

MAA INTERNATIONAL

ANTI - BULLYING AND ANTI - HARASSMENT POLICY



Work Product Unique ID: POL-HR006

© Copyright MAA International, 2019

Version 2.1, Effective Immediately

TABLE OF CONTENTS

1	Introduction.....	3
1.1	Purpose.....	3
1.2	Policy Scope	3
1.3	Roles and Responsibilities.....	3
1.4	Definitions.....	4
2	Policy & Procedures.....	7
2.1	Policy Statement.....	7
2.2	Guiding Principles.....	7
2.3	Complaints Procedures.....	7
2.3.1	The Informal Approach	7
2.3.2	The Formal Approach	8
2.3.3	Investigating a formal complaint.....	9
2.3.4	Actions following the investigation of a complaint.....	10
2.4	Procedures for Dealing with Criminal Conduct	11
3	Revision History	12
ANNEX 1	Unacceptable Behaviors	13
ANNEX 2	Legislation Affecting Harassment.....	14

1 INTRODUCTION

MAA International (MAA) regards the dignity and autonomy of all people as a core value of the organisation. Bullying behaviour is based on the misuse of power in human relationships, and negates the dignity and autonomy of its victims.

MAA regards the health and safety of its staff, volunteers, and users as a primary responsibility. Bullying and harassment can affect health and wellbeing.

MAA is fully committed to eliminating, as far as possible, all forms of bullying and harassment in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

1.1 PURPOSE

The purpose of this document is to outline MAA's position on bullying and harassment and to document the process which is to be followed should any instances of bullying be reported.

1.2 POLICY SCOPE

This policy applies to all MAA staff, volunteers, contractors and board members.

1.3 ROLES AND RESPONSIBILITIES

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying. The responsibility lies with every manager, supervisor, employee and volunteer to ensure that discrimination or victimisation does not occur.

It is the responsibility of the CEO to ensure that:

- they understand, and are committed to, the right of all employees and volunteers to attend work and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made
- all applicable occupational health and safety legislation is observed
- all employees and volunteers are regularly made aware of their obligations and responsibilities in relation to providing a workplace free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
 - sudden increases in absenteeism
 - unexplained requests for transfers

- behavioural changes such as depression
 - sudden deterioration in work performance
- they take immediate and appropriate corrective action if they become aware of any offensive action
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to management, employees and volunteers in relation to the prevention of bullying
- this policy is displayed in the workplace.

It is the responsibility of all employees and volunteers to ensure that:

- they understand and are committed to the rights and entitlements of all employees and volunteers to attend work and perform their duties without fear of bullying in any form
- they provide an environment which discourages bullying
- they immediately report any offensive action directed at themselves or others

1.4 DEFINITIONS

The following terms are used in this policy document and are defined as follows:

- **Unreasonable behaviour:** is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to,
 - Verbal abuse
 - Initiation pranks
 - Excluding or isolating employees
 - Giving a person the majority of an unpleasant or meaningless task
 - Humiliation through sarcasm, or belittling someone's opinions
 - Constant criticism or insults
 - Spreading misinformation or malicious rumours
 - Deliberately setting work routines or procedures to inconvenience certain employees
 - Displaying written or pictorial material which may degrade or offend certain employees
- **Bullying:** is repeated, unreasonable behaviour directed towards a person or group of persons. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.
- **Repeated...behaviour:** refers to the nature of the behaviour, not the specific form of that behaviour. "Repeated unreasonable behaviour" may thus be a pattern of diverse incidents.
- **Workplace bullying** can occur between:
 - Two or more employees/volunteers
 - Manager(s) and employees(s)/volunteer(s)
 - Employees/volunteers and other persons at the workplace (apprentices, students, clients).

Bullying can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, a volunteer, supervisor, manager, service provider, user or customer.

Formerly agreed behaviour may be found to be bullying when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or harmful does workplace bullying exist.

Similarly, the exercise of a supervisor's legitimate authority at work through the direction and control of work responsibilities, the monitoring of workflow, and giving feedback on performance, is not bullying insofar as the supervisor's actions are intended to assist staff to improve their tasks, their work performance, or the standard of their behaviour. If an employee has performance problems, however, these should be identified and dealt with in a constructive way that is neither humiliating nor threatening.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

Some of the most prevalent forms of harassment and bullying include:

Sexual harassment: can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours and assault.

Racial harassment: may include jokes about or uncalled for references to a person's colour, race, religion, and nationality. It can also include offensive remarks about dress, culture, or customs, which have the effect of ridiculing or undermining the individual or fostering hatred and/or prejudice towards individuals or particular groups.

