

GREEN PARTY

*Policy on Harassment, Bullying and Discrimination *

1. Scope of this Policy

1.1 This policy on harassment, bullying, discrimination and whistleblowing applies to all members of the party, irrespective of any voluntary or professional position they may hold. It is supplementary to the GPRC Handbook Code of Conduct and the Dignity in the Workplace policy and procedure. It governs members' behaviour with regard to respect for other members and the effect it has on effective functioning of the Green Party. It may apply to behaviour towards people outside the party if it is thought to impact on the reputation or effective functioning of the party.

1.2 This policy applies to both verbal and physical actions as well as any forms of documentation, including electronic communication such as social media, text messages, e-mails and faxes etc. This policy also applies to any party-related social events. Although it is framed to apply to the workplace, the principles also apply to members' dealings with each other.

1.3 This policy is intended as a supplement to any policies on harassment, bullying, discrimination and whistleblowing that local parties might already have in place. It can also be used as a template for local parties who do not have such a policy in place but wish to draw one up.

1.4 This policy has been appended to the Code of Conduct because it is closely linked with standards of behaviour to each other and also to Green Party core values. It is however different in that observation of this policy is determined by law and not a voluntary code. Green Party disputes and disciplinary procedures may refer to the Code of Conduct when assessing one member's complaint against another, but they are *obliged* to follow government guidelines which relate to Harassment and Discrimination. In drafting this document, regard has been had to the relevant provisions of the Equality Act 2010 and the guidance provided by ACAS and the Citizens' Advice Bureau.

1.5 It is important to note that the laws/acts embodying these principles acknowledge the variety of interpretation and context surrounding allegations of harassment and the need for the application of reasonable and proportionate judgments. This policy is meant to underpin our core respect for individuality and diversity and help all members be sensitive to other's needs. It is not designed to enforce unfair or unreasonable or unfounded allegations. Our disciplinary procedures also only extend to matters which organisations are expected to deal with in line with best practice described by governmental and non governmental advice bodies on employment law- see resources below. GPEW disciplinary procedures do not deal with criminal matters.

2. Definitions

2.1 *The “Party”*

This refers to the Green Party, 54-64 Leonard Street, Development House, London, EC2A 4LT.

2.2 *Protected Characteristics*

This is the title given to groups covered by The Equality Act 2010: Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil-partnership, pregnancy and maternity. GPEW also recognises the need to be sensitive to individuals who do not define themselves by gender assignment.

2.3 *Bullying*

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual. Harassment at work is sometimes linked to bullying. Bullying behaviour may or may not amount to harassment in equality law (see Appendix A).

2.4 *Examples of bullying/harassing behaviour include:*

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

2.5 *Victimisation*

Victimisation occurs specifically when a person is treated less favourably because they have asserted their rights, either in making a complaint or in assisting a complainant in an investigation. Victimisation or retaliation as a result of action being taken is unacceptable and may lead to disciplinary action.

2.6 *Harassment*

Harassment is any conduct, related to any of the Protected Characteristics, which is unwanted by the recipient or affects the dignity of any individuals or groups of individuals at work or creates a hostile, intimidating, degrading, humiliating or offensive environment. Harassment is also unwanted conduct of a sexual nature which affects the dignity of any individuals or groups of individuals at work or creates a hostile, intimidating, degrading, humiliating or offensive environment.

A member can be harassed by another member, a worker or a third party connected to the Party.

2.7 *Discrimination*

There are two types of discrimination: direct and indirect. See Appendix A for further guidance from the Equalities and Human Rights Commission on the relevant provisions of the Equality Act 2010.

Direct discrimination is when a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Indirect discrimination is when a person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's. An example of indirect discrimination might be holding local party meetings in a pub, thus excluding those, who perhaps for religious reasons, would be unable to attend.

3. Procedure

3.1 Everyone has a responsibility to respect the feelings and sensibilities of others in the party, and to behave in a way which does not cause offence. In some instances individuals may be genuinely unaware that their behaviour is causing offence, but it is the duty of each individual to be sensitive to the impact their conduct may have on colleagues.

3.2 Members - especially those holding office in the party - have a responsibility to deal with other members and volunteers responsibly and should not behave in a way that would generally be considered unreasonable. Members should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who experience such treatment. Members should not act against anyone accused of

harassment before there has been an investigation of the incident and should not attempt to subvert any disciplinary process or act on misinformation or partial information if they are not party to the facts.

3.3 Anyone who believes bullying or harassment is happening has a responsibility to report it to an appropriate person (designated to receive notification of complaints or disputes). It is not appropriate to publish an allegation to the wider membership before or during an investigation.

3.4 One minor incident will not normally constitute bullying or harassment. However, a series of such incidents will do so, particularly where a member has expressed a dislike of such behaviour and/or has asked for it to stop. However, threatened or actual violence, threats of dismissal or promises of special treatment in return for sexual favours, are examples where one incident would be sufficient.

3.5 The elected Disciplinary Committee will handle all complaints of a disciplinary nature which have not been resolved at regional or local party level. The committee comprises of eleven members, one member from each region, one from the Wales Green Party, and a member elected bi-annually at the Autumn Conference. The full Disciplinary Procedure can be found in the Green Party's Constitution, Section 4, parts viii to xii.

4. Policy on Whistleblowing

4.1 'Whistle-blowing' is more formally known as 'making a disclosure in the public interest', under the Public Interest Disclosure Act, 1998. The law that protects whistle-blowers is for the public interest so people are encouraged to speak out if they find malpractice in an organisation.

