

### Purpose

We value all people associated with T and accept our legal and moral responsibilities to treat everyone with respect and dignity.

TLMN is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.

### Scope

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips, during field work or at work-related events or social functions. This policy covers all employees, trustees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers (referred to as staff throughout this policy).

### Responsibilities

All Domain Heads and Unit Heads have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behavior falls below its requirements. Staff should disclose any instances of harassment or bullying of which they become aware in accordance with this policy.

### Statements of commitment

- All allegations of bullying, harassment and discrimination will be investigated thoroughly, confidentially, without bias and giving everyone a fair hearing (in accordance with the Principles of Natural Justice).
- No employee will be penalised or disadvantaged because of raising concerns or complaints relating to bullying, harassment or for giving responsible support to a colleague who has suffered or witnessed any such treatment.
- The Annual / Mid-Year Review process will investigate how well this policy has been implemented in each TLMN Unit.

### Definitions

**Bullying** is offensive, intimidating, malicious or insulting behaviour which may involve 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.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers during their employment, will not amount to bullying on their own.

Some examples of behaviour that may constitute bullying are:

- continually making jokes or remarks about a person or making more remarks about one member of a team compared to other team members.
- verbal abuse, swearing or name calling
- excluding or isolating employees.
- intimidation, including overbearing and intimidating levels of supervision
- assigning meaningless tasks unrelated to a person's job
- deliberately changing work rosters to inconvenience employees
- deliberately withholding information that is vital for effective work performance.

On the other hand, bullying is not:

- occasional differences of opinion, non-aggressive conflicts, sub-optimal working relationships or allocation of work in accordance with TLMN systems.
- Workplace counselling, constructive feedback, managing under-performance and other disciplinary action undertaken in accordance with TLMN policies and processes.

Two principles of natural justice:

- No one should be made a judge in his own case, or the rule against bias.
- Hear the other party, or the rule of fair hearing, or the rule that no one should be condemned unheard.

**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.

It also includes treating someone less favorably because they have submitted or refused to submit to such behaviour in the past. Harassment may be seen to have occurred if the behaviour makes the victim feel:

- Offended and humiliated, and/or
- Uncomfortable, intimidated or frightened at work.

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

**Sexual harassment** occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favors, or engages in any other unwelcome conduct of a sexual nature in relation to another person.

Sexual harassment has nothing to do with mutual attraction or private, consenting friendships whether sexual or otherwise. Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings,
- Leering, patting, pinching, touching or unnecessary familiarity,
- Wolf whistles, obscene gestures, jokes or innuendo,
- Offensive comments on physical appearance, dress or private life,

- Comments or a conversation about a person's sex life or relationships,
- Sexual advances accompanied by:
  - an implied or overt promise of preferential treatment in employment;
  - an implied or overt threat of detrimental treatment in employment;
  - an implied or overt threat about the present or future employment status the employee holds.
- The public display of pornography (especially when it is directed at individuals) ranging from material that might be considered mildly erotic through to material that is sexually explicit (e.g. emails, posters, pictures, graffiti, screen savers or text messages.)
- TLMN recognizes that comments and behaviour which do not offend one person may offend another, and therefore accepts that individuals may react differently and expects this to be generally respected. When a complaint is made, an investigation must be made.

Bullying and harassment can happen:

- face-to-face;
- by letter;
- by email;
- by phone;
- by social media

**Process for raising complaints relating to bullying or harassment:**

This policy and any relevant complaints procedures (such as any Grievance Procedure, or Complaints Handling Policy) should be used for complaints relating to staff's own personal circumstances, such as the way staff has been treated at work. If you have a whistleblowing concern (including in relation to suspected wrongdoing or danger affecting any of TLMN's activities, you should report it in accordance with the Whistleblowing Policy.

Matters relating to any kind of safeguarding concern (including in relation to poor practice, abuse or neglect of a child or vulnerable adult or other beneficiary) must be reported in accordance with the Safeguarding Policy.

If staff is uncertain whether something is within the scope of this policy the he/she should seek advice from Head of Finance and Administration. Staff may either adopt the below reporting procedure or implement their own reporting processes, subject to the requirements of local laws.

