

## **Dignity at Work Policy**

### **Bullying, Harassment & Victimisation**

#### **Policy Purpose**

Pabulum (Company) is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. We aim to establish an inclusive culture, free from discrimination based on the values of **dignity, courtesy** and **respect**. We recognise the right of every person to be treated in accordance with these values.

The purpose of this policy is to:

- Promote a positive environment in which people are treated fairly and with respect
- Encourage all employees to play a role in creating and maintaining an environment in which harassment, bullying and victimisation are understood to be unacceptable
- Provide a framework of support for employees who feel that they have been the subject of harassment, bullying or victimisation
- Ensure that allegations of harassment, bullying or victimisation are addressed fairly, with respect for the rights and dignity of those involved
- Identify the appropriate formal processes by which complaints can be raised

Bullying, Harassment and Victimisation can have a negative effect on the Company for many reasons including loss of morale, increased staff turnover and damage to the Company's reputation.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as clients, customers, suppliers or visitors to our premises.

This policy does not form part of any employee's contract of employment, and we may amend this policy at any time.

#### **Who is responsible for this policy?**

All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

Staff should disclose any instances of harassment or bullying of which they become aware to the People Team.

Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Head of People.

Colleagues are invited to comment on this policy and suggest ways in which it might be improved by contacting the Head of People.



## Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence. Power does not always mean being in a position of authority (although the abuse of power or a position of authority in an aggressive or subtle way can also constitute bullying) but can include both personal strength and the power to coerce through fear and intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Examples of bullying include:

- Physical or psychological threats, intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer
- Overbearing and intimidating levels of supervision
- Inappropriate derogatory remarks about someone's performance
- Preventing an individual progressing by intentionally blocking promotion or training opportunities
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets, including both above and below reasonable expectations
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## Harassment

Harassment includes many different types of physical, verbal and non-verbal conduct. It can occur as an isolated incident, many sporadic incidents or as on-going behaviour. The defining features are that the conduct:

- is unwanted and unwelcome
- subjects a person or group of people to intimidation, humiliation, ridicule, offence, loss of privacy or dignity, or creates an environment which is hostile, intimidating or offensive to that person or group of people
- harassment that is related to a person's or group of people's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, ethnic or national origin, religion or belief, sex or sexual orientation can constitute unlawful discrimination, for which employees can be held legally and personally liable
- it also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.



A victim of harassment is not the only person who can issue a complaint about that harassment. An observer may bring such conduct to the attention of their line manager, or the People Team, on the part of another person, on the basis that it amounts to a breach of this policy.

A person can complain of harassment where conduct is based on the incorrect perception or the association of a person with others. For example: homophobic remarks made about a heterosexual person; or harassment of a person because they have a disabled child.

Examples of harassment include:

- using humour that ridicules another person or group of people. For example: telling jokes that are sexist, racist or about sexual orientation or religion
- unwanted physical contact or “horseplay”, including touching, pinching, pushing and grabbing
- display or circulation of abusive or offensive materials, including emails, and social networking websites
- sending offensive text messages
- coercion, such as pressure to subscribe to a particular political or religious belief
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet)
- unwanted sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- outing or threatening to out someone as gay or lesbian
- mocking, mimicking or belittling a person’s disability

## Victimisation

Victimisation occurs when a person is mistreated or treated less favourably because they have done or intend to do a “protected act”. Examples of a protected act include where someone has made, or intends to make, a complaint of discrimination (including harassment and/or bullying), or has helped another person to make a complaint, or gives evidence or information in connection with discrimination proceedings. For example, isolating someone because they have made a complaint or giving them a heavier or more difficult workload due to making such a complaint.

Victimisation can constitute unlawful discrimination and result in disciplinary action, possibly dismissal, regardless of the outcome of the original complaint.

## Dealing with Bullying, Harassment or Victimisation

### Overview

It can be difficult to raise a complaint of harassment, bullying or victimisation, whether on a formal or informal basis. We seek to ensure that people who feel that they have been the subject of harassment, bullying or victimisation are able to raise their concerns, and to have them addressed appropriately.



## Informal Procedure

It may be possible to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.

You should promptly and clearly tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or the People Team.

You may alternatively wish to still speak to your manager or the People Team, who can provide confidential advice and assistance in resolving the issue formally or informally.

If you are uncertain whether an incident or series of incidents amounts to bullying, harassment, or victimisation, you should contact your manager or the People Team informally for confidential advice.

You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues, and you wish to make a formal complaint.

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

## Formal Procedure

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Company's Grievance Procedure. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance.

All complaints will be investigated promptly and will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. If appropriate, disciplinary proceedings will be brought against the alleged harasser. Disciplinary action can also be taken against individuals who are found to have brought complaints based on knowingly false information or with malicious intent. Such action will not be taken against anyone who brings a complaint in good faith, even if that complaint is not upheld.

We will seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

After investigation the Company will decide on a balance of probabilities, after considering all available evidence, whether harassment or bullying has occurred. We will consider what action is appropriate to deal with the issue. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.



## Appeals

If you are not satisfied with the outcome you may appeal in writing to the Head of People, or the Business Director if the matter concerns the Head of People, stating your full grounds of appeal, within one week of the date on which the decision was sent or communicated to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by someone who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

## Confidentiality

Confidentiality is an important part of the procedures provided under this policy. Once an investigation has been initiated, all those involved should ensure that confidentiality is maintained as far as possible, for both the complainant and the complainee. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Where this is the case, we will endeavour to discuss this with you as soon as possible. Breaches of confidentiality may result in disciplinary action being taken under our Disciplinary Procedure.

Information about a complaint by or about an employee may be placed on the employee's personnel file for up to twelve months following the occurrence, along with a record of the outcome and of any notes or other documents compiled during the process.

## Disciplinary Action

A complaint of harassment, bullying or victimisation may result in disciplinary action against an employee against whom allegations have been made. Disciplinary procedures will not be invoked until the complaint has been investigated, in accordance with the organisation's Grievance or Disciplinary Procedures. During an investigation, the organisation may suspend either or both of the employees involved on full pay and benefits if necessary. Any suspension action will be taken in accordance with the existing Disciplinary Procedures.

Serious cases of harassment, bullying or victimisation will be treated as gross misconduct and may lead to dismissal through the disciplinary hearing process. Less serious incidents may result in a warning, or informal action (such as requiring an employee to attend a relevant training session or mediation).

In extreme circumstances, incidents of harassment or bullying behaviour may breach criminal law and the organisation may be obligated to refer such incidents to the police. In such situations, the People Team must be contacted for advice.

## Protection and Support for those involved

Colleagues who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.



If you believe you have suffered any such treatment you should inform the People Team. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

**Nelson Williams**  
**Managing Director**

*(This policy will be reviewed in November 2022)*

