



ANTI BULLYING, HARASSMENT AND WORK PLACE DIGNITY.

1. Policy Statement.

- 1.1 This policy should be read together with your individual contract of employment and relevant Staff Agreement.
- 1.2 This policy is not a contractual entitlement.
- 1.3 This policy applies to all permanent, non-permanent temporary and contracted employees who are employed on a full or part time basis by the company.
- 1.4 The purpose of this policy is to support a safe, healthy, fair working environment and culture for everyone. This procedure provides for the fair and consistent treatment of employees at SCPS.
- 1.5 The company has a zero tolerance for bullying and harassment and will not under any circumstances accept this type of behaviour from any of its employees at any level. It is considered by the company to constitute as an act of gross misconduct.
- 1.6 All employees at all levels throughout the company are responsible for ensuring that they adhere to the guidelines within this policy and prevent any bullying or harassment.
- 1.7 The following procedure will be used where an employee raises concerns, problems or complaints relating to any form of bullying or harassment or where it is believed that an employee has taken part or is involved in any form of bullying or harassment.
- 1.8 2.9 All documentation and records will be handled and stored by The Human Resources Department In accordance with General Data Protection Regulations 2018 (GDPR).
- 1.9 The company have a responsibility to take reasonably practicable steps to prevent a third party from harassing an employee once made aware that such omissions are taking place.

2. General Principles.

- 2.1 The company will investigate bullying and harassment claims fairly, consistently and in a timely manner.
- 2.2 Each allegation raised will be considered on its own merits and a full investigation will be conducted with regard and respect for the person(s) concerned.

- 2.3 In some circumstances the company may decide to suspend the person(s) concerned whilst an investigation is being conducted. This should not be deemed as any form reprimand and the full pay will be made until the investigation is concluded.
- 2.4 Any proceedings will be investigated fairly and as soon as is reasonably practicable in the circumstances ensuring that the company complies with its statutory obligations.
- 2.5 If managers become aware that bullying and harassment has or is taking place they must take the necessary action regardless of a grievance being raised or not.
- 2.6 Line managers have an obligation to ensure that all employees are aware of their responsibilities and the procedures that they are expected to follow.
- 2.7 When an employee is invited to attend a meeting, hearing, interview or appeal hearing under this procedure they will have the right to be accompanied by a working colleague, Elected Representative or Trade Union Official. Should an employee wish to be accompanied it is their responsibility to ensure that they contact their elected spokesperson directly prior to the meeting, hearing or interview.
- 2.8 Employees will have the right to appeal any decision given to them following a grievance hearing within 5 (five) working days of receiving the decision letter. The appeal must be in writing and made to the relevant director / manager who have not previously been involved in the proceedings.
- 2.9 An appeal hearing will be held as soon as possible and the employee will have the right to be accompanied as explained in point 2.7 of this policy.
- 2.10 Reasons for and decisions made following an appeal hearing will be confirmed in writing as soon as is practicable to the employee.
- 2.11 A copy of any correspondence including minutes, letters, investigation papers and reports that are issued during or following grievance hearings will be kept on the employee's personnel file in line with GDPR regulations 2018.
- 2.12 Depending on the outcome of the Grievance procedure, the person may be subject to Disciplinary proceedings. Refer to the Company Discipline policy and procedure for further information.
- 2.13 The Human Resource Department is the point of reference for co-ordinating complaints of Bullying and Harassment and Work place Dignity and must be involved from the beginning and in hearings on all formal grievance issues.

3. Bullying and Harassment Definitions.

- **Bullying** can be characterised as offensive, intimidating, malicious or insulting behaviour. It can also be a misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

- **Harassment** can be defined as unwanted conduct affecting the dignity of men and women in the work place. It may be related to age, sex, race disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident.
- **Sexual harassment** is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, undertaken with the intention of affecting or violating the dignity of a person. Particularly when done with the purpose of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Racial harassment** is any unwelcome or hostile act or series of acts carried out by a person wholly or partly because of the racial origin of the targeted individual or group, which is perceived by the recipient to be racially offensive.
- **Disability harassment** is unwanted conduct based on or around a perception of an individual's disability that affects the dignity, confidence levels or opportunities in or around their place of work.

3.2 Bullying or harassment may be physical, verbal or non-verbal which causes offence.

3.3 Harassment may be repetitive or an isolated occurrence against one or more individuals. It may equally be part of a pre-meditated campaign of behaviour.

3.4 It is not the bully or person doing the harassment that is of primary concern but rather the conduct itself and the impact on the recipients which constitutes bullying or harassment. **The issue is if the action or comments are viewed as demeaning and unacceptable by the recipient.**

3.5 Examples Include:

- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief);
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone—picking on them or setting them up to fail;
- Challenging / questioning in a demeaning way.
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or other misuse of power or position;
- unwelcome sexual advances - touching, standing too close, display of offensive materials;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.6 Bullying does not have to be “face-to-face”, and can be by written communication, email, text message, telephone or by automatic supervision methods.

