

## **ANTI-HARASSMENT AND BULLYING POLICY**

### **PURPOSE OF POLICY**

The purpose of this policy is to ensure that all Riello UPS UK Limited and Riello UPS Ireland Limited staff are treated and treat others with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.

This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by staff and also by third parties such as customers, suppliers or visitors to our premises.

Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible.

Breach of this policy will be dealt with under our disciplinary procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

This policy is for guidance only and does not form part of your terms and conditions of employment. We may amend it at any time or depart from it where we consider appropriate.

### **LEGISLATIVE FRAMEWORK**

- 1.1. (a)** The Equality Act 2010 (UK) and The Employment Equality Act 2015 (Ireland) prohibits and discrimination on specific grounds related to Age, Civil Status, Disability, Family Status, Gender, Housing Assistance Payment, Membership of the Traveller Community, Race, Religion and Sexual Orientation. For more information see our Equal Opportunities Policy.
- (b)** Under the Code of Practice on Sexual Harassment and Harassment at Work we have put measures in place to prevent harassment and sexual harassment at work. In the UK, the Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- (c)** Under the Safety, Health and Welfare at Work Act 2005 (Health and Safety at Work etc Act 1974 in the UK), staff are entitled to a safe place and system of work. This includes a workplace free from harassment, intimidation and bullying.

- (d) Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties including customers and may be ordered to pay compensation by a court or employment tribunal.
- (e) In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and wherever possible eliminating such unlawful behaviour.

## **PERSONNEL RESPONSIBLE FOR IMPLEMENTATION OF POLICY**

- 1.2. (a) The Managing Director has overall responsibility for this policy. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change to the policy lies with the Company's Managing Director.
- (b) Line Managers have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that workers understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards. Line Managers will be given training on the relevant legal and operational framework and best practice.
- (c) All workers are responsible for treating their colleagues with dignity, and for the success of this policy they should ensure that they take the time to read and understand it. Workers should disclose any instances of harassment or bullying of which they become aware to their Line Manager. Questions about this policy should be directed to your Line Manager.

## **WHO IS COVERED BY THE POLICY?**

- 1.3. (a) This policy covers all individuals working for Riello UPS UK Limited and Riello UPS Ireland Limited at all levels and grades, including senior managers, officers, directors, employees, contractors, trainees, homeworkers, part-time or fixed-term employees, and agency staff (collectively known as **workers** in this policy).
- (b) This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of Riello UPS UK Limited and Riello UPS Ireland Limited and on or off our premises or sites.

## **WHAT IS HARASSMENT?**

- 1.4. (a) Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, violating a worker's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- (b) It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

- (c) Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the victim's Age, Civil Status, Disability, Family Status, Gender, Housing Assistance Payment, Membership of the Traveller Community, Race, Religion and Sexual Orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- (d) Harassment may include, for example:
- unwanted physical conduct or "horseplay", including touching, pinching, pushing grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
  - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
  - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
  - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
  - mocking, mimicking or belittling a person's disability;
  - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - outing or threatening to out someone as gay or lesbian; or
  - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

The list is not exhaustive and other behaviour may constitute harassment.

**A person may be harassed even if they were not the intended "target", for example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him.**

## **WHAT IS BULLYING?**

- 1.5 (a)** Bullying is offensive, intimidating, malicious or insulting behaviour 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.

- (b) Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- shouting at, being sarcastic towards, ridiculing or demeaning others;
  - physical or psychological threats;
  - overbearing and intimidating levels of supervision;
  - inappropriate and/or derogatory remarks about someone's performance;
  - abuse of authority or power by those in positions of seniority; or
  - deliberately excluding someone from meetings or communications without good reason.
- (c) Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

#### ***WHAT TO DO IF YOU HAVE BEEN BULLIED OR HARASSED: INFORMAL PROCEDURE***

- 1.6. (a) If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable. If this is too difficult or embarrassing for you to do on your own, you should seek support from a colleague, your Line Manager.
- Line Managers will provide confidential advice and assistance to workers who have been bullied or harassed and will assist in the resolution of any problems, whether through formal or informal means.
- (b) If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance you should approach your Line Manager confidentially, on an informal basis. They will be able to advise you as to how the matter should be dealt with.
- (c) If the conduct continues or if it is not appropriate to resolve it informally, you should follow the formal procedure set out below.

#### ***WHAT TO DO IF YOU HAVE BEEN BULLIED OR HARASSED: FORMAL PROCEDURE***

- 1.7. (a) The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases or where the informal procedure has been unsuccessful, you should raise your complaint in writing with your Line Manager whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.
- (b) Your written complain 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) when the harassment or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment or bullying from occurring.

- (c) As a general principle, the decision to progress a complaint rests with you. However, as your employer we have a duty to protect all workers and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

#### **FORMAL PROCEDURE: INVESTIGATION**

- 1.8.
- (a) We will 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) 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 so as to avoid or minimise contact with the alleged harasser or bully.
  - (f) 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.
  - (g) 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 investigative officer's report and the manager's findings will be given to you and to the alleged harasser.

#### **FORMAL PROCEDURE: ACTION FOLLOWING THE INVESTIGATION**

- 1.9. (a) If the manager finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence.
- (b) Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred.
- (c) Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- (d) Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of one or both parties.
- (e) Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our disciplinary procedure.

#### **FORMAL PROCEDURE: APPEAL**

- 1.10. (a) If you are not satisfied with the outcome of the investigation, you may appeal in writing to the Managing Director stating your full grounds of appeal, within 14 days of being notified of the decision.
- (b) We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by the Managing Director or your Line Manager so long as they have not previously been involved in the case (although they may ask anyone previously involved to be present).
- (c) You may be accompanied by either a colleague or a trade union representative. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure and there is no further appeal.

#### **PROTECTION FOR THOSE MAKING COMPLAINTS OR ASSISTING WITH AN INVESTIGATION**

- 1.11. Workers who, in good faith, make complaints or participate in any investigation carried out 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 your Line Manager or other Senior Manager. If the matter is not remedied you may raise a complaint in writing under this procedure or the grievance procedure. Workers who, after investigation, are found to have provided information falsely and in bad faith or who are found

to have retaliated against or victimised someone for making a complaint under this procedure will be subject to disciplinary action under our disciplinary procedure.

## **CONFIDENTIALITY**

- 1.1. Confidentiality is very important throughout all parts of this policy. It is the responsibility of everyone involved in the policy, whether making a complaint or involved in any investigation, to respect and observe the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. Information about 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 the Data Protection Act 2018. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

## **MONITORING AND REVIEW OF POLICY**

- 1.13. (a) This policy reflects the law and Riello UPS UK Limited and Riello UPS Ireland Limited practice as at the date of this Policy. The Managing Director will be responsible for reviewing this policy from a legislative and operational perspective at least annually.
- (b) Following a formal investigation under this policy, your Line Manager and the investigator involved should consider whether this policy has been effective in addressing the issues and report any problems or suggestions for improvement to The Managing Director.
- (c) The Managing Director has responsibility for ensuring that any personnel who may be involved with investigations or administrative tasks carried out under this policy receives regular and appropriate training to assist them with these duties.
- (d) Workers are invited to comment on this policy and suggest ways in which it might be improved by contacting the Managing Director.

## **Policy Review**

This Policy has been authorised and will be regularly reviewed and updated as required by the Managing Director.