4.2 A 'prescribed person' is a person or body you are able to blow the whistle to. 'Qualifying disclosures' are disclosures of information where the member reasonably believes one or more matters of serious malpractice are either happening, have taken place, or are likely to happen in the future.

4.3 'Serious malpractice' is defined as:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above

4.4 *Reporting*

Members should inform the Chief Executive immediately if they become aware that any matters of serious malpractice (as defined above) are happening, have happened, or are likely to happen. Members are entitled to ask for their concerns to be treated in confidence and such wishes will be respected. The Chief Executive will log and pass the allegation on to the Co-chairs of GPRC.

If an allegation is about the actions of the Chief Executive, the member should raise the issue immediately with the Chair of GPEX, who will pass the case on to the Co-chairs of GPRC

If an allegation is about the collective or connected actions of the Chief Executive, the Chair of GPEX, or any of member of GPEX, the member should raise the issue immediately with the Co-Chairs of the Green Party Regional Council (GPRC). If the allegation concerns any member or Co-chair of GPRC the Chief Executive will deal with the matter in conjunction with the Chair of GPEX.

4.5 *How Whistleblowing will be handled by the GPEW*

Members can expect whistleblowing to be dealt with as a priority according to the relevant procedure in the GPEW constitution and GPRC Handbook

Appendix A

*What the Equality and Human Rights Commission recommends – guidance on the Equality Act 2010 *

What is harassment?

Harassment at work is sometimes linked to bullying. Bullying behaviour may or may not amount to harassment in equality law.

For behaviour to count as harassment in equality law, it has to be one of three types:

Type 1: Unwanted behaviour related to the protected characteristics listed below

Type 2: Sexual harassment

Type 3: Less favourable treatment because of submission to or rejection of previous sex or gender reassignment harassment.

Type 1

The first type of harassment is unwanted behaviour related to age, disability, race, sex, gender reassignment, religion or belief or sexual orientation, which has the purpose or effect of: violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

'Unwanted behaviour' can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

'Related to' a protected characteristic covers situations where the person who is on the receiving end of the unwanted behaviour has a protected characteristic, or where there is any connection with a protected characteristic.

For example:

A person might be incorrectly perceived to have a characteristic or they may be associated with a person who has a characteristic, such as a family member.

But it may also be harassment where the person on the receiving end of the unwanted behaviour does not have the protected characteristic, are not perceived to have it and are not associated with someone who has it, but they find that the treatment violates their dignity or creates for them an intimidating, hostile, degrading, humiliating or offensive environment.

For example:

A white worker in an office where most of the other workers are also white finds the habitual racist comments of another member of staff also creates a hostile and intimidating environment for them. This may amount to harassment.

The unwanted behaviour does not have to be specifically aimed at the person who finds it violates their dignity or creates for them an intimidating, hostile, degrading, humiliating or offensive environment.

For example:

Male members of staff looking at pornography on work computers may create an intimidating or offensive environment for their female colleagues. Even though they do not specifically draw the women's attention to the pornography or speak about it with them, this could amount to harassment.

Protection is also provided where someone is subjected to harassment related to a protected characteristic even where it is known that they do not have that characteristic.

For example:

An employee is subjected to homophobic 'banter' and name calling, even though his colleagues know he is not gay and he is aware that they know he is not gay. Nevertheless this may amount to harassment related to sexual orientation.

Type 2

The second type of harassment is sexual harassment.

Sexual harassment takes place when a person does something of a sexual nature (which might be verbal, non-verbal or physical) which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

'Of a sexual nature' can include unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings or sending emails with material of a sexual nature.

Type 3

The third type of harassment is where a worker is treated worse than someone else - or less favourably - because he or she either submits to or rejects sexual harassment or harassment related to sex or gender reassignment.

For example:

A shopkeeper propositions one of his shop assistants, she rejects his

advances and is then turned down for promotion which she believes she would have got if she had accepted her boss's advances. This almost certainly amounts to harassment.

Other things to remember about all the types of harassment:

The word 'unwanted' means 'unwelcome' or 'uninvited'. Sometimes a single incident will be self-evidently unwanted, such as 'groping' or racial abuse. For a series of less serious incidents, it may be necessary for someone to object to the behaviour for it to be clear that it is unwanted. If it persists after they have asked for the behaviour to stop then it may amount to harassment.

If the person carrying out the unwanted behaviour actually intends to violate the other person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for them, this will of itself amount to harassment and you will not have to consider the effect on the individual.

If the person carrying out the unwanted behaviour does not intend to violate someone's dignity or create a hostile environment and so on, the behaviour will amount to harassment if it has the effect of creating such an environment and it is reasonable to consider that the behaviour would have that effect.

Behaviour can amount to sexual harassment even if the person doing it or those who witness it do not view it that way.

Dealing with sexual harassment - guidance for managers

The complainant's perception has to be given particular regard. This means that in the vast majority of circumstances the complainant's view that it was offensive to them should be accepted. However, it may not be sexual harassment if no reasonable person **with the same perception and sexual attitudes as the complainant,** would regard the conduct as capable of damaging the complainant's dignity or creating an offensive environment for them.

What are my organisation's basic responsibilities in preventing harassment?

- Have an effective and well-communicated policy
- Train all (**staff and managers**) **on the policy and their responsibilities under it*
- Make (**sexual**) harassment a disciplinary offence
- Monitor the policy and its success regularly

NB words in italics indicate that the Equalities and Human Rights Commission repeat this advice for each type of harassment and with regard to each type of protected characteristic so the general principles apply to

all harassment and bullying and to members of an association as well as employees.