- 3.7 There may be a series of trivial acts, but one more action may become the “final straw”.
- 3.8 Behaviour that is considered bullying by one person may merely be considered firm management by another and it is how it is perceived by the recipient. Refer to the Equality and Diversity Policy and Procedure for more information.
- 3.9 It must be recognised that it is how the recipient perceives such behaviour, not the intent of the person accused of the harassment that is important in determining whether harassment has occurred.

4. Work Place Dignity.

- 4.1 Workplace dignity and respect can be characterised as the requirement for all employees of all levels to treat each other in the way they would like to be treated.
- 4.2 There are many things employees of all levels might disagree over at work, people don't always see eye-to-eye. It is important that whilst you may not agree you must be respectful, communicate in a polite manner and be professional and pleasant.
- 4.3 Dignity and respect for others is paramount working in an open-office and all employees are required consider the effect their behavior and conduct may have on others. The company needs to be informed of any problems that occur so they can be addressed and resolved before escalating to complaints.
- 4.4 Any office guidelines / etiquette set by the company or our customers when on their site needs to be adhered to at all times.

5. Raising an Alleged Claim.

- 5.1 Any allegations raised will be taken seriously and treated confidentially.
- 5.2 In all cases every effort will be made to resolve any allegations regarding the bullying and harassment policy that is made by employees on an informal as well as formal basis.

6. Raising an alleged Claim – Informally.

- 6.1 This in the first instance should be done through approaching the alleged bully either verbally or in writing explaining how their behaviour towards them is offensive and is unacceptable. As well as asking them to stop.
- 6.2 If you feel unable to approach the perpetrator or if the bullying is of a serious nature they should then ask a friend, colleague or a Trade Union representative to make the initial approach.
- 6.3 If the employee is unable to adapt the above they should approach their manager or a member of the Human Resources Department. Informal advice will be provided in

confidence in order to help resolve the issue. In this instance no further action will be taken without the consent of the employee making a complaint.

- 6.4 Confidential advice is also available to other employees who themselves may not be the subject of bullying but whom are concerned about the bullying of others.

7. Raising an alleged Claim – Formally.

- 7.1 When raising an alleged claim informally and it fails to resolve the matter, you should raise a formal grievance, outlining clearly the nature of your grievance. Please refer to the Company's Grievance policy to do this.
- 7.2 If you raise a formal complaint in relation to being bullied or harassed, the company will do everything it can to prevent victimisation and or retaliation.
- 7.3 When an alleged grievance is put forward it will be investigated and will fall in line with the Company's Grievance policy.

8. The investigation process.

- 8.1 When an allegation is being alleged then a full and fair investigation will take place.
- 8.2 The complainant must be assured that he or she will not be discriminated against or victimised for raising the complaint.
- 8.3 All parties will be investigated i.e. the alleged perpetrator, the person making the allegation and any witness.
- 8.4 All information distributed will be held in confidence.
- 8.5 The alleged bully or harasser will have the right to state their version of events and all explanations will be considered.
- 8.6 The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.
- 8.7 Any information given by any witness for the investigation is deemed as sensitive information and is dealt with the upmost regard and confidentiality.
- 8.8 Disciplinary action may be taken if the complaint is found to have been submitted maliciously or in bad faith.
- 8.9 Where it is found that any allegation has been submitted in a malicious manor it will be treated as Gross Misconduct and the Company's Disciplinary procedure will be followed.

- 8.10 If the claimant wishes to withdraw their grievance they must confirm it in writing to the Human Resources Department stating their reasons for doing so.
- 8.11 It may be deemed as harassment if the manager is aware that the claimant does not wish to continue with their Grievance but carries on the investigation regardless.

9. The Meeting.

- 9.1 Each case will be looked at individually and on its own merit.
- 9.2 The meeting will be held after the investigation and any allegations will be put clearly to the perpetrator as well as any witness statements will be put forward.

10. The Outcome.

- 10.1 Any decision that is made by the investigation panel, either throughout the investigation or the appeal is final.
- 10.2 If the incident is deemed to be an on-going issue then further investigation will take place and will be dealt with accordingly in line with the Company's Discipline procedure.
- 10.3 Where issues cannot be resolved then alternate action will be taken, this will be at the discretion of the investigating panel.
- 10.4 If it is found that the incident is reoccurring and it is apparent that it is not going to be resolved the perpetrator, the claimant or both may be at risk of redeployment.
- 10.5 Subject to the severity of the claim and where appropriate the outcome of the investigation may result in summary dismissal for either the perpetrator or the claimant.
- 10.6 Where following a full investigation there is evidence that harassment has occurred, prompt and correct action will be taken and the Company's Disciplinary procedure will be followed.

11. Summary.

11.1 Respect in the workplace is vital, and everyone has their part to play in creating a work place atmosphere where everyone is treated it is not solely the responsibility of employees. You must lead by example, demonstrating acceptable behaviours and attitudes, and treating all your employees fairly.

11.2 It must be recognised that it is how a recipient perceives any such behaviour, not the intent of the person accused that is important in determining whether bullying, harassment or disregard for work place dignity has occurred.

11.3 The Employee Assistance Programme (EAP) is available for all permanent employees who have any concerns and they can provide independent, non-judgmental practical and emotional support. For more details please ask your HR Department.

11.2 The company reserves the right to change, through consultation any provisions set out in this document from time to time as may be required.