



## ANTI-HARASSMENT AND BULLYING POLICY

This policy recognises an individual's basic right to be treated with dignity at work, and to work in an environment free from harassment and bullying in any form. Whilst the aim of this policy is to draw attention to any unacceptable behaviour and prevent its recurrence, the Company will not hesitate in taking appropriate action, including if appropriate, dismissal, against any staff member who engages in action or conduct determined to be harassment or bullying.

The Company will not tolerate any mistreatment inflicted upon any staff, contractor visitor, customer or supplier to the Company on the grounds of sex, sexual orientation, marital status, civil partner status, race, colour, religion or belief, disability or age and will take appropriate action against the perpetrator of any such conduct.

### Definition of Harassment

Harassment is:

(a) unwanted conduct related to sex, sexual orientation, marital status, civil partner status, race, colour, religion or belief, disability or age which has the purpose or effect of:

(i) violating an individual's dignity; or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual;

(b) unwanted sexual conduct which has the purpose or effect set out above; or

(c) less favourable treatment due to the submission or rejection of unwanted sexual conduct or conduct relating to gender reassignment.

Harassment can be physical, verbal or non-verbal in nature, including messages sent via the e-mail or Internet. It can include:

- Sending to Coventry;
- Unnecessary touching or patting;
- Offence caused by pinups;
- Insulting/abusive gestures;
- Persistent unwanted suggestions for social activity;
- Insensitive jokes;
- Ridiculing;
- Physical threats;
- Unwelcome advances;
- Sexual innuendo;
- Suggestive behaviour;
- Lewd comments;
- Abusive language;

This list is not exhaustive.

### Definition of Bullying

"Bullying" means intimidating, threatening, malicious or humiliating treatment of an individual which usually involves the misuse of power (whether via a position of responsibility or physical



strength or forcefulness of character). Bullying is not legitimate or constructive criticism of your performance or behaviour or reasonable instructions given in the course of your work nor is it an occasionally raised voice or an argument.

Examples of bullying might include, ridiculing or demeaning others particularly junior colleagues; criticising a colleague in public; repeatedly putting pressure on subordinates, such as imposing unachievable deadlines; or deliberately excluding people from meetings or communications without good reason.

### **Victimisation**

The Company will not tolerate intimidation, victimisation or discrimination against any staff member who makes a complaint of harassment or bullying or who assists in an investigation of alleged harassment or bullying. Retaliation against a staff member who complains of harassment or bullying can expect to lead to disciplinary action (if they are an employee) and where appropriate dismissal. Casual workers may not be offered any further work or assignments by the Company and the Company may choose to terminate their contract with immediate effect.

Accusations subsequently found to be malicious or without foundation made by an employee will be managed under the Company's disciplinary procedure.

### **Policy**

Harassment is unlawful discrimination under UK law. If you harass colleagues, you could be personally liable and may have to pay compensation over and above any award which the Company may have to pay. In serious cases, harassment may be a criminal offence for which the harasser can be imprisoned or subject to a fine of up to £5,000. Bullying can also be unlawful and result in considerable liability for the Company.

Whether or not the harassment or bullying is sufficiently serious to be unlawful, the Company will not tolerate it on any ground. Such behaviour will be regarded as gross misconduct and is likely to result in termination. All staff members have a responsibility to ensure that harassment and bullying by either staff or third parties does not occur and to comply with this policy.

### **Resolving Harassment and Bullying Issues**

It is the Company's intention to resolve any issue raised in a sensitive manner and to provide support to the individual following the reporting of a complaint. A channel of communication to facilitate the challenging of unacceptable behaviour is described below, along with a fair and confidential framework for the most effective resolution of any problem. The process is designed to encourage individuals who feel they are not being treated appropriately at work to be open and honest including where the individual's line manager is directly involved.

### **Taking Action**

#### **Informal resolution**

Wherever possible, a member of staff who believes that he or she has been the subject of harassment or bullying should tell the person responsible that he or she finds their behaviour offensive and ask them to stop. It is accepted that this will not always be appropriate, but



people can cause offence unintentionally and a quick word to explain how you feel may solve the problem quickly and efficiently.

