

HARASSMENT POLICY

Version 001_October 2024_Owner Mr Ian Fereday

Review Date – Next review due in the event of an incident or change in legislation, maximum three years between reviews.

1. Introduction

“Harassment” (including sexual harassment) consists of any unwanted conduct that violates an individual’s dignity or constitutes victimisation, or which creates an intimidating, bullying, abusive, hostile, degrading, humiliating, offensive or otherwise uncomfortable environment.

This includes harassment related to the protected characteristics of sex, race, national origin, ethnic origin, age, disability, sexual orientation, gender reassignment, religion or belief. It can involve a single incident or may be persistent and may be directed towards one or more individuals. PCL does not tolerate acts of harassment committed by employees, ex-employees or by third parties against its employees.

Harassment is unacceptable both in the work place and in any work-related setting outside of the work place such as business trips, social events and business-related social events. This includes on social media.

If you have been subject to, or have witnessed, any acts of harassment on and/or off PCL’s premises you may use this procedure to make a complaint as an alternative to that described in the Grievance Policy.

Please note that harassment will not be tolerated, is unlawful and can punishable by fines and even imprisonment.

This policy will be available to all employees as part of PCL’s employee handbook and new starter pack. PCL will train it’s employees on this policy at regular intervals (inc. sexual harassment), it will also be included on our website within our policies page.

2. Scope

This policy applies equally to full time and part time employees on a substantive or fixed-term contract, and to associated persons who work for PCL such as secondees, agency staff, contractors and others employed under a contract of service.

The policy also covers customers, visitors and other parties who have contact with our employees.

3. Unacceptable Behaviour

Harassment, bullying and/or victimisation may constitute gross misconduct. The Discipline Policy procedures, whether formal or informal, may be invoked where there is evidence of misconduct and/or gross misconduct. Sanctions may include summary dismissal.

Please note that victimisation of or retaliation upon anyone who makes a complaint in good faith or assists in the investigation of alleged harassment is in itself a disciplinary offence and may lead to summary dismissal.

Single or continual acts may constitute harassment. In general, conduct becomes harassment if it persists once it has become clear that the recipient regards it as offensive.

Aggravating factors, such as abuse of power over junior colleagues will be taken into account when deciding what disciplinary action to take.

All complaints will be dealt with confidentially and promptly and you may seek support or advice from your line manager and/or Human Resources at any stage.

PCL encourages prompt reporting of complaints or concerns regarding harassment because prompt reporting and intervention has proved to be the most effective method of resolving actual or perceived incidents of harassment. Under normal circumstances, a complaint must be made as soon as possible and, in any event, within two weeks of the alleged incident (or the last of such alleged incidents) taking place.

All individuals involved in any harassment complaint will be asked to maintain the confidentiality of the discussions which are held. PCL will treat all complaints of harassment seriously, however if it is established during any investigation that you have made a capricious, false or malicious accusation or your complaint is without foundation, then you yourself may be subject to disciplinary action.

Complaints against third parties will be passed to the employer of that party. PCL will ask for feedback on the output of the employers internal processes for dealing with harassment. PCL reserve the right to refuse to deal with individuals or organisations where appropriate.

The following list is not exhaustive but is intended to provide a number of examples of unacceptable behaviour:

- unwanted physical contact such as unnecessary touching or brushing against another employee's body, patting, pinching, insulting or abusive behaviour or gestures, physical threats, assault, coerced sexual intercourse or rape;
- unwanted verbal conduct such as unwelcome advances, patronising nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to an individual or a group's race, nationality, ethnic origin, age, language, religion or similar belief, political or other opinion, affiliation, gender, gender reassignment, sexual orientation, marital status or civil partnership, connections with a national minority, national or social origin, property, birth or other status, family connections, or disability, etc.
- repeated suggestions for unwanted social activities;
- unwanted non-verbal conduct such as graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, display of pornographic or sexually suggestive literature, pictures, films, objects, or inappropriate use of network systems for this purpose;

- bullying, including persistent inappropriate criticism and personal abuse and/or ridicule, either in public or private, which humiliates or demeans those involved;
- unlawful victimisation such as 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 proceedings under any anti-discrimination legislation
- any other conduct that denigrates an individual or group.

