

Introduction

This policy applies to anyone employed by, engaged under a contract for services to, or volunteering directly for the RYA and also includes sailors and coaches on the World Class Programme.

Sailors in the RYA Youth and Junior programmes (or their parents/guardians) should refer to the RYA British Youth Sailing Anti-Bullying Policy.

Anyone not covered by this policy, who feels they have a legitimate complaint of bullying or harassment against a person acting on behalf of the RYA, should refer to the RYA Complaints Procedure.

The RYA reserves the right to amend the policy and procedure as necessary to meet any change in requirements.

Policy

The aim of this policy and procedure is to take all reasonable steps to prevent harassment or bullying, to provide guidance where problems occur and to prevent any recurrence. Any complaint will be dealt with seriously, without undue delay and, where practicable, in confidence.

The RYA aims to provide an environment where everyone is treated with respect and dignity, where no-one feels threatened or intimidated and everyone can carry out their roles free from harassment and/or bullying.

Unlawful harassment of whatever type (including on grounds of sex, age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership or gender reassignment) and/or bullying will be viewed with the utmost seriousness. It will normally be dealt with in accordance with the relevant RYA Disciplinary Procedure, although in certain exceptional circumstances it may also constitute a criminal offence. Serious cases of harassment or bullying will, if proven, be treated as gross misconduct and may, depending on the circumstances, result in dismissal without notice or termination of contract/participation agreement.

The RYA recognises that individuals have a right to complain about harassment and/or bullying should it occur. At all stages of the harassment procedure the person making the complaint is entitled to be accompanied by another employee, contractor, sailor or volunteer, if they wish.

Scope

Bullying within a working environment can include a misuse of power, intimidation of an individual on a regular and persistent basis, and undermining the confidence and competence of that individual. Serious bullying may constitute a criminal offence.

Harassment is defined as unwanted verbal, non-verbal or physical conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct may also be regarded as unlawful discrimination on the grounds of sex, age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership or gender reassignment.

Harassment covers a wide range of behaviour including (but not limited to):

- physical contact ranging from unnecessary touching or brushing against a person, to actual physical contact or serious assault;
- verbal and written harassment through making derogatory remarks or jokes, racist, sexist, homophobic or transphobic remarks or inappropriate comments about disabled people, expressions of discriminatory views and/or intimidating comments, obscene gestures, pin ups, flags, graffiti, using e-mail or social media to send suggestive and unwanted remarks and/or graphics (including pornography) or other offensive material;
- isolation or non co-operation at work, exclusion from social activities;
- coercion, including pressure or requests for sexual favours, pressure to participate in political or religious groups;
- intrusion by pestering, spying, stalking etc, for example persistent unwanted contact via social media, or excessive monitoring of an individual's movements or communications.

One trivial incident will not constitute bullying or harassment. However a series of incidents will do so, particularly where an individual has expressed a dislike of such behaviour and/or has asked for it to stop. A single serious incident, for example threatened or actual violence or threats of dismissal, would also be sufficient.

The responsibilities of the RYA

The RYA has a legal responsibility to provide a safe working environment which is free from unlawful discrimination.

The responsibilities of Managers

The legitimate management of team members, including assessment of their performance, should be distinguished from bullying or harassing behaviour. Managers have the authority to issue reasonable instructions and expect them to be carried out. However, managers should not behave in a way that would generally be considered unreasonable. They should set a good example by treating everyone with dignity and respect. Managers have a particular responsibility to prevent and eradicate harassment or bullying in the work area for which they are responsible. They should respond sensitively and supportively to anyone who makes an allegation of harassment and ensure that the issue is resolved promptly in accordance with the procedure below.

The responsibilities of employees, contractors, sailors or volunteers

Everyone has a responsibility to respect the feelings of others and to be sensitive to the impact their conduct may have on colleagues. Differences in culture, attitudes and experience can mean that what is perceived by the person experiencing the behaviour as bullying and harassment, may be perceived by others as normal. It is important to be sensitive to the reactions of others and adjust behaviour accordingly.

In some instances individuals may be genuinely unaware that their behaviour is causing offence and there may be no malicious intent, but in most cases people should know that their remarks or actions are causing offence and that such behaviour is unacceptable. The test is: would a reasonable person think that the behaviour amounted to bullying or harassment?

Team members should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who experience such treatment. Anyone who sees bullying or harassment happening has a responsibility to take action by raising the matter with a manager.

Procedure

1. Informal Stage

Most people suffering harassment or bullying simply want it to stop. Attempts should first be made, if possible, to deal with the problem informally. An RYA employee may turn to the HR Advisor for assistance before taking informal action, but is not obliged to do so. You can seek to resolve matters informally by:

- a) approaching the alleged harasser/bully direct and speaking to them politely and in private, making it clear that the behaviour in question is offensive, is not welcome and should be stopped. As an alternative, the request may be conveyed in writing specifying the behaviour concerned, with the details and dates of its occurrence;
- b) approaching the alleged harasser/bully, with the support of a colleague unrelated to the incident. Anyone approached to give support is encouraged to do so if willing and able to help. They must respect the need for confidentiality;
- c) approaching the alleged harasser/bully with the support of an RYA manager;
- d) if it is too difficult or embarrassing for you to do this yourself, you may ask your line manager or relevant RYA programme manager (or the HR Advisor, if you are an RYA employee), to approach the alleged harasser/bully on your behalf.

