

## **Harassment in the Workplace Policy**

Lomax Training Services Limited is committed to providing a working environment free from all forms of harassment and intimidation. Every employee has the right to work with dignity and respect.

Sexual, racial and other forms of harassment can have a devastating impact on the individuals affected and can lead to a severe loss of employee morale. Sexual and racial harassment are both forms of unlawful discrimination and as a consequence are unlawful behaviour.

Individuals do not always realise that their behavior constitutes harassment, but they must recognise that what is acceptable to one person may not be acceptable to another.

The disciplinary procedure may be used in cases of harassment. Harassment may constitute gross misconduct depending on the circumstances of the case in question.

## Definitions

Sexual and Racial Harassment:

- Derogatory, insulting or lewd remarks or gestures made by a person to another which have the effect of threatening and degrading the victim, or;
- Requiring sexual favours in return for employment benefits;
- Derogatory remarks or actions relating to an individual's race, ethnic origin, nationality or skin colour;
- What the victim finds unacceptable.

Other Forms of Harassment:

Sexual and racial harassment are two of the many types of harassment which can occur in the workplace. Other types of unacceptable behavior include harassment on the grounds of;

- Sexual orientation
- Religious or political convictions
- Real or suspected infection with AIDS/HIV
- Disability or learning difficulties
- Age
- Position within the organisation

Examples of Behaviour Classified as Harassment

Extreme forms of harassment, such as physical assault, which constitutes an offence in criminal law, are clearly recognisable. Harassment can also appear in more subtle ways. In some cases it can be unintentional on the perpetrator's part. Examples of behavior which could be classified as harassment include;

- Insensitive jokes
- Lewd comments about appearance
- Unnecessary body contact
- Speculation about a woman/man's private and sexual activities
- Threatened or actual sexual violence

- Threat of rebuke, dismissal, loss of promotion opportunities, etc for refusal of sexual favours
- Derogatory or degrading abuse or insults which are gender-related or of a racial nature and offensive comments about dress, appearance or physique, hygiene, etc
- Isolation or non-co-operation at work, exclusion from social activities
- Verbal and written harassment through jokes, offensive language, gossip and slander, letters
- Visual display of posters, emblems
- Persistent criticism and personal abuse, bullying, ridicule, persistent downgrading by individuals in positions of power

This is not an exhaustive list of examples.

Employees are expected to behave properly outside work and if any such behavior as described above occurs in relation to another employee at a social function after working hours, or in meal breaks, or in addition to harassment in the workplace, this will be taken into account.

Harassers are not always colleagues or managers, but can be clients or contractors.

Harassment of any form is extremely sensitive and how it is tackled will vary, depending upon the nature and extent of the harassment, as well as the impact it has had on the victim.

## **Procedure**

### **Informal Notification**

In the first instance employees may feel that they can confront the harasser directly, making it clear to the harasser that their behaviour is unacceptable and it must stop. In addition, you should discuss the harassment with your manager. The harasser may until this point be unaware that their behaviour is causing offence.

If the employee feels that he/she is unable to do this verbally, or if it has little impact, then a written request may be more effective.

In some cases, you may feel unable to confront the harasser yourself, or may feel that the harassment is of such a serious nature as to warrant further investigation and action. In these cases, discuss the harassment with your manager.

The alleged harassment will be investigated by your manager, or another appropriate manager. If the harassment is of a more serious nature, or victimisation occurs, or the harassment does not stop, the disciplinary procedure will be invoked. When the harasser is a customer or contractor, appropriate action will be taken.

### **Recording details or witnesses**

It is important to record the details of any incidents including times, dates, nature of incident and whether there were any witnesses. If the harassment leads to a full investigation, witnesses will be asked to provide written statements.

## Formal Notification

Where informal methods fail, or serious harassment occurs, employees are advised to bring a formal complaint. The complaint should be in writing and where possible state:

- The nature of the harassment
- The dates and times when harassment occurred
- The names of any witnesses to incidents of harassment
- Any action already taken by the employee to stop the harassment

The complaint should be sent to your line manager.

Once the complaint has been received, a full investigation will be started with appropriate action being taken as necessary, e.g. suspension with pay.

All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be a disciplinary offence.

Statements will be taken from all parties involved and made available to both the employee and the person accused of harassment. Where employees are unwilling to give statements unless they are guaranteed confidentiality, then their needs will be taken into account.

Both the complainant and the employee accused of harassment will have the right to be accompanied by a friend at any hearing.

Where an investigation concludes that harassment has taken place, the employee will have the opportunity to defend or explain his/her actions in accordance with the disciplinary policy.

The severity of the penalty imposed will be in accordance with those detailed in the disciplinary procedure. In certain circumstances this may involve the transfer, demotion or dismissal of the harasser. An employee will be entitled to appeal against any action taken.

If the employee is not satisfied about the way their complaint has been handled, they may ask for it to be reconsidered by the Managing Director. Requests should be made within five working days of the first hearing. The decision of this second hearing will be sent in writing to both parties and will be final.

Any employee who brings a complaint of harassment will not suffer victimisation for having brought the complaint.

Signed



James Lomax  
Managing Director

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1.0	November 2015	Version 2.0
2.0	January 2018	Version 3.0
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