

Employment Standards Office
of the Qatar Financial Centre

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Harassment and bullying in the workplace

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SECTION 1 – Introduction

Article 1 – Status and purpose

- 1.1 Under Article 43 of the QFC Employment Regulations (the Regulations), every employer has a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees. Article 45 of the Regulations requires that every employer shall provide and maintain a workplace that is safe, presents no risks and that is free of harassment.
- 1.2 Articles 43 and 45 of the Regulations provide a legal responsibility for employers to ensure the welfare of their employees by preventing harassment and bullying of employees being carried out by its directors and officers, co-employees, clients, customers or by other business contacts of the employer in the workplace.
- 1.3 This document has been prepared by the Employment Standards Office (ESO) of the Qatar Financial Centre (QFC) with the purpose of:
 - Providing guidance on harassment and bullying at the workplace
 - Preventing contraventions and disputes
- 1.4 The information presented in this Guidance and related Annex A is intended for clarification purposes only and is not binding. It does not constitute legal advice or a legal opinion, and QFC Firms are advised to obtain their own legal advice on its contents. Neither the Qatar Financial Centre Authority (QFCA) nor the ESO shall be responsible for any liability that may arise from the use of or reliance upon this information and expressly exclude any such liability to the maximum extent permitted by applicable law. The ESO reserves all of its rights relating to any matter addressed herein including relation to enforcement. In particular the information contained in these documents shall not affect its ability to investigate, determine or otherwise take any action in relation to the subject matter hereof.
- 1.5 This document provides non-binding guidelines to QFC entities and its employees on:
 - i) what is meant by harassment and bullying in the workplace (Section 2);
 - ii) what the duties and obligations are for employers and employees relating to harassment and bullying (Section 3);
 - iii) how harassment and bullying in the workplace may be prevented (Section 4); and



- iv) what steps should be taken if harassment or bullying does occur to ensure that adequate procedures are readily available to deal with the problem and to prevent its recurrence (Section 5).
- 1.6 This Guidance seeks to encourage the development and the implementation of policies and practices within QFC entities, which ensure a safe and healthy working environment in every workplace in the QFC where employees, irrespective of status or position, are treated with dignity and free from any form of harassment and bullying.

SECTION 2 – What is harassment and bullying

Article 2 - Definitions

- 2.1 **Harassment** is **unwanted physical, verbal or non-verbal conduct**, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It includes harassment based on grounds such as **age, disability, race, ethnic origin, physical attributes, religion, belief or gender**. The defining factors for deciding whether conduct has this effect are whether the relevant behaviour (i) is unacceptable to the recipient and (ii) could reasonably be considered to amount to harassment.

Generally, harassment consists of a series of incidents, which continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute harassment. Harassment may occur at work or out of the workplace, such as on business trips or at work related events or social functions.

Harassment includes - but is not limited to - words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle or cause personal humiliation or embarrassment to another; or that cause an intimidating, hostile or offensive work environment.

- 2.2 The terms “bullying” and “harassment” are sometimes used interchangeably and many definitions include bullying as a form of harassment. For the purpose of this Guidance, bullying is defined as follows:

bullying is **offensive, intimidating, malicious or insulting behaviour**, involving the abuse or misuse of power through means that can undermine, humiliate, denigrate or injure the recipient. Bullying can take the form of physical, verbal and non-verbal conduct or coercion through fear or intimidation.



- 2.3 Both harassment and bullying may be carried out by an individual against an individual or involve groups of people. It may be obvious or insidious conduct and it may occur face-to-face or more indirectly. Whatever form the conduct takes, it is unwarranted and unwelcome to the recipient.

