



Anti-Harassment and Bullying Policy

1. WHAT DOES THIS POLICY COVER?

- 1.1 The purpose of this policy is to ensure that all Provide staff are treated and treat others with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behavior are unacceptable under this policy.
- 1.2 This policy covers bullying or harassment which occurs both in and out of the workplace, such as on business trips, or at events, or work-related social functions. It covers bullying and harassment by staff and also by third parties such as clients, suppliers or visitors to our premises.
- 1.3 Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional bullying or harassment is unacceptable.
- 1.4 We will take allegations of bullying or harassment seriously and address them promptly and confidentially. Bullying or harassment by an employee will be treated as misconduct under our disciplinary procedures. In some instances, it may amount to gross misconduct leading to summary dismissal.
- 1.5 This policy does not form part of any employee's contract of employment, and we may amend it at any time or depart from it where we consider appropriate.

2. WHO IS RESPONSIBLE FOR THIS POLICY?

- 2.1 The Managing Director has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to management.
- 2.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behavior expected of them and to take action when behavior falls below its requirements.
- 2.3 Staff should disclose any instances of bullying or harassment of which they become aware to management.

3. WHAT IS BULLYING?

- 3.1 Bullying is offensive, intimidating, malicious or insulting behavior involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.



3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- a. shouting at, being sarcastic towards, ridiculing or demeaning others;
- b. physical or psychological threats;
- c. overbearing and intimidating levels of supervision;
- d. inappropriate and/or derogatory remarks about someone's performance;
- e. abuse of authority or power by those in positions of seniority;
- f. continual and undeserved criticism;
- g. imposing unreasonable deadlines; and/or
- h. deliberately excluding someone from meetings or communications without good reason.

3.3 Legitimate, reasonable and constructive criticism of an employee's performance or behavior, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own. However, intimidation that serves to undermine self-esteem, confidence, effectiveness and integrity is a form of bullying. Provide recognizes that all employees have the right to work in an environment free from the threat of bullying and any reported instances of bullying will be treated seriously and investigated fully.

4. **WHAT IS HARASSMENT?**

4.1 Whereas bullying tends to concentrate on work practices, harassment tends to focus on a personal characteristic of the individual, such as disability, gender, ethnicity, sexual orientation, gender reassignment, age or religious belief. It is important to remember that it is not the nature of the conduct itself which determines whether harassment has taken place but rather how the recipient perceives the conduct, nor is it considered to be a mitigating circumstance to claim that "no offence was intended." It is also irrelevant whether the behavior was aimed directly at the complainant, whether the complainant has the protected characteristic themselves or whether the perpetrator and the victim share the same protected characteristic.

4.2 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It must also be considered whether it is reasonable for the employee to be offended by the behavior. If in doubt, advice from HR should be sought. Harassment may be repeated behavior or in serious cases a sole incident.



An individual can harass a co-worker without meaning to. There are two types of harassment relevant to the workplace, which are as follows:

- a. Harassment related to a protected characteristic, which includes sex, race, religion and belief, sexual orientation, disability, gender reassignment and age. Although pregnancy and maternity and marriage and civil partnership are not specified here, harassment on the basis of these two characteristics can be addressed on under sex or sexual orientation.

Harassment can occur at the workplace or extend to outside of the workplace, for instance at events or social gatherings of colleagues still considered to be 'in the course of employment.' It can also occur on social media platforms. The following is an indication of the sort of behaviour that can constitute harassment however this list is not exhaustive:

- i. Verbal or written forms of harassment through crude language, comments which denigrate a person's gender, race, impairment, sexual orientation, age, religion and beliefs etc, offensive jokes, pranks, stereotyping, suggestive remarks, innuendoes, lewd comments, wolf whistles, gossip, patronising nick names, general banter at someone else's expense, offensive letters, cards, emails, social media posts and personal messages, and offensive songs;
 - ii. Physical contact or invasion of personal space ranging from, unnecessary touching, patting, pinching or brushing against another person, to assault and physical coercion;
 - iii. Display of offensive posters or pornographic material, obscene gestures, graffiti and offensive objects;
 - iv. Coercion ranging from pressure for sexual favours to pressure to participate in political, religious or trades union groups, etc. and
 - v. Personal intrusion by following, pestering, spying, etc. on an employee and workers.
 - vi. Cyberbullying or harassment of any kind through Provide devices or personal devices, text or social media platforms.
- b. Sexual harassment which occurs when an employee is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature. The following is an indication of the sort of behaviour that can constitute sexual harassment however this list is not exhaustive:
 - i. Sexual comments or jokes.
 - ii. Displaying sexually graphic pictures, posters or photos.
 - iii. Suggestive looks, staring or leering.



- iv. Propositions and sexual advances.
- v. Making promises in return for sexual favours.
- vi. Intrusive questions about a person's private or sex life.
- vii. Discussing their own sex life.
- viii. Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- ix. Spreading sexual rumours about a person.
- x. Sexual posts or contact on social media.
- xi. Unwelcome touching, hugging, massaging or kissing.

4.3 Less favorable treatment for rejecting or submitting to unwanted conduct is also a form of harassment. For example, an employee is only given menial work tasks after rejecting the sexual advances of their or another manager.

4.4 Employees should note that harassment related to gender, sexual orientation, gender reassignment, race, religion or belief, age or disability is unlawful. Whether the harassment is by an employee or by a third party, such as a customer or supplier, both Provide and the harasser may be legally liable.

5. IF YOU ARE BEING HARASSED OR BULLIED: INFORMAL STEPS

5.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. If so, you should explain clearly to them that their behavior is not welcome, or makes you uncomfortable.

5.2 If you are not certain whether an incident or series of incidents constitutes bullying or harassment, you should contact a member of management for confidential advice.

5.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

6. RAISING A FORMAL COMPLAINT

6.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager. Their role is to try and achieve a solution wherever possible; whilst respecting the confidentiality of all concerned. If the matter concerns that person, you should refer it to their line manager.

6.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s)



at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

- 6.3 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.

7. FORMAL INVESTIGATIONS

- 7.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation will not be informed of it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation will be thorough, impartial and objective, and conducted with sensitivity and due respect for the rights of all parties concerned.
- 7.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 7.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 7.4 Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 7.5 We will also 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.
- 7.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 7.7 At the end of the investigation, the investigator will submit a report to a manager nominated to consider the complaint. The manager will arrange a meeting with you, usually within a



week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the manager's findings will be given to you and to the alleged harasser.

8. POST INVESTIGATION ACTION

- 8.1 If the manager considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 8.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. 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.
- 8.3 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 8.4 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.

9. APPEALS

- 9.1 If you are not satisfied with the outcome of an investigation, you may appeal in writing to the Managing Director, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 9.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 9.3 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.

10. VICTIMISATION

This is less favorable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint. Employees, workers and volunteers have the right to raise grievances and to raise issues relating to discrimination or bullying in good faith and to have these matters investigated. Where an employee raises



an issue in good faith, they will not suffer any detriment or victimization by virtue of raising their grievance or complaint with management.

11. THIRD PARTY HARASSMENT

11.1 Third party harassment is harassment of an employee by someone who does not work for or on behalf of the same employer. For example: a customer. Third party harassment will not be tolerated and if witnessed employees are encouraged to report it. Third party harassment can result in legal liability of Provide.

11.2 If employees are subject to or a witness to third party harassment, they should report this to their manager. Provide will endeavor to prevent and protect against instances of third-party harassment by carrying out the appropriate risk assessments for our customers. Where instances of third-party harassment occur, Provide will investigate these and take the appropriate action, which may include warning a customer about their behavior or reporting criminal act to the police. The Unacceptable Actions Policy may also be referred to should an employee raise a complaint about the behavior of a customer.

12. CONFIDENTIALITY AND RECORD-KEEPING

12.1 Confidentiality is an important part of the procedures provided under this policy. 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. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

12.2 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.

Stuart Turnbull

Managing Director