



Dignity at Work: Anti-Harassment and Bullying Policy

1. Introduction

- 1.1. Everyone connected with Western Storm has a right not to be subjected to bullying and/or harassment or be exposed to a hostile or intimidating environment. Western Storm is committed to providing a working environment free from harassment and bullying and to ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2. This policy applies to employees, managers, directors, casual workers, consultants, volunteers, players, agency workers, contractors (collectively referred to as **staff** henceforth). The policy also applies to the treatment of third parties by our staff as well as treatment of our staff by third parties; all are expected to adhere to its contents. It is important for staff to understand they, as well as Western Storm, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination in the course of their employment, against colleagues, customers, suppliers and members of the public.
- 1.3. This policy applies to work carried out at any ground, workplace functions held either onsite or in different settings both inside and outside of normal working hours. It also covers social events on and offsite where you are identifiable as a staff member of Western Storm (collectively referred to as **the Club** henceforth). However, no policy can properly accommodate all possible circumstances and this policy should be seen as creating guidelines only and not contractual obligations on our part.
- 1.4. This policy does not form part of any employee's Contract and we may amend it at any time.

2. The purpose of this policy

- 2.1. The purpose of this policy is to help prevent the occurrence of bullying and harassment in all forms at the Club and to provide guidance on how to resolve such issues/complaints informally and formally should such behaviour occur.
- 2.2. This policy also aims to encourage anyone who has experienced bullying or harassment at the Club in the past to step forward so any appropriate action can be taken.

3. What is Harassment?

- 3.1. **Harassment** is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

- 3.2. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 3.3. **Unlawful harassment** may involve conduct of a sexual nature (see sexual harassment policy), or it may be related to a "Protected Characteristic" under the Equality Act 2010. Protected characteristics are:

- 3.3.1. Age
- 3.3.2. Sex
- 3.3.3. Disability
- 3.3.4. Gender reassignment
- 3.3.5. Marriage and civil partnership
- 3.3.6. Pregnancy and maternity
- 3.3.7. Race
- 3.3.8. Religion or belief
- 3.3.9. Sexual orientation

Harassment is unacceptable even if it does not fall within any of these categories.

- 3.4. Harassment may include, for example:

- 3.4.1. abusive language and jokes;
- 3.4.2. name calling;
- 3.4.3. lewd and/or unwelcome comments about your own or another's appearance;
- 3.4.4. physical threats, assault, or insulting behaviour or gestures;
- 3.4.5. open hostility towards workers of a particular group including organised hostility in the workplace;
- 3.4.6. exclusion from normal work conversation or social events;
- 3.4.7. unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- 3.4.8. continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- 3.4.9. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- 3.4.10. the display or circulation of offensive written or visual material including emails, text messages, social media content, video clips and photographs taken or sent using mobile phones or via the internet;
- 3.4.11. outing or threatening to out someone as gay or lesbian; or
- 3.4.12. mocking, mimicking or belittling a person's disability.

- 3.5. This list is not intended to be exhaustive. It is a guide to help all staff to identify behaviour that is not acceptable and each incident of harassment or discrimination will be viewed on its individual facts.

- 3.6. A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

- 3.7. Harassment may be open or covert, direct or indirect, an isolated incident or a series of repeated actions. It may also include, in certain circumstances, off-duty conduct.
- 3.8. It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient. Accordingly, it will not necessarily be a defence that such incidents consist of words or behaviour which might be claimed to be "commonplace" or which were intended as a joke or were not intended to be offensive.

4. What is bullying?

- 4.1. Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.
- 4.2. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
 - 4.2.1. physical or psychological threats;
 - 4.2.2. overbearing and intimidating levels of supervision; or
 - 4.2.3. inappropriate derogatory remarks about someone's performance.
 - 4.2.4. shouting at staff;
 - 4.2.5. persistently picking on people in front of others or in private;
 - 4.2.6. blocking promotion and training opportunities;
 - 4.2.7. regularly and deliberately ignoring or excluding staff from work activities or work related social events;
 - 4.2.8. setting a person up to fail by overloading them with work or setting impossible deadlines;
 - 4.2.9. regularly making the same person the butt of jokes.

5. What does not amount to bullying or harassment?

- 5.1. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, imposing reasonable pressures to perform to an acceptable level or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own even if this response may cause a member of staff to feel under threat or otherwise distressed. Examples include (this list is not exhaustive):
 - 5.1.1. fair and reasonable criticism of your performance or behaviour;
 - 5.1.2. a manager rejecting your personal request (such as a request for time off or for adjusted hours) because of a legitimate business need;
 - 5.1.3. constructive feedback;
 - 5.1.4. not being invited to a meeting where you are not required;

5.1.5. being appropriately managed in accordance with any Western Storm policy, e.g. being placed on a performance management procedure where performance is not of an appropriate standard.

