

HARASSMENT AND BULLYING POLICY

All employees have the right to work in an environment where they are shown respect and consideration at work. T.F.Tull is committed to the development and promotion of a positive workplace culture that is free from harassment and bullying, and aims to ensure that any allegation of harassment or bullying at work is taken seriously, is properly investigated, and is dealt with effectively. The Policy applies to harassment on the grounds of disability, gender, marital status, sexual orientation, age, religion, race and ethnic origin, and any other personal characteristics. It has been designed to enable problems to be dealt with sensitively and in accordance with the wishes of the person subjected to inappropriate behaviour. Formal action may be taken under the disciplinary procedure against any employee who has been found to have bullied or harassed any of their colleagues.

Employees can be upset by a wide range of behaviour. The general principle is that bad behaviour is unwelcome, is an abuse of power and causes distress, offence or humiliation.

Definitions/Examples

The current definition of harassment – as applied to age, sex, sexual orientation, religion or belief and race and ethnic and national origin is: *‘Unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive’*.

The following interpretations and examples of harassment may be helpful in determining whether harassment has taken place.

General Harassment

Harassment can take many forms. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

Sexual Harassment

Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved and causes that person to feel threatened, humiliated or embarrassed. Examples of sexual harassment are:

- Requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status
- Offensive gestures or comments
- Sexually orientated jibes, innuendo or jokes
- Unwanted physical contact
- The display of sexually offensive visual material

Sexual harassment may be experienced by men or women as a result of the conduct of men or women. It applies equally regardless of grade or level of job and may also occur when dealing with external clients and/or members of the public.

Racial or Sectarian Harassment

In the workplace, racial or sectarian harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person’s skin colour, physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, patronising remarks, unfair allocation of work or pressure about the speed and/or quality of their work in a way which differs from the treatment of other employees.

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Bullying

Examples of bullying include: Unjustified criticism of an individual's personal or professional performance, shouting at an individual, criticising an individual in front of others. Spreading malicious rumours or making malicious allegations. Ignoring or excluding an individual from the team/group.

Responsivities of All Employees

All employees have a personal responsibility not to harass or bully other members of staff, or to condone harassment or bullying others. Harassment and bullying is misconduct and action may be taken under the disciplinary procedure against any employee found to have harassed or bullied an individual at work.

Responsibilities of Managers

Managers have an obligation to prevent harassment or bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Managers must ensure that the workplace under their control is one where everyone has the right to be treated with dignity and respect. They should respond to complaints swiftly and sensitively, and be aware of behaviour which would cause offence, if necessary reminding employees of expected standards.

Harassment and Bullying Procedure

Where possible and appropriate, harassment and bullying complaints should be dealt with by using an informal approach. Informal action provides the opportunity to resolve allegations of harassment through informal discussion and mediation. Some people may not be aware that their behaviour in some circumstances is being perceived as bullying or harassment. Using an informal approach gives the alleged harasser the opportunity to stop if directly approached by an employee, Manager or through mediation process. However, should the informal approach fail to stop the harassment or bullying, or if an employee agrees with their Manager that the situation is as serious as to warrant formal action, the formal approach will be taken. This involves the complainant making a written complaint.

Informal Approach

As employee who feels that they are being subjected to harassment or bullying should, if possible, keep a record of the incident(s), including the date, time, nature of incident, and the names of any witnesses. It is important that employees who feel subjected to harassment or bullying raise the issue with an appropriate person at the time the incident(s) occur, in order that matters can be dealt with swiftly and that further potential harassment is prevented. Any issues may also be raised with a Manager who can raise the allegations informally on behalf of the complainant. Where a resolution is reached through the informal stage of the process, with both parties' agreement, a copy of the outcome should be given to both parties and a further copy placed on their personal files.

Formal Approach

If an employee wishes to make a formal complaint they should report it in writing to their immediate Manager. In circumstances where the alleged harasser/bully is the individual's Line Manager the complaint should be reported to the next most senior Manager. Management will acknowledge receipt of the formal complaint within three working days. This letter will outline the next steps to be taken, information on sources support of support, and the name of the person who will formally investigate. A formal investigation will then be undertaken and carried out with due regard to the

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need for a swift conclusion. This should not normally take longer than four weeks. Both parties will be kept informed of the progress of the investigation, including any necessary alteration to the timescale. Where a counter complaint is made by the alleged harasser/bully, this will be dealt with as part of the same investigation.

At any stage of the formal procedure the complainant may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, those investigating have a duty of care. If it is their view that informal resolution is not appropriate due to the seriousness of the allegations, or that there is a potential for serious risk to an employee, they will continue with formal action. The complainant and the alleged harasser/bully will be interviewed, and written signed statements taken from both. The alleged harasser/bully will be informed of the allegations made against him/her. Both parties have a right to be accompanied (by a work colleague) at the first and any subsequent interview. Interviews may also be held with any witness concerned with the incident(s) of alleged harassment/bullying. In appropriate circumstances Management will take precautionary action that may involve temporary suspension of the alleged harasser/bully whilst the matter is being investigated.

On completion of the investigation, evidence will be evaluated and a written report prepared for the Managing Director. The written report will summarise the findings on the allegations and recommended what further action should be taken. The Managing Director will then decide on the course of action to be taken, and provide formal notification to that effect to both parties.

Closing an investigation will lead to three possible outcomes:

1. Complaint not upheld

If it is decided that there is no case to answer, support will be provided for both parties, and consideration given to managing their ongoing working relationship

2. Evidence of unacceptable behaviour that may be dealt with informally

In some cases where harassment/bullying is substantiated, but does not warrant disciplinary action, it may still be possible to agree an acceptable resolution. In such cases the Manager must make it clear to the employee that their behaviour is unacceptable and that further similar instances may lead to disciplinary action.

3. Disciplinary Action

Where an investigation concludes that there is sufficient evidence of unacceptable conduct, and an acceptable resolution cannot be reached, or supervisory processes are inappropriate, it will be necessary to commence disciplinary proceedings in accordance with T.F.Tull's Disciplinary Policy and Procedure.

Appeal Process

If the complainant is not satisfied with the outcome of the harassment investigation, then they have a right of appeal against the decision made. This should be submitted in writing to the Managing Director within 10 working days of receiving written notification of the decision.



Peter O'Grady
Managing Director
March 2020