

## 1. AIM

The Company is committed to providing an inclusive and welcoming work environment that respects the rights of each individual employee and where colleagues treat each other with the utmost respect. We are committed to equality and diversity and to providing a place of work that is free from bullying, harassment and victimisation and is an open, safe and positive environment. Any behaviour that undermines this aim is unacceptable.

We do not tolerate harassment and bullying of any individual, under any circumstances. Employees have the right to enjoy a work environment that is free from harassment, bullying and victimisation and should feel empowered to raise challenges and make complaints if they experience any behaviour that falls below this standard.

As part of our duty of care towards our employees, the Company will treat any complaints of alleged harassment and/or bullying as a priority. We will investigate any complaint brought to our attention in a fair, independent and confidential way and, after considering all the facts, we will take prompt and appropriate action to address the matter.

This policy sets out to:

- 1.1 ensure that the workplace is free of unwanted conduct that violates anyone's dignity or creates an intimidating, hostile, degrading, offensive or humiliating environment.
- 1.2 clarify the type of behaviour that is deemed acceptable.
- 1.3 treat harassment and bullying as a serious disciplinary matter.
- 1.4 provide individuals who are experiencing problems with guidance and support about how to informally or formally address issues with bullying and harassment.

## 2 SCOPE

This policy applies to all employees both in the workplace and at work associated events (including virtual settings) such as meetings, conferences, work related social events, whether on the premises or off site and on social media. Appropriate disciplinary action may be taken against any employee who breaches this policy.

We do not tolerate harassment of employees by third parties, e.g. clients or customers, and will take appropriate action to investigate all instances which are reported.

## 3 CONFIDENTIALITY

All complaints, associated correspondence and interviews must be treated in strict confidence. Information will only be shared with individuals by agreement, when it is deemed essential.

Breaches in confidentiality by any individual involved in the process of addressing the issue may result in disciplinary action.

## 4 DEFINITIONS OF HARASSMENT

### 4.1 Harassment

Harassment occurs when a person engages in unwanted conduct that has the purpose or effect of violating individual dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for any individual.

Harassment is also defined as unwanted conduct related to relevant protected characteristics that have the purpose or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The relevant protected characteristics are :

- race, ethnic origin, religion or beliefs
- gender, gender reassignment, sexual orientation
- marital or civil partnership status
- pregnancy or maternity leave
- age, health, disabilities or physical characteristics

There is no definitive checklist of what defines harassment as it is often specific to the person, relating to their feelings of respect and dignity. Harassment can take many forms, which can range from relatively mild banter to actual physical violence.

Individuals may not always realise that their behaviour constitutes harassment; what is acceptable to one person may not be acceptable to another.

Forms of harassment may include (but not restricted to):

verbal harassment - examples include crude language, offensive jokes, suggestive or offensive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs related to any of the protective characteristics listed above

- non-verbal harassment - examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects
- physical harassment – examples include unnecessary and unwanted touching, patting, pinching, or brushing against another person's body, assault and physical coercion
- isolation or non-co-operation and exclusion from social activities for a reason related to sex, race, religion, etc.

### 4.2 Sexual Harassment

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

4.2.1 Examples of sexual harassment may include:

- Sexual gestures
- Unwelcome advances or requests for sexual favour
- Displaying sexually suggestive objects, pictures, calendars
- Sending suggestive and pornographic correspondence including text messages or emails
- Unwelcome sexual comments and jokes
- Unwanted physical contact such as unnecessary touching, groping, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault or coerced sexual relations
- Comment on someone's looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable

4.2.2 Company rules on sexual harassment:

- No individual has the right to sexually harass another person
- Sexual harassment is never too minor to be dealt with
- All complaints will be handled in a respectful and confidential manner
- Sexual harassment is about how we make others feel
- Sexual harassment is considered to be a serious disciplinary matter. Anyone found to be subjecting another member of staff to sexual harassment could face disciplinary action under the Company Disciplinary Policy; up to and including dismissal on the grounds of gross misconduct.
- No individual will be victimised or unfairly treated as the result of raising a concern, regardless as to whether the matter relates to them personally or a colleague.