2. Formal Complaint

The complaint should be pursued formally if the harassment or bullying continues after the informal procedure has been used, or if you prefer to pursue a formal complaint.

Complaints should be raised as soon as possible following the alleged act of harassment or bullying so that the matter can be dealt with quickly and before memories fade.

The complaint should first be raised with your immediate line manager or the relevant RYA programme/departmental manager. Where this is inappropriate you may raise the issue with the next higher level of management, or the Chief Executive, or where this is inappropriate the Chairman of the RYA. Where possible you will be able to bring a complaint in the first instance to someone of your own gender, race or who is aware of disability issues, if you so choose.

The complaint should be made in writing and wherever possible it should include:

- a) name of alleged harasser/bully;
- b) nature of behaviour complained of;
- c) date(s) and time(s) when harassment or bullying is alleged to have occurred;
- d) names of any witnesses;
- e) any action already taken by the complainant to stop the alleged harassment or bullying.

The manager will report the allegation to a more senior manager and will carry out the investigation or arrange for another manager to do so. Those carrying out the investigation will not be connected with the allegations in any way and every effort will be made to ensure that complaints are resolved as quickly as possible.

Both the person making the complaint and the alleged harasser/bully may be accompanied by a colleague.

3. Timescale

Where it is not possible to comply with the time limits stated below the complainant will be informed of the reason why and given a revised timescale.

If it is not practical to hold meetings in person, an alternative means such as Skype may be used to avoid delay.

The manager dealing with the complaint will aim to complete the procedure within 21 days of the written complaint being received.

4. Initial Meeting with Complainant

The manager appointed to carry out the investigation will acknowledge receipt of the complaint within 3 working days and will arrange to meet with the complainant as soon as practically possible.

The manager will meet the complainant to clarify and formally record the nature of the complaint, address the implications of any request for anonymity, ensure the complainant is aware of the next stage of the procedure and remind them they have a right to be accompanied. Further meetings may be necessary.

5. Informing the alleged harasser/bully

The manager will meet the alleged harasser/bully and outline the nature of the complaint, confirm that it is being handled under the formal procedure, make the individual aware of the procedure and of their right to be accompanied throughout the procedure. This will be followed up and confirmed in writing.

6. Avoiding contact between the complainant and the alleged harasser/bully

Once a formal allegation of harassment or bullying has been made the issue of avoiding contact between the complainant and the alleged harasser/bully must be considered. The manager will take appropriate action following discussion with the complainant. Both parties should be advised that there should be no communication between them, directly or indirectly, regarding the complaint and the investigation.

Consideration may also be given to suspending the alleged harasser/bully on full pay to enable the investigation to proceed. An individual who is to be suspended should be notified in writing following a meeting with the manager investigating the allegation, and has the right to be accompanied at that meeting.

7. Investigation

The RYA will ensure that a full, prompt, sensitive and impartial investigation is conducted of all formal complaints, with due regard to the rights of both the complainant and the alleged harasser/bully.

The purpose of meetings is to establish facts. All persons giving information to the manager will be required to do so in private and not in the presence of any other person present at, or involved in, the alleged incident. Strict confidentiality will be maintained throughout subject to any statutory requirements. A complete record will be maintained of all meetings and investigations.

Having obtained as much information as possible from all persons who can assist with the investigation, the manager will consider whether the relevant RYA Disciplinary Procedure should be invoked or some other action taken.

Neither the complainant nor the alleged harasser/bully will be victimised in any way. Any malicious complaints will be viewed as gross misconduct and appropriate disciplinary action taken against the complainant and/or anyone who supports or assists in the bringing of the malicious complaint.

8. Reporting the facts

The manager undertaking the investigation should prepare a written report outlining the facts, indicating their findings and whether the relevant Disciplinary Procedure should be invoked or some other action taken.

Where the manager does not have the authority to take the necessary action, the report will be passed to a manager who does have the appropriate authority.

The manager, or some other manager with the requisite authority, will then decide either to initiate the Disciplinary Procedure against either party as appropriate, or to take no further action, or to take appropriate management action.

Both the complainant and the alleged harasser/bully will be informed of the RYA's decision in writing. Details of any disciplinary action, including the content of the written report, will remain confidential. The written report shall, at the sole discretion of the RYA, either be promptly destroyed or alternatively shall be stored by the HR Advisor for a period of up to twelve months after the investigation is completed.

After the investigation the RYA will consider whether it is appropriate to amend working practices or offer support, training or counselling.