

Bullying and Harassment Policy and Procedure

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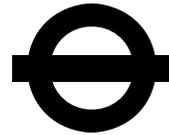
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Bullying and Harassment at Work Policy and Procedure

Section A

1 Introduction

Transport for London (TfL) aims to ensure that all employees are treated fairly, with respect and dignity, and free from bullying and harassment. Workplace bullying or harassment in any form, by or against employees, will not be tolerated.

TfL will ensure that employees are made aware of the most recent version of this policy and procedure, and any subsequent amendments.

2 Organisational Scope

Employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Pay bands 1-5 and Directors) and those staff on predecessor organisations employment contracts where the individual has transferred to the employment of TfL.

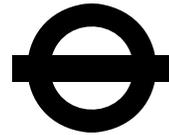
3 Policy Statement

TfL is committed to eradicating from work all forms of bullying and harassment which may be on the grounds of race, nationality, ethnicity, sex, disability, age, sexual orientation, religion, belief, faith, or personal characteristic.

All employees have a responsibility to help create a safe and supportive working environment and this includes behaving in a responsible, moderate and sensitive manner in dealings with others. Any serious or persistent form of bullying or harassment will not be tolerated and will be regarded as Gross Misconduct which may result in dismissal in accordance with TfL's Discipline Policy and Procedure.

In taking steps to eradicate all forms of bullying and harassment from the workplace, TfL acknowledges that management behaviour should always be appropriate, ensuring that departmental culture is not one that encourages or tolerates inappropriate behaviour.

TfL will proactively support those who are bullied or harassed which may include, but is not limited to, referral to the Counselling Unit in Occupational Health.



4 Definitions

The following terms are referred to throughout this Policy and Procedure. The definitions attributable to them are by way of summary only and do not limit the extent or effect of any statutory definitions in any way.

4.1 Bullying

TfL defines bullying as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power or authority through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be persistent or an isolated incident. This conduct may be of a physical, verbal or non-verbal nature.

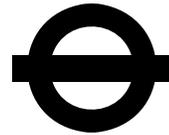
4.2 Harassment

TfL defines harassment as unwanted conduct which has the purpose or effect of violating another person's dignity or creating an offensive, intimidating, hostile, degrading or humiliating environment. It may relate to one of the nine protected characteristics; Age, Disability, Gender Reassignment, Marriage and Civil Partnerships, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation and may be persistent or an isolated incident. This conduct may be of a physical, verbal or non-verbal nature.

4.3 How can bullying or harassment be recognised?

In cases where the employee believes that the comments made or actions taken are demeaning or unacceptable to them as an individual, they may perceive that they have been bullied or harassed. In deciding on whether a person has been bullied or harassed TfL will consider the above definitions. By way of illustration examples of what would be regarded as unacceptable behaviour are listed below, however the list is not exhaustive:

- insulting someone (particularly on the grounds of one of the protected characteristics) or spreading rumours about them, or making inappropriate jokes, insinuations, taunts and/or derogatory comments about dress or appearance
- ridiculing or demeaning someone – picking on them or setting them up to fail which may be done by allocating them excessive and/or complex work
- inappropriate circulation or escalation of memos/emails that are critical of another employee, whereby the impact may be to undermine the employee
- exclusion from work activities or TfL social activities
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, leering or making comments about an individual's appearance
- display of offensive materials
- making threats or comments about job security without foundation
- making it unnecessarily difficult to exercise religious beliefs and practices



In considering the examples above, it is important to note that bullying and/or harassment are not necessarily face to face. An individual may be bullied and/or harassed by written communications, email or by phone. An individual may be bullied and/or harassed by a single colleague, several colleagues, a manager, peer, agency worker or a contractor.

4.4 Discrimination and victimisation

Cases of alleged direct, indirect discrimination or victimisation will normally be addressed through the Grievance Policy and Procedure. This includes associative discrimination which is discrimination against an employee because they associate with someone who possesses a protected characteristic.

4.5 Named Individual (s)

This refers to the person(s) alleged to have carried out the bullying and/or harassment.

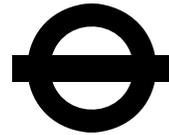
5 Day to Day Management

Firm and fair management should not be viewed as bullying or harassment. The list below, although not exhaustive, would not normally be considered as bullying or harassment:

- where reasonable deadlines are given and are explained to the employee
- when reasonable requests are made, appropriate to the grade, ability and duties of the employee
- when alternative duties are allocated to the individual and/or occur on an ad hoc basis for which they are competent and/or qualified

Where a manager is taking action under another TfL policy or procedure, for example, Discipline at Work, Attendance at Work or Performance Improvement, this will not be deemed to be bullying and/or harassment in the first instance, provided that this is the appropriate use of the policy and it is not being used as a response to an unrelated matter. Any concerns regarding the use of that policy should be raised within the procedure concerned at the appropriate hearing or meeting.