Talking about sexual harassment may be difficult for the individual concerned. This might be for fear of challenging a more senior colleague or fear of not being heard. We will always listen to complaints and do everything possible to stop sexual harassment and any other kind of harassment from happening, while supporting the person raising the complaint.

## 5 WORKPLACE BULLYING

Workplace bullying is commonly (but not exclusively) repeated inappropriate behaviour, direct or indirect, whether verbal, physical, psychological or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but as a one off incident may not necessarily amount to bullying,

5.1 Non exhaustive examples of bullying may include:

- shouting at, being sarcastic towards, ridiculing or demeaning others
- making physical or psychological threats
- overbearing supervision and making inappropriate and/or derogatory remarks about a worker's performance
- abuse of authority or power by those in positions of seniority

- unjustifiably excluding colleagues from meetings/communications

Bullying does not include legitimate and constructive criticism and management of an employee's performance or behaviour or making reasonable requests of employees or taking appropriate steps under these matters.

## **6 VICTIMISATION**

Victimisation consists of treating an individual less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness in connection with any proceedings under this policy.

Provided that you act in good faith, ie you genuinely believe that what you are saying is true, you have a right not to be victimised. We recognise that fear of victimisation can put people off reporting harassment and we will always therefore take appropriate action to deal with any alleged victimisation, including disciplinary action.

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.

## **7 THE IMPACT OF BULLYING AND HARASSMENT**

Harassment and bullying can extract a high price on individuals and the organisation alike. Employees can be subject to fear, stress, and anxiety, which can put great strains on personal and family life. Harassment and bullying can lead to mental health illness, physical illness, absenteeism, an apparent lack of commitment, poor performance, reduced productivity and resignation. Effects on the organisation can include loss of morale, poor work performance, increased staff turnover, legal claims and damage to our reputation.

## **8 PROCEDURE FOR REPORTING HARASSMENT OR BULLYING**

The Company recognises the sensitive nature of complaints of harassment and the possible reluctance of employees to raise such issues through the Grievance Procedure. Employees who wish to discuss such complaints in strict confidence should contact the Human Resources Department.

### **8.1 Informal Approach**

In most cases the most effective and efficient way of dealing with a problem or potential problem is to raise the matter informally, in the first instance. It is often helpful to talk through the situation to clarify what the unwanted behaviour is, what the options are and how best to approach it.

Individuals who believe themselves to be the subject of minor harassment should, if they feel able to do so, immediately tell the individual responsible that the behaviour in question is offensive, unwanted, and that they want it to stop.

It is possible that the person causing the problem may not realise that his/her behaviour is unwelcome or causing distress. This doesn't make the perpetrator any less responsible for their actions, however in many cases the situation can be resolved simply by communicating this.

The individual may find it helpful to speak with either their line manager, or a member of the HR team, in advance in order to help them prepare for the conversation with the other party. Any such conversations will be treated with the strictest confidence.

Consideration should be given as to whether mediation may be an appropriate means of resolving the issue. Mediation is an informal process whereby an independent third party (mediator) facilitates a conversation between two individuals with the aim of resolving differences and agreeing future ways of working.

Mediation may not be suitable in all cases, and will only be effective if both parties agree to enter into it in good faith and with the intention of seeking resolution. A member of the HR team will explain the mediation process in further detail, should it be deemed to be an appropriate offering, in the circumstances.

An example whereby mediation may not be suitable would be alleged harassment relating to discrimination claims. In cases such as this, the formal procedure should be initiated straightaway.

## 8.2 Formal Procedure

8.2.1 Where informal methods fail, or serious harassment/bullying has been reported, employees are advised to bring a formal complaint, and may seek assistance from HR in doing so. The complaint should be made in writing, and where possible, should:

- Set out the basis of the complaint
- State who is being complained about
- Give details of the unwanted behaviour, including dates and times
- Give details of any witnesses to the unwanted/inappropriate behaviour
- Detail any action already taken to stop the harassment or bullying.

