

## 1. Introduction

As part of its overall commitment to equality of opportunity John Graham Construction Ltd. (“GRAHAM”) aims to promote a good and harmonious working environment where every individual is treated with respect and dignity. The aim of this policy, which has the full support of Senior Management, is to promote dignity at work and to prevent harassment and bullying by communicating the type of behaviour that is not acceptable in the workplace and the action that will be taken should harassment or bullying occur. Every employee, client, customer, contractor or visitor to our Company has the right to be treated with dignity and respect. Harassment and bullying whether on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or other reason are unacceptable behaviours that are not tolerated by the Company.

The Company will not tolerate retaliation against or victimisation of any employee involved in the bringing of a complaint of harassment or bullying under this policy. Such retaliation will constitute a disciplinary offence and may lead to dismissal.

Appropriate disciplinary action, which may include dismissal, will be taken against any employee, of whatever seniority, who contravenes this policy.

GRAHAM are committed to being an inclusive workplace where all employees, customers and stakeholders can fully participate and contribute. We strive to ensure accessibility across all facets of our operations, including physical spaces, digital platforms, communication channels and services.

Our People policies are regularly audited against rigorous accessibility standards to ensure compliance and to support every employee.

Anyone who requires additional support or has any questions regarding accessibility can contact the HR team at [HR-JGC@graham.co.uk](mailto:HR-JGC@graham.co.uk)

## 2. What Is Harassment?

Harassment is verbal, non-verbal or physical conduct which is:

- of a sexual nature or on grounds of a person’s age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or other personal characteristic; and
- is unwanted; and
- has the purpose or effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Harassment also means less favourable treatment because they have been rejected or submitted to the type of conduct outlined above

The following, though not an exhaustive list, may constitute harassment and are behaviours prohibited by this policy:

- Physical contact ranging from unnecessary touching, patting or brushing against another person to threatened or actual assault or violence.
- Verbal abuse or offensive jokes related to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation; lewd or suggestive comments, unwelcome sexual advances, request for sexual favours, repeated requests for dates, offensive language, gossip, singing sectarian songs,
- Using text messaging, email or the internet including social media for the purpose of harassing or making abusive or offensive remarks related to a person's characteristics such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation sending pornography or inflammatory literature.
- Displaying pornography or sexually suggestive pictures, unauthorised flags, emblems, bunting or posters.
- Deliberate exclusion from conversations or work activities on the basis of a person's characteristics such as their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. Pressure to participate in political/ religious/ racial groups.
- Intrusion by spying, pestering, following, stalking.
- Victimisation of any employee who has either made a complaint of harassment or supported a colleague in his/her complaint of harassment
- Any conduct that ridicules or denigrates any other employee.

This list is not exhaustive. Some forms of harassment constitute gross misconduct depending on the circumstances of the case.

Employees should also be aware that as well as committing a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow employee on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or political opinion may be liable to personally compensate the victim. In addition to this, criminal offences may be taken and the individual could face imprisonment or a fine.

### **3. What Is Bullying?**

Bullying is persistent behaviour directed against an individual or a group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).

Bullying can take many forms and can be similar to the examples of harassment listed above. The following, though not an exhaustive list may constitute bullying prohibited by this policy:

- Verbal abuse, shouting, swearing at colleagues.
- Threatening or insulting colleagues.
- Abuse/misuse of power.
- Pranks/practical jokes.

- Physical abuse such as hitting or damaging personal property.
- Ostracising or excluding colleagues from work events.

Bullying does not include appropriately conducted criticism of an employee's behaviour or job performance by management.

### **When can Bullying/ Harassment Occur?**

An employee can be bullied or harassed by a colleague or subordinate as well as by a manager or supervisor. An employee can be bullied or harassed at work and also through their connection with work, outside working hours and/or outside the workplace. The Company will not tolerate bullying or harassment of any form, whatever the perpetrator status and whenever it occurs.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to other civil claims or criminal proceedings against the perpetrator, for which they would be personally liable.

It is important to recognise that what one person may find acceptable, another may find totally unacceptable and that the essence of bullying or harassment is that the words or behaviour are unwelcome to the particular person who is the target of the words or behaviour. All employees must therefore treat their colleagues with respect, dignity and appropriate sensitivity.

## **4. Responsibilities**

### **Managing Director**

Overall responsibility for the implementation of this policy and procedure rests with the Managing Director, and day to day responsibility has been allocated to the Head of Human Resources.

