

## Harassment and Discrimination Policy

### DEALING WITH COMPLAINTS OF HARASSMENT & DISCRIMINATION

#### Scope

Any employee who believes that he/she has suffered any form of the following harassment/discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Political opinion; are entitled to raise the matter through the following procedure.

This procedure does not replace or detract from his/her statutory rights.

#### The Informal Stage

This stage is appropriate where the employee simply wants the behaviour to stop and simply doesn't want to take any further action.

Employees can seek to resolve matters informally by:

- Approaching the alleged harasser directly, making it clear to the person(s) harassing the employee that the behaviour in question is offensive and should be stopped. This can be done verbally or in writing
- Approaching the alleged harasser with the support of a colleague or a trade union representative
- Approaching the alleged harasser with the support of a supervisor/manager or designated advisor
- Where an employee seeks the support of a supervisor/manager or designated advisor, he/she will be sensitively informed that their role at the informal stage can only be one of support. The employee will also be advised
- A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure

All reported incidents of harassment will be monitored and in the event of any patterns emerging, management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary.

A written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

#### The Formal Stage

If the behaviour continues or if it is not appropriate to resolve the problem informally, it should be raised through the formal complaints procedure as follows:

A senior member of management will have designated responsibility for all proceedings at the formal stage. Individuals may raise complaints with this Manager or if appropriate, another member of management. Where an individual so requests, where practical, the Company will make provision for a complaint to be investigated by someone of the individual's own religion.

Managers carrying out investigations at the formal stage should not be connected in any way with the allegation, which has been made.

The Personnel Officer (or other representative of management), will assist throughout the procedure. He/she will attend all meetings and maintain a written record of all proceedings including the investigation and any outcome. The Manager will check all records to ensure accuracy.

### **Investigation under the Formal Procedure**

#### **Time Limits**

Complaints should be raised as soon as possible following an act of alleged harassment/discrimination so that the matter can be dealt with swiftly and decisively.

The following procedure details time limits for the completion of each stage of the procedure. If any of these time limits are not possible then both parties will be informed of the revised timescale.

#### **Making a Complaint**

While it is preferable that a complaint should be made in writing to the Manager (or any other Manager as appropriate) this will not preclude the investigation of a complaint made verbally.

The Manager will acknowledge receipt of the complaint and arrange to meet the Complainant within 3 working days.

#### **Initial Meeting with the Complainant**

The Manager will meet the Complainant to:

- Clarify and informally record the nature of the complaint and that it is being handled under the formal procedure
- Ensure that the Complainant is aware of the next stage of the procedure

The Complainant will have the right to be assisted at this meeting by a trade union representative or work colleague.

#### **Avoiding contact Between Complainant and Alleged Harasser**

The issue of avoiding contact between the Complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the complaint.

Where a case of serious harassment / discrimination has been alleged, consideration will be given to precautionary suspension of the alleged harasser to enable investigations to proceed. An individual who is going to be suspended must be formally advised of this at a meeting with the Manager concerned. The individual will have the right to be represented at this meeting by a trade union representative or work colleague as appropriate.

In other cases of alleged harassment / discrimination, the Manager will take appropriate action concerning avoiding contact following discussion with the Complainant.

### **Informing the Alleged Harasser**

The Manager will meet with the alleged harasser and:

- Outline the nature of the complaint.
- Confirm that it is being handled under the formal procedure.
- Ensure that the individual is aware of the next stages of the procedure.

Following this meeting, the Manager will write to the alleged harasser outlining the nature of the complaint and setting a date for a formal meeting is held within 5 working days of the complaint being received.

### **The Investigation should include at least the following**

Whilst the Manager and Personnel Officer (or other representative) will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 10 working days of the date the complaint was received. Where this is not practicable, the Complainant and the alleged harasser will be so advised.

### **Meeting with person alleging harassment/discrimination**

The Manager and Personnel Officer (or other representative) will meet with the person alleging harassment/discrimination and consider both what they have to say and any other related matter. The person alleging harassment/discrimination will have the right to be represented by his/her trade union representative or work colleague as appropriate.

### **Meeting with alleged harasser**

The Manager and Personnel Officer (or other representative) will then meet the alleged harasser and hear what he/she has to say about the alleged incident. The alleged harasser will have the right to be represented by his/her trade union representative or work colleague as appropriate.

### **Meeting with anyone who can assist with the investigation**

Having heard from the person alleging harassment, the Manager and Personnel Officer (or other representative) will meet anyone who can assist with the investigation. Each individual will be asked to outline what happened.

