

Introduction

Harassment and bullying can have very serious consequences for individuals and Paisley Art Institute. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance. Severe cases of harassment and bullying can even lead to mental health issues.

Individuals found guilty of harassment or bullying may face expulsion from membership of PAI if relevant, other sanctions and referral to other agencies such as the police if serious harassment could be deemed to be a serious and possible criminal offence.

Our Commitment

Paisley Art Institute is committed to creating an organisation free of harassment and bullying, where everyone is treated with dignity and respect.

Paisley Art Institute will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

Paisley Art Institute will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or for supporting someone to make such a complaint.

Victimisation is a disciplinary offence.

The Scope of this Policy

This policy covers bullying and harassment of and by employees, volunteers members and anyone else engaged to work at or with Paisley Art Institute, whether by direct contract or subcontract with Paisley Art Institute.

The policy covers bullying and harassment in any work place where the charity carries out its activities and events, or a work-related setting outside the workplace including the online environment such as within the charity's social media channels, website and email accounts.

Information

Paisley Art Institute will provide information to any employees, volunteers and others engaged to work with Paisley Art Institute in the provision of services or activities, to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. This policy will be made available on the Charity's website.

Review

Paisley Art Institute will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

Informal Action Prior to Invoking Formal Procedure

- It may be possible to sort out matters informally.
- This may be achieved by arranging a discussion/meeting with the alleged harasser.
- The person may not be aware that his/her behaviour is unwelcome or upsetting and an informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it.
- If the individual feels uncomfortable approaching the alleged harasser the approach may be made on their behalf by a line manager if appropriate or a member of the Committee.
- The alleged harasser should be told what behaviour the individual finds to be offensive and/or unwelcome, and be told that a formal complaint may be made should the unwanted behaviour continue.
- These meetings will be held in a respectful, confidential and non-confrontational manner to allow the perspective of both parties to be heard.

The Formal Procedure

If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, then a formal complaint should be made using Paisley Art Institute's Complaints Procedure. This should be done with reference to the definitions of this policy and that of the codes of conduct and membership by-laws as published on the charity's website

Serious cases

In some cases, a criminal offence may have been committed and it may be appropriate to report matters directly to the police.

What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that serves to undermine, humiliate or injure the person on the receiving end.

The Equality Act 2010 defines harassment as unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a supplier, a member of the public or third-party organisation. For example, it might be that a person makes a series of racist remarks to a black employee. If a stakeholder feels that he/she has been bullied or harassed he/she should report any such behaviour.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment by employees of PAI is misconduct and is a disciplinary offence which will be dealt with under Paisley Art Institute's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

All bullying and harassment by members is considered as misconduct under the membership code of conduct policy and will be dealt with by the Trustees through the complaints procedure and may result in suspension or expulsion from membership.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences.

What is Victimisation?

Victimisation is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and Paisley Art Institute will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Examples of Bullying or Harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- ridiculing or insulting someone or making demeaning comments or jokes about a person's appearance or of a sexual or racial nature or about an individual's age,

- disability, sexual orientation or religion including unwanted nicknames.
- spreading malicious rumours about someone
 - picking on someone, setting him/her up to fail, or making threats about someone's job security without good reason;
 - isolation or non-cooperation at work or deliberately excluding someone from social activities involving the immediate work group.
 - ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
 - excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;

Specific examples of sexual harassment may include:

- unwelcome sexual advances or physical conduct ranging from unwelcome touching to serious assault.
- the offer of rewards for going along with sexual advances, e.g. promotion or access to training/development opportunities;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment security or conditions.

What it is not

- any reasonable request by PAI management or the Trustees;
- taking measures to manage capability when a member of staff is not achieving agreed standards.
- disciplining a member of staff appropriately following an incident of misconduct if done through the correct procedure.

Preventing Bullying and Harassment

We all have a responsibility to help create and maintain a collegiate physical and on-line environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;

- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or committee of trustees and supporting Paisley Art Institute in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Trustees and managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

These bye-laws are introduced under Clause 7 of existing Constitution
“The Committee of Management shall have the power to make Bye-Laws,
which must be consistent with the Constitution and Rules of the Institute”.