

## DIGNITY AT WORK POLICY

### 1.0 Why do we have this Policy?

Amtico is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and Amtico. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on Amtico can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to Amtico's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships adversely affected. Serious harassment may be a criminal offence.

Amtico will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Amtico will also not tolerate victimisation of a person from making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

This policy covers bullying and harassment of and by managers, employees, contractor's agency staff and anyone else engaged to work at Amtico, whether by direct contract with Amtico or otherwise. If the complainant or alleged harasser is not employed by Amtico, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that Amtico could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

### 2.0 Key Principles

- If you raise a complaint in good faith it will always be taken seriously and investigated appropriately and in a timely fashion.
- Amtico will take appropriate steps to ensure there is no retaliation as a result of your complaint.
- Any complaint will be treated in the strictest confidence and all employees involved will be expected to keep the fact and content of their involvement confidential.
- Where appropriate, action will be taken under the disciplinary procedure in support of this policy.
- You may be accompanied by a work colleague or trade union official to any meetings arranged under this policy.

### 3.0 What is bullying and harassment?

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- Is reasonably considered by that person have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and have his/her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled) when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease or repeatedly offend an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant, or friend is a devout Christian.

A person may feel harassed even if the unwanted conduct is not directed towards him/her or related to his/her actual or perceived protected characteristic.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that they have been bullied or harassed by customer's suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under Amtico's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics from which are sex, gender, reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offence, e.g. a civil offence under the Protection from Harassment's Act 1997 and criminal offences or assault.

#### 4.0 Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called flame mail').

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- Threats for rejecting sexual advances e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation pay, advancement, assigned work or any other condition of employment or career development;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- Questions about a person's sex life;
- Unwanted nicknames related to person's age, race or disability;
- The use of obscene gestures;
- Excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;
- Ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be transgender;
- The open display or pictures or objects with sexual or racial overtones even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- Spreading malicious rumours or insulting someone;
- Picking on someone or setting him/her up to fail;
- Making threats or comments about someone's job security without good reason;
- Ridiculing someone;
- Isolation or non-cooperation at work; and
- Excluding someone from social activities.

#### 5.0 What is victimisation?

**Victimisation** is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have no right to be victimised for making a complaint or doing anything in relation to a complaint or bullying or harassment and Amtico will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **6.0 What should I do if I think I am being bullied or harassed?**

You may be able to sort out matters informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. You may feel able to approach the person yourself or with the help of someone in human resources, a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or human resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using Amtico's grievance procedure. In the case of grievances about bullying or harassment the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the human resources department. Amtico will ensure that you can bring your complaint in the first instance to someone of your own sex if you so choose.

In very serious cases a criminal offence may have been committed and you may wish to report matters to the police. The human resources department can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. Amtico will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

Amtico will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know' basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them. If the complaint is upheld and a person who has been to have harassed you is kept in Amtico's employment, managers may need to be given information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, Amtico will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceeding are underway.

If your complaint is upheld and the person found to have bullied or harassed you remains in Amtico's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish you may be able to transfer to another post.

If your complaint is not upheld, the human resources department will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Amtico will consider making arrangements to avoid you and the alleged harasser to continue to work alongside each other if either of you do not wish to do this.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

## **7.0 What can I do to help stop bullying and harassment?**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- Being aware of how your behaviour may affect others and changing it, if necessary – you can still cause offence even if you are 'only joking';
- Treating your colleagues with dignity and respect;
- Taking a stand if you think inappropriate jokes or comments are being made;
- Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- Intervening, if possible, to stop harassment or bullying and giving support to recipients;
- Making it clear that you find harassment and bullying unacceptable;
- Reporting harassment or bullying to your manager or human resources and supporting Amtico in the investigation or complaints; and
- If a complaint or harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- Set a good example by their own behaviour;
- Ensure that there is a supportive working environment;
- Make sure that staff know what standards of behaviour are expected of them;
- Intervene to stop bullying or harassment; and
- Report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

## 8.0 What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful; in future not to behave in a way that you know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and Amtico may bring disciplinary proceedings, if appropriate. Amtico will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

Amtico will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld will normally require limited disclosure on a 'need to know' basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, Amtico will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, Amtico could decide to transfer you to another post.

If a complaint is made against you that is not upheld and Amtico has good grounds for believing that the complaint was not made in good faith, Amtico will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if Amtico has good reason to think you may have victimised the complainant or someone else.

If the complaint against you is not upheld the human resources department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Amtico will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of Amtico's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal

or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

### **9.0 Making this policy work**

Amtico will provide where necessary training to all existing and new employees and others engaged to work at Amtico to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. We will provide where necessary additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

Amtico will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

Amtico will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

When carrying out any reviews or monitoring, Amtico will ensure that individual's personal data is handled in accordance with the Privacy Standard