



## **DIGNITY AT WORK (Bullying & Harassment)**

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Harassment and bullying – whether on grounds of sex, race, gender reassignment, disability, sexual orientation, age, religion or belief system or for any other reason are unacceptable behaviour that the Company will not tolerate. Every employee and associate of The Real Apprenticeship Company Limited has the right to be treated with dignity and respect. Appropriate disciplinary action, which may include dismissal, will be taken against any employee, of whatever seniority, who contravenes this policy.

The Company will not tolerate retaliation against or victimisation of any employee involved in the bringing of a complaint of harassment or bullying under the Company's procedure. Such retaliation or victimisation will itself constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Senior management of The Real Apprenticeship Company Limited is fully committed to this policy.

### **What is Harassment?**

Harassment means verbal, non-verbal or physical conduct which:

- is of a sexual nature or on grounds of a person's sex, race, colour, ethnic origin, sexual orientation, disability, religion, belief system, age, sexual orientation or other personal characteristic; and
- is unwanted; and
- has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Harassment also means less favourable treatment of a person because he or she has rejected or submitted to the type of conduct described above.

Harassment can take many forms. Examples of harassment prohibited by this policy include:

- verbal abuse or offensive jokes or pranks related to a person's sex, race, gender reassignment, disability, sexual orientation, religious beliefs, age etc; lewd or suggestive comments; requests for sexual favours or repeated requests for dates;
- unnecessary body contact; threatened or actual assault or violence;



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- deliberate exclusion from conversations or work activities on the basis of race, gender, disability, sexual orientation, age etc;
- display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti;
- using e-mail or the Internet for the purpose of bullying or making abusive or offensive remarks related to a person's characteristics such as their race, gender, disability, sexual orientation, religion, age, etc or to send pornography or inflammatory literature.

This is not an exhaustive list. Some forms of harassment plainly constitute gross misconduct for the purposes of the Company's disciplinary procedure and will normally merit summary dismissal.<sup>1</sup> Examples of this category would be:

- threatened or actual sexual or racial assaults; and
- suggestions or threats by managers or supervisors that sexual favours or racial origins could affect someone's job security or prospects.

Other forms of harassment may constitute gross misconduct depending on the circumstances of the case.

Employees /seconded should be aware that, as well as committing a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow employee on the grounds of sex, race, gender reassignment, sexual orientation, disability, age, religion or belief in the course of their employment may be personally liable to compensate the victim. In addition, harassment for whatever reason may constitute a crime under the Protection from Harassment Act 1997 punishable by up to six months' imprisonment or a fine of up to £5,000.

### **What is Bullying?**

Bullying is persistent behaviour directed against an individual or group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).

Bullying can take many forms. Examples prohibited by this policy include:

- verbal abuse, such as shouting or swearing at colleagues;



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- threatening or insulting colleagues;
- abusing power or using unfair penal sanctions;
- practical jokes, initiation ceremonies or inappropriate birthday rituals;
- physical abuse such as hitting, pushing or jostling;
- rifling through, hiding or damaging personal property;
- ostracising or excluding colleagues from work events or social activities.

This is not an exhaustive list.

Bullying does not include appropriately conducted criticism of an employee's behaviour or job performance by management.

#### **When can Bullying or Harassment Occur?**

An employee/associate can be bullied or harassed by a colleague or subordinate as well as by a manager or supervisor; by an individual acting alone; or a group of individuals. An employee can be bullied or harassed at work and also, through his or her connection with work, outside working hours and/or outside the workplace. The Real Apprenticeship Company Limited will not tolerate bullying or harassment whatever the perpetrator's status, and wherever it occurs.

It is important to recognise that what one person may find acceptable, another may find totally unacceptable and that the essence of harassment and bullying is that the words or behaviour are unwelcome to the particular person who is the target of the words or behaviour. All employees must treat their colleagues with respect and appropriate sensitivity.

