

# Harassment and Bullying Policy and Procedure

## Read this policy for:

- Details of our approach to harassment, bullying and victimisation
- Confirmation on how to make a complaint
- Details of the process of investigation
- Clarification of what happens following an investigation.



#### Introduction

This policy covers all employees, officers, consultants, contractors, casual workers and agency workers. It covers harassment and bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions.

We are committed to ensuring equal opportunities and fair treatment for everyone in the workplace and to ensuring people feel safe and supported at work. We want to provide a working environment in which everyone feels comfortable and in which people are treated with respect and dignity, regardless of age, disability, gender identity and gender expression, sexual orientation, marital or civil partner status, pregnancy and/or parental status, ethnicity, race, nationality, citizenship, cultural background, socio-economic background, religion or belief .

The purpose of this policy is to provide a route for individuals who believe that they have been harassed or bullied to raise a complaint either informally or formally.

We adopt a zero-tolerance approach towards bullying and harassment of any kind and in any form, and any person who is found to have harassed or bullied a colleague will be subject to disciplinary action, up to and including summary dismissal.

If we have grounds to believe that an individual may have been bullying or harassing another person, whether or not there has been a formal complaint, the Company will instigate an investigation into the alleged bullying or harassment.

We will treat all complaints of bullying and harassment seriously and will investigate them promptly, efficiently and as far as possible in confidence. The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

We also recognise that not all incidents of aggressive, violent or abusive behaviour directed at our employees, are instigated by colleagues and that unfortunately, customers or members of the public could be involved. At Landsec, everyone has the right to be treated with consideration and respect by everyone at all times. Landsec takes any act of aggressive, violent or abusive behaviour by anyone, including customers or members of the public, very seriously. We will act promptly to support our people and make sure all appropriate action is taken which may include but is not limited to mediation, issuing banning notices and or pursuing legal action through the appropriate primary authority.

This policy provides an alternative to the Company's grievance policy for complaints of bullying and harassment. Individuals whose complaints of bullying and/or harassment are dealt with under this policy are not permitted to raise a separate grievance regarding the same subject under the Company's grievance policy

**This policy does not form part of any employee's contract of employment, and the Company reserves the right to change it, or depart from it where appropriate, at any time. This policy will be regularly reviewed and updated as appropriate.**

## **Right to report harassment / bullying / victimisation**

Individuals have a right to complain if they are treated in a manner that they believe amounts to harassment or bullying. This includes behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of colleagues, individuals have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. Third party harassment will not be tolerated and individuals are encouraged to report third party harassment following the processes set out in this policy. No individual who makes a complaint in good faith, or who otherwise participates in the process in good faith (e.g. as a supporter, informant or witness) will under any circumstances be subjected to any unfavourable treatment or victimisation due to having made a complaint or otherwise participated in the grievance process.

If it is considered that someone has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action may be taken against that individual if the allegation was false and made in bad faith.

Any person who witnesses an incident that they believe to be the harassment or bullying of another individual should report the incident in confidence either to their line manager or to their HR Business Partner. The Company will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so, bearing in mind the need for the Company to make proper investigations and to allow any person to respond to allegations made against them.

### **1. What is harassment?**

There is no finite list of behaviour which may constitute harassment. Harassment consists of unwanted conduct, which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, offensive or humiliating environment for the recipient, whether physical, verbal, non-verbal or visual. Harassment can be either sexual or non-sexual in nature. Unlawful harassment may involve such conduct where it relates to an individual's Protected Characteristic. Harassment is unacceptable even if it does not relate to any of these Protected Characteristics (age, disability, gender reassignment, marriage or civil partner status, pregnancy or maternity status, race, religion or belief, sex, and sexual orientation). However, harassment is unacceptable even if it does not relate to any of the Protected Characteristics.

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment and sexual harassment can involve a single incident or may be persistent and may be directed at one or more individuals, and could take place both in and out of the workplace. You should also bear in mind that behaviour that might be appropriate in another social setting may not be appropriate with colleagues with whom a continuing working relationship must be maintained.

Harassment also occurs where an individual is treated less favourably because they submitted to or refused to submit to the unwanted conduct set out above.

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 the jokes create an offensive environment.

**Examples of harassment include:**

- **Unwanted physical contact** such as unnecessary/unwelcome touching, patting, pinching, brushing against another individual's body; coercing sexual acts, insulting, abusive or suggestive behaviour or gestures; physical threats, assault.
- **Unwanted verbal contact** such as unwelcome advances; patronising titles or nicknames; propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to a protected characteristic of an individual or group; suggestive comments; repeated requests for social activities inside or outside the workplace (after it has been made clear that such requests are unwelcome).
- **Unwanted non-verbal conduct** such as graffiti referring to an individual's characteristics or private life; abusive, sexual or offensive gestures; leering or wolfwhistling; intrusion by pestering, following or stalking; deliberate cold-shouldering and exclusion; display of pornographic or suggestive literature or other items such as pictures or films/videos or inappropriate use of visual display units (VDUs) or network systems for this purpose. This could include conduct outside work, including comments made on social media sites such as Facebook.
- **Less favourable treatment** for example where an individual clearly rejects their supervisor's advances and the supervisor consequently starts to make things more difficult for the individual, giving them more work and being more critical.

Harassment and sexual harassment are unlawful and will not be tolerated by the Company.

## **2. What is bullying?**

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.