Harassment of disabled people: can take the form of individuals being ignored or ridiculed because of mistaken assumptions about their capabilities. This may include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.

Harassment on the grounds of a person's sexual orientation: include homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation to others or offensive behaviour/abuse relating to HIV or AIDS status. (The complication with harassment on grounds of sexual orientation is that the victim must be open about their sexual orientation in order to confront it.)

Harassment on the grounds of a person’s gender reassignment: under the Sex Discrimination (Gender Reassignment) Regulations 1999, it is unlawful to discriminate against or harass anyone on the grounds of their current or intended gender reassignment.

2 POLICY & PROCEDURES

2.1 POLICY STATEMENT

MAA has a firm commitment to equality of opportunity and will not tolerate bullying and harassment within the organisation. The purpose of this policy is to help create a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise. The policy outlines the procedures to be followed if a member of staff feels they are being harassed or bullied at MAA. MAA is committed to dealing with all concerns appropriately and fairly.

2.2 GUIDING PRINCIPLES

MAA has a duty of care to provide a safe workplace. MAA accepts and acts on its duty of care. Any allegations of workplace bullying and/or harassment that are reported must be investigated.

All incidences of bullying will be dealt with promptly, thoroughly, and fairly.

Complaints will be treated in confidence, and where confidentiality cannot be guaranteed this will be clearly indicated to the complainant.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

2.3 COMPLAINTS PROCEDURES

Employees or volunteers who believe they are the subject of bullying should take firm, positive and prompt action.

2.3.1 The Informal Approach

Members of staff wishing to seek advice or discuss concerns about harassment may approach their HR manager, line manager or another manager within MAA. All trustees and managers within MAA will receive briefing on the implementation of this policy and training will be provided. It is acknowledged that some members of staff may wish to seek informal or formal advice from their trade union representative.

Anyone approached by a member of staff who wishes to discuss the matter informally should:

- Find a quiet place to discuss the issue confidentially and without interruption
- Listen carefully to what they are being told and ensure they understand the full facts

- When they are sure they understand and feel confident to do so, they should discuss the options open to the individual.

Anyone approaching a manager or harassment advisor for advice may wish to be accompanied by a work colleague. Confidentiality is very important in dealing with cases of alleged harassment as they are usually much more difficult to resolve informally if the matter becomes common knowledge.

If the person approached wishes to seek advice on how to deal with an alleged case of harassment, they should ask the approval of the person who has confided in them to take that course of action. Managers in such circumstances may consult HR.

Having heard the facts about the incident, there are a number of informal options available to the individual to resolve the matter:

- (a) The person who has experienced harassment could talk to the individual on his/her own, or with a colleague accompanying him/her
- (b) Alternatively, the manager could facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent and explain his/her view of the offending behaviour.

A manager should not take action following an informal approach without the agreement of the individual concerned.

The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should only be submitted as a 'final option', where the informal approach has not achieved satisfactory results, or in exceptional circumstances where the nature of the incident(s) warrants a more formal approach.

2.3.2 The Formal Approach

If the informal approach has failed, a formal complaint should be made in writing as soon as possible to the HR Manager. Complaints about the HR Manager should be made to the CEO. Complaints about the CEO should be made to the MAA Board. For complaints about a Board member, advice should be sought from your HR advisor.

A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to specific incident(s) and any (unsuccessful) efforts to resolve the matter. The names of any witness(es) to the incident(s) should also be included. Witnesses can request anonymity and this can be granted, though it is not encouraged in the interests of natural justice.

Where necessary, it may be desirable to create environments where the complainant and the defendant can work separately, or at least not in isolation together, if this is not already the case.

2.3.3 Investigating a formal complaint

The Human Resource representative will consider a formal complaint. Where there has been no attempt to resolve the matter informally, the complainant may be asked to follow an informal route to resolution before a formal panel is convened.

A panel of three will be appointed to consider the complaint formally. The chair is responsible for ensuring the meetings taken place within the agreed timeframe. The panel will include a manager, and where possible, a colleague with a legal background. An HR representative will act as secretary and advisor to the panel. No member of the panel should belong to the department of the complainant or the respondent. Where possible, the panel should reflect a varied profile in terms of race, gender, disability and sexual orientation.

