

ANTI-HARASSMENT AND ANTI-BULLYING POLICY

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Introduction

Within the Methodist Church we believe that everyone should be enabled to flourish, to become the people whom God created them to be.

The Managing Trustees of The Gatwick and Mole Valley Methodist Circuit, ('the Church/Circuit/District') are committed to supporting our inclusive culture. Further details can be found in the Church's strategy for the Justice, Dignity and Solidarity.

This means we aim:

- to celebrate the rich diversity of people within the Methodist Church
- to eradicate all discrimination, to treat all people justly and with dignity across the breadth of the Methodist Church

- for a profound change in the culture, practices and attitudes of the Methodist Church so that all Methodists are able to be full participants in the Church's life.

The policy accompanies our Equality, Diversity and Inclusion (EDI) Policy and the Positive Working Together Guidelines.

This policy does not form part of your contract of employment. We reserve the right to amend or withdraw it at any time.

This policy applies to anyone working for us. This includes lay employees, workers, contractors, volunteers, interns and apprentices. Furthermore, the policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to instances of bullying or harassment by third parties.

Our commitment to you

'The Circuit' is committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:

- ensuring all new starters attend equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme. This may be online or face to face training ;
- requiring all employees to attend regular equality, diversity and inclusion training and anti-bullying and anti-harassment refresher training, as necessary. This may be online or face to face training;
- providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace and by third parties that you may have contact with;
- encouraging individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment, initiatives by attending events and workshops organised by the The Circuit. These events are designed to educate attendees on the challenges faced by others and how they can help alleviate these in the workplace;
- monitoring our workplace culture through a variety of methods, including anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee resource groups. This allows us to identify and address any issues that may arise;
- undertaking regular risk assessments to identify and implement reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties that you may have contact with; and
- ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with.

We are committed to providing a safe and respectful workplace to promote a working environment based on dignity and trust, and one that is free from discrimination, harassment, bullying or victimisation.

Within the Methodist Church there is zero-tolerance towards any form of bullying or harassment. This includes all forms of sexual harassment.

What we expect from our people

It is our expectation that you, and every one of our people, will take personal responsibility for observing, upholding, promoting and applying this policy, regardless of your position.

Any interactions you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be conducted in a manner that is free from discrimination, harassment, victimisation or bullying. (For more information on discrimination and victimisation, please refer to our Equality, diversity and inclusion (EDI) policy.)

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take disciplinary action against them (for those to whom it applies) up to and including dismissal in line with our policy

If you experience bullying or harassment, we encourage you to speak up immediately and request the appropriate support (see [What to do if you are being bullied or harassed](#)).

Who is protected from harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, if someone experiences worse treatment due to any of these characteristics it is likely to amount to direct discrimination. For the avoidance of doubt, we therefore consider harassment on any ground to be unacceptable.

Meaning of harassment

In accordance with the Equality Act 2010, harassment is defined as any form of unwanted conduct related to a protected characteristic, that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where an individual perceives another person to have a protected characteristic: for example, a perception that someone is transgender, even if this is not the case.

Harassment can also occur through association, whereby an individual is subject to harassment due to their association with an individual who possesses a protected characteristic. For example, an individual may be harassed because they have a family member who belongs to a particular religion.

Examples of harassment

Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Meaning of sexual harassment

Employers are legally obliged to take all reasonable steps to prevent any harassment of their employees in the course of their employment and by third parties.

Harassment may be of a sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media);

- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is currently no legal definition of bullying. However, we do not tolerate bullying behaviour, which we define as any conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur in the workplace or outside work.

If the bullying relates to a person's protected characteristic, it will also constitute harassment and, therefore, will be unlawful (see Harassment).

Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision, eg constantly criticising someone's work; and
- inappropriate and derogatory remarks about a person's performance.
- 'upward bullying' or 'subordinate bullying', eg showing continued disrespect or refusing to complete tasks

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying behaviour.

Microaggressions

Micro-aggressions - sometimes referred to as micro-incivilities, are defined as statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. Such actions are sometimes referred to as "death by a thousand cuts". Micro-aggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious micro-aggressions can amount to unlawful harassment, bullying or discrimination. It is recognised that micro-aggressions can negatively impact the health and wellbeing of the individual subjected to them. Consequently, such behaviour may be deemed liable to amount to bullying or harassment and is therefore not tolerated by the 'Circuit'.