The Company commits to ensuring that adequate resources are made available to promote respect and dignity in the workplace and to dealing effectively with complaints of harassment or bullying. This policy and procedure for dealing with complaints will be communicated to all employees and others who work for the Company i.e. agency workers. The Company will ensure that all employees and managers/ supervisors are aware of their responsibilities. Dignity at work awareness training will be provided for those who have responsibility for implementing this policy and associated procedures. The Company will ensure that all complaints of harassment or bullying will be dealt with promptly, seriously and confidentially.

### **Managers/ Supervisors**

In addition to their responsibilities as employees, managers and supervisors have particular responsibility for implementing this policy and procedure, by maintaining a working environment in which harassment and bullying are understood to be unacceptable and by offering support to anyone who complains of harassment or bullying and by making every effort to ensure that there is no victimisation.

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible.

Managers and supervisors have responsibility for dealing appropriately with any incidents of harassment and bullying which they are aware of, or ought to be aware of. If harassment and bullying does occur, they must deal effectively with the situation.

Managers and supervisors should:

- Be responsive and supportive to any member of staff who makes an allegation of harassment or bullying, provide clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure that there is no further problem of harassment or bullying or victimisation while a complaint is being dealt with or after it has been resolved.
- Set a good example by treating all staff, clients and customers with dignity and respect.
- Be alert and proactive to unacceptable behaviour and take appropriate action in accordance with the Company's policy and procedures.

## Employees

All those who work for the Company have a responsibility to help ensure a working environment in which the dignity of all employees, clients and customers is respected. Everyone must comply with this policy and employees should ensure that their behaviour to colleagues, clients and customers does not cause offence and could not in any way be considered to be harassment or bullying.

Employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. Any employee who is aware of any incident of harassment or bullying should alert a manager or supervisor to enable the Company to deal with it.

## Review

The Company will monitor all incidents of harassment and bullying. The effectiveness of this policy and procedure will be reviewed on an ongoing basis by the Managing Director and Head of Human Resources.

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# Dignity At Work Complaints Procedure

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The purpose of this procedure is to ensure that employees who believe they have suffered or are suffering from any form of harassment, bullying or inappropriate behaviour have an opportunity to raise it with management.

Any complaint will be handled by the Company sensitively and in a timely and confidential manner.

The Company will keep relevant records of this process and wherever possible these will be treated as confidential.

## Informal Procedure

The Company encourages employees to raise any concern they have in an informal way as quickly as possible with their line manager. An informal resolution has advantages for both the employee and the Company as it prevents the matter escalating and can be dealt with quickly.

While it is often desirable to attempt to deal with matters informally it is only appropriate to do so where the behaviour is not so serious. For example, if there has been a one off incident which is not considered serious or where the employee simply wants the behaviour to stop.

Employees can seek to resolve matters informally by: -

- Approaching the alleged perpetrator directly making it clear that the behaviour in question is offensive, is not welcome and should be stopped.
- Approaching the alleged perpetrator with the support of a colleague, line manager or Human Resources representative.
- Asking their line manager or HR representative to approach the alleged perpetrator on their behalf.

Where an employee seeks the support of a supervisor, manager or HR representative, they will be informed sensitively that their role in the informal process can only be one of support and assistance.

The employee will be advised that:

- A formal investigation and possible disciplinary action can normally only take place if the complaint is investigated under the formal procedure.
- A written record of the complaint and any action taken will be made to assist in any formal proceedings that may arise if the behaviour does not stop or is repeated. The absence of such a record will not invalidate any formal proceedings or separate investigations which the Company may conduct at a later stage.

If the matter complained about is considered serious and inappropriate for informal resolution, the line manager will advise the individual that it warrants action under the formal procedure. The line manager will explain that they are obliged to deal with the matter formally as the employer has a duty of care, both to the individual and to other employees, in relation to such a serious matter.

All reported complaints of harassment or bullying will be monitored and, in the event of any patterns emerging, management may initiate its own formal investigation and take remedial action where this proves necessary.

## Formal Procedure

For more serious complaints of harassment, or where the unwelcome behaviour does not cease, the complaint should be raised through the formal procedure where possible.

## Making a Complaint

A complaint of harassment or bullying should be raised through the dignity at work procedure as follows:

- A complaint should be raised in the first instance with the employee's line manager. If the allegation in question concerns the employee's manager, the complaint should be raised with another manager or Human Resources representative.
- The complaint should be made as soon as possible after an act of harassment or bullying so that the matter can be dealt with quickly.
- The complaint should be set out in writing and provide the following details:
  - The name of the alleged perpetrator(s).
  - The nature of the harassment or bullying.
  - The date and times the harassment or bullying occurred.
  - The names of any witnesses.
  - Any action taken by the employee to resolve the matter informally.
  - Any explanation of how the complaint might be resolved.

