

## **Bullying & Harassment Policy**

### **Our Commitment**

Malakoff Limited is fully committed to the development of positive policies and procedures to eliminate discrimination and actively promote equality of opportunity for our staff.

We believe that where respect for diversity and equality of opportunity exists, all staff work in a more rewarding and less stressful environment; one where discrimination, prejudice and harassment are not accepted, and one more likely to enhance performance and achievement, allowing all employees of our Company to fully utilise their skills and talents and achieve their full potential.

Any allegation of harassment, discrimination or bullying will be treated very seriously and, if proven, may result in disciplinary action being taken against the perpetrator.

Any individual who is proven to have made a vexatious or malicious claim of harassment, discrimination or bullying will be dealt with in accordance with Malakoff Limited's Disciplinary Procedure, which could lead to dismissal.

### **Roles and Responsibilities**

#### **Managers**

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area in order to establish and maintain a work environment free of bullying and harassment.

They must:

- set a positive example by treating others with respect and setting standards of acceptable behaviour;
- promote a working environment where bullying and harassment is unacceptable and not tolerated;
- treat a complaint seriously and deal with it promptly and confidentially, giving the member of staff and the alleged perpetrator full support during the whole process; and
- tackle and where possible, resolve any incidents of bullying, harassment before the formal process is invoked.

#### **Staff**

All staff have a personal responsibility for their own behaviour and for ensuring that they comply with the policy. Malakoff Limited expects all staff to:

- help promote an environment by treating everyone with dignity and respect;
- familiarise themselves with this policy on Bullying and Harassment and work within its boundaries;
- appropriately challenge and/or report behaviour that may be considered to be offensive when directed against themselves or others; and
- support the Company by engaging with the informal and formal processes that challenge offensive behaviours in the workplace.

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## Definitions of Harassment, Discrimination and Bullying and Examples

### What is Bullying?

Bullying is behaviour that is offensive, intimidating, malicious or insulting toward someone else. It could also be an abuse or misuse of power which undermines, humiliates, puts down or hurts another person.

Bullying can take many different forms, including;

- physical, verbal or mental, or all of these;
- aggressive - such as threatening or intimidating someone, or passive – such as ignoring someone;
- carried out in an obvious and public way, or be subtle so only you and the bully know it's going on;
- in person;
- ongoing or a serious one-off incident;
- between two individuals;
- a group of people targeting one person.

Bullying can also be related to work, for example:

- giving someone tasks that aren't achievable, an unmanageable workload or impossible deadlines;
- singling out someone for trivial tasks or unpleasant jobs;
- holding back information or deliberately "losing" information;
- not passing on messages or giving wrong or unclear information on purpose;
- making inappropriate comments;
- threats about someone losing their job.

Bullying isn't the same as managing. If your manager's giving you work to do or managing your performance and they're doing it in a professional way and giving you support, this won't on its own be bullying. But if you do feel that your manager's behaviour towards you is unacceptable, talk to them. If you feel like you can't do this, there are other ways you can raise your concerns by following the Company's Grievance Procedure.

### What is Harassment?

Harassment is legally defined in the Equality Act 2010 as:

"Unwanted contact 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."

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The relevant protected characteristics are:

- Gender;
- Disability;
- Age;
- Race and ethnic or national origin;
- Sexual orientation;
- Gender reassignment;
- Religion or religious belief; and
- Political opinion (in Northern Ireland) Harassment is unlawful under the Equality Act 2010 and equality legislation in Northern Ireland. If someone's behaviour is unwanted and causes offence, even if it wasn't done on purpose, it may be harassment. And the unwanted behaviour doesn't have to be aimed at you for you to be offended by it. If it creates an intimidating or offensive environment for you or anyone else, then it could be harassment.

#### What is Discrimination?

Discrimination takes place when an individual or a group of people is treated less favourably than others because of their race, gender, gender reassignment, marital status, status as a civil partner, disability, age, religion or belief, sexual orientation or other factors unrelated to their ability or potential.

