

Bullying and harassment policy

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1 Purpose

- 1.1 We believe that all our employees, contractors and workers have the right to work in an environment free from bullying behaviour and any form of harassment, whether this is on the grounds of a protected characteristic (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex, sexual orientation) or indeed any other characteristic such as appearance, regional dialect or political stance.
- 1.2 Such behaviour will not be tolerated, and we seek to ensure that our working environment is sympathetic to everyone with whom we deal with in our working activities and that they are treated with dignity and respect.
- 1.3 We reserve the right to amend and update this policy at any time.
- 1.4 This policy is not contractual but aims to set out how we normally deal with such issues.

2 Scope

- 2.1 This policy applies to all employees, contractors and workers, at all levels within our business. It applies equally to an employee bullying or harassing a manager or the other way around. In addition, we aim to ensure that (as far as is practicable) employees and workers are protected from harassment of any kind from clients/customers and other business contacts.
- 2.2 The aim of this policy is to ensure that a zero-tolerance stance on bullying and harassment is adopted by all managers; to provide guidance; and to provide a means by which any employee or worker who feels that they are being subjected to such behaviour may raise this without fear of reprisal and under which any problems may be resolved and any further recurrence prevented.

3 Definitions

- 3.1 **Bullying** is defined as behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.
- 3.2 **Harassment** is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (ie related to the individual's relationship or dealings with others who have that personal characteristic, even if they do not). It may be persistent, or an isolated incident and can take many forms, from relatively mild banter to actual physical violence. Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional, obvious or violent, but it can also be unintentional or subtle and insidious.

- 3.3 Employees may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another. The fact that bullying or harassment was not intended does not mean that it cannot have occurred; however, bullying or harassment will not have taken place if the claimant's perception of the conduct in question is unreasonable in all of the circumstances.
- 3.4 The person complaining of bullying or harassment need not necessarily be the person towards which the behaviour is directed. For example, a person who overhears comments made to someone else, and who is offended by those comments, may still make a complaint of bullying or harassment.
- 3.5 Examples of behaviour that may constitute bullying or harassment include (but are not limited to):
- **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body; insulting behaviour or obscene gestures; physical threats, aggressive behaviour and/or assault.
 - **unwanted verbal conduct** - such as unwelcome advances; patronising titles or nicknames; offensive or insulting comments; propositions or remarks; innuendo; lewd or suggestive comments; over-familiar behaviour; slogans or songs; insensitive jokes, gossip and slander (including speculation about a person's private life and sexual activities); banter or abusive/offensive language which is either threatening or refers to a person's sex, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.
 - **unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life; abusive or offensive gestures; leering, whistling, creation, distribution or display of suggestive or offensive pictures, objects or written materials (including "pin-up" calendars) or videos through any means.
 - **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments; comments intended to undermine, belittle, embarrass or humiliate the recipient; personal abuse, either in public or private, which humiliates or demeans the individual involved.
 - **virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing our technology or using the employee's own technology to contact a colleague in an intimidating or malicious manner.
 - **coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours (or promises made in return for sexual or other favours); pressure to participate in political or religious groups etc.
 - **isolation or non-co-operation at work** - deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.

- 3.6 Such conduct is employment related if, for example, submission to, or rejection of, the conduct is used as a basis for an employment decision; or if the conduct interferes with the affected person's work performance; or if it creates an intimidating hostile, humiliating or offensive working environment.
- 3.7 Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear that they wish it to stop.
- 3.8 All employees should be aware that any act or acts of bullying or harassment committed by them in the course of their employment will be dealt with as set out under this policy. This includes not only situations occurring whilst at work, but also at any time on our premises, or externally whilst attending social functions or training courses, etc in the course of the employment. It also covers emails, phone calls and texts sent by employees outside of work using either our equipment or their own personal equipment, as well as posts on social networking sites.
- 3.9 Employees should also consider how their behaviour or conduct would appear to a senior manager or elderly relative, or if it were reported in the press or on TV, and to refrain from any language or behaviour which would reflect unfavourably on them.