On receipt of a written complaint the receiving manager must forward it immediately to the Executive Director who will appoint an appropriate manager to deal with the complaint.

## Meeting to Discuss the Complaint

On receiving a formal complaint, the complainant will be invited to a meeting normally within 5 working days.

- At the meeting, the complainant will be invited to discuss their complaint and how it might be resolved.
- The manager holding the meeting will obtain all relevant information relating to the complaint.
- The complainant will be advised of the next steps in the procedure and also informed that their complaint will be put to the alleged perpetrator, who will be given the opportunity to respond.
- If an investigation is required, then the meeting will be adjourned to investigate the complaint and question any relevant witnesses.



- Depending on the circumstances it may be necessary at the meeting to discuss future contact with the alleged perpetrator while the complaint is being investigated.

### **Meeting with Alleged Perpetrator**

Following the meeting with the complainant, a meeting will be held with the alleged perpetrator to:-

- Outline the nature of the complaint/s made against him/her.
- Confirm that the complaint is being handled as a formal complaint under the Dignity at Work Complaints Procedure.
- Give the alleged perpetrator the opportunity to answer the allegation.
- Inform the alleged perpetrator that the matter will be investigated further and any relevant witnesses spoken to.
- Advise of the next steps under the Dignity at Work Complaints Procedure.
- Advise of any steps to be taken to avoid contact with the person who has raised the complaint until the matter is resolved.

### **Investigating the Complaint**

Precautionary suspension(s) may be deemed necessary by the Company prior to or during the complaint being investigated.

Any investigation will be conducted which may include meeting with any relevant witnesses, including the complainant, the alleged perpetrator or anyone else who may be able to help establish the facts around the alleged complaint. All information or evidence provided will be treated as confidential to the investigation, subject to any statutory requirements.

The investigation will be conducted without unreasonable delay.

### **Representation**

At all stages of the formal dignity at work complaints procedure, the complainant and alleged perpetrator have the right to be accompanied by a workplace colleague or Trade Union representative. A workplace colleague may not be in a position of authority over you as they may be involved in further dignity at work proceedings. You will not be permitted to be represented by, or accompanied by, an external party, including counsel, solicitors, or family member/ friend.

### **Recordings**

Notes may be taken at any meeting held under this policy, however recordings are not permitted and are an offence under the disciplinary policy.

### **Communicating the Decision**

The complainant will be informed normally within 5 days of the grievance meeting of the outcome of their complaint in writing, the reasoning behind the decision and what action the Company intends to take, if any, to resolve their complaint. The complainant will also be notified of their right to an appeal hearing, should they be dissatisfied with the outcome.

The decision made will also be communicated to the person against whom the complaint was made.

## **Appeal**

Any appeal must be submitted in writing, clearly setting out the grounds of appeal and received by the HR Department within 5 working days from the date of the written outcome. Any appeal that is received by the HR Department will be forwarded to the manager nominated to hear the appeal. The employee will be invited to an appeal meeting within 5 working days of receipt of the appeal to consider the matter. The employee will be notified in writing of the outcome of their appeal normally within 5 working days of the appeal meeting. They will be informed that this is the last stage of the formal procedure.

## **Timescales**

Although some timescales are included, it is recognised that it may not always be possible to keep to these. Nevertheless, the principle applies that each stage of the procedure should be completed as quickly as possible and the time limits extended in exceptional circumstances only.

## **Action after Decision**

The Company will take all reasonable steps to protect the employee from further potential harassment, bullying or victimisation. Where the employee's complaint has been upheld in whole or part their manager will meet with them fortnightly for a period of time as considered necessary to ensure that no further harassment or victimisation has occurred. This action may also be taken even where a complaint has not been upheld.

If the Company believes that there is a case to answer against the alleged perpetrator the Company's Disciplinary Procedure will be invoked. They will be invited to attend a disciplinary hearing and given the right to be accompanied.

The Company will keep relevant records of the complaints process and where possible, these will be treated as confidential.

An employee who raises a complaint in good faith will not be subjected to any detriment by the Company. False accusations of harassment and bullying can have a serious effect on innocent individuals. Therefore should investigation show that a false accusation has been made in bad faith, appropriate disciplinary action will be taken which could result in dismissal.

## **Harassment of a GRAHAM Employee by a Third Party**

An employee who believes they have been the victim of harassment or bullying by a client, customer, contractor or visitor should in the first instance and without delay approach their line manager or the Head of Human Resources to discuss their complaint and steps to be taken under the Dignity at Work procedure to resolve their complaint.

## **Harassment of a Third Party by a GRAHAM Employee**

Allegations of harassment or bullying from a client, customer, contractor or visitor by a GRAHAM employee will be dealt with under this procedure.