome. They will advise whether or not the complaint has been upheld or rejected:

Upheld – It is believed that the bullying and harassment took place.

Upheld and is of sufficient seriousness to warrant disciplinary action.

Rejected - It is believed that the bullying and harassment did not take place.

Rejected as insufficient evidence to support the complaint.

When a complaint is upheld the panel will recommend what action will be required, such as mediation, teambuilding, awareness training, and/or disciplinary action. Should a complaint against a Board member be upheld, and be deemed of sufficient seriousness to warrant disciplinary action, the Board member will be considered to be in breach of the FMS code of conduct/TDSFB personal statement, and the sanctions contained within the FMS code of conduct may be applied.

Communication of Action

Both the employee bringing the complaint and the alleged bully or harasser will be notified of the outcome in writing with due regard to confidentiality of both parties.

4. Appeals procedure

If the complaint is rejected, the complainant has a right to appeal this decision. They should do this in writing detailing the reasons for the appeal within seven working days of receiving the letter confirming the outcome.

Dissatisfaction with the outcome of the investigation is not considered valid grounds for an appeal to be made. The Convenor may hear the Appeal or appoint another Board Member who has not been involved in the case. The Appeal Hearing will usually be arranged within 10 working days of receipt of the appeal. The employee will explain their reason for appeal to the Board member, who will either uphold or dismiss the appeal. If the appeal is upheld, the original panel will be asked to reconsider their decision, in the light of the appeal information. The overall outcome of the appeal process is final.

Both the employee bringing the complaint and the alleged bully or harasser will be notified of the outcome of the appeal process in writing with due regard to confidentiality of both parties.

5. Malicious accusations

If in good faith an employee makes an accusation which following investigation is not confirmed as bullying and harassment, TDSFB will not take any action against the employee. If, however an employee makes a malicious complaint which does not have grounds, substance or evidence and was made to deliberately cause upset and distress we may take action in line with our Disciplinary & Grievance procedures.

6.Third Party Bullying & Harassment

A zero tolerance policy towards violent, threatening and abusive behaviour is recognised by TDSFB. All our employees have the right to do their work in an environment free from violent, threatening and abusive behaviour and everything will be done to protect that right. Should an employee or Board member be subjected to such behaviour from any person outwith TDSFB, the Board will take such action as they deem appropriate to address it, up to and including asking the Police to become involved in any complaint.

7.Compliance

All employees and board members should know about and comply with this policy. This will support TDSFB to stop and prevent all forms of bullying and harassment.