

ANTI-BULLYING AND HARASSMENT POLICY AND PROCEDURES

Avantgarde Tiling Limited are committed to creating a working environment where everyone is treated with dignity and respect.

Harassment and bullying can make people unhappy, cause them stress, affect their health, and family and social relationships. It may impact their work performance and cause them to leave their job. Avantgarde management have zero tolerance towards bullying, harassment or victimisation and all allegations of bullying and harassment will be investigated, and if appropriate, disciplinary action will be taken.

All employees of Avantgarde are responsible for helping to ensure that individuals do not suffer any form of bullying or harassment and they are encouraged and supported in any legitimate complaint. Every individual will be accountable for the operation of this policy, as they carry responsibility for their own behaviour and actions on or off site. Bullying or harassment of staff by visitors to the organisation will also not be tolerated.

This policy aims to help prevent bullying and harassment from occurring in the workplace and give guidance in resolving complaints informally and formally should such instances occur.

Definitions

Harassment is defined as unwanted conduct with the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality, and ethnic or national origins), age, disability, marital status, sexual orientation and religion or belief.

Sexual Harassment is unwanted behaviour of a sexual nature which could violate an employee's dignity, make them feel degraded, humiliated or creates a hostile or offensive environment.

There is no statutory definition of bullying, but it can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

It differs from harassment in that it tends to involve a gradual accumulation of small incidents over a longer time and does not necessarily present a clear case for discrimination against a protected characteristic.

Examples of bullying or harassment may include, but are not limited to:

- Behaviour of a racist, sexist, homophobic, bi-phobic, transphobic, ageist or disablist nature
- Behaviour that causes or is intended to cause distress such as name calling, ridicule, insults, jokes graffiti or physical abuse.
- Abuse through email, texts, online, social media or websites
- Stalking
- Spreading malicious rumours, or insulting someone by word or behaviour
- Maliciously copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Unjustified exclusion from work activities or victimisation
- Communicating in a demeaning manner
- Misuse of power or position such as deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally or unjustifiably blocking promotion or training opportunities
- Unwelcome sexual advances or sexual innuendo – touching, standing too close, display of offensive materials (including pornographic), asking for sexual favours, making decisions based on sexual advances being accepted or rejected, or sending material of a sexual nature by any means.
- Making threats or comments about job security without foundation

Harassment is unlawful under the Equality Act 2010. It will not be tolerated; instances may be treated as disciplinary offences. This applies not only to the spoken or written word but also to e-mail, text messages and social media posts in and away from the workplace.

In general decisions will be based on the impact of the behaviour on the recipient not the intention of the perpetrator. Equally, it cannot be the case that if a person feels bullied or harassed that is enough to conclude they have been.

Responsibilities of supervisors and managers

Managers will familiarise themselves with the content of this document and set a good example by their own behaviour. They will ensure all employees are aware of the content of this policy and what is and is not acceptable behaviour at work. They will apply the policy in a fair and consistent manner and promote a supportive working environment and encourage a culture where inappropriate behaviours are challenged. Prompt action will be taken to intervene and stop bullying or harassment. Any informal or formal complaints will be handled sensitively and in a timely manner with confidentially maintained to the maximum extent possible.

Responsibilities of Employees

Employees should familiarise themselves with the content of this document. They should be conscious of the affect their behaviour may have on others around them and change it if necessary. They should endeavour to treat their colleagues with dignity and respect and challenge inappropriate behaviour when they encounter it. Employees are encouraged to report incidents of bullying or harassment and utilise the formal complaints procedure responsibly and in good faith, assisting in any investigation if asked to provide witness evidence.

Dealing with Bullying or harassment complaints

Informal Process

We encourage any issues in the first instance to be resolved informally before using the formal process. This focuses on resolving disputes early on. This not only resolves matters more swiftly but reduces the emotional impact on those involved. You should initially consider raising the problem informally with the person responsible if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should speak to Human Resources, who can provide confidential advice and assistance in resolving the issue formally or informally.

If after exploring this process the results have not been satisfactory you may wish to raise a formal complaint.

Raising a formal complaint

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Managing Director, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. 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. As a general rule, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and the manager handling the complaint will need to establish whether it was reasonable for the person to be offended and whether the alleged perpetrator could reasonably have been expected to be aware of the impact of their behaviour. Information regarding 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. These will be processed in accordance with our Data Protection Policy.

Formal Investigations Procedure

Avantgarde strive to investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. 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. 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. Where your complaint is about someone other than an employee, such as a contractor, customer, service user, 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. 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 to avoid or minimise contact with the alleged harasser or bully. 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. 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.

As well as internal procedures for dealing with harassment and bullying, the behaviour reported may be breaking the law and may be prosecuted by the courts. Depending on the severity, the matter may be referred to the police in line with the Protection from Harassment act 1997. If this occurs internal investigations will be halted until the outcome of police investigations is released.

Making an appeal

If you are not satisfied with the outcome you may appeal in writing, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you. We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by someone 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. We will confirm our final decision in writing, usually within one week of the appeal.

Protection from victimisation

Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result. If you believe you have suffered any such treatment you should inform the Managing Director. Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

Monitoring and Review

Following a formal investigation under this policy, the manager and investigator involved should consider whether this policy has been effective in addressing the issues and report any problems or suggestions for improvement. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Managing Director.

Barbara Zanasi
Avantgarde Tiling Ltd
Managing Director

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