



BSF Unacceptable Behaviour (Dignity and Respect) Policy

(Encompasses Anti Bullying and Harassment)

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1 Purpose

Dignity and Respect is a key issue for organisations and their employees, officers, athletes, consultants, contractors, interns, casual workers, volunteers and agency workers. It is important to everyone in their daily lives because everyone wants to be given an equal chance to succeed and to be treated with respect and consideration.

The British Softball Federation is committed to a climate in which all employees, officers, athletes, consultants, contractors, interns, casual workers, volunteers and agency workers are treated fairly, with dignity and respect and there is no Unacceptable Behaviour (UAB). This is based on the equal treatment of all individuals irrespective of race, colour, sexual orientation, nationality, ethnic origin, religion, belief, disability, age, gender or gender reassignment, trade union membership, pregnancy or maternity or marital or civil partnership status ('Protected Characteristics').

The British Softball Federation aims to ensure an environment which is free from any intimidation, hostility, humiliation, victimisation or any other form of harassment, and unlawful and unfair discrimination whether intended or not.

This policy covers bullying or harassment which occurs inside and outside work or in training or in the training environment, such as on business trips, at work-related events or social functions or training camps. It covers bullying and harassment by employees, officers, athletes, consultants, contractors, interns, casual workers, volunteers and agency workers and also by third parties such as customers, suppliers or visitors to the NGB's premises.

Bullying and harassment, whether on the ground of a person's Protected Characteristic or otherwise, is unacceptable behaviour which the British Softball Federation will not tolerate. Every individual has the right to be treated with dignity and respect. Appropriate disciplinary action, which may include dismissal, will be taken against any person who contravenes this policy.

The British Softball Federation will not tolerate retaliation against or victimisation of any individual involved in the bringing of a complaint of bullying or harassment under the organisation's procedure. Such retaliation or victimisation will itself constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal, or in the case of an athlete removal from the national team programme.

Please be aware that these guidelines are subject to change at any time without notice. This procedure does not confer any contractual rights.

2 Scope

This policy applies to all: employees, officers, athletes, consultants, contractors, interns, casual workers, volunteers and agency workers.

This policy does not form part of any contract of employment and the British Softball Federation may amend it at any time.

The British Softball Federation will promote and maintain an environment in which bullying, harassment and any form of discrimination are understood by all to be Unacceptable Behaviour (UAB), and will not be tolerated. All individuals are to comply with this policy and the particular responsibility of managers or the PD in the case of athletes to ensure it is carried out.

All individuals are to act responsibly with regard to this issue. False accusations of bullying or harassment can have a serious effect on innocent people. Therefore, should investigation show that a false accusation has been made knowingly, appropriate disciplinary action, which could include dismissal, may follow.

3 Consequences of Unacceptable Behaviour

The consequences of unacceptable behaviour can be devastating for individuals and the organisation. It can result in any of the following:

- An unpleasant atmosphere which makes it harder to retain trained and experienced individuals and attract new ones.
- An increase in sickness and absence.
- A reduction in productivity.
- Poor morale and unhappy individuals.
- Damaged reputations (the organisation's reputation or the individual's reputation, or both) as well as wasted time and expense.
- Litigation and Employment tribunal compensation.
- Individuals can also be personally fined for harassment or other unlawful acts.

Breaching this policy is likely to result in disciplinary action being taken, up to and including summary dismissal for employees; or removal from the performance programme for athletes.

4 Principles

The principles governing the policy are:

- All individuals treat each other with dignity and respect.
- The British Softball Federation and all individuals value diversity and differences.
- A culture that is fair and inclusive and where people feel able to raise complaints without fear of reprisal.
- Acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours are not tolerated.
- Making full use of the talents of everyone, to help everyone in the organisation best they can be.
- Treating each other professionally and courteously.
- All individuals are offered equality of opportunity, and advancement on the basis of ability, qualifications, knowledge and skills.
- Open and constructive communications.

5 What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving 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.

Bullying can take many forms. Examples prohibited by this policy, although the list is not exhaustive, include:

- verbal abuse, such as shouting or swearing at others;
- threatening or insulting others;
- abusing power or using unfair penal sanctions;
- practical jokes, initiation ceremonies or birthday rituals;
- physical abuse such as hitting, pushing or jostling;
- rifling through, hiding or damaging personal property; or
- ostracising or excluding people from events or social activities.

Bullying does **not** include justifiable, legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given to individuals where appropriate.

It is important to recognise that what one individual may find acceptable, another may find totally unacceptable and that the essence of harassment and bullying is that the words or behaviour are unwelcome to the particular person who is the target of the words or behaviour. All individuals must treat others with respect and appropriate sensitivity.

6 What is harassment?

Harassment means any physical, verbal or non-verbal behaviour which:

- may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories;
- is unwanted and 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;
- treats someone less favourably because they have submitted or refused to submit to such behaviour in the past.

NB. It is not the intention of the perpetrator that determines whether an act of harassment takes place; it is the feelings of the victim.

Harassment can take many forms. Examples of harassment prohibited by this policy include, but are not limited to:

- Verbal abuse or offensive jokes or pranks (which may or may not be related to an individual's Protected Characteristic); lewd or suggestive comments; requests for sexual favours.
- Unwelcomed physical contact; threatened or actual assault or violence.
- Leering or threatening looks.
- Deliberate exclusion from conversations or activities whether on the basis of a Protected Characteristic or otherwise.
- Display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti.

