

These guidance notes are to be read in conjunction with the Company's Harassment and Bullying Policy.

1. The Definition of Harassment

- 1.1 Harassment is unwanted conduct which has the purpose or effect of intimidating, humiliating, or creating an intimidating, hostile, or offensive environment. It may be on the grounds of race, religion or beliefs, sexual orientation, age or gender reassignment.
- 1.2 The right not to be harassed extends to all workers, including agency staff, temporary employees, and contractors.
- 1.3 Employees can complain if the behaviour is not directed at them. For example, if an employee has experienced:
 - harassment because of their association with someone who has a relevant characteristic; or
 - harassment by someone who has a relevant characteristic because of the mistaken perception that he or she has a relevant characteristic.
- 1.4 Bullying has no legal definition. It is a form of behaviour which includes violence or humiliating behaviour which makes an employee frightened or makes an employee impossible to work with. Bullying is on the grounds of the employee's sex, marital status, race, religion or belief, age or sexual orientation. Bullying which is on the grounds of the employee's sex, marital status, race, religion or belief, age or sexual orientation (as defined above) which is against the law and harassment shall be treated as bullying behaviour.

2. Guidelines for Employers

- 2.1 Employers need to ensure that all employees and management teams are fully committed to the Company's Harassment and Bullying Policy. Employers should:
 - 2.1.1 Ensure that bullying and harassment will not be tolerated;
 - 2.1.2 Put in place a system of reporting and implementation;
 - 2.1.3 Train those responsible for handling complaints on the Policy;
 - 2.1.4 Ensure that the Policy is reviewed from time to time;
 - 2.1.5 Ensure that all incidents are recorded and investigated.
- 2.2 Employers have a responsibility to prevent bullying and harassment in the workplace and can be held liable if they do not take reasonable steps to

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3. Guidelines for Managers

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3.4.7 Ensure that the complainant suffers no detriment by making a complaint.

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3.4.8 Maintain appropriate records.

3.5 All complaints, whether made internally or externally, should be investigated thoroughly and fairly. In each case, the investigator should consider whether it is appropriate to:

should be investigated thoroughly and consider whether it is appropriate to:

3.5.1 Suspend the complainant on full pay, while the complaint is being investigated.

full pay, while the complaint is being investigated.

3.5.2 Use an impartial investigator.

3.6 In respect of third-party harassment, if an employee by a client or supplier, the use of the reporting procedure taken could include:

assment perpetrated against an employee should be encouraged to take action if the allegation is well-founded, action

3.6.1 Warning the third party of the inappropriate nature of their behaviour; and/or

appropriate nature of their behaviour; and/or

3.6.2 Banning the third party from the company's premises.

any's premises.

4. **Grievances and Discipline**

4.1 Many complaints are resolved at the informal stage but if a complaint of bullying or harassment is not resolved at this stage it is important that a formal complaint is made and that the complaint has been dealt with fully.

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4.2 A formal complaint should be made in accordance with the Company's Grievance Policy and Procedures, with a copy of the Company's Disciplinary Policy and Procedures.

complainant using the Company's Grievance Policy and Procedures. If a formal complaint is made, employees should be provided with a copy of the Company's Disciplinary Policy and Procedures.

4.3 Where an informal complaint is not resolved, the Company's Disciplinary Policy and Procedures should be followed.

disciplinary action, the Company's Disciplinary Policy and Procedures should be followed.

4.4 Serious cases of harassment, if proved, lead to dismissal. It is therefore imperative that the Disciplinary Policy and Procedures are followed and a fair investigation is carried out. A finding that is found to be unfair could result in an employee being awarded compensation to the dismissed employee.

ed as gross misconduct and as a result, if proved, lead to dismissal. It is therefore imperative that the Disciplinary Policy and Procedures are followed and a fair investigation is carried out. A finding that is found to be unfair could result in an employee being awarded compensation to the dismissed employee.

4.5 Less serious cases of harassment should be dealt with under the normal Company Disciplinary Policy and Procedures.

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4.6 In accordance with the Company's Disciplinary Policy and Procedures both parties must be allowed to be accompanied at any meeting by a representative of their choice. Subsequent to the meeting, the complainant must be informed of their right to appeal against any decision.

and Procedures both parties must be allowed to be accompanied at any meeting by a representative of their choice. Subsequent to the meeting, the complainant must be informed of their right to appeal against any decision.

4.7 Unless it can be proved that the complaint was knowingly false, the complainant should be allowed to appeal against any decision.

at of harassment was based on a finding of gross misconduct, and if made with malicious intent, the finding should be a result.

5. **Taking Action**

5.1 Following a grievance or disciplinary meeting, any decision should be carefully decided.

complaint, and/or any subsequent disciplinary action should be carefully decided.

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5.2 In practice, it should be considered appropriate for the harasser and the complainant to be working in the same area or unit. Wherever possible, the harasser should be moved to another area or unit rather than the complainant.

5.3 Alternatives to the following may be appropriate:

5.3.1 Written warning;

5.3.2 Verbal warning;

5.3.3 Written reprimand;

5.3.4 Verbal reprimand.

If a written warning should make it clear that any further incidents of harassment will be viewed seriously and will lead to disciplinary action.

5.4 Trade union representatives should be encouraged to provide additional support as employees may feel uncomfortable discussing matters with a trade union member or representative can supply support for claims, and may provide guidance and support for the parties involved.

6. Notes

6.1 Being under the influence of alcohol or otherwise intoxicated will not be considered an acceptable excuse for harassment and may be considered an aggravating feature.

6.2 Abuse of power will be considered to be an aggravating feature of harassment where a person in a position of authority is when an individual uses their position in an abusive or unacceptable way. Abuse of power may include coercion or pressuring someone to do something. Abuse of power may also occur in the context of a personal relationship.

6.3 Where harassment is motivated by malice or mischief, this may constitute a disciplinary offence and may lead to legal action against the complainant.

6.4 All complaints should be handled in accordance with the complaints procedure, including the complainant(s), confidentiality, bearing in mind that accusations of harassment may provide grounds for legal action.