Equally, an employee who raises a concern under the Bullying and Harassment Policy and Procedure in response to an action taken by their line manager under another TfL policy and procedure should be aware of the possible consequences of raising false, spurious or vexatious claims.



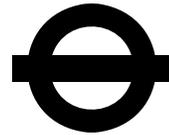
6 Requirements

- All employees are expected to act in a professional manner and within the boundaries of the TfL Employment Framework and the TfL Code of Conduct.
- The overriding objective is to prevent or stop bullying or harassment as quickly as possible in a way which minimises the distress caused to the employee who may be bullied or harassed. Managers will consider any potential action to ensure protection of the employee raising the concern as well as minimising any disruption to the organisation.
- Every employee who believes that they are being bullied or harassed will be able to seek confidential support and advice at the earliest possible stage from their manager, a PMA Specialist, a trade union representative, fellow worker and/or the Counselling Unit within Occupational Health.
- An employee who raises a concern will not be victimised. It will be assumed that the concern has been raised in good faith and that the employee genuinely perceives that they have been bullied or harassed. TfL recognises that it has a responsibility to assess whether the perception of the situation by the employee is reasonable.
- Named individuals of perceived bullying or harassment have the right to know a concern has been raised and by whom. At the fact-find the details of the concern will be provided and the named individual will be given the opportunity to respond.
- Regular updates will be offered throughout the process to all parties.
- Where an employee raises a concern under this procedure, the matter cannot also be raised under the Grievance Policy and Procedure.
- Complaints must be raised as soon as possible, but certainly within 28 days of the last incident having occurred.
- TfL will ensure that all records and documentation will be treated as strictly confidential and that all records will be held securely. Access to information will be limited to appropriate people. However, it is important to note that investigations and hearings may require the disclosure of certain facts.

7. Responsibilities

7.1 All Employees should:

- comply with the arrangements set out in this policy and procedure
- recognise and act upon behaviours which contravene this policy
- understand that bullying and harassment will not be tolerated and that unacceptable language and behaviour (see 4.3 above) will be challenged
- ensure that any potentially offensive written material for example posters, postcards, email or Internet material (see 4.3 above) is not displayed or circulated



- pursue concerns via the informal process to resolve any perceived bullying or harassment unless they feel unable to and want to use the formal procedure (see Section B)
- recognise that false, spurious or vexatious claims will not be tolerated and will result in disciplinary action and possible dismissal under TfL's Discipline at Work Policy and Procedure
- co-operate with any fact finding process into bullying or harassment, including attending fact finding meetings, irrespective of whether or not they have been directly involved themselves
- be aware that they will be required to provide details of any perceived bullying or harassment which may include details of incidents – records of dates, times, any witnesses, etc

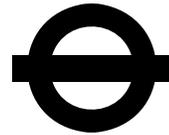
7.2 All Managers and employees with a leadership or supervisory role should:

- ensure all employees are aware of the Bullying and Harassment Policy and Procedure and any subsequent amendments made to it
- make clear to employees that bullying and harassment will not be tolerated and that unacceptable language and behaviour (see 4.3) will be challenged
- act promptly should any potentially offensive written material for example, posters, postcards, e-mail or Internet material, be brought to their attention to ensure it is no longer displayed or circulated
- take prompt action to stop bullying and harassment as soon as it is identified or reported
- contact a People Management Advice (PMA) Specialist who will provide practical advice and assistance in dealing with any perceived bullying or harassment
- act swiftly once a complaint has been raised.

7.3 People Management Advice Specialists (PMA)

The role of the PMA Specialist is to act impartially in advising and guiding managers and employees.

The PMA Specialist ensures that the procedure is followed and will intervene and address the formal meeting (the employee, their companion or Chair) as appropriate to ensure appropriate conduct. The PMA Specialist is not responsible for deciding whether the case is found or what action is to be taken and can therefore normally be involved in several stages of one case. They will advise of the range of appropriate actions which may be taken to ensure they are in line with company policy and other similar cases. In exceptional cases another HR professional may be involved in the process.



