

HARASSMENT AND BULLYING POLICY

Purpose and scope

This policy is to ensure all our employees are treated with dignity and respect and that the working environment is one free from bullying or harassment. All employees are expected to adhere to this policy.

The policy does not form part of the contract of employment and may be amended from time to time.

This policy applies to all employees irrespective of the status of the employee and to behaviour both in and outside the workplace e.g. business trips, training courses, work-related social activities as well as comments via social media e.g. Facebook.

Brenmar will not tolerate harassment or bullying. All allegations of harassment or bullying will be taken seriously and dealt with as promptly and confidentially as possible. It is the responsibility of management to ensure that all employees understand the policy, that it is adhered to and to deal with behaviours that are in breach of this policy. Even where a formal complaint has not been made, management is required to and will investigate and deal with any behaviour which is contrary to this policy.

Employees who make a complaint under this procedure in good faith will not suffer any less favourable treatment, retaliation or victimisation. Any employee who feels that they have suffered such treatment should raise this with Louise Hinckley. Allegations of retaliation or victimisation will be dealt with under the disciplinary procedure.

What type of behaviour amounts to bullying or harassment?

Bullying or harassment is used to describe the unwanted treatment of one person by another or others which has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It does not have to be a series of events; a single incident may amount to bullying or harassment.

Harassment may include conduct which is related to sex, age, sexual orientation, race, colour, nationality, ethnic or national origin, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, religion or belief but conduct can amount to bullying without it relating to any of these categories.

The following is a list of examples of behaviour that may be bullying or harassment:

- Offensive, abusive or intimidating comments, insensitive jokes or pranks, derogative or stereotypical remarks
- Displaying or distributing pornographic material, abusive literature or graffiti or other material that some people may find offensive
- Deliberately excluding someone from conversations or work activities
- Unwelcome sexual advances or suggestive behaviour
- Unwanted physical conduct including touching, pinching, grabbing
- Ridiculing, humiliating or belittling someone
- Inappropriate remarks about someone's performance.

The list is not exhaustive. What one employee finds acceptable another may not and therefore all employees ought to ensure that they treat their colleagues with respect. Also it is not necessary that the behaviour in question was directed at the employee, harassment or bullying can include behaviour which creates an intimidating and offensive environment for the employee and anyone else who may witness that behaviour.

Legitimate and reasonable criticism of an employee's performance or conduct will not amount to bullying.

Informal complaint procedure

Any employee who believes they are being bullied or harassed, and feels able to, may wish to consider resolving the situation themselves with the person responsible. The employee should make clear to the person concerned that they find the behaviour unacceptable and that it makes them feel uncomfortable.

An employee wanting assistance in raising a complaint informally can approach [their line manager/HR] for advice and support. The matter will be dealt with where possible on a confidential basis.

Formal complaint procedure

Where the informal procedure is not appropriate, or did not resolve the issue, an employee ('the complainant'), employee may make a formal complaint. This should be done by setting out the complaint in writing to Louise Hinckley.

The complaint should set out the following:

- full details of the conduct complained of
- the name of the alleged harasser/bully
- the dates and times of when the harassment or bullying took place and the names of any witnesses
- any steps taken to try and resolve the matter informally

An investigation will follow and will be dealt with as confidentially and sensitively as possible. As part of the investigation a meeting will take place with the complainant who will have the right to be accompanied at this meeting by a colleague.

Whilst the investigation is taking place, it may be that the alleged harasser/bully is suspended on full pay or given other temporary working arrangements until the matter is concluded. This may include transferring the alleged harasser/bully to another area.

Once the investigation has been completed, a meeting will take place with the complainant. Again, the complainant will have the right to be accompanied at this meeting by a colleague or trade union official. The complainant will be advised of the outcome of the investigation and what action, if any, will be taken as a result.

Where it is believed that harassment or bullying has taken place, the matter will be dealt with as a case of possible misconduct under the disciplinary procedure.

Given the seriousness of an accusation of harassment or bullying, if a complaint has been falsely made or has been made in bad faith, the employee making the complaint may be subject to action under the disciplinary procedure.

Appeals

An employee who is dissatisfied with the outcome of their complaint may appeal against the decision. The appeal should be submitted in writing to Louise Hinckley within seven days of the date of the decision being sent or given. The appeal request should set out the basis of the appeal.

An appeal hearing will take place within a reasonable time of the appeal being lodged and this will be conducted by someone not previously involved in the original complaints and where possible, more senior to the original decision-maker. The appeal decision will be confirmed in writing. There is no further right of appeal.

Signed



Mark Harvey
December 2023