4 Working environment

- 4.1 In addition to bullying and harassment at work being a violation of employment and health and safety laws, and a contravention of criminal and/or civil law in some circumstances, this type of behaviour can reduce the effectiveness of our organisation by creating a hostile or threatening environment. The damage, tension and conflict which harassment and bullying creates not only results in poor morale for all, but also divided teams and reduced productivity. Employees can be subject to fear, stress and anxiety, which not only affect their contribution within the workplace but can also put great strains on their personal and family life, leading to illness, increased sickness absence and staff turnover.
- 4.2 Therefore, all complaints of bullying or harassment will be treated very seriously.

5 Third party harassment and discrimination

- 5.1 Third party harassment and discrimination refers to harassment and/or discrimination of an employee by any person who is not one of our employees. Third party harassers and discriminators may include:
- customers or clients
 - suppliers and
 - independent contractors and consultants.
- 5.2 Any employee who believes that they have been the victim of third party harassment and/or discrimination should immediately inform their manager of the incident. Where an employee has been harassed and/or discriminated against, we will take such steps as are reasonably practicable to prevent any recurrence.

- 5.3 If an employee harasses and/or discriminates against a customer, client, supplier or an independent contractor or consultant, the employee will be subject to disciplinary action.

6 Procedure for raising a complaint of bullying or harassment

6.1 General principles

- 6.1.1 Bullying and harassment will not be tolerated. We recognise that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken. To take account of this, and to encourage employees and workers to discuss any problems in confidence with someone they trust and feel comfortable talking to, this procedure has various routes for action.
- 6.1.2 An employee or worker who thinks they are being bullied or harassed should either initially address the matter informally with their manager or formally by following the procedure set out below. No judgements will be made about any complaints based on the course of action the employee or worker chooses to adopt.
- 6.1.3 Each complaint will be handled in strict confidence and with impartiality and will be promptly and thoroughly investigated. As any complaint of this nature will be regarded as serious it may be that the alleged offender will be suspended whilst the complaint is being investigated.
- 6.1.4 Anyone who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint.
- 6.1.5 If any employee raises a complaint, that upon investigation, is proven to be deliberately malicious, then that employee will become the subject of disciplinary action. Any employee found to be in breach of this procedure will be subject to disciplinary action, which may lead to dismissal.

6.2 Informal procedure

- 6.2.1 It is usually best to try and sort things out quickly and as close to the problem as possible. Therefore, it may be sensible to try to resolve an issue informally by approaching the person directly and making it clear to them that their behaviour is unwelcome, explain the effect that it is having and that it should stop.
- 6.2.2 Any employee or worker who does not want (or who does not feel able) to do this, particularly if feeling bullied or intimidated, or if they would find it too embarrassing, may speak with their manager. As a result of the advice, they may then feel able to approach the person directly or may be willing to do so with support. Alternatively, the manager or one of similar seniority may be requested to approach the person on their behalf - this approach may be more effective if the perpetrator is a client/customer or business contact.

- 6.2.3 If the employee or worker chooses to address their concerns directly with the person concerned, they should be clear and assertive. They may find it helpful to ask a colleague to be with them in a support role. Alternatively, they could put their issue in writing to the alleged harasser.
- 6.2.4 The employee or worker may wish to keep a written record of the details of any incidents of perceived bullying (including date; time; place; name of person allegedly harassing the individual; what happened including verbatim quotes of relevant comments where possible; how the individual felt at the time; names of any witnesses and any action taken), and retain any texts, emails, voice messages or other evidence that may support his/her allegations.
- 6.2.5 If they do not wish to deal with this informally, or if informal steps have failed to resolve the problem, they can raise the matter in line with the formal procedure below and if necessary assistance should be sought.