If an appeal is specifically on the grounds of a breach of procedure that occurred as a result of advice from the PMA Specialist then it will be appropriate for another PMA Specialist to attend.

7.4 Trained and/or suitably experienced investigators will

- undertake fact finding, where requested, following a formal concern being raised, to determine whether bullying and/or harassment has taken place
- adhere to the agreed terms of reference for the investigation
- produce a written report detailing their findings
- maintain full records of the fact finding

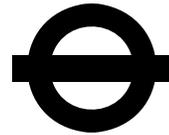
7.5 The role of the Companion:

At the formal stages of the procedure the chosen companion can address the hearing and may:

- put the employee's case
- sum up the employee's case
- respond on the employee's behalf to views put forward at the hearing
- raise issues on matters of policy and procedure

They cannot answer questions on behalf of the employee that are directly asked of them.

Normal standards of behaviour apply to work place companions and trades union representatives. In respect of companions that are recognised trade union representatives they are entitled to carry out trade union duties as outlined within this policy and the [TfL Framework for Consultation and Collective Bargaining](#).



Section B The Procedure

1 Informal approach

Where an employee believes that they are being bullied and/or harassed they should, if possible, raise their concern in the first instance with the individual concerned. In most cases it is hoped that the problem can be resolved quickly by talking to the individual. Advice is available from a PMA Specialist on how this may be approached.

Alternatively, employees may wish to seek the support of their line manager when addressing the situation. If the concern is about their line manager they may wish to raise it with their line manager's manager. At this stage it is important the appropriate manager seeks to understand the reasons for the belief of bullying and/or harassment. The manager should arrange a meeting to discuss the employee's concern and seek to agree ways of addressing the situation informally.

The range of options available is set out below. This is not an exhaustive list and the options are not mutually exclusive:

- the manager and/or employee meeting the named individual
- if the named individual is from a different management team, the manager and/or employee speaking to the manager of the named individual
- the manager meeting with groups of employees to remind them of their responsibilities under the Bullying and Harassment Policy and Procedure
- mediation

The employee will also be asked if they require any form of support and whether they want to be referred to the Counselling Unit within Occupational Health.

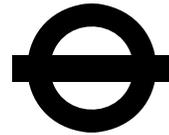
Although this is informal, confidential notes of actions to prevent and/or address the perceived bullying or harassment should be kept and issued to the relevant parties. Any differences in relation to the content by the employee must be kept on the file with the notes.

2 Formal approach

In cases where:

- the employee puts the concern in writing to their line manager, or the next appropriate senior line manager (if it is against the immediate line manager), and does not want to follow the informal process OR
- the informal approach has not resolved matters,

the manager will acknowledge receipt of the complaint. Upon receiving the complaint the manager should contact a PMA Specialist and will need to



establish whether any interim arrangements need to be made. If so the named individual will be informed of the allegation against them and that a further meeting is to take place to establish the details. If appropriate, the line manager will suspend the named individual or allocate them alternative duties. In cases where the employee asks to be moved or assigned alternative duties and the request is reasonable and possible, then this will take place.

Notwithstanding any interim arrangements, managers should where practicable invite the employee to a formal meeting within at least 7 calendar days of receiving the complaint. The purpose of this meeting is to enable the manager to fully understand the concern and consider how it can be resolved. The invitation to the meeting should give the employee 7 calendar days notice and remind them that they have a right to be accompanied by a TfL workplace colleague or a trades union representative (the companion). If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the formal meeting was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date. The chair will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original hearing. Should it be that the chosen companion is not available then an alternative companion should be sought. This is to ensure the matter is resolved in a timely fashion. The 7 calendar days may be extended by mutual agreement.

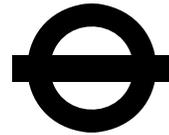
2.1 The Initial Formal Meeting

2.2 Purpose

The purpose of this formal meeting is to enable the appropriate manager to fully understand the complaint and consider how it can be resolved. The manager will also listen to any requests for support and where possible will act upon this and/or make appropriate interventions to assist the employee.

2.3 Present

- The Chair of the meeting, who will normally be the line manager
- The employee and their companion (if requested)
- A PMA Specialist will attend the meeting
- A note taker will attend the meeting to capture full and meaningful notes. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file.



2.4 Conduct of the meeting

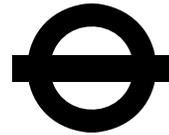
During the formal meeting:

- the employee should outline their reasons for feeling bullied and/or harassed and may make suggestions on how the matter could be reasonably resolved
- the employee should give specific examples of the perceived bullying and/or harassment along with when the behaviour has occurred and whether it was observed by anyone
- the manager should ask questions to gain a clear understanding of the employee's concerns with a view to determining a resolution.

