

Zero Tolerance Policy – harassment and bullying online and in-person



Aim

These guidelines have been designed to offer practical ways of dealing with harassment, bullying, hate incidents and assault online and in-person. Following the guidelines may help you to stop the harassment or bullying yourself. They also explain how Scottish Environment LINK handles reports of harassment, bullying, hate incidents or assault. The guidelines complement our Equal Opportunities Policy which states that:

‘This policy sets out the standards to be achieved by staff in relation to providing people with equality of opportunity and valuing people as individuals who have diverse experiences, backgrounds and beliefs. This policy works to ensure LINK remains compliant with The Equality Act 2010 which became law in October 2010 and replaced various discrimination acts’.

The guidelines should be read in conjunction with our Equal Opportunities Policy and Grievance Procedure in our Staff Handbook.

This policy is for LINK staff and volunteers, prospective staff and volunteers, members and visitors. Visitors are any person or persons who are not employees, contractors or volunteers who are visiting the LINK site or are communicating online.

Policy statement on Equality, Diversity and Inclusion

LINK aims to be an equal opportunities employer and undertakes that staff and prospective employees will be treated equally, fairly and consistently on recruitment, and throughout their employment with LINK. Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective workforce. This includes the rehabilitation of offenders and rights of part time workers are also covered.

Scottish Environment LINK fosters good relations between people who share a relevant protected characteristic and those who do not, celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all who have the potential to benefit from membership of it, and which ensures equality of opportunity for all its members. We expect all our employees, workers, contractors, invitees, visitors and volunteers to be treated, and to treat others, with dignity and respect. We have a zero-tolerance approach to discrimination, harassment and bullying. Zero tolerance means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case.

We are committed to meeting our obligations under the Equality Act 2010, which requires Scottish Environment LINK show no discrimination as required by law on account of age, disability, gender reassignment*, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Scottish Environment LINK will always act lawfully and this may include taking action to support people with particular protected

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characteristics, including disability and sex. In addition to its obligations under the Equality Act, Scottish Environment LINK shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection is provided, for example, social background and refugee status.

*Scottish Environment LINK's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people. For the purposes of this Policy Statement the term 'trans' is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. The term 'non-binary' is an umbrella term for people whose gender identity does not sit comfortably with 'woman' or 'man'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

Harassment and Bullying

Harassment and bullying adversely affect working, learning and social conditions for employees, contractors, invitees, visitors and volunteers, and are unacceptable.

Definition of Harassment

This policy defines harassment as occurring when a person engages in unwanted conduct and the conduct has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or threatening environment. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident, if sufficiently serious, can also amount to harassment. All harassment, whether or not it relates to a protected characteristic, is covered by this policy*.

When deciding whether any unwanted conduct amounts to harassment for the purposes of this policy, Scottish Environment LINK will consider the perception of the person raising the concern, the other circumstances of the matter and whether it is reasonable for the conduct to be considered to have the purpose or effect described. Harassment can be in verbal, written or physical form and can be online and in-person. It may cause stress, anxiety, fear or sickness on the part of the harassed person.

Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. However, this does not make it acceptable.

Religious or other belief does not justify harassment on any other ground including gender identity and sexual orientation. Being under the influence of alcohol or drugs will not be accepted as an excuse for harassment.

Some general examples of harassment or behaviour that falls short of expected standards might include teasing, comments about personal characteristics or appearance, unreasonable criticism, promises of reward or threats, sexual favours, or negative comments

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about someone's age, disability, gender reassignment, race, religion or belief, sex or sexual orientation or other characteristics to which protection is provided. Some more specific forms of harassment are detailed on the following pages.

Any act of harassment that involves the abuse of a position of authority or trust will be regarded by Scottish Environment LINK as very serious and could constitute gross misconduct.

Our zero-tolerance approach does not mean 'one strike and you're out' but it does mean that any demonstrated incidents of harassment or bullying will be regarded seriously and may constitute potential grounds for disciplinary action up to and including dismissal, with or without notice, or expulsion from Scottish Environment LINK offices, events, and networking opportunities.

