

Tom George Surfacing Ltd

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Date: 24th May 2024

Next Review Date: 23rd May 2025

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PREVENTION OF BULLYING IN THE WORKPLACE

This Policy has been drafted with reference to National Highways Sector Scheme 16 (NHSS 16) and our processes and activities are aligned and reviewed against this Scheme.

Harassment/Bullying

- 1) Harassment and bullying take many forms and may be directed at one person or many. In general terms it can be described as persistent unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.

Associative discrimination

- 1) This occurs where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (other than marriage and civil partnership).

Perceptive discrimination

- 1) This occurs where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership).

Failure to make reasonable adjustments

- 1) This occurs where a feature or provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Complaining of discrimination

- 1) An employee who considers that he/she been unlawfully discriminated against should use the Employer's grievance procedure to make a complaint. The Employer will take any complaint seriously and will seek to resolve any grievance that it upholds.
- 2) Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is untrue and/or made in bad faith.
- 3) However, Directors and employees should act promptly to address suspicions of discrimination as soon as they come to their attention whether they are reported as complaints or not.

Harassment

- 1) Harassment is behaviour which is unwelcome, unreciprocated or offensive to the individual receiving it. It can include comments, actions, jokes and suggestions. It is often intimidating and threatening. Sometimes it can be persistent and sometimes it can take the form of an isolated incident. It can be directed to one person or a group of people. It can involve physical contact or be verbal, written or silent.
- 2) Most forms of harassment are based on race, disability or sex but it can also occur because one individual takes a dislike to another. It is of particular concern if the harasser is in a position of authority over the target of the behaviour.

- 3) Many individuals who are accused of harassment claim that they only intended the remark or action as a joke - this is not a valid excuse. Harassment (as defined) is never a joke or harmless fun.
- 4) Individuals can be harassed for a number of reasons including:
 - gender
 - sexual orientation
 - religious or political convictions
 - membership or non-membership of a trade union
 - disability
 - physical appearance
 - status
 - age
- 5) It should be clearly understood that harassment of any form is contrary to the Employer's Equal Opportunities Policy and that where evidence is found, disciplinary action for gross misconduct may result.

Bullying

- 1) Bullying is often a form of harassment and may manifest itself in many ways. It is usually persistent and can be done by a Director, colleague or group of people to another individual. It is insidious and often undermines the ability and confidence of the person who is suffering it. It can lead to fear, demotivation, isolation, poor concentration, and reduced output, symptoms of stress and high sickness absence levels.
- 2) Both harassment and bullying are about abuse of power whether by physical strength, force of personality or position of authority. If bullying involves issues of gender, race or disability then legislation may apply. Bullying is contrary to the Employer's Equal Opportunities Policy and will be addressed through the disciplinary procedure.

Examples of Harassment and Bullying:

Sexual Harassment

- Male line Manager repeatedly and unnecessarily touches a female junior member of staff against her wishes;
- Display of pictures of scantily clad males or females which causes offence to either sex;
- Use of explicit sexual language either in jokes or general conversation in a way that may give offence.

Racial Harassment

- Employees using offensive gestures when dealing with a black Manager;
- Racist graffiti, racist jokes, derogatory nicknames or offensive T-shirt comments.

Disability Harassment

- Colleagues repeatedly making fun of a deaf person behind their back or throwing objects to gain their attention;
- Deliberate use of comments such as "Are you blind" to someone with visual impairments;

- Deliberately making it difficult for a person in a wheel chair to leave the room by placing obstacles in their path

Bullying

- Shouting at individuals in a public environment;
- Consistently targeting a single member of staff whose work has to be checked;
- One group of staff refusing to talk to an individual;
- Consistently undermining a line Manager.

Complaining of harassment

- 1) A complaint of harassment should be raised and will be handled under the Employer's Grievance Procedure. The complaint should be made in writing and state:
 - the name of the alleged harasser or bully
 - the nature of the harassment
 - dates and times when harassment or bullying occurred
 - names of witnesses, if any, to any incidents of harassment or bullying
 - any action already taken by the complainant to stop the harassment or bullying
 - any suggested remedy
- 2) All complaints will be thoroughly investigated in an independent and objective manner by someone unconnected to the allegations and with sensitivity and respect for the rights of both the complainant and the alleged harasser.
- 3) Notes will be kept of all stages of the investigation and those interviewed will receive copies of interview notes. Parties will not be required to repeat distressing or embarrassing details any more than is necessary.
- 4) The importance of confidentiality will be stressed to all those interviewed. Breach of confidentiality may give rise to disciplinary action.
- 5) Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation.
- 6) The complainant will be kept informed of the general progress of the investigation and will be informed whether the complaint has been upheld or not. Where a complaint is upheld, and the harasser is an employee, the matter will be treated as a disciplinary issue, and the Employer's Disciplinary Procedure will be invoked. Serious acts of harassment may constitute gross misconduct and could lead to dismissal.
- 7) The Employer will seek to ensure that the complainant does not suffer any detriment, whether directly or indirectly, for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.
- 8) Any complaint that is unfounded, malicious or false will be treated as serious misconduct.

Monitoring and review

- 1) This policy will be monitored periodically by the Employer to judge its effectiveness and will be updated in accordance with changes in the law.
- 2) Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.
- 3) Any questions or concerns about the application of the policy should be referred to a Director.