Once the manager chairing the meeting has given the matter careful consideration, which may require an adjournment, they will then advise the employee of how they intend to proceed and confirm it in writing.

At this stage the manager may adopt one of the options below:

- state that they need more time to consider the points raised and where appropriate carry out some initial fact finding. The manager will adjourn and reconvene the meeting within 7 calendar days where they will confirm the next steps to the employee
- note the employee's concerns and confirm that they will speak to the named individual seeking to resolve the issue through informal management action. A follow up meeting will be arranged with the employee to advise them of the informal action
- note the employee's concerns and conclude that they will mediate between the employee and the named individual to resolve matters informally. This may also be done utilising a PMA Specialist where appropriate
- note the employee's concerns but conclude that the alleged behaviours do not fall under the definitions of bullying and/or harassment. The manager will confirm that an independent fact find will not take place but may outline any support that they believe is appropriate
- note the employee's concerns and conclude that the behaviours do not necessarily fall under the definition of bullying and/or harassment but may breach the TfL Code of Conduct or employment policies (e.g. there may be examples of inappropriate behaviour, swearing and poor attitude). As a result the manager will inform the employee specifically what incident(s) will be investigated and who will conduct this fact find. The fact finding process outlined in the Discipline at Work Policy and Procedure will now be followed
- confirm that the alleged behaviours appear to fall under the definitions of bullying and harassment and that a formal fact finding investigation will be necessary. The manager will confirm that the fact find (see section 2.2 below) will go to a suitably trained and/or experienced person, and will outline the remit (terms of reference) of the fact find. The terms of reference may include the specific events that are to be investigated, and the likely



witnesses to be interviewed– which may be extended following further investigation. The employee will have an input into the terms of reference

Although the named individual may already have been advised of the complaint, this will now be confirmed and they will be informed that a full formal fact find is to take place. They will also be given a copy of the terms of reference, and during the fact find, given an opportunity to respond to the allegations. If not already done so and if appropriate, the line manager will suspend the named individual or allocate them alternative duties. In the first instance, it will be the named individual that may be moved, but on rare occasions, for example where it is believed that the presence of the employee who raised the concern, may also unduly influence the fact finding, they may be transferred or allocated alternative duties. In cases where the employee asks to be moved or assigned alternative duties and the request is reasonable and possible, then this will take place.

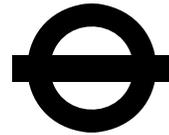
2.5 The Fact Find – suitably experienced and/or qualified fact finding (where appropriate)

The line manager or PMA Specialist will contact the witnesses and make them aware of why they will be interviewed. Line managers need to ensure that witnesses are encouraged to attend and are available to attend any meeting as soon as possible. All employees who are directly involved are required to cooperate with any fact finding investigation. Employees who refuse to participate and disclose any requested information, may be subject to disciplinary action and informed that the organisation will proceed with the fact finding.

The trained/suitably experienced investigator is required to determine the facts and will:

- meet the employee (complainant), named individual and any relevant witnesses.
- complete the fact finding within 28 calendar days with an additional 7 days to complete the report. In exceptional circumstances where a longer period is required, the PMA Specialist will inform the line manager of the delay and the reasons for it. The line manager will then inform the employee who raised the concern and the named individual in writing of the delay and the reasons for it, and at least every 28 calendar days subsequently if necessary
- submit their report which will summarise their key findings and include any meeting notes, statements and other facts, to the PMA Specialist and the Chair of the original meeting with the employee. The report will not state whether bullying or harassment has taken place as the line manager will determine this upon reviewing the facts.

In order to ensure that full and meaningful notes are taken at interviews it will be common practice for a note taker to attend the fact-finding. At the end of the



meeting a copy of the notes will be given to both parties and signed by those in attendance. Within 2 working days, the formal record of the meeting will be given to the employee, and if they want to record any differences in the content of the notes then these must be provided within 2 working days of receiving the notes. The employee who raised the allegation is entitled to be accompanied at any fact-finding interview. In cases when the named individual is suspended or if they are likely to face a charge of gross misconduct if the allegation is found, they may be supported by a trades union representative or work place colleague (companion) at a fact-finding interview. The companion is not permitted to answer questions on behalf of the employee/named individual or call adjournments. Witnesses are not entitled to be accompanied.