The intention of the informal stage is to resolve the matter as quickly and amicably as possible. It is particularly appropriate in circumstances where the person responsible may be unaware that he/she is causing offence. At this stage you may not wish any investigation to take place and where possible your wishes will be complied with.

**However, you should still report the behaviour to the HR Department and/or your line manager without delay (unless he/she is the subject of the problem).**

### Formal Procedure

If the informal resolution is inappropriate or the outcome has been unsatisfactory, the formal procedure may be appropriate.

If you are an employee to bring a formal complaint of harassment or bullying, you can follow the Company's Grievance Procedure. If you are a casual worker you can take your complaint to any manager and should make it clear that it is a formal complaint. In either case the following procedure will normally be followed without delay.

- (a) You will be asked to put your formal complaint in writing setting out the full details of the unwanted conduct including the name of the person you feel is harassing or bullying you, the nature of their actions, the date(s) and time(s) on which the events occurred and what action you have taken so far to stop it occurring.
- (b) A meeting will be arranged with you to discuss your complaint.
- (c) You have the right to be accompanied at that meeting by a fellow member of staff or a trade union representative. If the chosen person is unavailable at the date proposed then the meeting will be postponed to a more mutually convenient time within 5 working days. A companion may not answer questions on your behalf, but may present your case, sum up and respond to views expressed at the meeting.
- (d) A formal meeting will be held by the Company with the alleged harasser/bully to establish his/her response to the complaint.
- (e) Further investigations may then be carried out, including interviews with any potential witnesses. A further meeting with you may be required to address information uncovered during the investigation.
- (f) The investigation will be carried out in an independent manner with the respect for the rights of all parties being respected. The importance of confidentiality will be stressed to all those involved in the procedure and they will be required not to discuss the complaint with colleagues or friends.
- (g) In circumstances where it is not appropriate for the alleged harasser/bully and the complainant to work together then consideration will be given to moving the alleged harasser/bully or suspending him/her while the investigation is ongoing and/or pending the outcome of any disciplinary proceedings. If this is not possible then the complainant may prefer to remain at home on special leave until the matter is resolved.



(h) Where the complaint concerns someone other than a member of staff (e.g. a customer) the Company will consider what action may be appropriate to protect you pending the outcome of the investigation, bearing in mind the reasonable needs of the business and our duties to our customers.

(i) The Company will aim to complete the investigation as quickly as possible.

(j) Following an investigation, the evidence will be considered and a decision taken as to what (if any) action is appropriate. If the complaint is upheld, disciplinary action (up to and including dismissal) is likely. Where the harasser/bully is not an employee, we will consider what action is appropriate in the circumstances.

(k) Whether or not the complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser/bully; for example, mediation and/or counselling, a change to duties, workplace location or reporting lines may be appropriate.

(l) Complaints that are unfounded and not made in good faith by an employee will be treated as a disciplinary offence. Casual workers may not be offered any further work or assignments by the Company and the Company may choose to terminate their contract with immediate effect. Complainants will not, however, be penalised for bringing a complaint in good faith. Victimisation and retaliation against such complainants will not be tolerated and will be treated as gross misconduct in the same way as harassment and bullying.

If you are not satisfied with the decision you may appeal in writing to the Chief Executive setting out the grounds of your appeal. An appeal should be made as soon as reasonably practicable and normally no longer than five working days after you were informed of the decision. Following your appeal a meeting will be organised with you to discuss your grounds of appeal. You must take all reasonable steps to attend the meeting and as at the first meeting you may be accompanied. After the appeal meeting you will be informed of the Company's final decision.

### **Responsibility for this Policy**

Ultimate responsibility for implementing this policy rests with the Chief Executive. The policy is kept under regular review and those reviews are properly documented.

The Health & Safety Manager is the Company's Equality Manager.

However, it is everyone's responsibility to ensure that they comply with this policy. If you consider that this policy has been breached, you are encouraged to raise this with the Equality Manager or the HR Manager.

### **Monitoring**

This policy is reviewed annually by the Equality Manager and the HR Manager and updated as necessary. This policy would also be reviewed following a formal complaint of harassment or bullying to consider if it was effective at dealing with the issue raised.