Article 3 – Forms of harassment and bullying

- 3.1 Behaviour generally accepted as amounting to harassment in the workplace includes, but is not limited to:

- a) Spreading malicious rumours, gossip or slander;
- b) Deliberate exclusion or isolation from normal workplace conversations or activities;
- c) Unwelcome sexual advances or suggestive behavior (even those which the harasser may perceive as harmless);
- d) Offensive or intimidating comments, emails, text messages or social media content;
- e) The display of pictures, objects, or written materials that may be considered offensive to particular ethnic or religious groups;
- f) Insensitive jokes, pranks or language, including mocking, mimicking or belittling a person or their disability;
- g) Unwanted physical contact ranging from touching to serious assault;
- h) Being treated less favourably than colleagues (unfair treatment);
- i) Intrusive behaviour including pestering, spying or stalking;
- j) Intimidating, coercive or threatening actions and behaviour;
- k) Humiliating someone in front of others; and
- l) Purposely withholding work-related information preventing the employees from achieving their professional objectives.

- 3.2 Bullying in the workplace may include, but is not limited to:

- a) Physical or psychological threats;
- b) Overbearing and intimidating levels of supervision;
- c) Inappropriate derogatory remarks about someone's performance.
- d) Persistent negative and unjustified comments or criticism;
- e) Spontaneous rages, often over trivial matters;
- f) Shouting or swearing at people in public or in private;
- g) Setting up individuals to fail by imposing impossible deadlines;
- h) Continuously and unreasonably belittling someone's opinion.

- 3.3 Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, or mere differences of opinion, will not amount to bullying on their own.



SECTION 3 – The roles of Employer and Employee

Article 4 – Role of the employer

- 4.1 Every employer has a duty, under Part 10 of the Regulations, to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk an employee’s safety, health or welfare at work. An employer is therefore responsible for preventing its employees from suffering harassment or bullying in the workplace, whether it is perpetrated by its directors and officers, managers, fellow employees, clients, customers or other business contacts of the employer.
- 4.2 Under Article 11 of the Regulations, an employer is liable for any act of an employee performed in the course of employment, which includes harassment and bullying in the workplace.
- 4.3 An employer may be held liable for behaviours amounting to harassment or bullying pursuant to Article 45 of the Regulations, unless it proves it has taken reasonably practicable steps to prevent harassment and bullying from occurring, to reverse the effects of it, and to prevent its recurrence.
- 4.4 Employers may mitigate potential liability for harassment or bullying by the implementation of and compliance with the practices set out in this Guidance or alternatively, by adopting other procedures and practices to fulfill their obligations under Part 10 of the Regulations in a way which is appropriate to the size and the structure of their organization. Appendix A provides an indication of the minimum standards of an adequate anti-harassment and bullying policy and can serve as a guide to the content to be addressed in such anti-harassment policies and procedures.

Article 5 – Role of employees

- 5.1 Employees’ rights and duties under Part 10 of the Regulations include the following:
- a) the right to be treated with dignity and respect at work and not to have their safety, health or welfare put at risk through harassment or bullying by the employer, by other employees or any other persons in the workplace;
 - b) the right to complain to the employer if the employee is harassed or bullied and not to be victimised for so doing;
 - c) the duty to behave and conduct themselves so as to respect the right of employers and other employees to dignity, courtesy and respect at work and the right not to be placed at risk as regards to their safety, health and welfare from bullying at work;



- d) the duty to cooperate by providing any relevant information when an allegation of harassment or bullying in the workplace is being looked into whether as part of an informal or a formal procedure.

SECTION 4 – How to avoid harassment and bullying

Article 6 – Policy statement prohibiting harassment and bullying

- 6.1 Every employer should ensure that its anti-harassment and bullying policy is effectively communicated to its employees. A way to deal with this is to make a policy statement on harassment and bullying summarizing the employer's policy, which can be prominently displayed confirming the policy's existence and the organisation's commitment to prevent any form of harassment and bullying.
- 6.2 The policy statement should be issued by senior management to ensure its acceptance and compliance by employees, supervisors and managers throughout the firm.
- 6.3 An adequate policy statement should contain at least the following matters:
 - a) a declaration prohibiting harassment and bullying in the organization;
 - b) a caution stating that harassment and bullying constitute breaches of the company's policy and employees will incur disciplinary actions up to and including dismissal;
 - c) a directive stating that supervisors and managers have a positive duty to implement the policy and to demonstrate leadership by example.

