

AGREEMENT BETWEEN THE NATIONAL ASSOCIATION FOR RACING STAFF AND THE NATIONAL TRAINERS FEDERATION ON BULLYING, HARASSMENT AND DIGNITY AT WORK

JOINT POLICY STATEMENT

The NTF and NARS believe that it is in everyone's interests to promote a safe, healthy and fair environment in which people can work effectively. Both parties recognise that bullying and harassment can cause serious problems in the workplace.

Bullying and harassment should not be tolerated by anyone and trainers should ensure that any complaint of bullying or harassment is taken seriously and investigated promptly and objectively.

All employers have a general duty to provide a safe and healthy working environment, which includes protection from bullying and harassment at work.

STATUS

This policy does not give contractual rights to individual employees.

This procedure applies to all employees but the procedure set out below does not apply once an employee has stopped working for a company although where a complaint has been raised by an employee who leaves after raising the complaint, the employer will follow this procedure as far as practicable to investigate and resolve any substantiated matter.

PURPOSE AND SCOPE

This purpose of this policy is to define acceptable behaviour for staff, give examples of unacceptable behaviour, set out the responsibilities everyone has and outline the procedure when behaviour falls short of acceptable.

An employee who has a grievance arising directly out of their employment or the employer's working practices should raise a grievance under their employer's grievance procedure.

ACCEPTABLE BEHAVIOUR

All employees are expected to:

- Treat all others with dignity and respect
- Not bully or harass each other nor to help anyone else to do so
- Not to behave in a manner which is offensive to others
- Be pro-active in developing and maintaining effective working relationships

It is important to realise that conduct which one person may find acceptable another may find totally unacceptable and that all employees must treat their colleagues with respect and appropriate sensitivity

INDUSTRY CODE OF CONDUCT

The British Horseracing Authority Code of Conduct is a standard for behaviour which the BHA expects from everyone in racing. The Code should be read alongside this Agreement and employees should familiarize themselves with it. The Code applies to everyone in racing and is part of the BHA Rules of Racing. The BHA may suspend or prevent someone from working in racing if they are in breach of the Code.

WHAT IS BULLYING AND HARASSMENT?

It is treatment from one person (or a group of people) to another relating to one or more protected characteristics that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offence environment for that person.

“Protected characteristics” are aspects of a person's identity and are protected under the Equality Act 2010. The 9 protected characteristics are:

- age
- disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, ethnic origin, national origin)
- religion or belief
- sex
- sexual orientation

Examples of bullying and harassment include:

- verbal or written abuse, jokes, banter or pranks
 - related to a person's protected characteristics in front of others or behind the victim's back
 - or related to a person's perceived protected characteristics (for example where someone is a victim of unwanted banter and jokes that they are gay, even though their work colleagues know the person is not)
 - or related to a person's associated protected characteristics (for example, where someone is a victim of bullying because they have a disabled son)

- the display of pin-ups, pornography, abusive or offensive literature
- physical intimidation including assault
- unfair work allocation, changing work without consultation to include impossible deadlines
- unwanted sexual advance
- unwanted derogatory remarks, lewd or suggestive gestures
- refusing to work with or deliberately isolating fellow employees or withholding information that the person needs to enable them to do their job
- cyber bullying including through social media and messaging platforms or other electronic communications
- refusing to call someone by their preferred pronoun or name

Bullying does not include appropriate and reasonable criticism of an employee's behaviour or proper performance management.

RESPONSIBILITIES OF EMPLOYEES, MANAGERS AND SENIOR STAFF

All employees have a responsibility to comply with this policy and senior staff and supervisors have a responsibility to communicate with and supervise staff, with a view to developing and maintaining a working environment in which harassment and bullying are understood by all to be unacceptable.

All employees have a responsibility to report any witnessed or suspected incidents of bullying or harassment to their manager or employer, preferably in writing but verbally is also acceptable.

To this end, a copy of this policy is provided to all employees who are expected to familiarise themselves with it and abide by its provisions.

It is fully expected that all employees will act responsibly regarding this issue. Proven false accusations of bullying can have serious adverse effect on innocent individuals. Therefore, should an investigation show that a false accusation has been made in bad faith, appropriate disciplinary action may follow. However an employee who brings a complaint in good faith will not be subject to any detriment by the employer.

PROCEDURE

An employee with concerns should raise these at the earliest opportunity, in writing if possible.

Many people are unaware that their behaviour is unacceptable and if this is pointed out to them, the problem can often be resolved. In some circumstances, the manager or employer might be able to resolve the complaint informally by talking privately with the people involved.

Whilst the emphasis will be to resolve the matter informally, the complainant will retain the absolute right to raise the matter formally using his or her employer's grievance procedure.

Where a complaint under this policy is brought to the attention of the trainer, his or her representative or through NARS or the NTF, the trainer (or employer if different) will commence an investigation.

Should this investigation indicate that a disciplinary offence has been committed the employer's disciplinary procedure will be instigated which may result in disciplinary action being taken against the offender, which may result in dismissal.

Care will be taken during any investigation of the allegations made under this policy to protect the interests and confidentiality of both the complainant and the alleged harasser.

Any breach of confidentiality on the part of the complainant or the alleged harasser may itself be considered as a disciplinary issue.

This is to be read in conjunction with the NTF and NARS disciplinary agreement and grievance procedure or the employer's own disciplinary and grievance procedures, if different.

THIRD PARTY HARASSMENT

If whilst carrying out their duties at work or otherwise in connection with their work, an employee is being bullied or harassed by a third party, the employee should raise it with their immediate manager so that the employer can decide how best to deal with the situation in consultation with the employee.

WELLBEING AND SUPPORT

It is recognised that being involved in a dignity at work case can be difficult for anyone involved and there are support mechanisms in place. Support is available from the employer, NARS and Racing Welfare along with other non-racing specific support networks and employees are encouraged to consider accessing support to maintain health and wellbeing during the process.

TERMINATION

Either party wishing to alter or terminate this agreement shall do so by giving three months' notice in writing to the other.

DATE OF AGREEMENT

This agreement is effective from 1st December 2022