*Harassment related to a relevant protected characteristic and undertaken by an employee Scottish Environment LINK may be unlawful under the Equality Act 2010. We hold all members of our community to the same high standards of expected behaviour.

Harassment related to sex

Harassment related to sex is: unwanted conduct of a sexual nature; or less favourable treatment as a result of the submission to or rejection of sexual harassment; or harassment related to sex in relation to teaching, learning, working or social situations.

The following are some examples of activities that might constitute sexual harassment:

- Unnecessary and unwelcome physical contact
- Sexual assault
- Suggestive and unwelcome comments or gestures
- Emphasising the gender of an individual or a group
- Persistent unwelcome requests for social or sexual encounters and favours
- Display, or electronic transmission, of pornographic, degrading or indecent images or threatening, abusive or unwanted comments of a sexual nature
- Non-consensual sharing of sexually explicit media

These activities will be considered to be very serious if they are accompanied by one or both of the following:

- Explicit or implicit promises for compliance that are a misuse of a structural position (e.g., promises of job security volunteer or a recommendation for promotion for a member of staff)
- Explicit or implicit threats of penalties for non-compliance that are a misuse of a structural position (e.g., refusal to provide appropriate support/advice or resources)

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Harassment related to sexual orientation

Harassment related to sexual orientation, actual or perceived, can be:

- Harassment of someone because of their actual sexual orientation
- Harassment of someone because of their perceived sexual orientation
- Harassment of someone because of the actual or perceived sexual orientation of those with whom they associate

The following are some examples of activities that might constitute harassment related to sexual orientation:

- Making suggestive or unwelcome comments or gestures emphasising the actual or perceived sexual orientation of an individual or group
- Engaging in homophobic or biphobic behaviour
- Using homophobic or biphobic language or displaying homophobic or biphobic materials
- Making homophobic or biphobic insults or threats
- Engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation
- Outing an individual as lesbian, gay or bisexual without their permission
- Ignoring or excluding an individual from activities because they are lesbian, gay or bisexual
- Spreading rumours or gossip about an individual's actual or perceived sexual orientation
- Asking an individual intrusive questions about their private life
- Making assumptions and judgements about someone based on their actual or perceived sexual orientation
- Verbally or physically abusing or intimidating someone because of their actual or perceived sexual orientation

Harassment related to gender reassignment

Scottish Environment LINK's policies, practices, and procedures cover all gender identities including trans, non-binary and gender non-conforming people.

A person has the characteristic of gender reassignment if that person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing the physiological or other attributes of sex. Individuals do not have to be under medical supervision to be protected by the law.

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The following are some examples of activities that might constitute harassment related to gender reassignment:

- Refusing to address a trans person by their preferred name and correct gender pronoun
- Repeated and deliberate mis-gendering of a trans person or people
- Engaging in banter or making transphobic comments, taunts or jokes
- Outing an individual as trans without their permission or spreading rumours or gossip about their gender identity, expression and/or history
- Ignoring or excluding an individual from activities because they are trans
- Asking a trans person intrusive questions about their private life
- Making assumptions and judgements about someone based on their gender identity, expression and/or history
- Verbally or physically abusing or intimidating someone because they are trans

Harassment related to race

Harassment related to race includes harassment related to colour, nationality, ethnic or national origins.

The following are some examples of activities that might constitute harassment related to race:

- Derogatory name-calling
- Insults, threats and racist jokes
- Ridicule of an individual for racial or ethnic difference
- Racist graffiti, images or insignia
- Microaggressions including asking persistent questions such as where a person is 'really' from
- Making persistent comments about appearance, command of language or stereotypical assumptions based on race
- Not using the individual's name or adopting a nickname

Harassment related to religion or belief

Harassment related to religion or belief of an individual or a group can be because of:

- Their religion
- That they have no religion
- That they have changed or renounce their religion

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- Their religious or philosophical belief
- Their lack of any such belief

The following are some examples of activities that might constitute harassment related to religion or belief:

- Teasing or mocking someone for holding a particular religion or belief
- Persistently asking an individual intrusive questions about how they choose to observe their religion or belief
- Ostracising someone because of their religion or belief
- Failing to respect the religion or belief of another (i.e. by persistently offering inappropriate food and drink)
- Persistent criticism of employee for not wearing appropriate uniform or dress

Harassment related to disability

A person has a disability for the purposes of this policy if they have a physical or mental impairment which has a substantial and long-term adverse impact on that person's ability to carry out normal day-to-day activities. Disability is a spectrum, and can range from those who have health conditions such as cancer, HIV infection, multiple sclerosis, to people who are certified as blind and deaf, to a learning disability such as Down's Syndrome, or neurodevelopmental conditions such as ADHD, Autism, Dyslexia etc.

The following are some examples of activities that might constitute harassment related to disability:

- Direct verbal abuse or comments that make a disabled person feel uncomfortable, intimidated or degraded
- Comments which fail to acknowledge the employee disability
- Physical abuse
- Jokes or banter relating the disabled person
- Mimicking or teasing a person about their disability
- Deliberately altering physical space or removing equipment required by the disabled person

Harassment related to age

The following are some examples of activities that might constitute harassment related to age:

- Direct verbal abuse or comments about age that make a person feel uncomfortable, intimidated or degraded

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- Unjustified exclusion of a person because of their age
- Ageist jokes
- Using inappropriate language, related to age, to describe someone (e.g. 'over the hill', 'a nice young person, but wet behind the ears')

Bullying

Bullying is defined as:

“Offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power, through means that may reasonably be considered to have the effect of undermining, humiliating, denigrating or injuring the recipient or recipients (emotionally or physically)”. In certain situations, one-off actions may constitute bullying.

Examples of behaviours that may constitute bullying include:

- Making someone feel frightened, less respected, made fun of or upset
- Spreading a false rumour about someone
- Putting someone down in meetings
- Not allowing someone to go on training courses, but allowing everyone else to
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from team/group social events
- Persistently ignoring or 'talking down' an individual
- Criticising an individual in an inappropriate manner or belittling them about their work, personality or appearance
- Pressurising an individual into behaviour or actions against their wishes

Harassment or bullying via social media or other electronic means

LINK's social media guidelines contains all detail on how LINK manages its own social media accounts. The staff handbook explains how LINK staff and volunteers are expected to conduct themselves at work including online.

Harassment or bullying through personal social networking sites and messaging apps such as Facebook or Twitter/X or through other electronic means such as text message or email is not acceptable. The following are some examples of what might constitute this form of harassment or bullying:

- Pages that identify and shame individuals
- Images altered to degrade individuals
- Photos or videos of physical bullying posted to shame the victim

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- Sharing personal information to blackmail or harass people
- Repeatedly targeting other people with unwanted friend requests or messages
- Non-consensual sharing of sexually explicit photographs

Victimisation

Scottish Environment LINK seeks to protect any member of our community from victimisation. Scottish Environment LINK will regard victimisation as any instance where a person is subjected to detrimental treatment because that person, in good faith, made an allegation of harassment, or:

- Indicated an intention to make such an allegation, or
- Assisted or supported another person in bringing forward such an allegation, or
- Participated in an investigation of a complaint, or
- Participated in any disciplinary hearing arising from an investigation, or
- Is suspected of having done so.

Victimisation carried out by an employee or agent of Scottish Environment LINK may also amount to a breach of the Equality Act 2010.

Hate incidents

Scottish Environment LINK investigates any incident between any LINK employee, contractor, volunteer or agent, which is perceived by the victim, or any other person (e.g. a witness), to be motivated by hostility or prejudice based on a person's:

- Disability or perceived disability;
- Race or perceived race;
- Religion or perceived religion;
- Sexual orientation or perceived sexual orientation;
- Transgender identity or perceived transgender identity.

