



reconstruct

Harassment, Bullying & Discrimination Policy

Harassment, Bullying and Discrimination

Policy Coverage

This policy applies to all employees, workers and contractors (“staff”) If you have specific queries in relation to this policy then please do not hesitate to contact a member of the HR department.

Introduction

The company is an equal opportunities employer committed to creating an environment in which staff have equal rights and can work in an environment free from harassment, bullying and discrimination.

In addition, staff have the right to be treated with consideration, respect and dignity. The company is committed to dealing with complaints of harassment, bullying or discrimination promptly and confidentially with the sympathetic seriousness it warrants.

This policy will also apply to events and incidents outside of work. Staff will therefore be expected to conduct themselves in a manner that is consistent with this policy. In some circumstances, staff actions and behaviour will be regarded as having been carried out in the course of their employment.

Defining ‘Harassment’

Harassment can take many forms from relatively mild banter to actual physical violence. In general terms it can be defined as unwanted behaviour that a person finds intimidating, embarrassing, humiliating, distressing or offensive or that creates a hostile, offensive or degrading environment for that person or affects their dignity. It may be related protected characteristics of the individual, age, disability, gender, gender reassignment, race, religion & belief, marriage or civil partnership, pregnancy or maternity, sexual orientation, or any personal characteristic of the individual and may be persistent or an isolated incident. It may also be a civil or criminal offence and it may contravene health and safety legislation. Examples can be found at the end of this document.

Defining Sex and Sexual Harassment

Sex or sexual harassment occurs where a person subjects another to unwanted verbal or physical contact of a sexual nature (e.g. pinching a colleague’s bottom or making lewd comments) again with the purpose or effect of violating their dignity or creating an intimidating and offensive environment. Examples can be found at the end of this document.

Defining Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power through means intended to undermine the confidence and self- esteem of the recipient who is made to feel upset, threatened, humiliated, vulnerable, victimised or injured. Examples can be found at the end of this document.

Defining can be problematic

Defining the types of behaviour that could be deemed as harassment/ bullying can be problematic as conduct, which may cause distress, annoyance and embarrassment to one member of staff may be totally acceptable to another. Equally, the alleged perpetrator may not realise that their behaviour/actions amount to harassment/bullying. It is not, however, a defence for a person to carry out such unacceptable conduct on the premise that no offence was intended.

The following provides a list of behaviour / actions that may constitute bullying/ harassment (this list is not exhaustive):

- Repeated and unwanted verbal or sexual advances

- Explicit derogatory statements
- Discriminatory remarks, ageist jokes or homophobic comments
- Offensive language or sectarian songs
- Spreading gossip, speculating, or outing someone
- Use of pin-ups, pornographic material, graffiti, flags, bunting or emblems within the workplace
- Unwelcome sexual attention or physical contact
- Threatened or actual physical violence
- Speculation about background, education, private life, parentage or sexual orientation
- Setting unattainable targets
- Undervaluing work done
- Belittling someone's opinion or humiliating someone in front of others
- Isolation / exclusion from social activities
- Coercion, including pressure to participate in political/religious groups
- Asking intrusive questions
- Disclosure of a transperson's history or personal data without their consent from member of staff.

Not all harassment/ bullying occurs face-to-face. Harassment/ bullying by email, letter, fax, memo, text messages, external websites, social networking (e.g. cyber-bullying) is viewed just as seriously.

The Role of Management

Management within the Company have a duty to recognise the possibility for harassment/ bullying to occur in the workplace, and take preventative measures or, if identified, take prompt action to stop immediately any such harassment. This includes harassment by a third party (customer, supplier, client, contractor, visitor etc.). Managers may be liable if they knew a member of staff has been subject to such harassment, in the course of their employment, on at least two other occasions by a third party and have unreasonably failed to protect them.

Management have a responsibility to ensure that staff/workers are aware of the Company values and what is acceptable and unacceptable conduct in the workplace and should themselves set a good example.

Management should ensure that the standard of conduct or behaviour, which could be perceived as potentially offensive, distressing or embarrassing, is corrected by counselling, training and / or disciplinary action as appropriate in conjunction with the HR Department.

The Role of Staff

Each staff member is responsible for ensuring that they do not behave in any way, which may be deemed to be harassment or bullying, or has the effect of creating a hostile working environment. Individuals can be held personally liable to pay compensation and can be prosecuted under criminal and civil law.

Each staff member is expected to be vigilant within the workplace and should report any acts of harassment, bullying or discrimination that may be witnessed. All reports and allegations will be treated in the strictest of confidence. Staff have a duty to challenge behaviour, which is contrary to this policy, and to support individuals who are subject to harassment/ bullying.

Raising a Complaint

All complaints of harassment, bullying or discrimination within the workplace will be investigated promptly and confidentially.

