

**Anti-Harassment
&
Dignity at Work Policy**

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1. Purpose

To encourage an environment in which all staff are treated with dignity and respect and in which everyone is entitled to work free of harassment for any reason.

This policy must be read and implemented in conjunction with the Equal Opportunities and Diversity Policy.

2. Scope

All established and temporary employees, all job applicants, agency staff, contractors and consultants.

3. Policy Statement

Murray & Willis Limited considers that harassment is harmful to employees, employers and customers/service users alike. It can subject individuals to fear, stress and anxiety. Great strains can be put on work, personal and family life. Harassment can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment and people leaving employment. It can therefore impact badly on safety, organisational effectiveness and business/service success.

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

Those who are harassed, victimised or bullied may often feel vulnerable and are reluctant to complain. This policy aims to ensure the fair treatment and dignity of women and men at work. It prohibits all forms of harassment, whether amounting to disability, racial or sexual discrimination or discrimination on the grounds of sexual orientation, religion or similar belief.

4. Definitions of Unacceptable Behaviour

The following behaviours as defined below are unacceptable:

HARASSMENT consists of any unwanted conduct affecting the dignity of women and men at work. It includes unwelcome physical, verbal or non-verbal conduct and it could amount to unlawful discrimination. It can involve a single incident or may be persistent and may be directed towards one or more individuals. In addition to race, creed, colour, nationality, ethnic origin, it will be unacceptable if it is inflicted because of an individual's age, language, religion or similar belief, political or other opinion affiliation, gender, gender reassignment, sexual orientation, marital status, connections with a national minority, national or social origin, property, birth or other status, family connections, membership or non membership of a trade union, or disability.

UNWANTED PHYSICAL CONTACT such as unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault, coerced sexual intercourse or rape.

UNWANTED VERBAL CONDUCT such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to an individual or a group's gender, colour, race, religion or similar belief, nationality, ethnic or national origins, disability, sexual preference, etc., repeated suggestions for unwanted social activities inside or outside the workplace.

UNWANTED NON-VERBAL CONDUCT such as racially or sexually based graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature or other items, pictures or films/videos or inappropriate use of visual display units (VDUs) or network systems for this purpose.

BULLYING including persistent criticism and personal abuse and/or ridicule, either in public or private, which humiliates or demeans the individuals involved, gradually eroding their self confidence.

UNLAWFUL VICTIMISATION consists of treating an individual less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under any discrimination legislation.

OTHER CONDUCT that denigrates, ridicules, intimidates or is physically abusive of an individual or group.

These examples are not exhaustive. Much of this behaviour would be considered to be gross misconduct, resulting in summary dismissal. However, none of the above types of behaviour will be tolerated. All will result in a disciplinary investigation and may constitute gross misconduct depending upon the circumstances of the case in question.

5. Principles

- Any individual who believes that he/she has been subject to, or has witnessed harassment, victimisation or bullying has access to channels through which a complaint can be raised.
- The nature of harassment, victimisation or bullying is such that it is recognised that an individual may not wish to discuss it initially with his/her immediate manager. An Harassment Complaints Procedure has therefore been established, which may be used as an alternative to the Grievance Procedure.
- Reference to and application of the Harassment Complaints Procedure removes neither the employee's nor the employer's legal or contractual rights, responsibilities, obligations or remedies.
- All complaints must be taken seriously and be dealt with confidentially and promptly. Normally, cases should be concluded within two to four weeks.
- If a complaint is upheld, the resolution of the situation needs to be immediate and to be aimed, amongst other things, at preventing any repetition of the behaviour or any associated behaviour.

6. Informal Action

Any individual who feels that they or others have been harassed, victimised, bullied or treated in a way that breaches this policy should, if they feel able to do so, immediately tell the individual(s) doing it that the behaviour in question is offensive, unwanted, and that they want it to stop.

Alternatively, they may prefer to put it in writing to the individual(s) doing it, (keeping a dated copy of the letter), or to ask a work colleague to speak to the individual(s) on their behalf.

A note should be kept of the date(s) the individual(s) was/were approached and what was said by all involved. This may be needed as evidence should harassment, victimisation or bullying continue or subsequently recur.

This informal approach is often sufficient to correct the situation, particularly if the individual(s) involved was/were unaware that the behaviour was causing offence. However, an individual who feels unable to deal with the matter informally or who continues to be subjected to behaviour that is in breach of this policy may choose to raise the matter formally as detailed below.

7. Formal Procedure

a) Raising an Issue

At any time, whether or not informal action has been taken, any person who feels that he/she or others have been harassed, victimised, bullied or treated in a way that breaches this policy can raise the matter directly with their manager, either verbally or in writing. If the matter is inappropriate to be discussed directly with his/her manager, the matter may be brought to the attention of the Human Resources and Training Manager who will nominate a manager from a department other than that of the employee(s) concerned to deal with the matter.

