



## **Bullying, Harassment and Violence Policy and Procedure**

The company will not tolerate discrimination, violence, harassment or bullying in the workplace and the company aims to promote an environment free of this at all of its sites, including any work-related events or gatherings, and therefore a policy and procedure has been drawn up to ensure that any unwelcome behaviour is addressed and to ensure that all employees at all levels understand their responsibilities in creating a positive and diverse working environment. Anyone in the company could be subject to harassment, bullying or violence which includes directors, managers, employees and third parties. Therefore this applies to all.

Breaches of this policy will be treated as serious or gross misconduct and therefore may result in any perpetrators being dismissed. Furthermore, if the recipient of unwelcome behaviours chooses to pursue recourse externally, the perpetrator may be subject to criminal or civil prosecution.

The purpose is to ensure that all employees, third parties, guests and visitors are fully aware of their obligations under this policy and that their behaviour does not contribute to an intimidating, hostile or offensive work environment.

All employees, managers, directors, non-employee third parties, visitors and guests of the company are covered by this policy.

### **Definitions**

**Harassment** Harassment can comprise physical, verbal and non-verbal and can be described as behaviour which a person finds unwarranted, intimidating, distressing, embarrassing, humiliating or offensive. Examples of each of these categories are listed below. This is not an exhaustive list:

**Physical:** Threatened, unnecessary body contact, assault.

**Verbal:** Lewd comments, requests for sexual favours, speculation about personal sex life and activities, threats of dismissal/loss of promotion for sexual favours, racial abuse or taunting, sectarian songs, jokes or unwelcome comments about age, gender, race, beliefs, disability, etc.

**Non-verbal:** Offensive or threatening email, display or distribution of sexually, racially, age-bias, religion-bias, political-bias offensive material, insensitive pranks or "horseplay", deliberate exclusion from conversations, graffiti, offensive or humiliating gestures or gestures that are likely to be taken as personally offensive, etc.

Light-hearted comments pass between employees regularly and help to promote a friendly, working atmosphere. However, employees should be aware that some comments may be offensive to others and therefore it is important the employee is responsible and considerate in what he or she says.

Sometimes employees can be distressed by remarks or actions and if so, where possible, please have a word with the person making such a remark or action as to its unsuitability. There is often a fine line between what might be harmless behaviour to one person and offensive behaviour to another. As a guide, remember that behaviour can become harassment when the other person takes offence.

## **Bullying**

Bullying is described as any persistent behaviour directed against an individual which is intimidating, malicious or offensive to the recipient and which undermines the confidence and self-esteem of the recipient. Bullying is largely identified due to the effect on the individual and is not restricted to physical, but also to verbal and non-verbal.

Awareness of early warning signs may include, but are not limited to:

- Humiliating someone in front of others
- Persistent negative comments
- Unjustified persistent criticism
- Persistent criticism of one person when there is a common problem
- Inappropriate use of email

Sometimes a more subtle form of bullying can occur over a longer period of time, but it is not the legitimate and constructive fair criticism of an employee's performance or behaviour at work.

Intimidating behaviour can be on a variety of grounds including sex, race, disability (which includes mental health and people diagnosed as clinically obese), nationality, sexual orientation, gender reassignment, disability or learning difficulties, marriage and civil partnership status, status as an ex-offender, age, religious belief, health etc. All these are referred to as protected characteristics and now covered as a whole under The Equality Act 2010. Please see the policy on "Equal Opportunities" for further information.

## **Violence at Work**

This can include any act or threat of physical aggression or any statement which could be perceived as intent to cause physical harm, sabotage or destruction of property. It includes, but is not limited to:

- Menacing gestures
- Threats
- Possessing or bringing weapons on to property
- Verbal or physical abuse or other injurious actions

## **Legal Position**

Yacht Haven Group has a duty to ensure that the welfare of their employees is protected at all times, which includes both physical and psychological health and safety. This is further expanded to include stress and well-being and the company will introduce measures, wherever necessary, to reduce or prevent harmful stress to their employees in order to maximise and promote a safe, productive, respectful and enjoyable working atmosphere.