Article 7 – Accessibility of anti-harassment and bullying policies and procedures

- 7.1 Content, form and implementation of policies and procedures should be accessible to all employees with adjustments made and steps taken to ensure accessibility in particular for people with disabilities (e.g. translation of policies and procedures into Braille). Translation of the policy may be necessary to ensure accessibility of policies and procedures into a language other than English.

Article 8 – Communication and educational programs

- 8.1 Prevention is the most effective tool for an employer to eradicate harassment and bullying in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. Preventive action includes:
 - a) communication;
 - b) education; and



- c) training.
- 8.2 Merely developing a corporate anti-harassment and bullying policy is not sufficient. Employers should clearly communicate to employees that harassment and bullying will not be tolerated. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.
- 8.3 In addition to the need for communication, employers should consider providing a program by which employees and supervisors might be educated in the area of harassment and bullying.
- 8.4 The employer may also provide special training sessions for supervisory and managerial staff to train them to recognize potential problems and learn how to deal with them as and when they arise. The necessity to provide training is greater for those who are assigned to function as investigators and counselors.

SECTION 5 – Procedures to follow in case of harassment and bullying

Article 9 – Complaints procedures

- 9.1 The development of clear and precise procedures to deal with harassment or bullying once it has occurred is of great importance. These procedures, which can be included in the employer’s anti-harassment and bullying policy, should ensure the resolution of problems in an effective and timely manner. Employers should give practical guidance for employees on how to deal with harassment and bullying, which may make it more likely that these problems will be dealt with at an early stage.
- 9.2 Most of those who experience harassment and bullying simply want the conduct to stop. It is therefore advisable that the complaints procedure provide for both informal and formal methods to solve the problem, and that the complaints procedure ensures that complaints are heard quickly and addressed effectively and appropriately.

Article 10 – Informal procedure

- 10.1 An informal procedure can often resolve matters. As a general rule, an attempt should be made to address an allegation of harassment or bullying as informally as possible. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.
- 10.2 If an employee has been harassed or bullied, whether by a colleague, customer or vendor, he can choose to talk to any of these people:



- a) *Offenders*. If an employee suspects that an offender does not realize he or she is guilty of harassment or bullying, the employee could talk to the offender directly in an effort to resolve the issue. This tactic is appropriate for cases of minor harassment or bullying (e.g. inappropriate jokes between colleagues).
- b) *Employee's manager*. If customers, stakeholders or team members are involved in the claim, the employee may reach out to his or her manager. The manager will assess the situation and may involve Human Resources if appropriate.
- c) *Human Resources (HR)*. Employees are free to reach out to HR in any case of harassment or bullying no matter how minor it may seem. We would recommend that employees should contact HR as soon as possible in cases of serious harassment (e.g. sexual advances) or if their manager is involved in a claim. Anything they disclose must remain confidential.

In this situation, the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.

- 10.3 The employee may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure or otherwise. Moreover, victims need to rely on the confidentiality of their interactions with the counsellor (colleague, line manager, HR). Accordingly, the right of the alleged harasser or bully to be informed may need to be restricted. In practice, at the informal stage of the anti-harassment procedure, perpetrators/harassers should only be informed about the instigation of any complaint with the consent of the victim.

Article 11 – Formal procedure

- 11.1 If an informal procedure is inappropriate or if after the informal stage the harassment or bullying persists, the following formal procedures may be invoked:
- a) The complainant makes a formal complaint to the HR department ideally in written form, signed and dated to his or her immediate supervisor, or if preferred, any member of management. The complaint should be limited to precise details of the actual incidents of harassment or bullying.
 - b) The alleged perpetrator(s) will be notified in writing that an allegation of harassment or bullying has been made against them. They should be given a copy of the complainant's statement and advised that they shall be afforded a fair opportunity to respond to the allegation(s).



