

HARASSMENT AND BULLYING POLICY

1. PERSONAL HARASSMENT POLICY AND PROCEDURE

Harassment or victimisation on the grounds of race, colour, nationality, ethnic or national origin, sex, marital status, gender reassignment, sexual orientation, religious belief, disability or age is unacceptable.

- Many people in our society are victimised and harassed as a result of their race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.
- Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.
- We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

1.1 POLICY

- We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.
- We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
- We recognise that we have a duty to implement this Policy and all employees are expected to comply with it.

1.2 EXAMPLES OF PERSONAL HARASSMENT

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

2 COMPLAINING ABOUT PERSONAL HARASSMENT

2.1 INFORMAL COMPLAINT

We recognise that complaints of personal harassment, and particularly of sexual harassment, may sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Managing Director, who will be responsible for investigating the matter, if it becomes a formal complaint. If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome

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and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

2.2 INFORMAL REMEDY

Employees who are the victims of harassment and bullying are advised to make it clear to the perpetrator that the behaviour is unacceptable and must stop. If an employee is unable to do this verbally then a written request may be effective. This should explain the distress which the behaviour is causing and be handed to the perpetrator. The Managing Director and/ or a member of the management team can assist employees in taking such action. If this is difficult the person might ask a friend or representative to do this on their behalf. It is also helpful to keep a written record of any such incidents that occur.

2.3 FORMAL COMPLAINT

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Managing Director as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint the Company will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in Writing, to you and to the alleged harasser.

If you or the alleged harasser is dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any Points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

2.4 FORMAL REMEDY

Where informal methods fail, or more serious harassment or bullying occurs employees are advised to bring a formal complaint. They should seek assistance in doing so as above. The complaint should be made in writing, and state:

the name of the perpetrator

- the nature of the harassment or bullying
- dates and times when harassment or bullying occurred
- names of witnesses to any incidents of harassment
- any action already taken by the complainant to stop the harassment or bullying

The complaint should be sent, in confidence, to the Managing Director.

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After a preliminary investigation of harassment or bullying, action will if necessary, be taken to separate the alleged perpetrator from the complainant. This may involve temporary transfer of the alleged perpetrator to another department, or suspension with pay until the complaint has been resolved.

The Managing Director/Line Manager handling the complaint will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.

Copies of statements made by witnesses will be made available to the alleged perpetrator and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances the Manager will adjourn the hearing to ask supplementary questions of witnesses in private.

The complainant may be supported throughout the procedure and hearing by any colleague, friend or representative of their choice.

The employee accused of harassment or bullying will also have the right to be accompanied at the hearing. Where the Manager concludes that harassment or bullying has taken place, they will ensure that the alleged perpetrator has every opportunity to defend or explain their actions, in accordance with the Company's disciplinary procedure.

The severity of the penalty imposed upon an employee guilty of harassment or bullying will be consistent with those detailed in the disciplinary procedure, i.e. gross misconduct will normally result in summary dismissal. Where a lesser penalty is appropriate, e.g. a written warning, this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety.

After discussion with the complainant, the Manager may order the transfer of the alleged perpetrator to a different work area, or arrange for the amendment of working practices to minimise contact between the two employees. If the complainant requests it their own transfer will be arranged, subject to practical limitations. The result of the hearing will be confirmed in writing to both employees.

If the complainant is not satisfied about the way their complaint has been handled, they may ask for it to be reconsidered by the Managing Director. Requests for reconsideration of the complaint should be made within 7 working days of the first hearing. The decision at this second hearing will be sent, in writing, to both parties and will be the final decision.

The purpose of this Policy is to give strong support to any staff who have a genuine belief that they have been bullied or harassed. However, if during the course of subsequent investigations a complaint is found to be frivolous or malicious then appropriate action will be taken.

An employee who receives a warning or is dismissed for harassment or bullying may appeal against the penalty in accordance with the Company disciplinary procedure.

The Company will not tolerate victimisation of an employee who brings a complaint of harassment or bullying by the perpetrator or any other members of staff.

3 DEFINITION OF BULLYING

- The Company defines harassment as any unwanted conduct of any nature which is unwelcome or offensive to the recipient. This conduct may take the form of physical, verbal, written or visual harassment which any reasonable person would perceive as not socially acceptable.
- Bullying has a wider legal context than harassment and includes the Health and Safety legislation and, in particular, the 'duty of care' responsibility of employers. Bullying is deliberate, persistent and often occurs when there are no witnesses. Harassment and bullying are an affront to personal dignity and detract from operational and organisational efficiency.

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- Harassment and bullying are behaviours which are unsolicited, personally offensive and that fail to respect the rights of others, in the workplace. It is not the intention of the perpetrator, but the behaviour itself and the impact it has on the recipient that determines what constitutes harassment and bullying behaviour.
- Harassment and bullying at work are unlawful, and both the Company and the perpetrator may be held liable for such unlawful actions, and be required to pay damages.
- Individual Managers are accountable not only for their own behaviour but for also encouraging a place of work where working relationships are harmonious and mutually respectful. All employees have a duty of care and are expected to comply.

Cases of harassment and bullying can be taken to tribunal under the following legislation:

- Sex Discrimination Act 1975 and 1986
- Race Relations Act 1976
- Disability Discrimination Act 2004
- Protection from Harassment Act 1997

3.1 EXAMPLES OF BULLYING

Behaviour which may constitute bullying includes:

- Abuse of power
- Intimidation
- Malicious or insulting behaviour
- Sidelining staff
- Excluding or ignoring individuals
- Withholding information necessary for the individual to perform their role effectively
- Changing work schedules with no consultation

3.2 ENVIRONMENT

The Company prohibits the display of sexually offensive material, e.g. pin-ups and posters, and will ensure that workplaces are inspected and offending material removed.

3.3 GENERAL NOTES

- If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
- If you bring a complaint of harassment you will not be victimised for having brought the complaint.
- However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

The Managing Director of Long O Donnell Associates Limited is responsible for the development and effective implementation of this Statement and for ensuring that the necessary resources are provided for its implementation through our processes.



Thomas J. O'Donnell
Managing Director
Long O Donnell Associates Limited

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