

# MoD ARMY GUIDELINES FOR DEALING WITH HARASSMENT AND BULLYING (INCLUDING CIVILIAN STAFF)

'There is no doubt that bullying is insidious and corrosive and is the very antithesis of the principle of self-discipline and the concept of teamwork on which so much of the success of the armed forces is founded. I accept that there is a fine line between unnecessarily overbearing behaviour and the robust approach to training and discipline that the armed forces have to take to prepare their people for the harsh environment in which they operate. That is a line that the armed forces are well practiced at treading. No one should be in any doubt that bullying has no place in the Army or the armed forces. It is rooted out whenever and wherever it is discovered.

There have been many assertions in the media and elsewhere of systematic bullying in the Army. Our policy of zero tolerance to bullying is simply that. It does not mean that bullying does not occur. We can, and do, make our policy clear, but even with the best regime in the world, bullying may occur. Where we are aware of it we will deal with it robustly. What we cannot do is investigate rumour and hearsay. Without the co-operation of those affected we cannot succeed. Those who allege bullying must come forward. I assure Honourable Members that allegations properly made will be thoroughly investigated.'

Secretary of State for Defence, House of Commons, 27 April 2004.

1. The aim of this Annex is to provide guidance and background for commanders in dealing with allegations of harassment or bullying. They are to be dealt with using the same principles and procedures as any other form of Administrative action. The flow chart at Annex B to this AGAI shows the key stages.

## MOD Policy

2. Commanders at all levels have a duty to recognise the difference between

challenging and purposeful activities and bullying.

3. All service personnel and MOD civilians have a right to live and work in an environment free from bullying, harassment, unlawful discrimination and intimidation. Discrimination, bullying and harassment may contravene civil law, criminal law or both (The Values and Standards of the British Army (Commander's Edition) paragraph 22).

4. Any serviceman convicted by a civil court of an offence involving racial or sexual harassment may be discharged under QR 9.403e(5). MOD civilians are subject to similar procedures. Even if civil or criminal law has not been contravened, bullying and harassment is fundamentally incompatible with the standards of conduct required in the Army and will not be tolerated.

## **What is Harassment?**

5. A person subjects another to Harassment where he engages in unwanted conduct, which has the purpose or effect of violating that other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him. Conduct shall be regarded as having the effect specified in the last sentence only if, having regard to all the circumstances, including in particular the perception of that other person, it could reasonably be considered as having that effect (where reasonable depends on the circumstances of the situation balanced with our duty to train and prepare our servicemen robustly for combat).

6. Grounds for harassment include among others:

- a. Race.
- b. Colour.
- c. Nationality.
- d. Ethnic or national origins.
- e. Gender.
- f. Sexual orientation.

- g. Religious belief.
  - h. Appearance.
  - i. Age.
7. Harassment can have devastating consequences for the individual concerned and all members of the Army have a responsibility therefore to prevent harassment whether it is of service personnel or civil staff, including civil servants.
8. The following are typical examples of harassment:
- a. Verbal or physical threats or abuse, including derogatory or stereotypical statements or remarks.
  - b. Innuendo, mockery, lewd or sexist/ racist jokes or remarks.
  - c. Personal comments about a person's physical appearance or character, which cause embarrassment or distress.
  - d. The use of offensive language in describing someone with a disability, or making fun of someone with a disability.
  - e. Displaying or circulating racially offensive or sexually suggestive or offensive material.
  - f. Making or sending unwanted, sexually suggestive, hostile or personally intrusive phone calls, e-mails, texts, faxes or letters.
  - g. Leering, rude gestures, touching, grabbing, patting or other unnecessary bodily contact such as brushing up against others.
  - h. Unwarranted, intrusive or persistent questioning about a person's marital status, personal life, sexual interests or orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion.
  - i. Unwelcome attention, such as pestering, overly familiar behaviour, or unwelcome verbal or physical attention.
  - j. Bullying.

## **What is Bullying?**

9. Paragraph 23 from the Values and Standards of the British Army (Commander's Edition) states:

'Bullying. Operational effectiveness requires the Army to train to be physically robust and, when necessary, to display controlled aggression. However, the use of physical strength or the abuse of authority to intimidate or victimise others, or to give unlawful punishments, is unacceptable behaviour which will undermine trust and respect. It is also illegal. It is the responsibility of all those in a position of responsibility, but in particular of commanders, to protect others from physical and mental bullying, and to report any incident promptly. Similarly, initiation practices involving assault, humiliation, intimidation or the abuse of alcohol are not to be tolerated. These are quite distinct from properly established and carefully controlled regimental customs, which involve no form of abuse.'

10. Bullying creates an environment in which a group of people or an individual may become fearful or intimidated because of the negative or hostile behaviour of another group of people or an individual. It often (but not always) involves a misuse of power or position. It is usually persistent, often unpredictable and may be vindictive, cruel or malicious. However, it can also arise even when a person is unaware of the effect his behaviour is having on someone else.

11. Some typical examples of bullying are:

- a. Verbal abuse, such as swearing at staff or colleagues either in public or private.
- b. Belittling or ridiculing a person, or his abilities, either in private or in front of others.
- c. Spreading malicious rumours about someone.
- d. Sudden rages or displays of temper against an individual or group, often for trivial reasons.
- e. Subjecting someone to unnecessarily excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things.
- f. Persistent and unjustified criticism.
- g. Making unreasonable demands of staff or colleagues.
- h. Ignoring or excluding an individual e.g. from social events, team meetings, discussions and collective decisions or planning.
- i. Making threats or inappropriate comments about career prospects, job security, or appraisal reports.

12. The following phrases are sometimes used to excuse, define or refer to behaviour or situations between people at work, which may involve hidden bullying:

- a. 'Strong' or 'robust' management styles.
- b. A 'personality clash'.
- c. Someone being described as 'over-sensitive' or 'unable to take a joke'.
- d. A manager who 'doesn't suffer fools gladly'.

13. Allegations. COs may become aware of allegations of bullying and harassment by a variety of means including complaints made under S180 AA 55 for which the instructions are contained in AGAI 70. Where the evidence indicates a criminal act may have been committed, the assistance of the RMP may be requested. In other cases, COs may seek the assistance of the EOIT in the investigations of allegations of harassment or bullying where it is confined to sex, race and religion. The EOIT have a limited capacity and therefore tasking of them takes place at Div level and COs who may require their assistance should apply through the disciplinary chain of command. Where there is some evidence of harassment or bullying, a CO is to take legal advice in considering whether it would be more appropriate to deal with the matter by way of a charge under AA 55 or if the allegation is a matter of standards and behaviour, whether it would be more appropriate to deal with it under AGAI 67.

14. Actions during the Investigation. By the nature of the allegations, it may be necessary to consider the positions of those involved. Various options are open to a CO including internal posting to separate the parties involved and suspension under QR 6.015. In considering such action the CO must also ensure the rights of the accused are protected and the investigations proceed on the assumption of innocence. It is also very important that those involved in the allegations, the serviceman (men) against whom the allegations are being made and the victim, are kept informed of the progress of the case at regular intervals.

15. Allegations by Civilian Staff. Where allegations of harassment or bullying are made by civilian staff against service personnel, the procedures to be adopted are no different to those above. Where an allegation of harassment or bullying is made by service personnel against civilian members of staff, the same principles as above will apply but the investigation of the civilian(s) and any subsequent disciplinary or AGAI 67 Action will be taken under civil service procedures.