6. Zero Tolerance

- 6.1. The Club has a zero-tolerance policy relating to all forms of harassment, bullying and unlawful discrimination made by members of staff, players or the public.
- 6.2. Where members of staff fail to comply with this policy, such acts will be dealt with as misconduct and investigated in accordance with the Club's Disciplinary Policy and Procedure. Particularly serious acts could amount to gross misconduct and may lead to dismissal without notice.
- 6.3. Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.
- 6.4. Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our disciplinary procedure. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our disciplinary procedure.
- 6.5. The Club will take immediate and appropriate action if members of the public breach site regulations or display acts of harassment, bullying or discrimination directly or indirectly towards Club staff or another member of the public. If staff members experience undue or unlawful conduct from the public, they are required to inform their line manager immediately and remove themselves from the situation if they feel unsafe.

7. Responsibilities

- 7.1. All staff are responsible for complying with this policy. You are expected to treat others with respect regardless of their characteristics and you must not behave in ways which may cause offence (see Behaviour and Conduct Policy).
- 7.2. All staff have a responsibility to actively discourage behaviour which may be deemed as harassment, bullying or victimisation. This can occur by:
 - 7.2.1. directly confronting the person carrying out the act if you feel it is appropriate to do so;
 - 7.2.2. bringing the act to the attention of a manager to enable the Club to deal with the matter;
 - 7.2.3. supporting colleagues if they have experienced such behaviour, especially if they are considering making a complaint.
- 7.3. Senior leaders, directors and managers have a specific responsibility to:
 - 7.3.1. operate in accordance with this policy;
 - 7.3.2. ensure employees understand the Club's expected standards of behaviour and conduct;
 - 7.3.3. take appropriate action when they witness or are informed of inappropriate behaviour occurring.

8. If you think you are being, or have been harassed or bullied: informal steps

- 8.1. If you think you are being, or have been harassed or bullied, no matter how long ago, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or the HR department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 8.2. If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or the HR department informally for confidential advice.
- 8.3. If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

9. Raising a formal complaint

- 9.1. To make a formal complaint about bullying or harassment you should submit it in writing to the Regional Director of Women's Cricket or Jaie Goddard, the Safeguarding Lead for Western Storm and Somerset County Cricket Club whose roles are to achieve a solution wherever possible and respect the confidentiality of all concerned. If the matter concerns these people, you should refer it to the Chief Executive of Somerset County Cricket Club.
- 9.2. Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 9.3. As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

10. Formal Investigations

- 10.1. We should investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation should be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 10.2. We should arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You should be given a provisional timetable for the investigation. The investigator should arrange further meetings with you as appropriate throughout the investigation.
- 10.3. Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator should also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 10.4. Where your complaint is about someone other than an employee, such as a member, contractor, supplier or visitor, we should consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we should attempt to discuss the matter with the third party.

- 10.5. We should also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- 10.6. It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality should be emphasised to them.
- 10.7. At the end of the investigation, the investigator should submit a report to an appropriate person nominated to consider the complaint. They should arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. Where appropriate a copy of the report and the findings should be given to you and to the alleged harasser.

11. Action following the investigation

- 11.1. If we consider that harassment or bullying has occurred, prompt action should be taken to address it.
- 11.2. Where the harasser or bully is an employee, the matter should be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Policy and Procedure. If the harasser or bully is a third party such as a client or other visitor, we will consider what action would be appropriate to deal with the problem.
- 11.3. Whether or not your complaint is upheld, we should consider how best to manage the on-going working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 11.4. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Policy and Procedure.

12. Appeals

- 12.1. If you are not satisfied with the outcome you may appeal in writing to the "Appeal Chair", stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 12.2. We should hold an appeal meeting, normally within 7 working days of receiving your written appeal. This should be dealt with impartially by the Appeal Chair who should not have previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 12.3. We will aim to confirm our final decision in writing, usually within 7 working days of the appeal hearing. If it will take us longer we will aim to let you know. This is the end of the procedure and there is no further appeal.

13. Protection and support for those involved

- 13.1. Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Policy and Procedure.
- 13.2. If you believe you have suffered any such treatment you should inform your line manager if the matter is not remedied you should raise it formally using our Grievance Policy and Procedure or this procedure if appropriate.

14. Confidentiality and record-keeping

- 14.1. Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy and Procedure.
- 14.2. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

15. Policy review

- 15.1. This policy does not form part of an employee's contract of employment and the Club may amend it at any time.
- 15.2. This policy reflects current statutory legislation at the time of writing. Any changes to statutory legislation will take precedence.

15.3. History of Policy Changes:

Date	Page	Details of the change	Agreed by	Review date
Oct 2021	All	New Policy	Leadership Group	Oct 2022