Where, following investigation and consideration of the evidence, an incident is found to be motivated by hostility or prejudice, Scottish Environment LINK will consider this to be a Hate Incident and treat this as an aggravating factor in considering any appropriate action to take. Hate Incidents may also be crimes and consideration should be given to reporting such matters to the police.

The incident can take many forms, and be perpetrated by either an individual or group, including:

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- Physical attacks, such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- Threat of attack, including offensive letters, abusive or obscene telephone calls and other intimidating behaviour
- Verbal abuse or insults, abusive gestures
- Other abuse, such as offensive leaflets and posters, unfounded and malicious complaints and bullying.

What you should do if you experience or witness a hate incident

If you are a member of staff or volunteer at Scottish Environment LINK, please report it to your line manager or to the Director of Finance and Operations at finance@scotlink.org. If you are not a member of staff at LINK but have witnessed a hate incident at a networking event of LINK or on any of LINK's social media platforms, please report to information@scotlink.org and your own line manager.

If you are not a member of staff at LINK and have witnessed a hate incident at your place of work or online, please contact your own line manager, HR department, or policies where they will advise you on your procedures.

In all cases above, you can also report an incident directly to the police.

You are encouraged to report an incident to your line manager or to LINK directly in the first instance, but if you do report an incident directly to the police, please ensure you also report the incident to your line manager or LINK.

Members of staff may also want to inform their trade union.

Our procedure in handling online harassment and bullying

Our Social Media Guidance outlines our procedure in handling online harassment and bullying.

It is important to make a note or keep a diary of the details of any relevant incidents which distress you— particularly if you feel unable to speak to the person concerned or if, having spoken to them, the behaviour persists. If the harassment has caused you to change the pattern of your work or social life or if it has had any effect on your health, you should include this information as well.

You do not have to experience harassment or bullying yourself to report it. If you observe someone else being harassed or bullied, you are strongly encouraged to report it.

Our procedure in handling internal harassment and bullying within the LINK team

All LINK staff contracts detail how LINK staff are expected to behave at work and in LINK's name. Our Staff Handbook – Grievance Procedure outlines our procedure in handling harassment and bullying.

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You do not have to experience harassment or bullying yourself to report it. If you observe someone else being harassed or bullied, you are strongly encouraged to report it.

Our procedure in handling harassment and bullying outwith the LINK staff team

If you feel that you are being subjected to harassment or bullying in any form by a member of staff or a visitor, or volunteer, do not feel that it is your fault or that you have to tolerate it. Scottish Environment LINK's primary concern is that the harassment stops and that there is support and assistance available when needed.

If possible, you should make it clear to the person causing offence that their behaviour is unacceptable to you. You can speak to them directly but you may find it easier to do this by letter or email (you should keep a copy). This may in some instances be sufficient to stop the behaviour.

You can also ask someone else to speak to them on your behalf. This could be your line manager, or the person's line manager, who will take appropriate action to seek to stop any bullying or harassment.

It is important to make a note or keep a diary of the details of any relevant incidents which distress you– particularly if you feel unable to speak to the person concerned or if, having spoken to them, the behaviour persists. If the harassment has caused you to change the pattern of your work or social life or if it has had any effect on your health, you should include this information as well.

You do not have to experience harassment or bullying yourself to report it. If you observe someone else being harassed or bullied, you are strongly encouraged to report it.

Confidentiality

Scottish Environment LINK has an obligation to protect both you and other members of the community and for this reason the appropriate authorities may need to be informed when a concern is raised. You will be advised of this before any disclosure is made. Information will only be disclosed to relevant parties and all investigations will remain confidential.

Advice and support

Police – non-emergency

Telephone: 101

Equality and Human Rights Commission

Telephone: 0845 604 6610 Email: www.equalityhumanrights.com

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Scottish
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Samaritans (national)

Telephone: 08457 909090 Email: jo@samaritans.org.uk

Policy information

Policy applies to all employees, volunteers, contractors, invitees and visitors

Nominated Contact: Equality, Diversity and Inclusion Officer

Minimum Review Frequency: Annually

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Scottish Environment LINK the voice for Scotland's environment



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