

Quality Management Procedure

Bullying and Harassment

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Prepared by: I van Heerden and G Smale
Reviewed by: G Drought
Approved by: C Young
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1. Introduction

Tony Gee and Partners LLP deplores and will not tolerate any acts or behaviour that would be considered to be harassment, bullying or victimisation and seeks to foster a working environment where all staff are treated with dignity and respect. The Company recognises that harassment or bullying can occur both in and outside the workplace, such as on business trips or at work-related events or social functions.

Harassment, bullying or victimisation of any member of staff, or anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. The Company will take active steps to help prevent the harassment, bullying and victimisation of all staff. Anyone who is a victim of, or witness to, harassment, bullying or victimisation is encouraged to report in accordance with this policy. This will enable us to take appropriate action and provide support.

Both the Company and the harasser may be liable for any unlawful actions and may be required to pay damages.

All staff should be aware that, as well as being a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow employee on any of the above grounds in the course of their employment may be **personally liable** to compensate the victim and that harassment may constitute a crime punishable by up to six months' imprisonment or a fine.

Whilst the Company is fully aware of the importance of the preventative duty under the Worker Protection (Amendment of Equality Act 2010) Act 2023, the Company is committed to taking preventative steps for all forms of harassment.

2. General Principles

This policy applies to all employees, consultants, self-employed contractors, casual workers, agency workers, volunteers and students.

All staff are required to behave in a way (either verbal, physical or via any electronic medium) that will not cause offence to others, whether employees, contractors/sub-contractors or customers, in respect of their colour, race, ethnic origin, gender, marital status, age, sexual orientation, physical attributes, religion, belief, disability or nationality.

The Company considers that any harassment amounts to misconduct and may be gross misconduct depending on the nature and extent of the harassment. Such misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal. This could be summary dismissal, which is dismissal without notice or payment in lieu of notice.

Complaints from clients, including allegations of harassment, will be dealt with in accordance with the Disciplinary Procedure. Harassment of clients is misconduct, which may amount, in serious cases to gross misconduct and lead to summary dismissal. Harassment from clients or suppliers will be dealt with by an appropriate Director and the client Business concerned.

3. Purpose

This document is for use by staff in all cases of harassment, victimisation and bullying. The purpose is to create an environment where:

- staff can challenge all forms of harassment and bullying;
- incidents can be dealt with quickly and effectively;
- individuals have the confidence and support to raise complaints without fear or ridicule of reprisal;
- everyone takes a personal responsibility to ensure that the dignity of all staff is not abused or demeaned;
- the procedure is reinforced by the aims in our Equality and Diversity Procedure.

4. Definitions

The Equality Act 2010 (Act) makes three types of harassment unlawful. These are:

- harassment related to a relevant protected characteristic
- sexual harassment
- less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

Relevant protected characteristics are: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marital status or being maternity.

The legal definition of harassment is: “unwanted conduct that is related to a protected characteristic which has the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”.

4.1. Harassment

Harassment is unwanted behaviour, which is offensive or objectionable to the recipient. The recipient’s view is crucial, because what one person may find acceptable, another may not. It takes many forms, from relatively mild banter to actual physical violence and can be a single act or an ongoing campaign. Harassment is also a form of discrimination.

Sexual harassment occurs when a worker/employee is subjected to unwanted conduct and which is of a sexual nature. Conduct need not be sexually motivated, only sexual in nature and includes a wide range of behaviour such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- sexual gestures
- intrusive questions about a person’s private or sex life or a person discussing their own sex life
- unwelcome touching, hugging, massaging or kissing

The Company is fully aware of its legal responsibilities under the Worker Protection (Amendment of Equality Act 2010) Act 2023 and will take steps to prevent and respond to harassment in accordance with the Equality and Human Rights Commission (EHRC) guidance. [Sexual harassment and harassment at work: technical guidance | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/sexual-harassment-and-harassment-at-work-technical-guidance)

4.2. Bullying

Bullying, if related to a protected characteristic is a form of harassment and can be defined as the persistent demeaning of staff through malicious or insulting behaviour, which attempts to undermine an individual or group of employees causing them to suffer stress.