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an

agreement that the behaviour will cease. In minor cases it may be sufficient for the recipient of the harassment/ bullying to raise the problem with the alleged perpetrator, pointing out the unacceptable behaviour

However the company recognises that this may not always be adequate for the sensitive situation in which a member of staff may be placed. Therefore the member of staff should raise the issue with their Line Manager if appropriate, following the Company's Grievance procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

During the grievance hearing or as part of the investigation process, the complainant may be asked to confirm the following:

- The name of the harasser/ bully
- The nature of the harassment/ bullying
- The dates and times when it occurred
- The names of any witness to any of the incidents
- Any actions taken to date to stop the harassment/ bullying

The company takes harassment, bullying and discrimination very seriously; therefore it is important that HR are involved in dealing with any complaints. Senior or Line Management may also be informed if appropriate to the circumstances. One of these members of staff will then speak to the harasser/ bully. In the first instance, and in most cases, the alleged perpetrator should be informed that their behaviour / conduct is found to be offensive and that they should stop with immediate effect. Usually, if the Company believe the perpetrator's behaviour is unacceptable, appropriate disciplinary action will be taken which may include counselling. A record should be made of this discussion/ meeting.

Any harassment/ bullying allegations must be investigated with fairness and objectivity. Investigation procedures should provide:

- A prompt, thorough and impartial response
- Representation for both parties
- Complaint details and the right to, and time to, respond
- A timescale for a resolution
- Confidentiality for all those involved

If a complaint is found to be malicious, frivolous or vexatious, then the appropriate disciplinary action up to and including dismissal will be imposed.

Training and Development

The company will provide appropriate training for Managers to ensure that the policy is effectively implemented. Staff will receive training to enable them to understand appropriate and inappropriate behaviour.

Monitoring

Incidents of harassment/ bullying which are reported to Management will be notified to the HR Department who will monitor the number of cases and, through appropriate training and development, will take positive steps to eliminate it from the workplace. The information will not contain staff/worker's names but merely the number of incidents and action taken to resolve the matter.

Harassment, Bullying and Discrimination Examples

Protected Characteristic	Situation	Type of discrimination
Age	The team have planned to go out on a Friday night after work. June has not been invited out by the team as she is in her 50's and her colleagues believe that she won't enjoy herself. When June asks why she has not been invited, she is told that she is too old.	June is experiencing Direct discrimination as she is being treated less favourably than others because of a protected characteristic.
Disability	Alan attends an interview for a role as an Administrator. He has not disclosed that he has difficulties walking up stairs. The interview is held in the first floor, and due to his difficulties, although Alan has scored best in his interview and test, it is decided not to offer him a role. Alan is aware that there is an Administration office on both the first and ground floors.	Alan is experiencing discrimination arising from his disability. A reasonable adjustment would mean that Alan could be situated on the ground floor for his interview and to perform his role if successful.
Gender	Martin's wife has returned to work now that their children have started nursery. Martin applies for flexible working, but is turned down. It is possible for Martin to do part of his role from home out of office hours. Martin cannot get a clear indication what the legitimate business reason is for him being turned down from working from home as female staff in his office are able to do so.	Staff are not automatically entitled to flexible working and each case must be considered on its own merits, however, in Martin's situation it is good practice to have a justifiable reason to refuse flexible working, especially if other people in the same or similar roles have had flexible working granted, otherwise Martin may be justified to make a complaint of direct discrimination.

Protected Characteristic	Situation	Type of discrimination
Gender Reassignment	Steph has undergone gender reassignment surgery and has returned to work. Steph has heard rumors that a complaint has been made about her using the ladies toilet. Steph is asked to see her manager and he asks if she can use the disabled toilet from now onwards. Steph is embarrassed, humiliated and angry by this.	Steph is being discriminated against directly because of a protected characteristic. Steph is legally entitled to use the facilities of her gender during and following the transition.
Race & Ethnicity	Marcy is black and works in an office with three white colleagues. Whilst on the phone, she overheard one of her colleagues making a racist joke. Marcy challenged her colleague, and she said that she is not racist and one of her best friends is black. Marcy has since heard her colleague telling other racist jokes and sniggering behind Marcy's back.	Marcy is experiencing bullying and harassment due to a protected characteristic. This situation needs to be dealt with swiftly to support Marcy and educate the other team members that this is not acceptable behaviour.
Religion & Belief	Ben is Indian and a Christian, Ben asks if he can take annual leave over Christmas. When the leave is allocated, Ben finds that everyone else has been given priority over himself. When Ben asks why, he is told that his Christian colleagues take priority at Christmas, and that he will get priority when it is his own festivals. Ben argues that he is Christian, and is told that it is too late to make changes to the Christmas Rota.	Ben is being discriminated against due to the perception that he is of a non-Christian faith due to his ethnicity. Ben may have justification to raise a grievance for direct discrimination.

Protected characteristic	Situation	Type of discrimination
Sexual Orientation 1	John is in the air force and has recently had a letter from his brother inviting him to his civil partnership. John shares a room with four other men, and one of the men has opened the letter and has started to make jokes about being careful around John. John is straight and is angry that the people he shares a room with are coming across as homophobic.	John is being discriminated against by his association to his brother. People are treating him differently due to his brothers protected characteristic and this may entitle John to make a complaint.
Sexual Orientation 2	Most people in the office think that Peter is gay, the reasons for this is that Peter has quite a few gay friends, and is also slightly built and quietly spoken. One day Peter leaves to meet one of his gay friends for lunch, and his Line Manager says to Peter, off to see your boyfriend again. Peter finds the way his line manager spoke to him quite challenging and threatening. Peter is straight.	Peters Line Manager is discriminating against him by his perceived orientation. This may entitle Peter to make a complaint. Peter will likely choose a senior staff member to complain to as he feels unable to speak to his line manager directly about this as he is the perpetrator.

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