

KWT Policy for the Prevention of Bullying and Harassment May 2023

1. Introduction

We are committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

We will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, where appropriate, disciplinary action will be taken. We will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith, or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Bullying and harassment happens when actions or comments are viewed as demeaning and unacceptable to the recipient.

This policy applies where KWT staff are involved either as victims or in cases of harassment of licensees and sharers. Section 9 of the Studios Handbook makes clear KWT's responsibilities regarding licensees and sharers.

2. Definitions

- a) **Bullying** is unwanted offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end, physically or emotionally. Bullying is not specifically defined in legislation.
- b) **Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
 - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - is reasonably considered by that person to have the effect of violating his/her/their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her/them, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her/their and to have his/her/their feelings respected by others. Behaviour which any reasonable person might find offensive will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her/them, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome, or could offend, a particular person, e.g. certain "banter". In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct

continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her/them.

Similarly, harassment could take place where an individual is bullied or harassed because of another person that the individual is connected to or associated with.

Bullying or harassment can be between two individuals, or it may involve groups of people. It might be obvious, or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone, email or social media, as well as face-to-face actions.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under KWT's Disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to summary dismissal (dismissal without notice).

c) Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email. Examples of unacceptable behaviour include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because he/she/they is associated or connected with someone with a protected characteristic;
- ignoring an individual because he/she/they is perceived to have a protected characteristic when he/she/they does not, in fact, have the protected characteristic, as noted in Section 5(b) above;
- "virtual or cyber bullying". This can include unwanted emails, texts, images or humiliating data published on social networking internet sites or misuse of the KWT's IT facilities to act in an intimidating or malicious manner;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her/them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

- d) **Victimisation** is subjecting a person to harm or damage because he/she/they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her/them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she/they have made a complaint or giving him/her/them a heavier or more difficult workload.

Provided that you act in good faith (i.e. you genuinely believe that what you are saying is true), you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

3. Procedures

a) What should I do if I think I am being bullied or harassed?

You may be able to sort out matters informally. The person may not know that his/her/their behaviour is unwelcome or upsetting. An informal discussion may help him/her/them to understand the effects of his/her/their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a colleague. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues, and you wish to make a formal complaint.

If an informal approach doesn't resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint. The ACAS Code will be followed, or KWT's own **Complaints Procedure**.

KWT will treat complaints of bullying and harassment sensitively and maintain confidentiality as much as is possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she/they are able to respond to the allegations. Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them.

b) What can I do to help stop bullying and harassment?

All staff have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying and supporting us in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

c) What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, don't dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable, and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence.

If a formal complaint is made about your behaviour, this will be fully investigated and KWT may bring disciplinary proceedings, if appropriate. KWT will follow our disciplinary procedure and you will have the rights set out in that procedure. The procedure will be implemented at the appropriate stage for the seriousness of the allegation.

You must not victimise a person who has made a complaint in good faith against you or anyone who has sorted him/her/them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if KWT has good reason to think that you may have victimised the complainant or someone else. Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of our disciplinary proceedings.

Change History

version	date	comments / changes	author
0.1	2023	drafted	Dan Howard Birt
1.0	2023	approved	Dan Howard Birt