4. Informal Action

If you are the subject of harassment you may deal with the matter informally and/or formally. If you have been subject to, or have witnessed, harassment, victimisation or bullying and if you feel able you should tell the person(s) responsible for the behaviour in question that it is offensive and that it must stop. You must explain what behaviour you find unacceptable, unwelcome or embarrassing.

Alternatively, you may prefer to put your complaint in writing to the person(s) responsible for the behaviour in question; or, to ask a work colleague or Human Resources to speak to the person(s) on your behalf. You must keep a note of all relevant details.

This approach may be sufficient to correct a situation where those involved were unaware of causing offence. However, if an informal approach is unsuccessful or you continue to be subjected to the behaviour, you may prefer to raise the matter formally.

Note: Informal action is not appropriate for complaints against customers and other third parties.

5. Formal Action

5.1 Statement of Harassment

Whether or not informal action has been taken, if you have been subject to, or have witnessed, harassment you can raise the matter directly with your line manager in writing. You must provide as much detail as possible of the alleged harassment. If required, you will be invited to a meeting to discuss the matter in more detail prior to any investigation taking place.

Depending on the circumstances, you may raise the matter directly with Human Resources or speak to your line manager who will inform Human Resources. Your complaint will be treated sensitively, seriously and confidentially.

Both the complainant and the alleged offender have the right to be accompanied by a work colleague or a trade union official to any subsequent meeting. Where any party chooses not to be accompanied this will be noted. Colleagues attending any meeting may ask questions of clarification and confer with you but may not answer questions on your behalf.

5.2 Investigation

An investigating manager not previously involved in the case, will be assigned to collect details of the alleged harassment and to allow the alleged offender to give his/her side of the case. This may include meetings and gathering witness statements, where relevant. The investigating manager will draft a factual written report of the investigation. Where appropriate, the alleged offender may be transferred to another work area during the investigation procedure or suspended on full pay.

The alleged offender will be given the opportunity to see the written complaint against him/her, but only in exceptional circumstances will he/she be allowed to speak to you directly.

5.3 Meeting

You will be invited to attend a meeting conducted by an independent manager in order to discuss the matter. This shall take place as soon as is reasonably practicable. You should take all reasonable steps to attend the meeting. Human Resources will be present to ensure the steps described in this policy are followed and to take minutes.

The independent manager will confirm in writing to all parties involved, usually within 10 working days of the date of the meeting, that either:

- harassment has occurred and the Discipline Policy procedures shall be invoked, or
- no harassment has occurred.

You will be notified of your right to appeal against the decision.

If the complaint is well-founded, it may be necessary to separate the parties; to the extent this is possible.

5.4 Appeal

Where you consider, as complainant, that the matter has not been satisfactorily resolved, you may appeal by informing Human Resources of the grounds for your appeal in writing, within 5 working days of being notified of the independent manager's decision.

An independent senior manager, not previously involved in the case, will consider the appeal. This shall take place as soon as is reasonably practicable at an appeal meeting to which all parties involved shall be invited. Human Resources will be present to ensure the steps described in this policy are followed and to take minutes.

The independent senior manager will confirm in writing to all parties involved, usually within 10 working days of the date of the appeal meeting, that either:

- harassment has occurred and the Discipline Policy procedures shall be invoked, or
- no harassment has occurred.

This decision is final and no further appeal within PCL may be made.

Where harassment has been proved a report of the stages and outcome of the procedure shall remain for up to 18 months at PCL's discretion on the Human Resources file of the person found responsible for causing the harassment. This policy is for guidance only and does not form part of your contract of employment.

6. Support

Support is available for victims of harassment at –

Internally – Mental Health First Aiders, HR Dept – Mr Ian Fereday, Your Line Manager

External – ACAS Helpline 0300 123 1100

or using text relay 18001 0300 123 1100.

Support for those accused of harassment is available at -

Internally – Mental Health First Aiders, HR Dept – Mr Ian Fereday, Your Line Manager

External - ACAS Helpline 0300 123 1100

or using text relay 18001 0300 123 1100.