

Bullying and Harassment Policy

1. INTRODUCTION:

Property Management Recruitment London Ltd (PMR) is committed to providing a working environment for all staff that is comfortable and free from all forms of bullying and harassment. PMR believes that all their employees have the right to work in an environment free from bullying behaviour and any form of harassment. There is a zero-tolerance approach towards bullying and harassment and any employee who is found to have harassed or bullied a colleague will be subject to disciplinary action, up to and including summary dismissal.

Each employee carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is in line with the standards set out. Staff should report to the appropriate Manager or member of HR, any incidents of bullying and harassment which come to their attention. PMR will take all such complaints seriously and any employee who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

Aim

The aim of this policy is to prevent bullying and harassment, provide guidance and to resolve any problems should they occur and prevent further reoccurrence. This policy is not contractual but aims to set out how PMR would normally deal with such issues.

Definitions:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power or position through means intended to undermine, humiliate, degrade or injure the recipient.

Harassment in general terms is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment may be repetitive or an isolated incident against one or more individuals.

A complaint of harassment can be brought by an employee even when the offensive behaviour is not directed towards them. This only applies when the offensive behaviour relates to age, disability, gender reassignment, race, religion or belief or sexual orientation.

Third Party Harassment is when the above has occurred but the complaint is against someone from outside the company that has harassed the employee. An employer can now be liable for third party harassment if it relates to the employee's sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The employer may only be liable if the unwanted conduct has occurred on at least two separate occasions.

The examples below are not exhaustive but give a clear indication of the sorts of actions that constitute bullying or harassment. Whatever form it takes, it is unwarranted and unwelcome to the individual. Serious examples may constitute gross misconduct which could lead to summary dismissal.

- **Unwanted physical conduct** – such as unnecessary touching, patting, pinching, and brushing against another person’s body, insulting behaviour, obscene gestures, physical threats and assault.
- **Unwanted verbal conduct** – such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, jokes, banter or abusive/offensive language which is either threatening or refers to a person’s gender, colour, race, religion, ethnic or national origins, disability, age or sexual preference, gossip and slander (including speculation about a person’s private life and sexual activities). Verbal can come in the form of spoken, textual or pictorial images.
- **Unwanted non-verbal conduct** – such as racially or sexually based graffiti referring to an individual’s characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures or videos through any means.
- **Virtual bullying** – includes distribution of unwanted emails, texts, images or humiliating data published on social networking sites or abusing company technological facilities to contact the employee in an intimidating or malicious manner.
- **Coercion** – including threats of dismissal or loss of promotion etc for refusal of sexual favours, pressure to participate in political or religious groups.
- **Inappropriate management** – ridiculing or demeaning someone, setting an individual up to fail in the role, overbearing supervision or misuse of power or position, making threats or comments regarding job security without foundation, deliberately undermining a competent worker by overloading them and using constant criticism, preventing an individual’s progressing by intentionally blocking promotion or training opportunities.
- **Isolation** – deliberate exclusion from conversations or social activities.

Procedure:

The sensitive nature of complaints of bullying or harassment is recognised and therefore a choice of routes is provided in order to encourage employees to discuss their problems. Any employee who believes that they have been the subject of harassment or bullying in the course of their work may either initially address the matter informally or may make a formal complaint using this procedure. In all cases the matter will be treated as strictly confidential.

Behaviour that is considered as bullying by one individual may be considered as strong management by another and each case will be investigated thoroughly. If there are concerns with an individual’s performance, conduct or capability, the Line Manager will, dependant on the circumstances, follow either PMR’s Capability Procedures or PMR’s Disciplinary Procedures, with support from a member of the HR Team. HR act as an independent party to the formal management process to ensure it is fair, reasonable and to ensure appropriate action is taken, where necessary. The individual is also entitled to be accompanied at the formal stages of each process. For further information, both the Capability Procedures and the Disciplinary Procedures are available from the HR department.

If an individual believes they have been the subject of bullying or harassment by their Line Manager, they should discuss their concerns immediately with a member of the HR Team, another member of the Management Team or their representative.

Informal Approaches

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves or may need support from a Manager or the Human Resources (HR) Department.

Mediation

An independent third person or mediator can sometimes help resolve issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that both parties agree to. The mediator does not take sides or tell those in disputes what to do. Mediation is most likely to be successful if both parties:-

- understand what mediation involves
- enter into the process voluntarily
- are seeking to repair the working relationship.

Mediation can be a good way of dealing with bullying or harassment situations depending upon the nature of the allegations. Once the case has been resolved informally and time has been given to allow relationships to stabilise, contact should be maintained with the affected employees informally. If further problems of bullying or harassment are being encountered then action will be taken to investigate and find a solution.

Actions can range from unintentional misunderstandings and lack of awareness through to deliberate and malicious acts. In some cases the individual and/or PMR may view the allegations to be of such a nature that investigation and possible disciplinary action is the only alternative.

Formal Procedure

Where informal resolution has failed or is not possible or serious bullying or harassment occurs then PMR may decide that the matter is a disciplinary issue which needs to be dealt with formally using their Disciplinary Procedure. The following procedure will normally be followed:-

- an investigatory meeting with the complainant to establish full details of the complaint;
- an investigatory meeting with the alleged harasser/bully to establish their response to the complaint;
- further investigations may then be carried out, including interviews with any potential witnesses;
- the complainant may also be interviewed again as a result of any answers given by the alleged harasser/bully and/or the witnesses or any other information uncovered in the investigation.

As part of its investigations, PMR will:

- check whether the employee suspected of bullying or harassment has received previous warnings for similar misconduct (or other types of misconduct) and, if so, whether any earlier warnings are active;
- talk in confidence to any employees who may have evidence relating to the employee's alleged behaviour;
- endeavour to persuade any employees who may have been witness to the employee's alleged bullying or harassment, or who may have knowledge of it, to give a written statement to that effect;
- set up an interview with the employee believed to have bullied or harassed a colleague;
- allow the employee a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct;
- assess objectively whether the employee's conduct appears to have amounted to bullying or harassment;

- adopt an objective and balanced approach to the information gained as a result of the investigation;
- avoid allowing personal views about the employee to influence the overall assessment of the conduct under review; and
- keep confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 1998.

PMR reserves the right to suspend or temporarily redeploy either the employee suspected of bullying or harassment or the employee raising a complaint of bullying or harassment during the investigations, if it is considered in the interests of the individual(s) or PMR to do so. Suspension in these circumstances does not constitute disciplinary action and will be on full pay.

As soon as possible following the conclusion of the investigation, the employee suspected of bullying or harassment will be informed as to the outcome. PMR will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee. Any disciplinary proceedings will, where possible, be conducted by a different manager from the person who conducted the investigation.

The action taken must be reasonable in light of the facts. In some cases it may be concluded that a penalty is unnecessary or that counselling or training is preferable. Where a penalty is to be imposed all circumstances will be considered, including: the employee's disciplinary and general record; whether the procedure points to the likely penalty; action taken in previous cases; any explanations and circumstance to be considered and whether the penalty is reasonable.

An employee who receives a warning or is dismissed has the right to appeal against the decision in accordance with the Disciplinary Procedure. In serious cases, for example assault or rape, criminal charges may be appropriate and it may be necessary to refer the case to the Police.

Any employee who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint. Any complaint that is unfounded and not made in good faith, for example a malicious complaint will be treated as a disciplinary offence.