The Manager and Personnel Officer (or other representative) will meet the managers/supervisors of both the Complainant and alleged harasser to establish if there has been any history of previous conflict between them and/or with other parties.

The Manager and Personnel Officer (or other representative) may then wish to have further meetings to clarify or gain additional information.

**NB.** The purpose of these meetings is to establish the facts. All those giving information to the Manager and Personnel Officer (or other representative) do so privately and not in the presence of any other person involved in or present during the alleged incident. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

### **Consideration of Information**

Having obtained all the information possible, the Manager will consider whether the complaint of harassment / discrimination is sustained. While investigation will cover all aspects of the incidents reported, including the conduct and behaviour of the Complainant, where relevant, the mere fact of

an individual's personal beliefs, values or practices should not in themselves be regarded as an excuse for harassment/discrimination.

### **Reporting the Facts**

The Manager will then prepare a written report outlining the facts, indicating his/her findings and whether a case of harassment/discrimination is substantiated. Where the Manager has not the authority to take the necessary action, this report will be forwarded to the Chief Executive or a more senior manager to make a decision on any appropriate management or disciplinary action.

### **Decision on Disciplinary Action**

The Manager (or Chief Executive/Senior Manager as outlined above) will consider the facts and will decide either:

- To initiate the Company's agreed disciplinary procedure against any party as appropriate; or
- To take no further action; or
- To take any other appropriate management action e.g. the provision of training or counselling.

### **Communicating the Decision**

Having made a decision, this will be communicated in writing to both the person who has complained of harassment/discrimination and the person against whom the complaint was made. Every effort will be made to have completed the procedure within 15 days of the complaint having been received. If the stated time limits are not possible then both parties will be informed of the revised timescale.

### **After the Investigation is Complete**

#### **Consideration of Transfer**

##### **Redeployment if Disciplinary Action is taken**

Where a complaint has been upheld, the Complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with the Company and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the harasser in the first instance and where transfer of the Complainant occurs it should not lead to any disadvantage to him/her.

##### **Redeployment where Disciplinary Action has not been taken**

In such cases, consideration may still be given, where practicable to the voluntary transfer of one of the employees concerned.

#### **Counselling**

Counselling will be offered to the person who has been harassed and to the harasser. This will be provided by a trained member of staff or by an external provider.

#### **Further Meetings**

The Manager will meet the individual who has alleged harassment/discrimination on a regular basis to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld.

The Manager of the harasser will be responsible for ensuring that the harasser is made fully aware of the Company's policies on equal opportunities and harassment/discrimination and of the law relating to these matters.

## **DEALING WITH COMPLAINTS OF HARASSMENT & DISCRIMINATION**

### **Statement of the Policy**

As part of its overall commitment to equality of opportunity, the Company is fully committed to promoting a good and harmonious working environment where every employee is treated with respect and dignity and in which no worker feels threatened or intimidated because of his or her age, disability, marital status, political opinion, race, religious beliefs, sex or sexual orientation. The aim of this policy and the accompanying procedure is to prevent harassment, provide guidance to resolve any problems that occur and prevent reoccurrence.

Harassment/discrimination at work in any form is unacceptable behaviour and will not be permitted or condoned. Sexual and racial harassment/discrimination, as well as harassing a disabled person on account of disability, constitute discrimination and are unlawful under the sex discrimination, race relations, religious beliefs and disability legislation. Harassment/discrimination may also be a civil offence, a criminal offence and it may contravene health and safety legislation.

Harassment/discrimination detract from a productive working environment and can affect health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour. This can have a direct impact on the profitability and economic efficiency of the organisation.

Harassment/discrimination is inappropriate behaviour at work and will be treated by the Company as misconduct which may include gross misconduct and warrant dismissal.

All employees must comply with this policy.

## **DEALING WITH COMPLAINTS OF HARASSMENT**

### **MANAGER'S GUIDANCE**

#### **Scope**

Any employee who believes that he/she has suffered any form of harassment/discrimination is entitled to raise the matter through the following procedure.

This procedure does not replace or detract from his/her statutory rights.

#### **The Informal Stage**

This stage is appropriate where the employee simply wants the behaviour to stop and wants to take no further action and where the harassment/discrimination is not serious or where it has not been repeated.

