

Intro....

Everyone performs better when they're happy at work and we want to make sure you have a positive atmosphere to work in. Any form of harassment or discrimination can have a devastating effect upon health, confidence, morale, and ultimately, performance.

We won't tolerate or condone any action that has a negative effect on working relationships. Any form of harassment or bullying will be treated very seriously. Breaches of this procedure will be dealt with under the Disciplinary Procedure.

Who does this procedure apply to?

This procedure applies to anyone employed on a permanent or direct temporary basis. The procedure refers to 'employees' but this also applies to anyone who provides services to us, such as agency temps and contractors. This is a guide and doesn't form part of your contract.

What is harassment?

Harassment can take many forms, but it is defined in the Equality Act 2010 as unwanted behaviour that's intended or has the effect of being intimidating, embarrassing, humiliating or offensive. A one-off incident can be classed as harassment if it's serious enough. Harassment can happen both inside and outside the workplace, for example on a business trip or at a work social function e.g. Christmas party.

For sexual harassment we have a duty to prevent this from occurring. This preventative duty requires us to take reasonable steps to prevent sexual harassment by our own employees, but also by third parties such as customers and clients.

You need to remember that everyone's different and something that doesn't offend you might offend someone else and vice versa. Just because something doesn't or wouldn't offend you, doesn't mean that it's appropriate behaviour. If you're in any doubt about whether something is appropriate or not, don't do it.

Examples of unacceptable behaviour and conduct are things like: -

- Physical contact - touching, patting or pinching. Using insulting or abusive gestures, physical threats or physical or sexual assaults. Just continuously standing too close to someone can make them feel uncomfortable or threatened.
- Verbal - insulting or ridiculing someone, propositions for sexual activity or suggestions that sexual favors may further someone's career (or that refusal may damage it), using abusive language, microaggressions, gaslighting, sexual comments or innuendo, making jokes or inappropriate remarks about someone, particularly in relation to the following,
 - race, nationality or colour, religion or belief, ethnic or national origin (this is classed as racism and is most simply understood as someone behaving differently to another person based on the colour of their skin or culture or that they have different religious beliefs).
 - health or disability

- marital or civil partnership status,
- pregnancy or maternity leave,
- gender, gender reassignment or sexual orientation,
- age
- Political opinion
- Non-verbal – looks or gestures, displaying or circulating pornographic or other offensive material (e.g. sexist or racist material), sending abusive or offensive e-mail or texts, posting abusive comments on social media sites, withholding information to make someone less effective at work and/or taking away areas of responsibility without good reason.
- Other unacceptable behaviour, such as basing decisions affecting an employee's career on willingness or refusal to offer favors.

What is victimisation?

Victimisation generally occurs where someone is harassed or discriminated against because it is believed that they have either;

- made an allegation about harassment or bullying behaviour
- supported someone who has made an allegation
- given evidence or information about an allegation; or
- intended to make, or support someone who is making such an allegation or intended to give evidence or information regarding such an allegation.

What is harassment by a third party?

A third party could be a customer, client, business contact or visitor such as a courier. It could also be a contractor or agency worker. We will take all reasonable steps to protect you from harassment by third parties during your employment where such harassment is known to have occurred. If you feel you're being harassed by a third party, then you should speak to your manager or the **People Support team on 0330 123 4005** as soon as possible.

What is classed as bullying?

Bullying is treating someone in an intimidating, malicious or insulting way, involving the misuse of power, and which undermines their confidence and self-esteem or makes them feel vulnerable, threatened or upset.

Some examples for bullying are:

- Verbal - constantly shouting or humiliating someone, picking on someone or conduct that attacks someone's character or reputation, ridicules, humiliates or consistently undermines them
- Physical - conduct which is intimidating, or threatening, physically abusive behaviour
- Non-verbal – looks or gestures, sending malicious e-mails or texts or posting such messages on social media sites.

The above are just examples and are not a full list.

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument, or using a strong management style is not bullying, provided that everyone is treated with respect and dignity. But we don't condone bullying under the guise of 'strong management'.

What are my responsibilities as an employee?

We all have a responsibility to make sure that our working environment is as positive as possible and is therefore free from harassment, bullying or discrimination. Everyone should be treated with respect and dignity and in the same way that we ourselves would expect to be treated. You should not behave in any way which could be harassment and/or bullying.

If you are found to have harassed or bullied anyone whilst working here (whether that person is an employee, contractor, worker, agency worker or third party), you could be subject to disciplinary action that may result in your dismissal.

What are a manager's responsibilities?

Managers have a responsibility to try and make sure that no harassment or bullying occurs in the areas they look after. They should also be responsive and supportive of anyone who makes a complaint about harassment either informally or formally and provide clear advice on the process.

Managers are also responsible for trying to ensure that there are no further instances of harassment, bullying or victimisation once a complaint has been resolved. When a complaint of harassment or bullying is made, managers should contact the ER Team as soon as possible for guidance on how to proceed.

How do I make a complaint?

You should tell your manager or any other senior manager you feel comfortable with. If this is not possible you can call the **People Support team on 0330 1234 005**. We take complaints seriously and will ensure that your complaint is taken seriously and that you are protected, whoever you tell about it. If you wish for your complaint to be dealt with formally it will be investigated under the grievance procedure. In order to help us to help you and to investigate your complaint, please provide as much detail as possible about your complaint, including specific events, dates and times where you can as well as details of any witnesses.

If you wish to handle the complaint informally, you should make it clear to the individual(s) concerned that the conduct or behaviour is unwelcome and should stop. You can make a note of this for your own records if you wish. Alternatively, you could ask your line manager to approach the colleague on your behalf. If the conduct or behaviour is not resolved, then you should tell your line manager who will support you further, which may include raising a formal grievance.

Can I withdraw my complaint?

If you wish to withdraw your complaint, please refer to the grievance procedure and speak with your line manager and / or People Support. In some circumstances, whilst you may wish to withdraw your complaint, we may not be able to ignore the allegations that have been made because of their seriousness. In that case, we may still continue with the investigation in order to ensure that we uphold our responsibility to provide a safe working environment.

Is there any other employee support available?

At any time, if you feel upset as a result of another person's behaviour or conduct you should approach your manager in the first instance or the People Support team who will act impartially to provide confidential support and advice.

You can also access the Wellbeing Hub for information and guidance on Health and Wellbeing support available, including how you can immediately access our EAP confidential advice service, our online GP service, and our OH services: <https://mitiepeople.com/wellbeinghub/>

You should raise these complaints with us, if you want us to investigate. Remember, we can't help you if we don't know.

There are other external bodies that can help in certain situations, details are below in the section '**Need more info?**' You may also find it helpful to speak with a close friend or colleague about the problem.

Need more info?

If you are a People Manager and need to open a grievance case, you can access support through a guided journey on the **ER Hub which can be accessed via the tile in People Hub** and choosing “Concerns and Grievances”. Otherwise, you can **call 0330 1234 005** to speak to a member of the People Support Team.

Employee Wellbeing

You can access the Wellbeing Hub for information and guidance on Health and Wellbeing support available, including how you can immediately access our EAP confidential advice service, our online GP service, and our OH services: <https://mitiepeople.com/wellbeinghub/>

ACAS

www.acas.org.uk

Citizens Advice

www.citizensadvice.org.uk

National Bullying Helpline

www.nationalbullyinghelpline.co.uk

Samaritans

www.samaritans.org

Further reading:

Sexual Harassment in the Workplace MG(HR)0075 I

Disciplinary Procedure MG(HR)567

Grievance Procedure MG(HR)568