

HARASSMENT AND BULLYING POLICY AND **PROCEDURE**

CODE: P017

Section: Human Resources

Policy Owner: BOG

Procedure Owner: Human Resources Department

1.0 Scope of Policy

1.1 Definition of what constitutes harassment and bullying and to outline the procedures that shall be adopted in case of allegations on campus.

2.0 Principles

2.1 The Institute of Tourism Studies believes that harassment and bullying are actions which disrupt equality and wellbeing at the workplace. The victim may experience emotional stress, physical stress and/or a negative change in performance. On the basis of this understanding, harassment and bullying are not tolerated during work, work related functions such as conferences or at social gatherings, including activities organised after work.

2.2 The Institute of Tourism Studies adheres to these principles and condemns all forms of harassment, and is committed to uphold the well-being and dignity of its members of staff, academic and administrative, irrespective of gender, marital or civil status, family responsibilities, race (including colour, nationality, and ethnicity), disability, sexual orientation, age, religion or belief, political opinion, or membership or non-membership of a trade union.

2.3 Non-compliance with these guidelines shall be regarded as an offence which carries liability to disciplinary and / or criminal proceedings.

3.0 Use of policy

3.1 This policy is applicable to academic and administrative staff, as well as service providers and trainees who are performing duties at the Institute of Tourism Studies.

4.0 Definition of Terms

4.1 Harassment and bullying is any offensive, belittling or threatening behaviour aimed at an individual staff member or a group of staff, which occurs with the purpose of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment. The following may be considered as a broad classification system in this regard:

- Physical conduct: Any unwelcome physical contact;
- Verbal conduct: Unwelcome remarks about a person's age, sexual orientation, dress, appearance, gender, race, marital status, disability, religion, membership of trade union or social group, family responsibilities and upbringing, including insensitive jokes and offensive remarks as well as personal insults, persistent criticism, threats and abuse of power:

- Non-verbal forms of harassment: Isolation, obscene gestures, non-cooperation and exclusion, offensive photography and racist propaganda, stereotyping to a specific national group.

The above list is not an exhaustive list and should not be considered as such.

4.2 Bullying occurs when an individual experiences persistent negative behaviour, and is considered to be more of an emotional event with more emphasis on intimidation. Examples of this include invasion of privacy, spying, open aggressiveness, behaviour that causes distress or offence, constant pressure to demean a person's status. This list is not exhaustive and for the purpose of this policy, both will be referred to as harassment.

4.3 Harassment is not behaviour that is based on mutual attraction, friendship or respect.

5.0 Legal Implications

5.1 Staff members at the Institute of Tourism Studies are hereby informed that harassment is a crime and is punishable by Law, as stated in Articles 251A (4) of the criminal Code, Chapter 9 of the Laws of Malta.

5.2 This policy does not prevent the complainant from seeking legal redress through criminal proceedings or civil action for damages.

6.0 Procedures

6.1 These procedures are intended to make staff members aware of how cases of harassment are to be tackled.

6.2 These procedures reflect current standards of good practice and follow the basic precepts of justice, namely;

- The alleged harasser should be informed of the nature of the accusation against him/her;
- The alleged harasser will be given the opportunity to state his/her case prior to the undertaking of any disciplinary action;
- Those presiding over both investigative and disciplinary hearings will act in good faith prior to reaching any decisions.

6.3 Two approaches may be provided for parties involved in a harassment complaint, an informal and a formal route. Although parties would be encouraged to resolve the complaint in an informal manner, it is ultimately the choice of the complainant which route to take.

7.0 Informal Procedure

7.1 All proceedings taking place under informal procedures shall be treated as confidential.

7.2 The complainant has the option of taking informal action by approaching the alleged harasser and try to resolve issues without resorting to the submission of a formal complaint to senior management. Some people may not be aware that their behaviour is offensive and an informal discussion can lead to a better understanding and agreement that such behaviour is unacceptable and must stop.

7.3 Though an informal process, efforts should focus on:

- Reaching a mutually agreeable solution for all parties;
- Ensuring that all parties understand and accept their responsibilities for maintain appropriate and professional behaviour at the workplace;
- Ensure that any inappropriate behaviour with regard to harassment has stopped.

7.4 No formal written records are filed when a complaint is dealt with in an informal manner.

8.0 Formal Procedure

8.1 The alleged victim must outline his / her complaint in writing, giving full details of the incident. Details shall include the name of the person making the complaint, the name of the alleged harasser, the nature of the alleged offence, date and time when the alleged offence occurred, the place where the alleged incident happened, name of any witness to the alleged incident, any action taken by the complainant to stop the alleged offence and whether the incident was reported to the management.

8.2 In cases when the alleged harasser is the alleged victim's Human Resources or Chief Operating Officer, the complaint shall be addressed to the next higher authority.

8.3 In the case of complaints against academic members of staff, Appendix E of the collective agreement applies.

8.4 In the case of complaints against administrative members of staff, Appendix C of the collective agreement applies.

9.0 Additional Information

9.1. The related documents are to be retained in line with the retention policy for HR documents as required by the Data Protection Act.

9.2 Confidentiality shall be maintained throughout, to respect the privacy of all parties concerned and to ensure that any matters are dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

9.3 The Institute may refer to victim to a counsellor for confidential and more professional support.