

<b>POLICY NAME</b>	<b>Dignity at Work Policy</b>
<b>PURPOSE</b>	<b>To provide clear rules and guidelines to the Company and its workers on dignity at work, so that employees are dealt with fairly, ethically, and in line with legislative requirements.</b>
<b>APPLIES TO</b>	<b>All Staff</b>
<b>DATE IMPLEMENTED</b>	<b>January 2015</b>

## **1 Introduction**

1.1 In this Policy Arctics Ltd (trading as Igloo) is referred to as the 'Company'. For the avoidance of doubt these rules and procedures should be followed at all times at your individual location of work. In the event that you are placed at a clients' premises you should adhere to their own policies and procedures where they differ to the rules and procedures set out by Igloo.

1.2 The Company has a responsibility to protect all employees during their employment, and believes that every employee should work in an environment free from sexual, social and intentional harassment, victimisation, bullying or discrimination. Harassment in any form, against any person, will not be tolerated from colleagues, managers or third parties.

1.3 Harassment on any of the following grounds may be found to be in breach of this policy:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

## **2 Definitions**

2.1 Deliberate harassment means unwanted and uninvited conduct affecting the dignity of men and women at work, which has the purpose or effect of violating that person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Conduct will only be deemed to have that effect where it is objectively reasonable for the individual to have been upset.

2.2 Harassment can take many forms, including threatening, abusive or insulting words (including swearing), written communications or behaviour. It is essential to remember that it is not the intention of the perpetrator that is relevant in deciding whether harassment has occurred, but whether the behaviour is unacceptable to the recipient.

- 2.3 Harassment at work is unlawful, and both the Company and the harasser may be held liable for such unlawful actions, and can be required to pay damages.
- 2.4 Harassment can reduce the effectiveness of the Company by undermining the confidence of employees subject to such behaviour, creating a threatening environment, increasing sickness absence and staff turnover.
- 2.5 Victimisation occurs when an employee is treated less favourably because they have done something in good faith to ensure their own / a colleague's equality of opportunity or protection from harassment. Victimisation at work is unlawful, and will not be tolerated.

### **3 Implementation**

- 3.1 All Directors, Managers, employees and any third party visitors or sub-contractors to the Company, have a responsibility for the implementation of this policy, and are required to ensure that any harassment or victimisation is reported and appropriate action taken.
- 3.2 The Company prohibits the display of any sexually or racially offensive material.
- 3.3 All reasonable steps will be taken to protect an employee who brings about a complaint of harassment from any victimisation for having brought the complaint.

### **4 Complaints**

- 4.1 The Company recognises the sensitive nature of complaints of harassment. Employees who are the subject of bullying, victimisation or harassment are encouraged to report any incident immediately to their Manager or a Director. Where a complaint is made against a Manager or Director, the employee should report to a different Manager or Director. Any discussions will be carried out in confidence. The employee is also advised to make it clear to the perpetrator that the behaviour is unacceptable and must stop.
- 4.2 Where a satisfactory resolution cannot be reached informally, employees are advised to raise a formal complaint, which should be made in writing to their Manager or a Director, and where possible state:
  - The name of the alleged perpetrator;
  - The nature of the alleged harassment, victimisation or bullying;
  - Dates and times when alleged harassment, victimisation or bullying occurred;
  - Names of witnesses to any incidents;
  - Any action already taken by the complainant to stop any harassment, victimisation or bullying.

## **5 Company Action**

- 5.1 Any allegation of harassment, victimisation or bullying will be treated seriously and an investigation carried out quickly and confidentially.
- 5.2 Where appropriate when a complaint of harassment has been received, action will be taken to separate the alleged harasser from the complainant. This may involve temporary transfer of the alleged harasser to another department, or suspension with pay until the complaint has been investigated or resolved. In the cases of a third party it may mean their temporary prohibition from the premises at which the complainant is working. Such action does not indicate the presumption of guilt.
- 5.3 The Manager/Director will carry out a thorough investigation as quickly as possible, maintaining confidentiality at all times. All employees or third parties involved in the investigation are expected to respect the need for confidentiality. In the case of employees failure to do so will be considered a disciplinary offence.
- 5.4 Copies of statements made by witnesses will be made available to both the accused and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances, the Manager/Director will, if necessary, adjourn the hearing to ask supplementary questions of witnesses in private.
- 5.5 Where the Manager/Director has concluded that harassment has taken place, he/she will ensure that the harasser has every opportunity to defend or explain his or her action, in accordance with the Company's Disciplinary Procedure, or the detail of the harassment will be provided to the third parties' Manager.

## **6 Consequences**

- 6.1 Acts of intentional harassment, victimisation or bullying are classed as gross misconduct. Any employee who is alleged to be in breach of the Dignity at Work Policy will be subject to the Disciplinary Procedure, and if established, this could lead to dismissal.
- 6.2 Any disciplinary action will be coupled where possible with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, the Manager/Director may order the transfer of the harasser to a different work area or in the case of a third party, to prevent any contact between them and the victim. Alternatively, arrangements for the amendment of working practices to minimise contact between the two employees (or third party) may be made. If the victim so wishes, his or her own transfer can be requested, and will be arranged subject to practical limitations. The result of the hearing will be confirmed in writing to the employees concerned.
- 6.3 Any employee who is found to have maliciously brought a complaint of harassment will be subject to the Company Disciplinary Procedures.

## **7 Appeals Process**

- 7.1 If the complainant is not satisfied about the way his or her complaint has been handled, he/she may ask for it to be reconsidered by another Manager or Director. Requests for reconsideration of the complaint should be made within five working days of the first hearing. The decision made at this second hearing will be sent, in writing, to both parties and will be final.
- 7.2 An employee who receives a warning or is dismissed for harassment may appeal against the penalty in accordance with the Company's appeals procedure.

## APPENDIX

### Examples of Harassment (this list is not exhaustive or definitive):

- **Sexual Harassment**

Sexual harassment takes many forms, from relatively mild sexual banter to actual physical violence. Employees may not always realise that their behaviour constitutes sexual harassment; they must recognise that what is acceptable to one employee may not be acceptable to another. The same applies equally to male and female employees. Sexual harassment is unwanted behaviour of a sexual nature by one employee towards another. Examples of harassment include:

- Insensitive jokes and pranks;
- Lewd comments about appearance;
- Unnecessary contact;
- Displays of sexually offensive material;
- Request for sexual favours;
- Speculation about a person's private life, sexual activities or sexual orientation;
- Threatened or actual sexual violence;
- Threat of dismissal, loss of promotion etc for refusal of sexual favours.

- **Racial harassment**

Racial harassment can also take many forms, from relatively minor abuse to actual physical violence. Examples of harassment include:

- Insensitive jokes related to race;
- Deliberate exclusion from conversations;
- Pranks;
- Racial abuse

- **Bullying**

Examples of bullying can be:

- Verbal abuse and threats;
- Deliberate exclusion from normal activities;
- Physical abuse/attack;
- Pranks.

The examples above are not exhaustive. Some are obvious examples of Gross Misconduct, punishable by summary dismissal, but other items may constitute Gross Misconduct depending on the circumstances in the case in question. All matters will be assessed and considered on a case by case basis.