In the event that any individual is absent through sickness and not available for interview, advice should be sought from Occupational Health as to whether the reason given for absence prevents the individual from being interviewed. Interviews may still go ahead unless there are medical reasons that the employee's attendance would have an adverse effect on their mental or physical health.

2.6 Review Meeting - the outcome of the fact finding investigation

The manager of the employee who raised the concern will arrange a meeting with them and if requested, their companion. At this meeting the manager will disclose the report and inform them of their conclusion. The potential outcomes are:

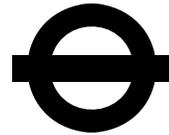
Bullying and/or harassment found

In the majority of cases where the manager has concluded that bullying or harassment has taken place the named individual will be referred to a formal disciplinary hearing in accordance with the Discipline at Work Policy and Procedure. The interviews and completed report will serve as the Summary Report with additional information being included as required (see section 4.3 of the [Discipline at Work Policy and Procedure](#)). Cases of serious or persistent bullying or harassment this will be regarded as Gross Misconduct which may result in dismissal.

In exceptional cases the manager may decide to take informal management action to address the situation. In such cases the full reasons for taking the informal action will be confirmed in writing to all relevant parties.

No bullying or harassment found

The manager will outline the reasons why no bullying and/or harassment was found and what steps if any, will now be taken.



The manager is required to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the hearing following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

2.7 Informing the named individual

It is important that the named individual is met in order to disclose the report, its findings and any next steps. Depending on the circumstances of the case and the next steps it will either be the Chair of the formal hearing or the line manager of the named individual that meets with them. The named individual will be made aware that the person who raised the concern has the right to appeal.

3 Appeals

The employee who raised the concern may appeal regarding the following:

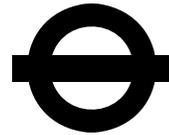
- the outcome of the initial formal meeting
- the findings of the fact find and any next steps discussed at the review meeting
- the procedure was not followed correctly

The individual chairing the appeal will be a manager senior in authority to the manager who chaired the original hearing or an individual who has the authority to, if appropriate, override the original decision. They will be outside of the management chain but normally within the same Directorate and should not have had any previous involvement in the case. They will meet with the employee to discuss the appeal in order to:

- fully understand why they have appealed
- consider whether the decision reached by the manager at the first formal meeting was reasonable AND/OR
- decide, where the matter was investigated by a suitably trained and/or experienced individual, whether the case has been properly investigated and if the outcome is reasonable, given the facts obtained

At the appeal a PMA Specialist will be in attendance, and a note taker will attend the meeting to capture full and meaningful notes. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file.

The Appeal Manager may uphold or change the original decision or require further fact finding where they consider the original decision was flawed and had an impact on the findings. The decision is final and ends the procedure. They



will advise the employee of the outcome in writing, within 7 calendar days of the appeal meeting.

Should the Appeal Manager consider that further fact finding is required before a decision can be made they must inform the employee, including timescales, which would ideally not be longer than 7 calendar days. The appeal meeting will then be re-convened to advise the employee of any additional information obtained and provide the employee with an opportunity to comment. The Appeal Manager will then deliver the decision reached. The employee can confirm they do not wish to attend and ask for the decision in writing only.

If the Appeal Manager considers that based on the facts available bullying and/or harassment did occur then suitable disciplinary action will be taken as outlined in 2.6.

The named individual about whom the concern was raised will be advised in writing of the outcome of the appeal as soon as possible.

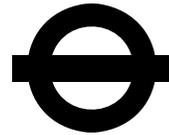
4 Support and advice

Support and advice can be obtained by speaking to your manager or contacting HR Services.

5 Retention and disclosure of records

To demonstrate TfL's commitment to the principles of openness and transparency, any reports and interview notes will be disclosed as described in the procedure. Wherever possible any such information will be disclosed prior to a formal meeting/hearing. To protect the legal rights of all individuals involved in an investigation, to fulfil TfL's duty of care as an employer, and to comply with the Data Protection Act, TfL may need to remove information that may lead to the identification of the third party (e.g. an employee or a member of the public).

Any letters, reports and interview notes will be retained for 7 years from the date the matter was formally closed. Only live warnings will be disclosed or considered when deciding upon any appropriate sanction.



5 Ownership and Review

TfL Group Employee Relations and Engagement .

Version 1	Effective 03/03/08	
Version 2	Effective 01/10/10	To take account of the Equality Act 2010

7 Related Documentation

Employees are encouraged to look at this policy in conjunction with:

[Code of Conduct](#)

TfL Employment Framework