Examples of harassment may include, but are not limited to:

- bullying, verbal abuse of a racial or sexual nature; offensive jokes or pranks related to a person's sex, race, disability, sexual orientation, etc., lewd or suggestive comments; repeated requests for dates or sexual favours;
- unnecessary body contact, threatened or actual assault or violence;
- deliberate exclusion from conversations or work activities on the basis of race, gender, disability, sexual orientation, age;
- display of "pin-ups", pornography, inflammatory or abusive literature or graffiti;
- persistent unnecessary criticism, humiliating or demeaning comments or actions.

Bullying of any kind (not necessary harassment, related to protected characteristics) is contrary to our company culture and will not be tolerated. Any complaints of bullying will be investigated and are likely to result in a disciplinary process, which may result in appropriate sanctions.

5. In Practice

Because in many cases the complaint may be of a sensitive nature the Company has implemented a two-stage informal/formal procedure. Use of the informal procedure does not mean that the complaint will be considered less serious should a subsequent formal complaint be made. The aim of the procedure is to stop the harassment or bullying and prevent reoccurrence, and in some cases educate those that did not realise their actions were offences to others.

Any incidents of harassment/bullying of staff by other staff or suppliers customers, not solved by informal means, must be reported immediately to the relevant Director who will take appropriate action.

5.1. Informal Procedure

If you feel harassed or bullied you should, if possible, advise the harasser that the behaviour is unacceptable, unwanted and offensive. A written request for the behaviour to stop may be effective, especially if the individual involved was not aware that the behaviour was causing distress.

Notes and diary entries of all occasions and behaviour should be kept in as much detail as possible. If the behaviour does not cease you should approach a Director or HR who will be available to provide advice and information.

Third party sexual harassment can also result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

5.2. Formal Procedure

Where the informal procedure is inappropriate or has failed to resolve the matter the Grievance Procedure should be used. The appropriate Director will assist staff who wish to apply this procedure.

In certain circumstances a precautionary suspension on full pay in accordance with the Disciplinary Procedure will apply while the investigation is being carried out. It must be stressed that this is not a disciplinary sanction. Consideration will be given to ensuring that the complainant and alleged harasser/perpetrator are not required to work together. It may be appropriate to let the complainant have the option of remaining at home on special leave.

Victimisation of, or retaliation against, an individual who has made a complaint of harassment or bullying, will itself be regarded as gross misconduct, rendering the perpetrator liable to summary dismissal.

Notes will be made of all meetings.

Where a grievance is considered to be proven, disciplinary action in line with the Company's Disciplinary Procedure will be undertaken. Copies of all statements will be provided to both the alleged harasser/perpetrator and the complainant. Both the complainant and the alleged harasser/perpetrator have a right to be accompanied by a current colleague or a trade union representative during the Grievance Procedure.

6. Confidentiality

The importance of confidentiality will be stressed to all those involved in this matter and the matter should not be discussed with colleagues or friends. Breach of confidentiality may mean that the employee concerned is subject to disciplinary action. The Company will respect the need for confidentiality however there may be occasions, for example in the interests of the safety and well-being of the individual concerned or others, where confidentiality may have to be broken. In these exceptional circumstances the situation will be explained to the individual.

7. Penalties

The penalties imposed on the harasser/perpetrator will be in accordance with the Company's Disciplinary Procedure.

Where the complaint is about someone other than an employee, such as a customer, supplier or visitor, the Company will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

8. Individual Responsibilities

All staff have a responsibility to ensure that harassment and bullying does not occur and if the informal procedure fails to deal with harassment or bullying they should report any such incidents to the relevant Director or HR.

9. Vexatious or Malicious Allegations

The making of vexatious or malicious allegations will be dealt with in accordance with the Disciplinary Procedure and could lead to summary dismissal without notice or pay in lieu of notice.

10. Violence at Work

Tony Gee will ensure that, where possible, staff are not put at risk of violence while performing work duties. This covers the use of, physical and/or psychological force, whether the instigator of the violence is a fellow employee (regardless of status), an employee of another organisation or a member of the public.