#### Examples of unacceptable behaviour

Below are some examples of the kind of behaviour we think is unacceptable at Malakoff Limited:

- Threatening or using physical violence.
- Using insulting, humiliating or offensive language, both spoken and in writing.
- Sending, circulating or displaying offensive words or images – including on posters, graffiti and tattoos.
- Abusing a position of power.
- Making sarcastic or snide remarks, inappropriate jokes or banter.
- Spreading nasty rumours about someone.
- Excluding someone.
- Making unwelcome sexual advances or suggestive behaviour toward someone.
- Making unnecessary or unwanted physical contact with someone.

Always try to think about how your behaviour or language might affect other people. If you're not sure whether it's right for the workplace, it's best to err on the side of caution.

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## Procedures for making a complaint about Harassment, Discrimination and Bullying

Any member of staff that is subject to bullying, discrimination and/or harassment but do not feel able to talk about it yet, should make notes, including dates and details, which will help events to be recalled clearly at a later date.

However, for the complaint to be dealt with, staff should raise complaints of harassment, discrimination or bullying in a timely manner and without unreasonable delay. If there is a delay, the Company may find itself unable to adequately investigate and take steps to prevent or eliminate harassment, discrimination or bullying.

All parties involved should act in good faith to seek a successful resolution of the complaint at as early a stage as possible.

All parties will be treated fairly, consistently and with respect.

A member of staff raising a complaint under this procedure has the right to have the complaint investigated and handled appropriately and meetings, decisions and confirmation of decisions will not be unreasonably delayed.

The individual or individuals against whom the complaint is made has the right to respond to the allegations.

Every effort should be made to resolve complaints informally or at the early formal stages of the procedure.

Every person making a complaint has the right of confidentiality. However, it is not possible, unless the circumstances are exceptional, for a complaint to be investigated if the complainant does not wish for the individual against whom the complaint is being made to be informed.

A malicious or complaint may give rise to disciplinary proceedings.

### Informal Stage

**Informal Stage One** The member of staff should discuss the matter with a trusted colleague.

Often, people are unaware that their behaviour is perceived as harassment, discrimination or bullying. In some cases, speaking to, or writing a letter to, the person concerned to let them know their behaviour is unacceptable to you, can be sufficient to remedy the situation. A copy of any correspondence should always be kept. If this is not the case, or if the harassment, discrimination or bullying is of a more serious nature, a more formal approach may be appropriate.

**Informal Stage Two** Alternatively, and if appropriate, speak or write to your Supervisor, Foreman or Line Manager and ask that they speak to the person concerned.

If these steps fail to resolve the matter, you may request an informal investigation to be carried out by your Supervisor, Foreman or Line Manager, who may take advice from the HSQE Manager.

In the event that the complaint is against the Supervisor, Foreman or Line Manager, you should arrange to see the HSQE Manager, who will agree how the matter might be taken forward informally.

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There is no right to representation at informal meetings, but the member of staff may be accompanied by a work colleague.

The Supervisor, Foreman or Line Manager and HSQE Manager will meet with the individual against whom the complaint is made to advise him/her of the allegations and invite a response.

If appropriate, the HSQE Manager may set up a meeting with both parties with the aim of facilitating a discussion and reaching a resolution.

The outcomes of the informal stage may include:

- Complaint not founded;
- Situation mutually resolved;
- Complaint founded.

Where a complaint is founded, and where appropriate, action short of disciplinary action may be considered to offer a more suitable resolution. This may include one or more of the following:

- The person against whom the complaint was made offering a written apology.
- The person against whom the complaint was made undertaking additional training or receiving personal counselling.

#### Formal Stage

In the case of complaints regarding members of staff, where the informal approach is unsuccessful, or if you wish to move straight to a formal stage the Grievance Procedure should be followed.

#### Policy Review

The policy will be reviewed annually during the Management Review meeting and updated as and when any new regulations or processes are introduced within the company.

Signed By:   
D. STEVENSON, Director

Date: 6<sup>th</sup> July 2020

Endorsed By: Allan Gould, Non-Executive Director  
Douglas Stevenson, Director  
Colin Duncan, Director

Date: 6<sup>th</sup> July 2020  
Revision: REV 0

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