**Step 1 - Self resolution**

- If staff believes that he/she has been bullied or harassed, he/she should inform the individual directly that, the conduct is unwelcome and must stop, if he/she is comfortable doing so. Staff should explain clearly to them that their behaviour is not welcome or making staff uncomfortable.
- If staff is not certain whether an incident or series of incidents amounts to bullying or harassment, then staff should initially contact his/her line manager (or alternative senior person if your line manager is involved in the conduct complained of) informally for confidential advice. If staff has questions or concerns about whether or how to address

the person responsible for the conduct, he/she can consult with Head of Finance and Administration.

### **Step 2- Speak with a Supervisor or a Member of the Senior Management Team**

- If staff finds it too difficult or embarrassing to speak with the individual concerned, then staff should speak with his/her line manager (or alternative senior person if his/her line manager is involved in the conduct complained of), who can provide confidential advice and assistance in resolving the issue formally or informally.
- Managers, supervisors or company officers must act immediately on any reports of harassment.

### **Step 3 – Raising a formal complaint**

- a. If staff wish to make a formal complaint about bullying or harassment, he/she should submit it in writing to his/her line manager, Head - Human Resources or Concerned Domain Heads, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.
- b. Staff's 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.
- c. As a general principle, the decision whether to progress a complaint is up to the staff. However, TLMN has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, TLMN considers it appropriate to do so.

### **Step 4 - Investigation (if required)**

- a. TLMN will 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 will be conducted by someone with appropriate experience and no prior involvement in the complaint (the "Investigator"). The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- b. TLMN will arrange a meeting with victimized staff usually within one week of receiving the complaint, so that staff can give account of events. Staff has the right to be accompanied by a support person of his/her choice, who must respect the confidentiality of the investigation. Staff will be given a provisional timetable for the investigation. The Investigator will arrange further meetings with the victimized staff as appropriate throughout the investigation.
- c. Where staff's complaint is about an employee, TLMN 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 will also meet with the alleged harasser or bully who may also be accompanied by a person of his/her 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.

- d. Where the complaint is about someone other than an employee, such as a customer, staff member of a delivery partner or visitor, we will consider what action may be appropriate to protect the staff and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the organisation and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- e. TLMN will seriously consider any request that staff makes for temporary changes in working arrangements during the investigation. For example, staff may ask for changes to his/her duties or working hours to avoid or minimise contact with the alleged harasser or bully. If the complaint is unsubstantiated the temporary changes will be revisited. It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasized to them. At the end of the investigation, the Investigator will submit a report to the National Director or if there is a conflict of interest another senior member of staff (or Board member).

**When an Investigator investigates a complaint, they should follow these tips:**

- a. Do not assume guilt, keep an open mind.
- b. Advise on the potential outcomes of the investigation if the allegations are substantiated.
- c. Keep records of interviews and the investigation.
- d. Interview the alleged harasser, separately and confidentially and let the alleged harasser know exactly of what they are being accused. Give them a chance to respond to the accusation. Make it clear they do not have to answer any questions; however, the investigator will still make a decision regardless.
- e. Listen carefully and record details.
- f. Maximise confidentiality, minimise disclosure.

**Appeals**

If staff is not satisfied with the outcome, he/she may appeal in writing to the National Director, stating full grounds of appeal, within one week of the date on which the decision was sent or given to staff. The National Director will hold an appeal meeting, normally within two weeks of receiving written appeal. This will be dealt with impartially by someone senior to the person who made the original decision who has not previously been involved in the case (although they may ask anyone previously involved to be present). Staff may bring a colleague or representative to the meeting.

The National Director will confirm his/her final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

**Protection and support for those involved**

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

victimized someone in this way will be subject to disciplinary action under the TLMN Service Rules.

**Confidentiality and record-keeping**

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 Staff Service Rules (Human Resources Manual). 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. This information may be disclosed to the extent lawful and appropriate, in response to a request for a reference from TLMN.

**Review of the Policy**

TLMN will regularly review the implementation and relevance of this policy and revise as per the needs of the Organization.

**Revision History**

Version	Date	Author	Summary
1.0	05/4/2019	Sunday Udo	New draft created for next revisions

**Document Approval History**

Version	Date	Approved by
1.0	7/05/2019	Board of Trustees