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## Anti-Harassment and Bullying Policy

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# 1 Policy Statement

Smulders Projects UK (Company) is committed to providing a working environment free from harassment and bullying and ensuring all workers are treated, and treat others, with dignity and respect.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by workers (which may include employees, consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to Company premises.

All parties must note that we reserve the right to amend this policy at any time: for those employed directly by the Company we confirm this policy does not form part of any employee's contract of employment.

## 2 Definition

### 2.1 What is Harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

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 may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person's disability.

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.

### 2.2 What is Bullying?

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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

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

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

## 3 What to do, if you are being Harassed or Bullied

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.

### 3.1 Direct Employees

**The following applies only to those directly employed by the Company:**

If it is too difficult or embarrassing to approach the person responsible informally, you should speak to your line manager, who can provide confidential advice and assistance in resolving the issue formally or informally. If informal steps are not appropriate, or have not been successful, workers should raise the matter with the HR Manager of the Company.

After appropriate subsequent investigation, if the person found to have conducted acts of harassment or bullying is an employee then the Company may seek to take further disciplinary action up to and including dismissal for acts of misconduct or gross misconduct.

### 3.2 Engaged workers

**The following applies only to those engaged through a recruitment agency or limited company contractor or a sub-contractor or supplier:**

If you are an agency worker, you should contact your agency or the limited company contractor or subcontractor or supplier, you are engaged through in the first instance, as appropriate: otherwise the principles of this procedure should be observed. The recruitment agency, limited company contractor, sub-contractor or supplier may consult the HR Manager of the Company to ascertain whether formal steps are appropriate and how best to resolve the matter.

After appropriate subsequent investigation, if the person found to have conducted acts of harassment or bullying is an agency worker or via a limited company contractor, sub-contractor or supplier we will consider whether to suspend or cancel the work assignment with that party.

**In all cases**, the Company 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, where possible. 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. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by a worker the matter will be dealt with in line with the contractual arrangement in place with that worker (see above). 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 deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

## 4 Protection and Support for those involved

Workers who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any employee found to have retaliated against or victimised someone in this way will be subject to disciplinary action.

## 5 Record keeping

Information about a complaint by or about a worker may be placed on the workers personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. The Company may keep information about a complaint raised by or against any worker or third party, in relation to the content of this policy.