Employees can seek to resolve matters informally by:

- Approaching the alleged harasser directly making it clear to the person(s) harassing the employee that the behaviour in question is offensive, is not welcome and should be stopped
- Approaching the alleged harasser with the support of a colleague or a trade union representative
- Approaching the alleged harasser with the support of a manager or designated advisor
- If it is too difficult or embarrassing to do this personally, employees may request a senior manager or Director to approach the alleged harasser on their behalf
- Where the alleged harasser is senior Management, the employee may report directly to a Director
- Where an employee seeks support, he/she will be sensitively informed that their role at the informal stage can only be one of support or assistance

You should advise the employee that:

- A formal investigation and possible disciplinary action can only take place if the complaint is investigated under formal procedure
- A written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage

### **MANAGERS' RESPONSIBILITIES**

Managers have a duty to implement this policy and to make every effort to ensure that harassment/discrimination does not occur, particularly in work areas for which they are responsible. Managers have responsibility for any incidents of harassment/discrimination of which they are aware or ought to be aware. If harassment/discrimination does occur, they must effectively deal with the situation.

Managers should:

- Explain the Company's policy to their staff and take steps to promote awareness of the procedure for dealing with the complaints. Ensure that each member of staff has been given a copy
- Be responsive and supportive to any employee who makes an allegation of harassment/discrimination, provide clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure that there is no further problem of harassment, discrimination or victimisation after a complaint has been resolved
- Set a good example by treating all staff and customers with dignity and respect.
- Be alert to unacceptable behaviour and take appropriate action
- Ensure that staff knows how to raise harassment / discrimination problems

### **THE COMPANY'S RESPONSIBILITY**

The Company will ensure adequate resources are made available to promote and respect dignity in the workplace and to deal effectively with complaints of harassment/discrimination. The policy and procedure will be communicated effectively to all employees and the Company will ensure that all employees and all managers are aware of their responsibilities.

Managers and designated advisors will receive adequate training in the best means of resolving problems.

## **REVIEW**

The Company will monitor all incidents of harassment/discrimination and will review the effectiveness of this policy and procedure annually.

## **EMPLOYEES' RIGHTS**

All employees have the right to work in an environment, which is free from any form of harassment/discrimination. The Company fully recognises the right of employees to complain about harassment/discrimination should it occur. All complaints will be dealt with seriously, promptly and confidentially.

This procedure does not replace or detract from the rights of employees to pursue a complaint under the sex discrimination/race relations/disability discrimination legislation to an industrial tribunal in the case of sexual harassment/discrimination, racial harassment, discrimination on the grounds of religious belief, harassment/discrimination on the grounds of disability and under the fair employment legislation to the Fair Employment Tribunal in the case of harassment/discrimination (Northern Ireland).

A complaint must be lodged within three months from the date of the alleged act of sex, disability or racial harassment/discrimination. For religious or political harassment/discrimination, a complaint must be lodged within three months from the date when the person first knew or might reasonably be expected to have first known of the act of harassment / discrimination or within six months from the date the act occurred, whichever is earlier.

Every effort will be made to ensure that employees making complaints and others, who give evidence or information in connection with the complaint, will not be victimised. Victimisation is discrimination. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

## **EMPLOYEES' RESPONSIBILITIES**

All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected. Everyone must comply with this policy and employees should ensure that their behaviour to colleagues and customers does not cause offence and could not in any way be considered to be harassment/discrimination.

Employees should discourage harassment/discrimination by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. They should alert a manager or supervisor to any incident of harassment / discrimination to enable the Company to deal with the matter.

## **DEFINITION OF SEXUAL HARASSMENT/DISCRIMINATION**

Harassment/discrimination is unwanted conduct related to age, disability, marital or family status, sex, sexual orientation, race or ethnic origin, religious belief or political opinion affecting the dignity of women and man at work or creating an intimidating, hostile, humiliating, disturbing or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct. Such behaviour is unacceptable:

- Where it is unwanted, unreasonable and offensive to the recipient
- Where it is used as the basis for an employment decision
- Where it creates a hostile working environment

Some examples are given below, but many forms of behaviour can constitute harassment/discrimination.

- Physical conduct, ranging from touching to serious assault
- Verbal and written harassment/discrimination through jokes, racist remarks, offensive language, gossip and slander, threats or letters
- Visual displays of posters, graffiti, obscene gestures, flags, bunting, emblems or any other offensive material
- Isolation or non-co-operation at work and exclusion from social activities
- Coercion, including pressure for sexual favours, pressure to participate in political/religious groups
- Intrusion by pestering, spying, following etc.

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.