



Isle of Gigha Heritage Trust

Zero Tolerance of Bullying and Harassment Policy

Chairman of the Board signature:

A handwritten signature in black ink, appearing to read 'G. Wilson', written in a cursive style.

Date:

November 2022

Isle of Gigha Heritage Trust

The Isle of Gigha Heritage Trust (IGHT) wants to ensure that it creates a positive and safe place of work for all its employees, workers and contractors, and a welcoming environment for all volunteers, trustees, members, tenants and visitors and therefore has a zero tolerance approach to the management of any alleged or actual bullying, harassment, victimisation or intimidation towards any employee, worker, volunteer, trustee, member or visitor.

Aim

These guidelines have been designed to offer practical ways of dealing with harassment, bullying, victimisation and intimidation. Following the guidelines may help to stop the harassment or bullying yourself. They also explain how IGHT deals with reports of harassment, bullying, victimisation and intimidation.

The guidelines complement the IGHT's employee handbook, articles of association and any other operational policies in place at any time.

Definitions

Employees and workers are any individual employed by the IGHT and subsidiary companies in any capacity.

Contractors are any individual contracted to provide specialist services to IGHT from time to time.

Trustees are any individual who serves as a volunteer board member.

Volunteers are any individual who voluntarily gives their time to support the various IGHT activities.

Members are any individual who is a member of IGHT in any membership category.

Tenants are any individual who rents accommodation, farm, land from IGHT.

Visitors are any person or persons who are not employees, workers, volunteers, trustees, contractors, tenants or members who are legitimately interacting with IGHT.

Policy statement on Equality, Diversity and Inclusion

IGHT fosters good relations between people who share a relevant protected characteristic and those who do not, celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all who have the potential to benefit from membership of it, and which ensures equality of opportunity for all its members. We expect all members of our community, employees, workers, volunteers, trustees, contractors, members, tenants and visitors to be treated, and to treat others, with dignity and respect. We have a zero-tolerance approach to discrimination, harassment and bullying, victimisation and intimidation. Zero tolerance means that:

- (i) we will take action and
- (ii) the action will be proportionate to the circumstances of the case.

We are committed to meeting our obligations under the Equality Act 2010, which requires IGHT to show no discrimination as required by law on account of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

IGHT will always act lawfully and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the Equality Act, IGHT shall adopt policies, practices, and procedures that define expected standards of behaviour.

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Harassment and bullying: Our zero tolerance approach

Harassment and bullying can adversely affect working, living, and social conditions for employees, workers, contractors, volunteers trustees, members, tenants and visitors and are unacceptable.

This policy defines harassment as occurring when a person engages in unwanted conduct and the conduct has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or threatening environment. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident, if sufficiently serious, can also amount to harassment. All harassment, whether or not it relates to a protected characteristic, is covered by this policy.

When deciding whether any unwanted conduct amounts to harassment for the purposes of this policy, IGHT will consider the perception of the person raising the concern, the other circumstances of the matter and whether it is reasonable for the conduct to be considered to have the purpose or effect described. Harassment can be in verbal, written or physical form and can cause stress, anxiety, fear or sickness on the part of the harassed person. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. However, this does not make it acceptable.

Harassment related to a relevant protected characteristic and undertaken by an employee or agent of IGHT (volunteer, trustee or contractor) may be unlawful under the Equality Act 2010.

An Individuals personal religious or any other belief does not justify harassment on any other ground including gender identity and sexual orientation. Being under the influence of alcohol or drugs will not be accepted as an excuse for harassment.

Some general examples of harassment or behaviour that falls short of expected standards might include teasing, comments about personal characteristics or appearance, unreasonable criticism, promises of reward or threats made to secure sexual favours or negative comments about someone's age, disability, gender reassignment, race, religion or belief, sex or sexual orientation or other characteristics to which protection is provided.

Some more specific forms of harassment concerning certain protected characteristics are detailed on the following pages. Any act of harassment that involves the abuse of a position of authority or trust will be regarded by IGHT as very serious and could constitute gross misconduct if you are an employee or worker and will be subject to our disciplinary policy or if you are a Trustee or member you may be subject to removal in compliance with the articles of association.

If you are a tenant or visitor and found to be in breach of this policy you may be barred from accessing IGHT venues and services and subject to further action under other statutory law or IGHT policies.

Our zero tolerance approach does not mean 'one strike and you're out' but it does mean that any demonstrated incidents of harassment or bullying will be regarded seriously and may constitute potential grounds for disciplinary action up to and including dismissal, with or without notice, removal from the board of trustees or expulsion from the membership of IGHT in line with Director's Code of Conduct and/or IGHT Memorandum and Articles.

