

## MJ GLEESON PLC

### Anti-Harassment and Bullying Policy

Version 2, last reviewed 4<sup>th</sup> November 2024

#### 1. About this policy

- 1.1. We are committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2. We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect.
- 1.3. This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.

#### 2. Purpose of the policy

- 2.1. One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.
- 2.2. The policy accompanies our Equal Opportunities Policy
- 2.3. This policy covers harassment or bullying which occurs at work or outside of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.
- 2.4. This policy is non contractual, and we may amend it at any time.

#### 3. Responsibilities

- 3.1. The HR Director has overall responsibility for the effective operation of this policy.
- 3.2. All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- 3.3. Staff should disclose any instances of harassment or bullying of which they become aware to their line manager and/or the HR Department.
- 3.4. Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to your line manager or the HR Department.

3.5. The HR Director has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.

#### 4. Our commitment to you

4.1. MJ Gleeson are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:

- expecting all workers to support an inclusive workplace that is free from bullying and harassment;
- ensuring all new starters attend equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme;
- requiring all employees to attend regular equality, diversity and inclusion training and anti-bullying and anti-harassment training;
- providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace and by third parties that you may have contact with;
- expecting all individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment, initiatives by attending events and workshops organised by the HR Department to educate themselves on the challenges faced by others and how to help alleviate these in the workplace;
- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee resource groups to identify and address any issues;
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties that you may have contact with; and
- ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with.

4.2. We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

4.3. We are committed to providing a safe and respectful workplace and promoting a working environment based on dignity and trust, and one that is free from discrimination, harassment, bullying or victimisation.

- 4.4. A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.
- 4.5. We therefore adopt a zero-tolerance approach to instances of bullying or harassment. This includes all forms of sexual harassment.
- 4.6. If any of our people are found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary procedure, up to and including dismissal.
- 4.7. Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.
- 4.8. If you are experiencing bullying or harassment by a third party, we encourage you to report this to your manager or the HR department without delay so that they can advise and support you on the best course of action.

## 5. What we expect from you

- 5.1. We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.
- 5.2. Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. (For more information on discrimination and victimisation, please refer to our Equal Opportunities Policy).
- 5.3. There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.
- 5.4. You should be aware that you can be personally liable for harassment.
- 5.5. If you experience bullying or harassment, or observe behaviour contravening this policy, we encourage you to speak up without delay and to ask for appropriate support.

## 6. Who is protected from harassment

- 6.1. The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:
- disability;
  - sex;
  - gender reassignment;
  - marital or civil partnership status;
  - race;

- religion or belief;
- sexual orientation; and
- age.

6.2. Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

## 7. What is harassment?

7.1. Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

7.2. Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

7.3. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

7.4. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories. Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- excluding someone from a conversation or social event or marginalising them in front of a group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out" someone;

- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- offensive emails, text messages or social media content; or
- mocking, mimicking or belittling a person's disability.
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

7.5. 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.

## 8. Meaning of sexual harassment

8.1. Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

8.2. Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

8.3. Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;

- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

## 9. What is bullying?

9.1. 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.

9.2. Bullying can take the form of physical, verbal and non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

9.3. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

9.4. Examples of bullying:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

9.5. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## 10. Microaggressions

10.1. Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised

group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying, "It's just a joke".
- Micro-insults: Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- Micro-invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying, "I don't think the UK has a problem with racism - some people are just too sensitive".

10.2. Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 11. Informal complaints process

11.1. If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally.

11.2. If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or the HR Department informally for confidential advice.

11.3. You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

11.4. If you prefer not to discuss the issue with anyone at work, we offer access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. A 24 hour confidential telephone counselling service is available to employees. Details are available from the HR Department/in our Employee Assistance Policy. To access the EAP, call 0800 316 9337 or visit the website, go to [Gleeson.spectrum.life](https://www.gleeson.spectrum.life) using access code Gleeson.

11.5. If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Procedure.

## 12. Formal Complaint Procedure

12.1. If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

- 12.2. If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the HR Department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.
- 12.3. You can raise a formal complaint of bullying or harassment under our Grievance procedure. Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 12.4. As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

### 13. Formal investigations

- 13.1. We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 13.2. We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. You may be assigned a buddy outside of the investigation to provide confidential support throughout the process. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 13.3. The investigator will meet with the alleged harasser or bully who has the right to be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 13.4. Where your complaint is about someone other than an employee, such as a contractor, customer, supplier or visitor, we will consider what action may be appropriate to protect you or anyone involved. Where appropriate, we will attempt to discuss the matter with the third party, or in the case of contractors, visitors, or suppliers, the third party's employer to enable a full investigation.
- 13.5. We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- 13.6. It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 13.7. At the end of the investigation, the investigator will submit a report to a senior manager nominated to consider the complaint. The senior manager will arrange a meeting with you, usually within a week.



of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to you and to the alleged harasser.

#### 14. Action following the investigation

- 14.1. If the senior manager considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 14.2. Where the harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to prevent future bullying or harassment.
- 14.3. Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 14.4. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

#### 15. Appeals

- 15.1. If you are not satisfied with the outcome you may appeal in writing to the HR Department, stating your full grounds of appeal, within seven days of the date on which the decision was sent or given to you.
- 15.2. We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 15.3. We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

#### 16. Protection and support for those involved.

- 16.1. We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.
- 16.2. For emotional support, you can access free, confidential counselling from our EAP. To access the EAP, call 0800 316 9337 or visit the website, go to [Gleeson.spectrum.life](http://Gleeson.spectrum.life) using access code Gleeson.
- 16.3. Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

- 16.4. If you believe you have suffered any such treatment you should inform your line manager or the HR Department. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

## 17. Confidentiality and record-keeping

- 17.1. Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint, and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.
- 17.2. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our privacy notice.