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 derogatory remarks about someone's performance;
- Abuse of authority or power by those in positions of seniority;
- Deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not amount to bullying on their own.

### **3. What is victimisation?**

Victimisation includes treating an individual less favourably than others are, or would be treated in the same or similar circumstances, because they have in good faith made a complaint or allegation of harassment or discrimination or have acted as a witness, supporter or informant in connection with an allegation of harassment or discrimination. Victimisation is unlawful and will not be tolerated by the Company.

## **Stage 1: How to make a complaint**

### **1. Informal**

Before raising a formal complaint, you are encouraged in the first instance, if you feel able to do so, to talk directly and informally to the person who you believe is harassing or bullying you and explain clearly what aspect of their behaviour is unacceptable, or is causing you offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. If you would like support to make such an approach, you should contact your line manager or your HR Business Partner.

Alternatively, you may put your concerns in writing to the individual, keeping a copy of the letter.

Another option is for you to ask a trusted colleague to accompany you when talking to the individual or to ask the colleague to speak to the individual (on a strictly confidential basis), on your behalf. In either instance, a note should be kept of the date(s) and what was said by all involved. This may be required as evidence should harassment, bullying or

victimisation continue or subsequently recur. This may be sufficient to correct the situation, particularly if the individual involved was unaware that the behaviour was causing offence.

## **2. Formal**

If, however, you feel unable to take this course of action, or if you have already approached the person but the behaviours continues, or if the harassment or bullying is of a serious nature, you may want to raise a formal complaint. Formal complaints may be raised with either your line manager or, if preferred, with your HR Business Partner.

In bringing a complaint of harassment/bullying you should do so in writing, stating that you want to take formal action under this procedure. You should also set out :

- the name of the person whose behaviour you believes amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that you have already taken to try to deal with the harassment.

On receipt of a complaint:

- The alleged harasser/victimiser will be informed that a complaint has been made and the exact nature of that complaint.
- An appropriate manager and/or and HR Business Partner will usually set up an investigation into the allegations. An appropriate investigator will be appointed by the Human Resources Director.

The Company aims to deal with all complaints within a reasonable time frame.

As a general principle, the decision whether to progress a complaint is up to the individual concerned. However, the Company has a duty of care and may pursue the matter independently if, it considers it appropriate to do so.

## **Stage 2: The investigation**

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 should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all individuals concerned.

As part of its investigations, the Company will:

- arrange a meeting with the individual who raised the complaint, so that they can give their account of events. They have the right to be accompanied by a colleague or a trade union representative of their choice (see below). They will be given a provisional timetable for the investigation. The investigator will arrange further meetings with them as appropriate throughout the investigation.
- check whether the person 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 employee as appropriate who may have evidence relating to the alleged behaviour;
- endeavour to persuade any individual at the Company who may have been witness to the 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 individual believed to have bullied or harassed a colleague;
- allow the individual accused a full and fair opportunity to answer any allegations against them and/or explain their conduct;
- assess objectively whether the 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; and
- avoid allowing personal views to influence the overall assessment of the conduct under review.

We reserve the right, at our discretion, to suspend any employee who is under investigation for harassment or bullying for a temporary period or make other temporary changes to working arrangements whilst investigations are being carried out. Any suspension will be for as short a time as possible and will be on full pay. Suspension in these circumstances is not a disciplinary sanction.

Where your complaint is about someone other than an employee, such as a customer, 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 working arrangements during the investigation.

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, in order to discuss the outcome and what action, if any, should be taken. You have the right to be accompanied at the meeting (see below).

## Stage 3: Actions following the investigation

If the manager considers that harassment or bullying has occurred, prompt action will be taken to address it.

The following are illustrations of appropriate action that may be taken after an investigation, if the individual is found to have committed harassment or victimisation in a work situation, during any situation related to work such as at a social event with colleagues, against a colleague or other person connected to the employer outside of a work situation (including on social media) or against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role. The action taken will depend on the circumstances:

- Apology and/or counselling;
- Job change or transfer of the harasser/victimiser;
- Job change of the complainant (for example, with the agreement of the complainant or in the case of a malicious complaint);
- Disciplinary action against the harasser or victimiser in accordance with the Company's disciplinary policy and procedure; and
- Disciplinary action against the complainant in accordance with the Company's disciplinary policy and procedure (in the case of a malicious complaint).

You will have the right to appeal against the decision if you are not satisfied with it. If you do wish to appeal, you must inform HR within five working days in writing, stating your grounds of appeal. You will be invited to attend a meeting as soon as reasonably practicable which you must take all reasonable steps to attend. The appeal will, if possible, be determined by a more senior employee, who will be appointed by HR. After the appeal meeting, you will be informed of the final decision in writing.

### **The right to be accompanied**

You have the right to be accompanied at any formal complaint or appeal meeting by a fellow employee or trade union official of a trade union of your choice. You must notify the Company in advance of the identity of your chosen companion. It is your responsibility to notify the person you would like to accompany you of the date, time and venue of the meeting.

Your companion must commit to respecting the confidential nature of the investigations.

Acting as a companion is voluntary and employees are under no obligation to do so.

At the meeting, your companion has the right to confer with you and to address the meeting in order to:



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- put your case;
- sum up your case; and
- respond on your behalf to any view expressed at the meeting.

Your companion is not permitted to answer questions on your behalf, address the meeting against your wishes or prevent the Company from explaining the allegations.

## Records

The Company will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679.

Reviewed 31.03.23