In addition, any manager within the Company who becomes aware of behaviour which breaches this policy, whether or not a complaint has been made, has a responsibility to take the matter forward.

b) Investigation

The matter will be dealt with as follows:

The appropriate manager must set up an investigation to establish whether there is a need to take disciplinary action. The investigation must commence within 48 hours of receiving the complaint and will be carried out by an appointed investigating manager. The investigating manager will be from a different department to the parties involved.

At least one meeting must be held with the person who has raised the issue, to discuss the issues raised and to gain an understanding of how he/she would like the matter to be resolved.

Such investigations must be independent and objective with respect for the rights of both the complainant and the alleged perpetrator to be properly heard and represented. The investigating manager, in consultation with the Human Resources and Training Manager, reserves the right to require both parties to remain away from the work premises, on full pay, whilst the investigation is ongoing.

The manager or the Human Resources and Training Manager should also consider offering specialist-counselling support to any of those involved. External counselling may be arranged by the Company, as appropriate.

c) Outcomes

The manager or the HR & Training Manager must inform any complainant and the alleged perpetrator(s) of the outcome as soon as possible following the conclusion of the investigation. This will be in the form of a written response. Any necessary steps will then be taken to resolve the matter.

If, following the investigation, the manager or the HR & Training Manager decides that there is a disciplinary case to answer, he/she must immediately invoke the disciplinary procedure. The rights of the alleged perpetrator will then be in accordance with the disciplinary procedure, as detailed in the Discipline Policy.

d) Appeal

If the complainant considers that the management's handling of the matter has been inappropriate or is dissatisfied with the response given to the original complaint, he/she may appeal, in writing, to the Managing Director within 7 calendar days of being informed by the manager or the HR & Training Manager of the outcome of the investigation. This appeal will be heard by the Managing Director within 7 calendar days of the appeal being registered. The complainant will be entitled to be accompanied to such an appeal by a trade union representative or by a work colleague.

A postponement of this meeting of up to 5 days will be allowed where the trade union representative or work colleague is unable to attend the appeal meeting. The decision at this meeting will be communicated in writing to the complainant and will be final.

e) Confidentiality

All complaints and associated correspondence and interviews must be treated in strict confidence. Breaches in confidentiality will result in disciplinary action being taken.

f) Companions

In the event that, at any time during this procedure, the complainant attends a meeting with the appointed manager dealing with the case, they may be accompanied to such a meeting by a companion. If the alleged perpetrator is asked to attend this or any other meeting, then they will also have a similar right of accompaniment. A postponement of a meeting of up to five days will be allowed where the companion is unable to attend the meeting.

The person chosen by the employee as their "companion" may be a fellow worker; or a full-time official employed by a trade union; or a lay trade union official as long as they are certified as having experience of, or having received training in, acting as a companion at such a meeting. Only where the employee may have a communication disability or where the employee's first language is not English, for reasons of providing equality and fairness at the meeting, may an appropriate translator from outside the Company act as a companion.

The Company reserves the right to refuse to accept an individual as a "companion" in the event that there is a conflict of interest or unwarranted expenses incurred.

The HR & Training Manager must be consulted with regard to any queries or concerns over any particular companion.

8. Complaints Raised on Termination of Employment

If a claim of harassment is raised immediately prior to an employee leaving the Company's employment, (or after they have left the Company's employment) and it is not reasonably practical to follow the formal procedure in its entirety, an alternative procedure may be followed. If both the employee and the Company consent, in writing, the claim of harassment may be considered without a meeting being held with the complainant. In this case, the employee must still submit the claim of harassment in writing. After due consideration, the appropriate manager will provide a written response to the employee's claim of harassment. In this case, there is no right to appeal against the outcome and the process will be deemed to be complete once the response has been provided.

9. Deliberately False or Malicious Allegations

The Company will treat all complaints of harassment with the utmost seriousness and will investigate all such complaints as detailed above. However, it should be noted that, if it is established during the investigation that an employee has knowingly raised a false or malicious accusation against another person then the employee raising the complaint will be the subject of disciplinary action. The deliberately false defamation of another person's character is equally unacceptable to the Company.

10. Training

The Company will ensure that all employees receive appropriate harassment awareness training. This will help employees to understand what constitutes unwanted behaviour as a measure to prevent harassment, victimisation or bullying from occurring.

11. Responsibility

All those individuals referred to within the scope of this policy are required to adhere to its terms and conditions. Employees must understand that this policy is also incorporated into their contract of employment.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the Human Resources and Training Manager prior to any action being taken.

12. Record Keeping

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

Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Managing Director.