

UK Bullying & Harassment Policy

Policy Overview

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| Policy Overview | We believe all our employees have the right to work in an environment free from harassment or bullying where each individual is treated with dignity and respect. Blaize will not tolerate any acts of behavior that would be considered to be bullying or harassment and seeks to ensure that the working environment is sympathetic to all its employees and to those who have business dealings with us. Such conduct is not only illegal and morally reprehensible, it is also detrimental to the culture and reputation of the business. | | | | | | | | |
| Why is this policy needed | Aim of this policy and the accompanying procedure is to prevent bullying and harassment, provide guidance and to resolve any problems should they occur as well as prevent further recurrence. | | | | | | | | |
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Details of the Policy

Overview

We believe all our employees have the right to work in an environment free from harassment and bullying where each individual is treated with dignity and respect. The Company will not tolerate any acts of behavior that would be considered to be bullying or harassment and seeks to ensure that the working environment is sympathetic to all its employees and third parties such as customers, suppliers or visitors. Such conduct is not only illegal and morally reprehensible, it is also detrimental to the culture and reputation of the business.

The aim of this policy and the accompanying procedure is to prevent bullying and harassment (including sexual harassment), to provide guidance and to resolve any problems should they occur as well as prevent further recurrence.

Outlined below are the types of behavior that are unacceptable and the actions employees should take if they feel they are being subjected to such behavior. It is the duty of our Management team to implement this policy, and all employees are expected to comply. Any member of the Management team who becomes aware of behavior which breaches this policy, whether or not a complaint has been made, has a responsibility to take the matter forward through investigation and to ensure it is dealt with confidentially and promptly. This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns. This policy covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.

Background Information

Harassment at work is a violation of employment and discrimination laws, and may also contravene criminal and/or civil law in some circumstances. In addition, harassment can reduce the effectiveness of the Company by creating a hostile or threatening environment, and increasing sickness, absence and labor turnover.

Harassment

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), which is covered in further detail below, or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, color, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment can take many forms, from relatively mild banter to actual physical violence. Employees may not always realize that their behavior constitutes harassment but they must recognize that what is acceptable to one person may not be acceptable to another.

The examples below are not exhaustive but give a clear indication in the majority of cases of the sorts of actions which constitute harassment. Serious examples may constitute gross misconduct which could lead to summary dismissal:

- **Physical Conduct** such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behavior or obscene gestures, physical threats and assault.
- **Verbal Conduct** such as unwelcome advances, patronizing titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over familiar behavior, jokes, banter or abusive/offensive language which is either threatening or refers to a person's gender, color, race, religion, ethnic or national origins, disability or sexual preference, gossip and slander (including speculation about a person's private life and sexual activities).
- **Non Verbal Conduct** such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling,

creation or distribution of suggestive or offensive pictures (including “pin up” calendars) or videos through any means.

- **Bullying** repeated inappropriate, offensive or intimidating behavior or an abuse or misuse of power which undermines, demeans or humiliates an employee, includes persistent criticism and personal abuse, either in public or private.
- **Coercion** including threats of dismissal or loss of promotion etc. for refusal of sexual favors, (or promises made in return for sexual favors), pressure to participate in political or religious groups.
- **Isolation or non cooperation at work** – deliberate exclusion from conversations or social activities.

Such conduct is employment related if for example:

- The conduct interferes with the affected person’s work performance.
- The conduct creates an intimidating, hostile, degrading, humiliating or offensive working environment even if this effect was not intended by the person responsible for the conduct, or is not aimed at the individual. Therefore, a person may be harassed even if they were not the intended "target".

Harassment can be persistent and repeated; continuing after the person subjected to it makes it clear he/she wants it to stop. However, a single incident can also constitute harassment.

All employees should note that any act(s) of harassment committed by them in the course of their employment will be dealt with under this procedure. This includes not only situations occurring whilst at work, but also at any time on the Company’s premises, or externally whilst attending social functions or training courses etc. organized by the Company.

Sexual Harassment

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment. It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment may include, for example:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- (e) offensive emails, text messages or social media content.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

Third-Party Harassment

Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, sexual harassment, derogatory comments about a person's age, disability, color or sexual orientation by a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment. Third party harassment will not be tolerated and all employees are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

We will take active steps to try to prevent third-party sexual harassment of staff. These may include warning notices to customers or providing training on harassment issues. In addition, if any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

Any harassment (including sexual harassment) by an employee against another employee or third-party may lead to disciplinary action up to and including dismissal.