The employee is responsible for his or her own actions and may also be held personally liable in a court of law for any discrimination, bullying, harassment or anything likely to cause undue stress or discomfort to a fellow colleague or individual. As employers, Yacht Haven Group may also be liable for the actions of their employees whether or not these actions are carried out with Yacht Haven's knowledge. Therefore, wherever possible, Yacht Haven Group will take steps to promote a discrimination and harassment-free working environment and promote respect amongst individuals and any form or indication of bullying, harassment or violence is treated extremely seriously by the company and may result in an employee's immediate dismissal from the company.

The law governing all forms of bullying, harassment and related discrimination is not limited to employment law but is also covered under civil law. The principal legislation which governs this is The Equality Act 2010 and also encompasses: The Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997, the Employment Equality (Age) Regulations 2006, the Employment Equality (Religion or Belief) Regulations 2003, The Equal Treatment Amendment Directive 2005 and other equal opportunity codes of practice and European directives also apply.

### **Procedure**

All employees have a responsibility to ensure their conduct supports an environment free of unwanted behaviours. All employees have a responsibility to ensure they treat their colleagues the way they would like to be treated themselves, that is with consideration, mutual respect and dignity, in terms of behaviour in the workplace.

However, if an employee feels they are the subject of harassment, bullying or violence, they may seek advice from their manager or from the company's Human Resources representative (Helen Grew) in how to approach the issue. If possible, the employee who is subject to this treatment, should first try and speak to the perpetrator themselves, or via a third party in order to resolve this problem informally. If the problem is still not resolved or the employee does not feel they can approach the situation in this way, then it will be necessary for the employee to make a formal complaint and they should do so as soon as possible to ensure they get the appropriate support and so that an immediate investigation can be carried out.

Formal complaints should ideally\* be made in writing to their manager. If their manager is involved, then it should be made to a director. The complaint must include the nature of the complaint, the date or dates on which it occurred, names of persons involved and witnesses, where possible. This will then be formally investigated thoroughly and the manager/director will decide if the complaint is to be upheld and if the disciplinary procedure is to be initiated for the alleged perpetrator. The company reserves the right to bring in independent, skilled and objective investigators, if necessary.

\*In certain circumstances, the employee may find it difficult to raise a formal complaint in writing and they are therefore requested to bring the matter to their manager or a director in an informal meeting as soon as possible. Any complaint will be taken seriously, thoroughly investigated and the employee's well-being will be paramount at all times. Therefore, it is important that any difficulties in communicating such offences are overcome and the company will assist the employee as much as possible in such circumstances. In addition, if a work colleague is witness to any acts which may constitute bullying, harassment or violence of a colleague or worker, it is their responsibility to bring this to the immediate attention of their manager or director.

The company will carry out the investigation thoroughly within 7 working days of receipt of the complaint and will respond formally to the complainant of the outcome within 7 working days, where possible. Please note that this complaints procedure is separate to the Grievance Procedure and does not replace it. It is hoped that any complaint relating to bullying, harassment or violence can be dealt with promptly and amicably without the need to invoke the Grievance Procedure although this does not prevent an employee from raising a formal Grievance, if they feel it is necessary.

Should disciplinary action be initiated, this could lead to dismissal of the alleged perpetrator and any alleged associated parties found to have contributed to the ill-treatment.

Complaints will, at all times, be handled and investigated sensitively and confidentially and with the employee's well-being and safety of paramount importance. If necessary, there may be occasions where it

is necessary to suspend the alleged perpetrator from work during investigation, depending on the severity and impact of the complaint or incident. The company reserves the right to do so while a thorough investigation is carried out. This will not affect the employment rights of the individual and they must ensure that they are contactable and available for investigatory meetings throughout.

The company also reserves the right, at their own discretion, to give a paid leave of absence to the complainant during the period of investigation only if it is thought appropriate in order to safeguard the well-being of the employee and/or promote a full and thorough investigation of events and circumstances.

Following an investigation or complaint, the company will continue to review the situation with the complainant and, if appropriate, alleged perpetrator on a regular basis in order to monitor the progress. If necessary, the company will provide any further training, development or counselling in order to improve the situation and communication, and will take all steps necessary to promote a positive working atmosphere. In some circumstances, it may involve the move of one of the parties to a different working environment, wherever possible.

Please remember that in most cases, individuals do not wish to cause offence to others and it is often only when it is addressed informally that these individuals realise their behaviour is inappropriate and the problem can be resolved.