

BULLYING AND HARASSMENT POLICY

J & E Hall Limited
Policy Owner – Corporate Legal Manager

Document History

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Document Authorisation

Description	Name	Position	Sign
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Policy aims and objectives

Our objective is to have a workplace which is free from harassment and bullying and to ensure that all employees are treated with dignity and respect.

It is the responsibility of all employees to comply with this procedure and the particular responsibility of supervisors and managers to ensure it is carried out, with a view to developing and maintaining a working environment in which harassment and bullying are understood by all to be unacceptable.

Eligibility

This procedure applies to all employees, however the procedure set out below does not apply if you are no longer working for us.

The company's position on bullying and harassment

All employees have a duty not to bully or harass each other nor to help anyone else to do so.

We will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whatever the seniority of the perpetrator and whether the conduct is a one-off act or a repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in the bringing of a complaint of harassment or bullying. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone you could be liable to compensate the victim. In some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our employees are bullied or harassed by our customers or suppliers.

If, after investigation, we decide that you have harassed or bullied another employee, then you may be subject to disciplinary action, up to and including dismissal. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. You have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

What type of treatment amounts to bullying or harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;

- lewd or suggestive comments;
- display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti;
- deliberate exclusion from conversations or work activities;
- withholding information a person needs in order to do their job;
- practical jokes, initiation ceremonies or inappropriate birthday rituals;
- physical abuse such as hitting, pushing or jostling;
- rifling through, hiding or damaging personal property;
- subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others;

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

What you should do if you are being bullied or harassed by a customer or supplier

If you are being bullied or harassed by a customer, supplier or someone else with whom you come into contact at work, please raise this with your immediate manager. We will then decide how best to deal with the situation, in consultation with you.

What you should do if you are being bullied or harassed by a colleague

If you are being bullied or harassed by another employee, there are two possible avenues for you, informal or formal.

Employee Assistance Program

All of our employees are provided with free and impartial advice from our Employee Assistance Program which can be used for advice or counselling if they believe they are being bullied or harassed.

Informal resolution

If you are being bullied or harassed by another employee, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask your manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

In either case, you can approach the HR team [who have been trained in the handling of harassment and bullying complaints] for advice and support. Your request for help will be treated confidentially.

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the HR team. They can try to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that: there has been a complaint that their behaviour is having an adverse effect on a fellow employee; such behaviour is contrary to our policy; and the continuation of such behaviour could amount to a serious disciplinary offence. It may be possible for the HR team to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

If your complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual harassment or in cases where the behaviour has occurred before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Formal complaint procedure

If informal resolution is unsuccessful or inappropriate, you can make a formal written complaint about the harassment or bullying to the HR team. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided): the name of the alleged perpetrator(s), the nature of the harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses and any action taken by you to resolve the matter informally. The alleged perpetrator(s) would normally need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.

Where you and the alleged perpetrator(s) work in proximity to each other, we may think it inappropriate for you to continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. If so, we may decide to:

- transfer one of you;
- transfer both of you;
- send one of you home on full pay; or
- send both of you home on full pay.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a fellow worker or a trade union official.

After the meeting (and normally within five working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will normally be invited to attend a meeting where we will consider it. We will write to you afterwards to confirm our final decision.

Where we think that a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

Confidentiality, data protection and record keeping

We aim to deal with complaints of bullying and harassment sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a complaint under this procedure.

Conducting investigations and formal meetings under this procedure involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with complaints of bullying and harassment. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees; to ensure a safe working environment under health and safety laws)
- for the performance of the employment contract (i.e. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees)
- in our legitimate interest to deal effectively with bullying and harassment complaints, whether you are the subject of them or are otherwise connected to the issues raised

Special category data and data relating to criminal convictions or offences may occasionally need to be processed under this procedure – for example, where an employee asserts that they are being bullied or harassed because of their race or sexual orientation, or where an employee requires a reasonable adjustment to the procedure to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Where we take witness statements from employees with information about the complaint being investigated under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the process. This will ordinarily be: HR; the person/people conducting investigations; and the managers conducting any formal meeting or appeal. In addition, if in the course of the procedure it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this procedure may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

We will ordinarily keep records of complaints dealt with under this procedure for 6 months from the date of completion of the procedure. However, there may also be circumstances in which it is appropriate for us to keep particular records under this procedure for a longer period. In such circumstances, we will decide how long records should be retained in accordance with the criteria set out in our main employee privacy notice.

More general information, including details of who your personal data is shared with, your rights under data protection law and who you should contact if you have any concerns, is contained in our main employee privacy notice, which can be accessed via the company intranet or a copy obtained from the HR team.

Training on bullying and harassment

We will train all our employees on understanding and avoiding bullying and harassment.

Status of this policy

This procedure does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.