- c) The complaint will be subject to an initial review in a timely and confidential manner by a designated member of management, whose role within the employer *vis-à-vis* the complainant should be objectively capable of being seen as impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be a recommendation that the complainant explores a mediated solution or a suggestion that the issue might be capable of being resolved informally.
- d) If the initial examination does not solve the matter, a formal investigation of the complaint will take place with a view to determining the facts and the credibility of the allegation(s). The investigator will reach a conclusion in a timely and confidential manner on the allegations. This conclusion should be explained to both the complainant and the accused harasser/bully, and should determine what the most appropriate way is to deal with the matter.

11.2 Generally speaking, a decision to progress a complaint rests with the employee who has experienced bullying or harassment. However, as employers have a duty to protect all employees they may decide to pursue a complaint independently if it is considered appropriate to do so in the circumstances.

Employers and employees may decide at any time and stage to submit the case to the Employment Standards Office to investigate the matter according to the Employment Regulations.

11.3. Confidentiality is very important and subject to applicable laws and regulations. It is the responsibility of every individual involved in any complaint to respect the high level of confidentiality that is required.



APPENDIX A – CHECKLIST FOR ANTI-HARASSMENT AND BULLYING POLICY

The purpose of an effective anti-harassment and bullying policy is not simply to prevent unlawful behaviour but to encourage best practice and a safe and harmonious workplace where such behaviour is unlikely to occur.

Such policy needs not be over-elaborate, especially not for small firms, and might be included within other personnel policies. Simple, direct and plain language should be used in a policy.

The following list contains the minimum standards of an adequate anti-harassment and bullying policy and can serve as a checklist of items that could be included in anti-harassment and bullying policies and procedures:

(1) Core principles

Begin the policy by declaring:

- a) the employer's commitment to ensure that the workplace is free from harassment and bullying;
- b) that all employees have the right to be treated with dignity and respect;
- c) that complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible;
- d) that harassment and bullying by employers, employees and non-employees - such as clients, customers and business contacts - will not be tolerated and could lead to disciplinary action (in the case of employees) and other sanctions, for example the suspension of contracts or services, or exclusions from premises (in the case of non-employees).

(2) Definitions and Scope

- a) Set out definitions of harassment and bullying that are simple, clear and practical;
- b) Provide a non-exhaustive list of examples;
- c) State that the protection under the policy extends to:
 - harassment and bullying by co-workers, clients, customers and other business contacts;
 - beyond the workplace to conferences and training and may extend to work-related social events;
 - different treatment of an employee because he/she has raised an allegation of harassment or bullying;
 - employment agencies and vocational training.
- d) Emphasize that it is up to the employee to decide what behaviour is unwelcome irrespective of the attitude of others to the matter;
- e) State that employees who, for example, make a complaint, support a complainant, or who give evidence in proceedings, will not be victimised.



(3) Allocation of responsibilities

State that management and others in positions of authority have a particular responsibility to ensure that harassment and bullying does not occur and that complaints are addressed speedily. The policy could state that in particular management will:

- a) provide a good example by treating all in the workplace with courtesy and respect;
- b) promote awareness of the organisation's policy and complaints procedures;
- c) be vigilant for signs of harassment and bullying and take action before a problem escalates;
- d) respond sensitively to an employee who makes a complaint of harassment or bullying;
- e) explain the procedures to be followed if a complaint of harassment or bullying is made;
- f) ensure that an alleged perpetrator is treated fairly;
- g) ensure that an employee making a complaint is not victimised for doing so;
- h) whether or not the complaint is upheld, consider how best to manage any ongoing working relationship between the employee making the complaint and the alleged perpetrator;
- i) monitor and follow up the situation after a complaint is made so that harassment or bullying does not recur.