The complaint should be sent, in confidence, to the employee's manager or if preferred to HR.

8.2.2 Immediately following a complaint being received, action will be taken where appropriate to separate the alleged harasser from the complainant; this may involve temporary transfer of the alleged harasser to another department, or suspension with pay until the complaint has been resolved.

8.2.3 Upon receipt of the written complaint, an independent manager will be appointed to handle the case and will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times.

The investigation will likely take the form of:

- an interview with the complainant to clarify details of the complaint
- an interview with the person being complained about to obtain their view of the situation
- interview(s) with any relevant witness(es) to corroborate event(s)

Copies of statements will be made available to the alleged harasser and the complainant.

- 8.2.4 At any stage during the process, either party may be transferred following consultation with the line management and the individual concerned.
- 8.2.5 The complainant may, if he/she wishes, be supported throughout the procedure and hearing by a colleague of their choice. Alternatively, where an employee is a member of a recognised trade union, he/she may be represented by a union representative.
- 8.2.6 The individual accused of harassment or bullying will also have the right to be accompanied at the meeting by a trade union representative or colleague of their choice.
- 8.2.7 Upon considering information presented by all parties during the investigation stage, the investigating manager will prepare a summary of their findings and recommend one of the following courses of action:
- The complaint is upheld and there is a disciplinary case to answer, as such a formal disciplinary hearing will be convened in line with the AG Barr Disciplinary Policy.
  - The complaint has not been upheld, and there is no further action required.

In addition to either of the above, the investigation manager may make recommendations to support both parties or improve ways of working.

- 8.2.8 If the complainant is not satisfied about the way his/her complaint has been handled, he/she may ask for it to be reconsidered. Requests for reconsideration of the complaint should be made to HR within five working days of the first hearing. The decision of this second hearing will be sent, in writing, to both parties and will be final.
- 8.2.9 An individual who receives a warning or is dismissed for harassment or bullying may appeal against the penalty in accordance with the Company's Disciplinary appeal procedure.
- 8.2.10 An individual who brings a complaint of harassment or bullying must not be victimised for having brought the complaint.

## **9 MALICIOUS COMPLAINTS**

Disciplinary action, in accordance with the Disciplinary Policy, may be taken against a complainant who is found to have made a malicious accusation. In the event of a claim,

which is unfounded or unsubstantiated, but without malicious intent, no disciplinary action will be taken.

## **10 WHAT TO DO IF YOU WITNESS HARASSMENT OR BULLYING**

We all share responsibility for ensuring a safe and positive work environment for ourselves and others. You may not have experienced harassment and bullying directly, but have witnessed someone else being harassed or bullied. If this has occurred, you should raise your concerns in order to protect the safety and wellbeing of the other person. We will support you in raising any concerns in an informal or formal way, so the harassment or bullying can stop. Will will not victimise, treat unfairly or discipline you for raising a genuine concern.

## **11 RESPONSIBILITIES**

- 11.1 Managers are responsible for ensuring this policy and related procedures are adhered to at all times and for ensuring that their teams are aware of their responsibilities.
- 11.2 Employees are expected to familiarise themselves with the policy and procedures and to comply with them. Employees should also report incidents to their manager or HR if they believe them to be inappropriate.
- 11.3 HR will ensure that managers are trained appropriately any complaints are acted on immediately and will review the policy and procedures on a regular basis.

## **12 RECORDING OF MEETINGS**

You, or any person acting on your behalf, is not normally permitted to record electronically any meeting held under the formal procedure. Any breach of this provision may lead to disciplinary action, up to and including dismissal.

In certain limited circumstances, we may permit the meeting to be recorded electronically. For example where it is a reasonable adjustment for an employee with a disability.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

## **13 DATA PROTECTION**

We process personal data collected during informal complaints and the formal procedure in accordance with our [Data Protection Policy](#). In particular, data collected as part of informal complaints and the formal procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. You should immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

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