What to do if you are being bullied or harassed

Informal route

Bully/harasser is a colleague

If you feel able to, you may decide to raise the issue with the individual concerned. This will enable you to make it clear that their behaviour is not acceptable and to request that it stops. It is possible that the individual in question is unaware that their behaviour is offensive.

Alternatively, if you do not feel up to speaking directly to the individual, you may wish to consider asking your line manager, a colleague, or District Lay Employment Secretary or relevant District Employment Adviser.

We encourage you to talk to your line manager or other appropriate person if you feel you are being subjected to bullying and harassment. We will ensure that your complaint will be dealt with appropriately and sensitively and stress that as a complainant you will be protected from any potential detriment arising from a complaint raised in good faith.

It is important that any such concern is brought to our attention. We encourage you to discuss the matter with someone at your workplace, however if exceptionally you feel unable to do so, please email: equality&diversity@methodistchurch.org.uk for advice.

Bully/harasser is a third party

Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.

If you are experiencing bullying or harassment by a third party, we encourage you to report this to your line manager, DLES or relevant Employment Adviser without delay so that they can advise and support you on the best course of action.

Formal route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager or another appropriate person. If the complaint concerns your line manager you may submit it instead to the line manager's manager or the Secretary of the Management Committee, the Secretary of the Church Council or the Minister in pastoral charge as appropriate.

You can raise a formal complaint of bullying or harassment under our *Grievance procedure*. You should be aware that you cannot raise an informal complaint under this policy if you have already raised a complaint about the same issue under the *Grievance procedure*.

We will follow the formal grievance procedure, we will usually:

- ask you to set out your complaint in writing and include as much detail as possible, for example the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far;
- hold a meeting with the alleged bully/harasser to ascertain their response to the allegations;
- carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
- invite you to a meeting to discuss your complaint in full and where you will have the right to be accompanied by a colleague or trade union representative;
- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- consider all the evidence in full and make a decision; and
- inform you of our decision and, if we uphold the complaint, instigate appropriate action against the bully/harasser. Depending on the circumstances this may include formal disciplinary action up to and including dismissal of the bully/harasser.

We will conduct a thorough investigation of all formal complaint in an objective and confidential manner, while also ensuring that we respect the rights of the complainant and the alleged bully/harasser.

We will use every effort to complete an investigation into any alleged bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to modify the procedure set out in this policy to ensure that we conduct appropriate investigations, and we will discuss this with you.

Appeals

If you are not satisfied with the outcome of the formal investigation, you have the right to appeal.

Should you wish to appeal, you should submit a written appeal to the Superintendent of The Circuit. The written appeal must set out the specific aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and usually no longer than 5 working days after we inform you of the decision.

A meeting will be arranged with you to discuss the appeal in full and to try to reach a satisfactory solution. You must take all reasonable steps to attend the meeting, and you may bring a companion, a work colleague or a trade union representative.

You will receive confirmation of the outcome of the appeal in writing. This decision will be final.

Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may experience feelings of anxiety or distress. We will do what we can to provide support to assist you.

If you feel you are unable continue working in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation.

[For additional support, please ask your line manager or another appropriate person in the workplace about any other support that may be available to you, or email:

equality&diversity@methodistchurch.org.uk

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. Victimisation is specifically unlawful when someone is treated less favourably because of being involved with a discrimination or harassment complaint.

If you feel you have suffered such victimisation, please inform your line manager or another appropriate person. If the complaint concerns your line manager you may submit it instead to [the line manager's manager](#), or the Circuit Superintendent, as soon as possible.

Regardless of the outcome of your complaint, we will give careful consideration to how we can best approach any ongoing working arrangements between you and the individual concerned, including any third party. For example, depending on the specific circumstances, it is possible that we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is an appropriate course of action..

Sensitivity and confidentiality

Anyone involved in informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity towards all parties involved.

Consequences of breaching this policy

If, following a formal investigation, we find that you have engaged in, authorised or condoned an act of bullying or harassment, we will address the matter as a potential case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be considered in deciding what disciplinary action to take. We will also consider mitigating factors which may apply.

Anyone who complains or takes part in good faith in an alleged bullying or harassment investigation must not experience any form of detrimental treatment. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

If you are an employee, please refer to our *Disciplinary procedure* for further information.

Record-keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and investigating. You should immediately report any inappropriate access or disclosure of employee data in accordance with our [Data Protection Policy for the Methodist Church \(GDPR\)](#) as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.