Victimization

Victimization includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Equality Act 2010.
- Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- Alleging that a person has contravened the Equality Act 2010.

Serious examples that may constitute gross misconduct which could lead to summary dismissal:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
- Excluding someone because they have raised a grievance about harassment.
- Failing to promote someone because they accompanied another employee to a grievance meeting.
- Dismissing someone because they gave evidence on behalf of another employee at an employment tribunal hearing.

Bullying

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.

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

- physical or psychological threats;
- overbearing and intimidating levels of supervision; or
- inappropriate derogatory remarks about someone's performance.

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

Procedure for Dealing with Harassment and Bullying

- Harassment, bullying and victimization are unlawful, will not be tolerated and may result in disciplinary action up to and including dismissal.
- All allegations of discrimination, harassment or bullying will be dealt with seriously, confidentially and speedily. The Company will not ignore, or treat lightly grievances or complaints of discrimination or harassment.
- In all cases, the Company will treat the matter as strictly confidential.

Dealing with Harassment and Bullying at an Informal Stage

If at any time an employee feels they are a victim of minor harassment they should make it clear to their harasser that the behavior is unacceptable to them and must stop. If the employee feels unable to do this verbally then a written request may be effective, or alternatively they may request any member of the Management team to approach the alleged harasser on their behalf or to provide confidential advice and assistance in resolving the issue formally or informally.

Formal Procedure

Where informal methods fail, or more serious harassment occurs, the employee is advised to bring a formal complaint and to seek assistance from any member of the Management team.

Whilst recognizing the employee's feelings and the effect the alleged harassment may have had on them, it is important to establish the facts and the employee will be asked to provide details of their allegations, i.e.

- What happened?
- Where did it occur?
- Who was involved?
- Was this the first incident?
- When did it occur?
- Were there any witnesses?

If the employee wishes, they may be supported throughout the procedure and at any meetings by any of the people designated above or by a colleague of their choice.

The investigation will be conducted by a manager with appropriate experience and no prior involvement in the complaint, where possible. The person receiving the complaint will carry out a thorough investigation as quickly as possible.

When asking questions it is important for managers to be sensitive. This includes taking care not to phrase questions in a way that implies that the harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialize the experience or suggest that it was imaginary. The intention of the alleged harasser is irrelevant, it is the effect on the complainant that is important.

All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence. Copies of statements made by witnesses will be made available to both the complainant and the alleged harasser, but the names of the witnesses may be withheld if they ask to remain anonymous.

We will consider whether any steps are necessary to manage any ongoing relationship between the employee and the person accused during the investigation. For example, the employee may ask for changes to your duties or working hours to avoid or minimize contact with the alleged harasser or bully.

Where the manager in charge of dealing with the complaint believes that harassment may have taken place, they will invoke the disciplinary procedure, to ensure that the employee accused of harassment has every opportunity to defend or explain their actions. The alleged harasser will be entitled to be accompanied at

any disciplinary hearing. Common responses to allegations of harassment include denial or disbelief that the behavior was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.

The severity of the penalty imposed upon an employee believed to be guilty of harassment will be consistent with other disciplinary offences. Where the harasser is given a warning short of dismissal, discussions will take place with the complainant, and, where necessary, any reasonable steps will be taken to alter working practices to minimize contact between the complainant and the harasser.

An employee who receives a warning or is dismissed for harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, criminal charges may be appropriate and it may be necessary to refer the case to the police.

Any employee who brings a complaint of harassment will not suffer victimization for having brought the complaint. The complainant should not be moved except at his/her request or in exceptional circumstances. However, if the complaint is untrue and has been brought in bad faith (e.g. spite) disciplinary action will be taken.

Witnesses

Employees who witness harassment or victimization are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so.
- Supporting the victim to report it or reporting it on their behalf.
- Reporting the incident where you feel there may be a continuing risk if you do not report it.
- Cooperating in any investigation into the incident

All witnesses will be provided with appropriate support and will be protected from victimization.

Following the Investigation

Whether or not the employee's complaint is upheld, we will consider how best to manage the ongoing working relationship between the employee 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.

Once the case has been resolved and time has been given to allow relationships to stabilize and return to normal in the workplace, contact should be maintained with the employee informally. If further problems of harassment or victimization are being encountered, or the employee continues to suffer stress or anxiety, immediate action should be taken to investigate and find a solution.

Review of Procedure

This procedure will be regularly reviewed to ensure its effectiveness. Any comments on this procedure should be made to the Management team.

Additional Information

Workplace Bullying & Harassment - UK Law

Page Properties

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