

Anti-Bullying and Harassment Policy

1. Introduction

- I. Motivation Africa is committed to providing a working environment free from harassment (including sexual harassment) and bullying and ensuring people are treated and treat others with respect. As such, we have a zero-tolerance approach to bullying and harassment (including sexual harassment) and will not tolerate any such behaviour in the workplace.
- II. Besides the workplace, this policy also applies to harassment (including sexual harassment) or bullying which occurs out of the workplace, such as on business trips or at work-related events or social functions.

2. Scope

- I. This policy applies to all employees everywhere, including full time and, part-time employees, and to temporary staff, contractors, volunteers, interns, trustees, consultants and trainers, as well as all those who visit partners or programmes in the name of Motivation Africa, such as patrons, donors, corporate sponsors, celebrities, journalists and, supporters.
- II. All the individuals cited above will be expected to read this policy and sign its commitment to follow its principles and procedures.
- III. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

3. Purpose

- I. The purpose of this policy is to ensure that everyone who is associated with Motivation Africa's work understands what constitutes bullying and harassment and knows how it is dealt with.

4. Motivation Africa's Commitment

- I. We believe that where respect for diversity and equality exists, a more rewarding and less stressful working environment is created; one where discrimination, prejudice and harassment are not accepted, and one more likely to enhance performance and achievements, allowing all members of our Motivation Africa community to achieve their full potential.
- II. Any allegation of harassment, discrimination or bullying will be treated very seriously and, if proven, action up to and including dismissal may being taken against the perpetrator in accordance with Motivation Africa's Disciplinary Policy. Such actions extend to any individual who is proven to have made a purposely false claim under this policy.

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5. Roles and Responsibilities

- I. Each of us has a role to play in helping achieve an inclusive and supportive environment, and in promoting good relations between all.
- II. Every member of staff has a personal responsibility to ensure their own conduct does not cause offence to others and to raise any issues of harassment or bullying in a timely manner, so that investigation can be carried out at the earliest opportunity.
- III. Managers are responsible for ensuring that harassment, discrimination and bullying are not permitted within their sphere of management, and that any incidents are dealt with firmly and fairly. Complaints should be taken seriously, and investigations carried out in line with Motivation Africa's Grievance Procedure.

6. Definition of Harassment, Bullying and Discrimination

I. Harassment

- a. Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It may be persistent or a single isolated incident.
- b. Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- c. Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender reassignment, marital or civil partner 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.
- d. Employees can also complain of behaviour that they find offensive even if it is not directed at them, but at another member of staff. They do not have to be the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.
- e. Harassment may include, for example:
 - Offensive emails, text messages or social media content;
 - Derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief or gender;
 - Mocking, mimicking or belittling a person's disability; or
 - Unwanted physical conduct or horseplay, including touching, pinching, pushing and grabbing.

II. Sexual Harassment

- a. We are required take reasonable steps to prevent sexual harassment of workers in the course of their employment.
- b. Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that 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 sexual harassment.
- c. Sexual harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.
- d. Sexual harassment may include, for example:
 - Unwanted physical conduct, including stroking, touching, pinching, pushing and grabbing;
 - Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - Unwelcome sexual advances or suggestive behaviour (even if the harasser perceives them as harmless); or
 - Offensive emails, text messages or social media content.
 - A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

III. Third-party harassment

- a. Third-party harassment occurs where a person is harassed (including being sexually harassed) by someone who does not work for, and who is not a partner of Motivation Africa, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client or supplier visiting our premises or where a member of staff is visiting a client's or supplier's premises or other location in the course of their employment.
- b. While a worker cannot bring a standalone claim against their employer if they suffer third-party harassment, third-party harassment can still result in legal liability when raised in other types of claims and we are required by law to take reasonable steps to prevent sexual harassment of workers by third parties in the course of their employment.
- c. Third-party harassment (including third-party sexual harassment) will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness to, in accordance with this policy. We will take active steps to try to prevent third-party sexual harassment of staff. If any third-party harassment of staff occurs, we will seek to remedy any complaints and to prevent it from happening again.
- d. Any harassment (including sexual harassment) of a third party by a member of

staff is likely to lead to disciplinary action up to and including dismissal.

IV. Bullying

a. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, involving the abuse or misuse of power through means intended to make a person feel vulnerable, upset, humiliated, undermined or threatened. Please note that 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.

b. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, for example:

- Physical or psychological threats;
- Overbearing and intimidating levels of supervision;
- Inappropriate derogatory remarks about someone's performance

c. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

d. It is recognised that differences in attitude, background and culture can often mean that what is perceived by one individual as harassment or bullying may not necessarily be perceived in the same way by another. It should be noted therefore, that when deciding whether bullying or harassment has occurred, the impact on the individual and whether the behaviour is unacceptable by normal standards will be the focus, rather than motive or intent.

e. Any difficulty in defining harassment, discrimination or bullying should not deter a member of staff from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation.

V. Bullying and harassment are not necessarily face to face and can occur online, over the phone or even in written communications.

Discrimination

VI. Discrimination takes place when an individual or a group of people are treated less favorably than others because of their race, gender, gender reassignment, marital status, status as a civil partner, disability, age, religion or belief, sexual orientation or other factors unrelated to their ability or potential.

Victimisation

VII.

Victimisation includes subjecting a person to a detriment because they have done, are suspected of doing or intending to do, any of the following protected acts:

a. Bringing proceedings under the Equality Act 2010.

- b. Giving evidence or information in connection with proceedings under the Equality Act 2010.
- c. Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- d. Alleging that a person has contravened the Equality Act 2010.

Victimisation may therefore include, for example:

- a. Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
- b. Excluding someone because they have raised a grievance about harassment.
- c. Failing to promote someone because they accompanied another staff member to a grievance meeting.
- d. Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

7. What should you do if you or others are feeling bullied and/or harassed

- I. If you believe you, or someone else, is being bullied and/or harassed (including sexual harassment), you should act promptly.
- II. In the first instance, if possible, you should raise the issue with the person who you feel is behaving unacceptably. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or HR who can provide confidential advice and assistance in resolving the issue informally or formally.
- III. However, we understand that this is not always possible, or the individual may not be listening or taking your concern seriously. In such cases, you should raise the matter formally under our Grievance Procedure.
- IV. We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint, and the person accused must only be disclosed on a “need to know” basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.
- V. Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. The outcome of our investigation may be put on hold while disciplinary action is taken. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.
- VI. Staff who make a complaint, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised

someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

VII. Information about a complaint or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

8. Director Contact Details

Peter Mbuguah	Director	pmbuguah@motivationafrica.org
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9. Related Policies

The following policies are also part of Motivation Africa's commitment to safeguarding, which can be found on the Motivation Africa Homepage

- Code of Conduct
- Disciplinary Policy and procedures
- Safeguarding Policy and procedures
- Whistle-blowing Policy

10. Personal Commitment

- I confirm I have been given the information and support I need to understand my responsibilities, and:
- I have read, understood and agree to abide by Motivation Africa's anti-bullying and harassment and related policies.
- I understand when and how to report a concern.
- I understand that breaches of this policy could result in disciplinary action.

Name	
Signature	
Name of organisation (if not Motivation Africa)	
Date	

11. Review and Updates

This policy will be reviewed annually and updated as necessary to ensure it remains effective and compliant with current laws and best practices.