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Harassment related to sex

Harassment related to sex is:

- unwanted conduct of a sexual nature; or
- less favourable treatment as a result of the submission to or rejection of sexual harassment; or
- harassment related to sex in relation to working, island living or social situations.

The following are some examples of activities that might constitute sexual harassment:

- unnecessary and unwelcome physical contact
- sexual assault
- suggestive and unwelcome comments or gestures
- emphasising the gender of an individual or a group
- persistent unwelcome requests for social or sexual encounters and favours
- display, or electronic transmission, of pornographic, degrading or indecent images or threatening, abusive or unwanted comments of a sexual nature.
- non-consensual sharing of sexually explicit media. These activities will be considered to be very serious if they are accompanied by one or both of the following: Harassment and bullying: Our zero tolerance approach
- explicit or implicit promises for compliance that are a misuse of an institutional position (e.g. promises of higher assessment marks for a student or a recommendation for promotion for a member of staff)
- explicit or implicit threats of penalties for non-compliance that are a misuse of an institutional position (e.g. refusal to provide appropriate support/advice or resources)

Harassment related to sexual orientation

Harassment related to sexual orientation, actual or perceived, can be:

- harassment of someone because of their actual sexual orientation; or
- harassment of someone because of their perceived sexual orientation; or
- harassment of someone because of the actual or perceived sexual orientation of those with whom they associate.

The following are some examples of activities that might constitute harassment related to sexual orientation:

- making suggestive or unwelcome comments or gestures emphasising the actual or perceived sexual orientation of an individual or group
- engaging in homophobic or biphobic behaviour
- using homophobic or biphobic language or displaying homophobic or biphobic materials
- making homophobic or biphobic insults or threats
- engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation
- outing an individual as lesbian, gay or bisexual without their permission
- ignoring or excluding an individual from activities because they are lesbian, gay or bisexual
- spreading rumours or gossip about an individual's actual or perceived sexual orientation
- asking an individual intrusive questions about their private life

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- making assumptions and judgements about someone based on their actual or perceived sexual orientation
 - verbally or physically abusing or intimidating someone because of their actual or perceived sexual orientation
- Harassment and bullying: Our zero tolerance approach

Harassment related to race

Harassment related to race includes harassment related to colour, nationality, ethnic or national origins.

The following are some examples of activities that might constitute harassment related to race:

- derogatory name-calling
- insults, threats and racist jokes
- ridicule of an individual for racial or ethnic difference
- racist graffiti, images or insignia.
- microaggressions including asking persistent questions such as where a person is really from
- making persistent comments about appearance, command of language or stereotypical assumptions based on race
- not using the individual's name or adopting a nickname.

Harassment related to religion or belief

Harassment related to religion or belief of an individual or a group can be because of:

- their religion; or
- that they have no religion; or
- that they have changed or renounce their religion; or
- their religious or philosophical belief; or
- their lack of any such belief.

The following are some examples of activities that might constitute harassment related to religion or belief:

- teasing or mocking someone for holding a particular religion or belief
- persistently asking an individual intrusive questions about how they choose to observe their religion or belief
- ostracising someone because of their religion or belief
- failing to respect the religion or belief of another (i.e. by persistently offering inappropriate food and drink)
- persistent criticism of employee for not wearing appropriate uniform or dress

Harassment related to disability

A person has a disability for the purposes of this policy if they have a physical or mental impairment which has a substantial and long-term adverse impact on that person's ability to carry out normal day-to-day activities.

Some people also meet the definition of disability without having to show that they have an impairment that has or is likely to have a substantial, adverse long-term effect on their ability to carry out normal day-to-day activities. This includes people who have cancer, HIV infection, multiple

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sclerosis and people who are certified as blind, partially sighted, severely sight impaired or sight impaired by a consultant ophthalmologist.

The following are some examples of activities that might constitute harassment related to disability:

- direct verbal abuse or comments that make a disabled person feel uncomfortable, intimidated or degraded
- comments which fail to acknowledge the employee disability
- physical abuse
- jokes or banter relating the disabled person
- mimicking or teasing a person about their disability
- deliberately altering physical space or removing equipment required by the disabled person

Harassment related to age

The following are some examples of activities that might constitute harassment related to age:

- direct verbal abuse or comments about age that make a person feel uncomfortable, intimidated or degraded
- unjustified exclusion of a person because of their age
- ageist jokes
- using inappropriate language, related to age, to describe someone (e.g. 'over the hill', 'wet behind the ears')

Bullying

The Trust defines bullying as follows:

“Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power, through means that may reasonably be considered to have the effect of undermining, humiliating, denigrating or injuring the recipient or recipients (emotionally or physically).”

