

Company Procedure CP031

Anti Harassment

1. Anti Harassment Statement

- a. There can be many different types of harassment including that related to sex, race, age, sexual orientation disability and religion. Sexual harassment is when a person experiences hurtful and/or belittling behaviour because of his or her sex. It can be described as any unwanted and unwelcome sexual comments, looks, actions, suggestions or physical contact that are found to be objectionable. Racial harassment can occur when a person experiences terms, comments, actions or behaviour relating to their race, which they find offensive or insulting. However, it is recognised that some forms of harassment have no defined basis at all.
- b. In essence, harassment arises where the conduct towards another is intimidating, hurtful, or malicious and is neither welcomed nor reciprocated by the recipient.
- c. Harassment may take any of the following forms of behaviour:-
 - i. Verbal
 - ii. Non verbal
 - iii. Physical
 - iv. Other

Verbal harassment might include offensive or discriminatory remarks, personal comments and innuendos either to other employees, visitors or members of the public. Non-verbal harassment might involve exposure to unwanted literature, images, emails, comments on social networking internet sites, mobile phone text messages, graffiti etc. Physical harassment is characterised by some element of bodily contact or touching. Other forms of harassment may include unwelcome gifts or practical jokes, unfair allocation of work or social exclusion.

- d. Harassment on the grounds of sex, race, age, sexual preference, maternity, religious belief and disability is a breach of employment legislation.

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- e. Harassment can also be considered a criminal offence under the Criminal Justice and Public Order Act 1994, punishable by up to 6 months imprisonment.
- f. This policy also covers the area of bullying and victimisation in the workplace. Bullying involves the intentional intimidation or belittling of an individual.
- g. NIC Instruments Ltd is totally committed to ensuring that, as far as possible, work places for all employees that are free from harassment, bullying or any other inappropriate behaviour.
- h. NIC Instruments Ltd operates this policy to ensure that, as far as possible, such behaviour is prevented from happening or dealt with appropriately by investigation and if necessary disciplinary action. Disciplinary action, including dismissal for serious offences will be taken against any employee concluded to have committed harassment against another person.

2. Complaints procedure for prevention of harassment

- a. If an employee is being harassed, she/he should keep a record of the incident(s) so that an accurate account is available should the employee wish to make a formal complaint.
- b. No employee need suffer harassment in silence. It is recognised that making a complaint is likely to be a distressing experience, but Managers will ensure that the matter is dealt with in a confidential, sympathetic and sensitive manner.
- c. Employees who wish to make a complaint are encouraged to do so as promptly as possible.

Informal

(The informal stage will not result in any investigation or disciplinary action. It is intended to assist the Employee to resolve the matter without it going further.)

- d. Employees who consider that they are being harassed or bullied by another employee/manager/customer/contractor, are encouraged to first make it clear to the harasser that they do not enjoy this behaviour and ask for them to stop it. If the Employee feels too upset to speak to the harasser directly, she/he should arrange for a colleague or friend to be present at the time, or write to the harasser specifying the offensive behaviour and asking for it to stop
- e. If the behaviour does not stop following the direct request in (d) above, the Employee can report this matter (in confidence) to the Director of the NIC Instruments Ltd. Employees confronted by harassment or unacceptable behaviour from an external person or visitor can appeal to the senior person onsite. The senior person should require the external individual(s) to leave the premises pending further enquiries.

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Formal

(This stage can be used where informal resolution is not appropriate or where the outcome has not been satisfactory)

- f. An Employee, who considers that they are being harassed or bullied by another employee/manager/customer or contractor, should formally report the matter to a Director of NIC Instruments Ltd.
- g. An investigation will be conducted normally by an external investigator or an appropriate senior Manager.
- h. It may be that the Employee will be separated from the harasser during the investigation process, though this will be without prejudice to the final outcome.
- i. Disciplinary hearings following investigation on harassment matters will follow the Company Disciplinary Procedure and they will be chaired by an appropriate Director.
- j. Both the Employee and the alleged harasser will have the opportunity to state their case.
- k. Every effort will be made to treat a fearful Employee with sympathy and sensitivity and to conclude the process as thoroughly, but as speedily as possible.
- l. If harassment is found, the harasser will be disciplined or dismissed.
- m. If the harasser is not dismissed and it is deemed necessary to relocate one of the parties, it will generally be the harasser who is moved.
- n. The Employee commencing this procedure will have the right of appeal via the Director from any outcome that results.
- o. Any retaliation against an Employee who has raised a proven harassment claim or who has an ongoing claim will be considered gross misconduct and will normally result in dismissal.
- p. If harassment is not found, then all reasonable efforts will be made to restore normal working to the satisfaction of both parties.
- q. Any complaint that is unfounded and not made in good faith will be treated as a disciplinary offence.
- r. Issues which have been already heard by either a disciplinary appeal meeting or via the ACSA grievance resolution procedure cannot be re-heard using this procedure).

3. Supervisor/Manager Responsibilities

Supervisors/Managers within NIC Instruments Ltd. are responsible as follows for:-

- Ensuring as far as possible the principles contained in this policy are upheld in their work place.

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- Vigilant supervision to minimise the likelihood of harassment/bullying going unrecognised in their areas.
- Ensuring that potential or actual victims of harassment or bullying are dealt with sympathetically and sensitively.
- Seeking advice from Senior Management at the earliest sign of harassment/bullying taking place in their work places.
- Never knowingly harassing or bullying other Employees or third parties.

4. **Employee Responsibilities**

All Employees have responsibilities under this policy as follows:-

- To refrain from making inappropriate personal, sexual, racial or ageist comments or innuendo against any other person including members of the public.
- Such comments include any that suggest that men or women or people of a certain age, sexual orientation, race or religion are more suited to certain tasks or activities either inside the workplace or outside it.
- To refrain from harassing or bullying Employees or any other persons at the work place.
- To participate fully in any investigation aimed to ascertain whether or not harassment or bullying has taken place.
- To appreciate that any employee who commits harassment against another will be liable for disciplinary action, including dismissal.
- Not to collude with others in any form of harassing behaviour.

5. **Counselling**

This will be provided to an employee found to have been subject to harassment if they wish to have it. This will be arranged by NIC Instruments Ltd.