Process	Timeframe
Register Formal Complaint	Week 1
Formal acknowledgement of complaint issued from HR	Week 1
Respondent notified in writing by HR of complaint and date set for written response. Complainant given a copy.	Week 1
HR set up investigatory panel and agrees date of hearing from the outset.	Week 2
Notification to all parties of date of hearing.	Week 2
All documents submitted to panel.	Week 3
Pre meeting briefing for investigatory panel.	Week 4
First meeting of panel	Week 4
Decision made by panel	Week 4
Outcome of investigatory panel conveyed in writing to complainant and respondent.	Week 4

A panel briefing on harassment and bullying will take place at the first pre-meeting of each formal investigation panel. A work colleague may accompany any complainant/respondent required to attend an investigatory panel meeting.

Concerning confidentiality, it is important to ensure that the matter is not discussed with others outside the investigatory panel, unless there is a legitimate reason for them to do so i.e. in order to be able to respond to an allegation, investigate and take action. A complaint of harassment may involve matters that are of a distressing or personal nature and which the complainant may find difficult to discuss in detail. The meeting should therefore be conducted with utmost sensitivity. A written record of the meeting will be made by the secretary (HR representative), which may be presented as evidence in any subsequent disciplinary hearing.

The role of the panel will be to interview the complainant, the respondent and consider any other relevant witness statements to produce a report of its investigation outlining any proposals for action (this will be summarised as investigation minutes and adjournment notes). Any action between meetings, which could be considered as retaliation or victimisation, should be considered by the panel. The minutes from the meeting will be submitted to the CEO who will liaise with the Human Resources Manager to determine what actions, if any, need to be made. Where a complaint is upheld, action will be taken in all cases irrespective of the seniority of the respondent. The minutes of the meetings will not be kept in any colleague's personal file, after the investigatory proceedings are completed.

2.3.4 Actions following the investigation of a complaint

Where an allegation is of a serious nature under the disciplinary procedure (e.g. gross misconduct), consideration will be given to take immediate action under that procedure, which may include suspending the respondent from work. The procedures set out in this document allow any action to be taken under MAA's disciplinary procedures. Where appropriate, training and/or counselling may be offered to the offender to assist him/her in understanding how to avoid repeating the offending behaviour. Counselling may also be offered to the complainant.

Following a formal harassment complaint, the respondent/complainant may be concerned about working with the other again. Due regard of such views should be taken and a transfer of one or both parties to another department or location may be appropriate in some cases. Where a complaint has been upheld, the Head of Department should monitor the situation to make sure there is no repeat in the offending behaviour and/or victimisation and/or lack of management. Following a finding of harassment or bullying any repeat behaviour of this type will result in disciplinary action.

If either the complainant or the respondent feels that a formal investigation of a harassment complaint involving them has not been dealt with to their satisfaction, they may raise their concerns via the appropriate Grievance procedure.

2.4 PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While MAA is committed to treat most complaints about bullying and harassment at an organisational level as far as possible, this type of conduct is not suited to an internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

3 REVISION HISTORY

Document version details	
Version identifier:	V2.1
Date amended:	31 December 2025
Approved by CEO:	Ahmad Malas
Review date:	31 December 2026 or as required

ANNEX 1 UNNACCEPTABLE BEHAVIORS

Physical Conduct

- Making suggestive comments or gestures
- Unwanted sexual contact (e.g. a man brushing against a woman in a sexual way or forcing her to brush against him in order to pass him)
- Leering at another person
- Displaying nude pin-ups
- Indecent assault

Verbal Conduct

- Inappropriate remarks
- Name-calling
- Offensive jokes
- Excessive, or public criticism
- Unwelcome sexual advances, propositions or pressure for sexual activity
- Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome
- Offensive flirtations
- Suggestive remarks, innuendoes or lewd comments
- Behaviour that defines someone as a sexual object rather than as a work colleague

Non Verbal Conduct

- Display of pornographic or sexually suggestive pictures
- Objects or written materials
- Racist graffiti
- The circulation of racist materials such as pictures, jokes, stories or poems
- Leering, whistling or making sexually suggestive gestures
- Exclusion of an individual

Other Bullying

- Excessive workloads for a particular individual
- Unrealistic targets
- Unfair allocation of tasks
- Inappropriate remarks
- Excessive, or public criticism

ANNEX 2 LEGISLATION AFFECTING HARASSMENT

There are a number of Acts designed to protect people from harassment. These include:

- Disability Discrimination Act 1995 – Amended Act 2003
- Sex Discrimination Act 1975
- Race Relations Act 1976 – Amended Act 2000
- Rehabilitation of Offenders Act 1974
- Health & Safety at Work Act 1974
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act
- Employment Relations Act 1999
- Employment Rights Act 1996
- Employment Equality Regulations 2003 (Religion & Belief and Sexual Orientation)
- Employment Equality (Age) Regulations 2006
- Malicious Communications Act 1998