- Using e-mail, text, social media or the internet for the purpose of bullying or making abusive or offensive remarks whether on the basis of a Protected Characteristic or otherwise or to send pornography or inflammatory literature.
- Threatened or actual sexual or any other kind of physical or verbal assaults.
- Suggestions or threats that sexual favours, racial origins or any other Protected Characteristic could affect someone's job security or prospects.
- Repeated and unsubstantiated accusations of intentional mis-representation or abuse of classification.

This is not intended to be an exhaustive list; however, such conduct will almost certainly amount to a disciplinary offence, the expected penalty for which is dismissal for gross misconduct for employees. For athletes, it could mean removal from the programme.

Employees should be aware that, as well as committing a disciplinary offence; an individual found by an employment tribunal to have harassed a fellow employee on the grounds of a Protected Characteristic in the course of their employment, may be personally liable to compensate the victim.

7 Robust Coaching

It is axiomatic that success in Olympic, Paralympic and World Championship competitions requires demanding training regimes, and coaches able to push athletes to the very limit of their ability. However, robust coaching is not the same as bullying:

Robust Coaching is:

- consensual (discussed and agreed between athlete and ASP);
- has agreed performance objectives and outcomes;
- planned and evidence based; and
- is ethical from a medical perspective.

Bullying is:

- not consensual; and
- lacks any performance objectives and outcomes.

There may be circumstances where the boundary between robust coaching and bullying may not be readily apparent, especially for less experienced coaches and ASPs. In these situations, PDs and Head Coaches are required to exercise leadership and guidance through the supervision of their coaches and ASPs.

8 The Procedure

8.1 Introduction

The British Softball Federation will handle any complaint of UAB, which includes bullying or harassment, in a timely and confidential manner through the Grievance Policy.

The British Softball Federation recognises the right of individuals to determine for themselves whether the words or behaviour of others is acceptable to them and to bring a complaint in respect

of bullying or harassment. Following the investigation of a complaint, the decision as to whether the complaint is well founded and, if so, whether the perpetrator should be dealt with under the Disciplinary Policy and, if so what disciplinary sanction should apply, is the responsibility of management.

Any records made of any action taken under this procedure will be treated as confidential.

8.2 Informal resolution

Not everything that causes individuals to become upset is bullying or harassment. It should also be recognised that individuals have the right to choose with whom they associate. Also given that it may not be apparent that certain common behaviours may cause offence it is important to make individuals aware if you do not want to engage in discussions of a particular nature which may not on the face of it be offensive. Where individuals feel that they have been treated unfairly, it is useful to consider first of all whether there is any truth in what has been said or done. For example, to have performance criticised is fully acceptable if it is not up to the required standard.

In most situations, informal processes can solve the issue and, in many cases, improve relationships so the individual should consider the following:

- Making people aware of any behaviour that is not overtly offensive but is unacceptable to them.
- Talking to the person concerned.
- Talking to their Line Manager or any other manager or Performance Director with whom they feel comfortable.
- Talking to the HR Advisor, who can give advice on how they should handle themselves or the matter itself.

Any individual who considers themselves to be the victim of bullying or harassment may, in some cases, be able to satisfactorily resolve the matter by explaining clearly to the perpetrator that their behaviour is unacceptable, contrary to the British Softball Federation's policy and it must stop. They may wish to ask a colleague or fellow athlete to put this on their behalf or to be with them when confronting the perpetrator.

Individuals are encouraged to seek the assistance of the HR Advisor when they want advice regarding appropriate steps to stop the bullying and harassment. Any such discussion will be strictly confidential; however, if it is considered to be appropriate, the HR Advisor may seek to resolve the matter informally by indicating to the alleged perpetrator, without prejudging the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a fellow colleague or athlete;
- any such behaviour is contrary to British Softball Federation policy; and
- the continuation of such behaviour would, if substantiated, amount to a serious disciplinary offence and that their discussion is informal and confidential.

Further, in appropriate circumstances the British Softball Federation may decide that it is necessary to investigate further and take formal action. If it is considered that behaviour has occurred that is not consistent with the standards of behaviour required by the British Softball Federation, the person will be informed about the steps being taken and given an explanation as to the reasons why.

8.3 Formal complaints procedure

In the event that informal resolution of the matter is unsuccessful or considered inappropriate by the individual in the circumstances, they may make a formal complaint in accordance with the relevant Grievance Policy.

In addition, the British Softball Federation may decide that it is necessary to take formal action (see above). A formal complaint may lead ultimately to the imposition of disciplinary sanctions on the perpetrator up to and including dismissal in accordance with the Disciplinary Policy; or in the case of an athlete, removal from the national team programme.

Where the complainant and the alleged bully/harasser are in close proximity to each other, it may be necessary to ensure that this does not continue whilst the complaint is being investigated and during any consequent disciplinary proceedings. For example, this may necessitate that one or both parties be suspended on full pay or making other temporary changes to arrangements pending the outcome of the investigation, if circumstances require.

Where the complaint is about a third party such as a customer, supplier or visitor, the British Softball Federation will consider what action may be appropriate to protect the individual, and anyone involved, pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the British Softball Federation will attempt to discuss the matter with the third party.

8.4 Appeal Procedure

Anyone are not satisfied with the outcome may appeal in writing in accordance with the relevant grievance Policy.

8.5 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 according to need. Breach of confidentiality may give rise to disciplinary action under the British Softball Federation's Disciplinary Procedure.

Information about a complaint by or about an individual may be placed on their file, along with a record of the outcome and of any notes or other documents compiled during the process.