6.3 Formal procedure

- 6.3.1 A formal complaint may be made to either the employee or worker's immediate line manager.
- 6.3.2 The formal complaint should be detailed in writing and submitted without unreasonable delay.
- 6.3.3 It should contain the reasons for the complaint and all relevant facts surrounding the matter, including relevant dates, names and witnesses. The employee or worker should also indicate what we should do and any other suggestions or information that will assist in resolving the issue. Whilst recognising the employee or worker's feelings and the effect the alleged behaviour may have had, it is important to establish the facts and he/she will be asked to provide details of the allegations, eg:
- what happened
 - where it occurred
 - when did it occur
 - who was involved
 - was this the first incident
 - were there any witnesses
 - whether any action has been taken previously to prevent further repetition of the behaviour
- 6.3.4 A full investigation will be undertaken as quickly as possible to establish the facts and decide upon the appropriate course of action.
- 6.3.5 The employee or worker may be supported throughout the process and at any meetings by a colleague of their choice.
- 6.3.6 The person investigating the complaint will be sensitive and will take care not to phrase questions in a way that implies that the bullying and or harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. The intention of the alleged bully/harasser is irrelevant, it is the effect on the complainant that is important.

- 6.3.7 Consideration will be given as to whether the alleged bully/harasser should be redeployed temporarily or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.
- 6.3.8 All parties involved in the investigation are expected to respect the need for confidentiality. Failure on the part of any employee involved (whether the recipient, perpetrator or a witness) will be considered a disciplinary offence.
- 6.3.9 Copies of statements made by witnesses will be made available to both the person making the complaint and the alleged bully/harasser, but the names of the witnesses may be withheld if they request to remain anonymous and particularly if they have a genuine belief of fear of reprisal.

6.4 Outcome

- 6.4.1 Where the person in charge of dealing with the complaint believes, after investigation, that bullying or harassment may have taken place, if the alleged bully/harasser is an employee, they will invoke the disciplinary procedure to ensure that the employee accused of this behaviour has every opportunity to defend or explain their actions. The employee will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying and or harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.
- 6.4.2 The severity of the penalty imposed upon an employee believed to be guilty of bullying and or harassment will be consistent with other disciplinary offences. Where the bully/harasser is given a warning short of dismissal, discussions will take place with the person making the complaint, and, where necessary, any reasonable steps will be taken to alter working practices to minimise contact between the affected employees.
- 6.4.3 An employee who receives a warning or is dismissed for bullying and or harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate, and it may be necessary to refer the case to the police.
- 6.4.4 As a general principle, the decision to progress a complaint rests with the employee. However, we have a duty to protect all employees and workers and we may pursue a complaint independently if we consider it is appropriate to do so.
- 6.4.5 Where the complaint is made against a client/customer, supplier or other business contact, this will be investigated, and such steps will be taken as are reasonably necessary to protect the employee or worker. The complainant should not be moved except at his/her request or in exceptional circumstances.
- 6.4.6 Full consideration will be given to how the on-going working relationship between the parties should be managed going forwards. This may involve, for example, arranging for some form of mediation or counselling or a change in the duties or reporting lines of either party. This will apply even where a complaint is not upheld (for example where evidence is inconclusive).

- 6.4.7 Once this has been resolved and time has been given to allow relationships to stabilise and return to normal in the workplace, contact should be maintained with the affected employees informally. If further problems of bullying, harassment or victimisation are encountered, or the employee or worker continues to suffer stress or anxiety, immediate action should be taken to investigate or find a solution.

7 Related policies and documents

- Business ethics and integrity policy
- Disciplinary policy
- Equal opportunity policy
- Grievance policy
- Training and development policy
- Whistleblowing policy

The above list is not exhaustive.

8 Further information

Any queries or comments about this policy should be addressed to the line manager in the first instance.

9 Policy owner

This policy is owned and maintained by the CEO/CTO.

10 Policy review date

Date last reviewed: June 2021