Harassment and Bullying Policy

Introduction

The Company is committed to ensuring that all its staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs:

- in the workplace; and
- outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.

This policy applies to all staff working for us at any of our premises and our clients, including: employees, workers, casual staff, consultants, contractors, directors, homeworkers, managers and officers. *We also make it clear to our clients, visitors and other who work with us that harassment of our staff is unacceptable.*

All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to hr@jarell.co.uk .

This policy does not form part of any your Contract. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

Harassment

It is the Company's policy that the harassment of any of its employees or workers is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice, or, for workers, termination of their Contract with immediate effect.

Harassment may take a number of forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.

Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of:

- violating the victim's dignity; or
- creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.

Harassment also occurs where the perpetrator engage in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment. Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.
It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment. Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.

Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However a single incident may amount to harassment if it is sufficiently serious.

The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider the whether their words or conduct may be considered offensive.

Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

Harassment may relate to age, disability, gender reassignment, race, colour, nationality, ethnic or national origins, religion or belief, sexual orientation, *part time or fixed term status, willingness to challenge harassment (leading to victimisation).*

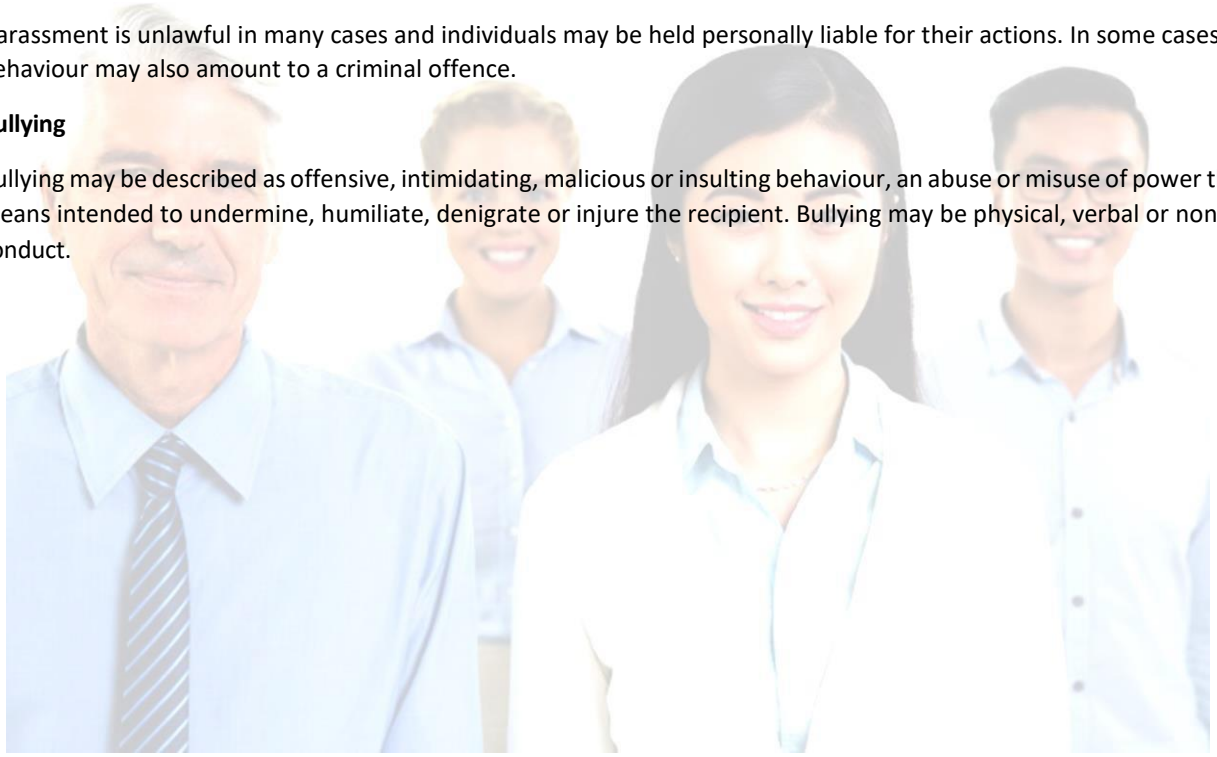
The phrase 'relate to' is very wide and therefore covers:

- harassment based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong; and
- harassment that occurs because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a transsexual person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her.

Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases their behaviour may also amount to a criminal offence.

Bullying

Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.



Harassment and Bullying Policy

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):

- spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);
- 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;
- deliberately excluding a person from communications or meetings without good reason;
- unfair treatment;
- overbearing or intimidating supervision or other misuse of power or position;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism; and
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

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

Harassment and Bullying Policy

Procedure

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your Account Manager or Recruitment Consultant or the Group HR Director (hr@jarell.co.uk), who can provide confidential advice and assistance in resolving the issue formally or informally. Alternatively you can call our Head Office on 01922 663419 to leave a message for one of the HR Team to return your call.

If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure (Employees) or Complaints Procedure (Agency Workers).

We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. 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. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

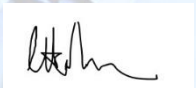
Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by anyone who represents or work for the Company the matter will be dealt with under the appropriate procedure (Disciplinary Procedure in the case of employees) as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a customer, or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned. If the third party is an employee of an end user client where you work we will work with the end user to assist in their investigation.

Anyone who makes complaints or who participates 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 they are an employee or, if they are a worker, will be liable to have their Contract terminated with immediate effect.

The Company takes these matters very seriously. However, malicious complaints of harassment and/or bullying can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via the Company's *disciplinary policy*. We are sure that everyone appreciates that this is necessary to protect the integrity of this policy.

If you would like to access support on this or any other matter then please see the following website for useful information: https://www.helplines.org/helplines/

This Policy will be reviewed annually by the Group HR Director.

Signature:	
Name:	**Charlotte Harkin**
Position:	**Group HR & Compliance Director**
Date:	**8th October 2024**