#### **Responsibility of Employees, Associates, Supervisors and Managers**

It is the responsibility of all employees/associates to comply with this policy and the particular responsibility of supervisors and managers to ensure it is carried out, with a view to developing and maintaining a working environment at The Real Apprenticeship Company Limited in which harassment and bullying are understood by all to be unacceptable. To this end, a copy of this Policy is provided to all employees/associates, who are expected to familiarise themselves with it and abide by its provisions. The Policy does not, however, confer any contractual rights.

It is expected that all employees/associates will act responsibly regarding this issue. False accusations of harassment or bullying can have a serious effect on innocent individuals. Therefore, should

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investigations show that a false accusation has been made in bad faith, appropriate disciplinary action, which could include dismissal, will follow. However, an employee who brings a complaint in good faith will not be subjected to any detriment by The Real Apprenticeship Company Limited.

## **DIGNITY AT WORK GRIEVANCE PROCEDURE**

Any complaint of harassment or bullying will be handled by The Real Apprenticeship Company Limited sensitively, in a timely and confidential manner. This is a specific procedure to deal with harassment or bullying complaints. Any such complaint should be raised under this procedure and not under the Company's Grievance Procedure.

The Company recognises the right of employees to determine for themselves whether the words or behaviour of others is acceptable to them and to bring a complaint in respect of harassment or bullying. Following the investigation of a complaint, the decision as to whether the complaint is warranted and, if so, what disciplinary sanction should apply is the responsibility of management.

Any records made of any action taken under this procedure will be treated as confidential wherever possible.

This procedure only applies whilst you are employed by or seconded to The Real Apprenticeship Company Limited.

### **Informal Resolution**

If you consider yourself to be the victim of harassment or bullying, you may in some cases be able to resolve the matter satisfactorily by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Company's policy and must stop. Alternatively you may wish to ask a fellow employee to put this on your behalf or to be with you when confronting the perpetrator(s).

You are encouraged to seek the assistance of The Talent Manager when you want advice regarding appropriate steps to stop the harassment or bullying. Any such discussion will be strictly confidential.

If it is considered to be appropriate, the Talent Manager may seek to resolve the matter informally by indicating to the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee; that any such behaviour is

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contrary to Company policy; that the continuation of such behaviour would, if substantiated, amount to a serious disciplinary offence and that their discussion is informal and confidential.

If a complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances and following consultation with you, the Company may decide that, notwithstanding that you raised the matter informally it is necessary to investigate further and take more formal action.

### **Formal Complaints Procedure**

In the event that informal resolution of the matter is unsuccessful or considered inappropriate in the circumstances, you may make a formal written complaint about the harassment or bullying to the Performance and Compliance Manager. In addition, the Company may decide that it is necessary to take more formal action. A formal complaint may lead ultimately to the imposition of disciplinary sanctions on the perpetrator(s).

You must provide the following details: the name of the alleged perpetrator(s), the nature of the harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses and any action taken by you to resolve the matter informally.

Where you and the alleged perpetrator(s) work in proximity to each other, it may be necessary to ensure you do not continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. This may necessitate that one or both parties be suspended on full pay.

Your complaint will be investigated promptly, impartially and, so far as practicable, confidentially. Following your complaint and normally within five working days, a meeting will be held with you to consider your allegation and the findings of the investigation and to enable you to put your case. At the meeting, you may be accompanied by a fellow worker who may address the meeting on your behalf but may not answer questions for you.

After the meeting (and normally within five working days), The Real Apprenticeship Company Limited will write to you to inform you of its decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome. The appeal should be submitted within five working days.



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If you submit an appeal, you will be invited to attend a meeting (normally within five working days of receipt of the appeal) to consider the matter.

Where the evidence gathered in the investigation and during the meeting indicates to The Real Apprenticeship Company Limited that a disciplinary offence has been committed, the Company's disciplinary procedure will be instigated and a disciplinary hearing under that procedure will be arranged to deal with the alleged disciplinary offence. In accordance with that procedure, the alleged perpetrator(s) will be provided with relevant evidence about the allegations against them and will be given a full opportunity to respond.

Where the investigation indicates that no disciplinary offence has been committed, both you and the alleged perpetrator(s) will be informed in writing.