

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 creates an intimidating, hostile, degrading, humiliating 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 applies 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 a colleague has experienced:
 - harassment because of their race, religion or beliefs, sexual orientation, age or gender reassignment; or
 - harassment by a colleague because of the mistaken perception that he or she has a relevant characteristic.
- 1.4 Bullying has no legal definition. It includes, but is not limited to, violence or humiliating behaviour which leaves an employee frightened or makes an employee impossible to work. Bullying is on the grounds of the employee's sex, marital status, race, religion or belief, age or sexual orientation. Bullying which is aggravated harassment (as defined above) which is aggravated harassment and harassment severe enough to constitute harassment.

2. Guidelines for Employers

- 2.1 Employers need to ensure that all management teams are fully committed to the Company's Harassment and Bullying Policy. Employers should:
 - 2.1.1 Ensure that a clear policy on bullying and harassment will not be tolerated;
 - 2.1.2 Put in place a clear system of implementation, clear who is in charge of the implementation;
 - 2.1.3 Train those responsible for handling any complaints brought under the Policy on handling any complaints brought under the Policy;
 - 2.1.4 Ensure that the Policy is reviewed from time to time;
 - 2.1.5 Ensure that all incidents are recorded. This will also help in identifying any patterns of behaviour in the workplace.
- 2.2 Employers have a responsibility to prevent bullying and harassment in the workplace and can be held liable if they have not taken reasonable steps to

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2.3 Employers are liab
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3. Guidelines for Managers

3.1 Managers should b
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3.2 They should ensur
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3.3 In some cases, ther
harassment and bul
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issue of bullying and
Work Interviews at

between staff absences and
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with an opportunity to raise the
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3.4 Where managers a
complaint about bul

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should:

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3.4.2 Try to find o
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3.4.3 Deal with the
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behaviour);

idential basis (though it should be
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y to effect the desired change in

3.4.4 Arrange, if
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meeting the person against whom
e given details of the nature of the
spond. If all parties accept that a
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3.4.5 Advise the o
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is reasonabl

e) that the complaint is so serious
formally, by way of the Grievance
ot able or willing to accept this
o be dealt with informally as far as

3.4.6 Provide adv
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ow to make a formal complaint if

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3.4.7 Ensure that a reasonable complaint suffers no detriment by

3.4.8 Maintain app

3.5 All complaints, when should be investigated thoroughly and fairly. In each case consider whether it is appropriate to:

3.5.1 Suspend the full pay, while the complaint is being invest

3.5.2 Use an impa

3.6 In respect of third-party harassment perpetrated against an employee by a client, employees should be encouraged to use the reporting procedure. If the allegation is well-founded, action taken could include

3.6.1 Warning the t appropriate nature of their behaviour; and/or

3.6.2 Banning the t any's premises.

4. **Grievances and Disciplinary**

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

4.2 A formal complaint should be dealt with using the Company's Grievance Policy and Procedures. Employees should be provided with a copy of the Company's Grievance Policy and Procedures.

4.3 Where an informal complaint does not result in disciplinary action, the Company's Disciplinary Policy and Procedures should be followed.

4.4 Serious cases of harassment should be treated as gross misconduct and as a result, if proved, lead to the dismissal of the harasser. 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 employment tribunal awarding compensation to the dismissed employee.

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

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

4.7 Unless it can be shown that the complaint of harassment was based on knowingly false information, the complainant should be treated as a victim.

5. **Taking Action**

5.1 Following a grievance or disciplinary meeting, any action arising from a complaint, and/or any subsequent appeal, should be carefully decided.

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

5.3 Alternative actions to the following may be appropriate:

5.3.1 Verbal warning;

5.3.2 Written warning;

5.3.3 Suspension;

5.3.4 Dismissal.

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

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

6. **Notes**

6.1 Being intoxicated with alcohol or otherwise intoxicated will not be considered an acceptable excuse or an 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. Abuse of power or authority is when an individual uses their position or authority in an abusive or unacceptable way. Abuse of power may include the use of position, 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 committed with mischievous or malicious intent, this may be considered an aggravating feature and may lead to legal action against the complainant.

6.4 All the above should be taken into account in the complaints procedure, including the complainant(s), the harasser, confidentiality, bearing in mind that accusations of harassment may lead to legal action.

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