Examples of behaviours that may constitute bullying include:

- making someone feel frightened, less respected, made fun of or upset
- making false statements or spreading a false rumour about someone
- putting someone down or speaking down someone in meetings
- persistently ignoring or 'talking down' an individual
- criticising an individual in an inappropriate manner or belittling them about their work, personality or appearance
- unjustified, unreasonable or incorrect criticism or questioning of an individual's work or opinions
- not allowing someone to go on training courses, but allowing everyone else to
- giving someone a heavier workload than everyone else
- excluding someone from team/group social events
- pressurising an individual into behaviour or actions against their wishes

In certain situations, one-off actions may constitute bullying.

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Harassment or bullying via social media or other electronic means

Harassment or bullying through social networking sites and messaging apps such as Facebook or Twitter or through other electronic means such as text message or email is not acceptable. The following are some examples of what might constitute this form of harassment or bullying:

- Unjustified, unreasonable or incorrect questioning of an individual capability or opinions on social media
- Pages that identify and shame individuals
- Images altered to degrade individuals
- Photos or videos of physical bullying posted to shame the victim
- Sharing personal information to blackmail or harass people
- Repeatedly targeting other people with unwanted friend requests or messages
- Non-consensual sharing of sexually explicit photographs

Intimidation

IGHT defines intimidation as intentional behaviors which result in the other person experiencing general discomfort like humiliation, embarrassment, inferiority, or limited freedom.

Some examples of intimidating actions may be behaviours which

- make the other person submissive (also known as cowing),
- destabilize/undermine the other,
- force compliance
- take the form of condescending comments, rudeness, sarcasm, disrespect, patronising, degrading comments or disparaging comments

Indications that an individual has been subjected to intimidation may be:

- developing apprehension,
- experiencing fear of injury or harm,
- stress
- becoming unusually emotional.

Victimisation

IGHT seeks to protect any member of the community from victimisation. IGHT will regard as victimisation any instance where a person is subjected to detrimental treatment because:

- that person, in good faith, made an allegation of harassment, or
- indicated an intention to make such an allegation, or
- assisted or supported another person in bringing forward such an allegation, or
- participated in an investigation of a complaint, or
- participated in any disciplinary hearing arising from an investigation, or
- Is suspected of having done so.

Victimisation carried out by an employee or agent (volunteer, trustee or contractor) of IGHT may also amount to a breach of the Equality Act 2010.

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Hate incidents

IGHT investigates any incident which is perceived by the victim, or any other person (e.g. a witness), to be motivated by hostility or prejudice based on a person's:

- disability or perceived disability;
- race or perceived race;
- religion or perceived religion;
- sexual orientation or perceived sexual orientation;
- transgender identity or perceived transgender identity.

Where, following investigation and consideration of the evidence, an incident is found to be motivated by hostility or prejudice, IGHT will consider this to be a Hate Incident and treat this as an aggravating factor in considering any appropriate action to take. Hate Incidents may also be crimes and consideration should be given to reporting such matters to the police.

The incident can take many forms, and be perpetrated by either an individual or group, including:

- physical attacks, such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- threat of attack, including offensive letters, abusive or obscene telephone calls and other intimidating behaviour
- verbal abuse or insults, abusive gestures
- other abuse, such as offensive leaflets and posters, unfounded and malicious complaints and bullying.

What should you do if you experience harassment, bullying, intimidation or victimisation?

If you feel that you are being subjected to harassment or bullying in any form do not feel that it is your fault or that you have to tolerate it. IGHT's primary concern is that the harassment stops and that there is support and assistance available when needed. If possible, you should make it clear to the person causing offence that their behaviour is unacceptable to you. You can speak to them directly but you may find it easier to do this by letter or email (you should keep a copy). This may in some instances be sufficient to stop the behaviour. You can also ask someone else to speak to them on your behalf. This could be your manager or a member of the board who will take appropriate action to seek to stop any bullying or harassment.

If you are an employee you may also decide to raise a grievance in line with the IGHT Grievance Policy outlined in the Employee Handbook.

It is important to make a note or keep a diary of the details of any relevant incidents which distress you – particularly if you feel unable to speak to the person concerned or if, having spoken to them, the behaviour persists. If the harassment has caused you to change the pattern of your work or social life or if it has had any effect on your health, you should include this information as well.

You do not have to experience harassment or bullying yourself to report it. If you observe someone else being harassed or bullied you are strongly encouraged to report it.

We appreciate that making a complaint is not easy but we encourage openness so that we can best enforce this policy. Please note where reports are made anonymously, IGHT is less likely to be able to take any action.