

1 Scope

This policy applies to all employees working for MWH Treatment and MWH Farrer (MWH).

The purpose of this policy is to show that MWH believes that all workers have the right to work in an environment free from bullying or harassment. The Company does not tolerate any form of bullying or harassment, without exception, and recognises that it can reduce the effectiveness of a worker's performance by undermining their confidence, creating a threatening environment and decreasing productivity.

This policy should be read in line with the [MP57 Equal Opportunities Policy](#). The Equal Opportunities Policy is in place to ensure the Company's commitment to providing all workers with equal opportunities and opposes all forms of unlawful or unfair discrimination. Prejudice and discrimination amongst workers is totally unacceptable and will result in disciplinary action being taken.

2 Application

This Bullying and Harassment Policy sets out the necessary process for all workers. Proven acts of bullying or harassment may result in disciplinary action against or the dismissal of employees, or in the case of a non-employee, their services being terminated.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and confidentially. Allegations of bullying or harassment made in good faith will not result in less favourable treatment.

Bullying and harassment at work is unlawful and both the Company and the wrongdoing worker can be held liable for inappropriate conduct or behaviour and therefore both can be required to pay damages. In some instances, such behaviour may be punishable through the criminal courts, resulting in a fine and / or imprisonment.

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- What is bullying or harassment
- Why the Company wants to help victims of bullying or harassment
- What a worker should do if they think that they are a victim of bullying or harassment at work
- Whether a claim of bullying or harassment will be treated confidentially
- What will happen at a formal meeting about bullying or harassment
- Whether the alleging worker or alleged perpetrator can bring somebody with them to a bullying or harassment meeting
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- What the alleging worker or alleged perpetrator can do if they are not happy with the decision made regarding the bullying or harassment claim

4 Bullying and Harassment

4.1 What constitutes bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power by one or more persons that can make another, or others 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.

Examples of bullying include:

- Shouting at, being sarcastic towards, ridiculing or demeaning others;
- Physical or psychological threats;
- Physical abuse such as hitting, pushing or jostling;
- Practical jokes, initiation ceremonies or inappropriate birthday rituals;
- Rifling through, hiding or damaging personal property;
- Overbearing and intimidating levels of supervision;
- Abuse of authority or power by those in positions of seniority; or
- Deliberately excluding someone from meetings or communications without good reason.

This is not an exhaustive list. Behaviour that is not included in the above examples may still be treated as bullying,

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

The above examples do not have to occur face to face to constitute harassment or bullying. Harassment or bullying can also occur through written communication, telephone, emails and visual images.

A person may experience harassment or bullying even if they were not the intended "target". For example, a person may feel harassed by racist jokes concerning an ethnic group which differs to their own if the jokes create an offensive environment for that person.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All workers must, therefore, treat their colleagues and any third parties with respect and appropriate sensitivity at all time.

4.2 What constitutes harassment?

Harassment is unwanted physical, verbal or non-verbal conduct of one or more persons towards another or others that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Examples of harassment include:

- Verbal abuse or offensive jokes or pranks related to a person's characteristics (which include but are not limited to their race, colour, nationality, ethnic origin, national origin, religion or belief, sex, sexual orientation, gender re-assignment, disability or their age);

- Lewd or suggestive comments;
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Unwanted physical conduct including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- Display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti;
- Deliberate exclusion from conversations or work activities;
- Withholding information a person needs to do their job; or subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others.

This is not an exhaustive list. Behaviour that is not included in the above examples may still be treated as harassment

4.3 Why would the Company help me if I think that I am a victim of bullying or harassment?

The Company believes that all workers have the right to dignity at work.

The Company wishes to deal with harassment or bullying, perceived or otherwise, in order to enable workers to continue to work together where possible without embarrassment or anxiety on both sides. All reasonable measures will be taken to ensure this is possible.

Should a worker consider themselves to be experiencing harassment or bullying at work, the Company will act promptly to investigate and respond accordingly. Please see section 5 for further information on how to report bullying or harassing behaviour.

4.4 What are MWH's expectations of workers?

All workers are expected to familiarise themselves with this Policy and act in accordance with it.

All workers have a duty not to bully or harass each other or third parties (e.g. suppliers, Clients etc.) nor to help anyone else to do so. This duty applies to both the workplace and all work-related events including business trips and social functions.

MWH will not tolerate bullying or harassment in its workplace or at work-related events outside of the workplace, whatever the seniority of the perpetrator and whether the conduct is a one-off act or repeated, or done purposefully or not on purpose. Neither will MWH tolerate retaliation or victimisation of any person involved in the bringing of a complaint of harassment or bullying to the attention of MWH. All workers should also be aware that if a court or tribunal finds that bullying and / or harassment has occurred then the wrongdoer could be liable to compensate the victim. In some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

MWH expects that workers will not make an allegation of bullying and / or harassment in bad faith. Where an employee commits such an act, they may be subject to formal disciplinary action. Where a non-employee makes such a claim, their services may be terminated.

Where a worker is in doubt with regard to an allegation, they should contact their Line Manager or the HR Department who will be able to provide further advice.

4.5 What will the Company do to support victims of bullying or harassment?

MWH will take appropriate action if any of its workers or complains of bullying or harassment by other workers, its customers or suppliers or any other relevant third party.

MWH encourages any worker who believes they have been bullied or harassed or who has witnessed such behaviour to come forward through the routes outlined in section 5 of this Policy.

MWH's Employee Assistance Programme can also offer counselling and support to workers should they wish.

5 Reporting Bullying in the Workplace

5.1 What should I do if I am being bullied or harassed by a customer, supplier or relevant third party?

If a worker is being bullied or harassed by a customer, supplier or someone else in the course of employment then the worker should raise this immediately with the relevant and immediate manager. MWH will then decide how best to deal with the situation, in consultation with the worker.

5.2 What I should do if I'm being bullied or harassed by a colleague?

If a worker is being bullied or harassed by another worker, there are two possible avenues of, informal or formal resolution as laid out below.

5.3 Informal resolution

If a worker is being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to MWH's policy and must stop. Alternatively, the worker may wish to ask his / her manager or a colleague to put this on their behalf or to be with them when confronting the perpetrator(s). The perpetrator may not be aware that their behaviour is causing distress and thus this approach may resolve the issue.

In either case, the worker can approach the HR Department for advice and support. The request for help will be treated confidentially.

If the above approach does not work or if the worker does not want to try to resolve the situation in this way, the worker should raise the issue with the HR Department. HR can try to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow worker; that any such behaviour is contrary to MWH's policy; that the continuation of such behaviour could, if substantiated, amount to a serious disciplinary offence. It is normally possible for the HR Department to have this

conversation with the alleged perpetrator without revealing the complainant's name, if this is what the worker wants. They will also stress that the conversation is confidential.

If the worker's complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as an extremely serious allegation of sexual harassment) MWH may decide to investigate further and take more formal action notwithstanding that the worker raised the matter informally. MWH will consult with the worker before taking this step.

5.4 Formal complaint procedure

If informal resolution is unsuccessful or inappropriate, the worker can make a formal written complaint about the harassment or bullying to the HR Department. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s). If the perpetrator(s) is a customer, supplier or a relevant third party a formal complaint may ultimately lead to terminating a contract with that person / banning them from the premises.

The HR department will acknowledge a formal written complaint of harassment or bullying within 5 working days of receipt. This acknowledgement will outline the next stages of the procedure.

MWH will then investigate the complaint. The worker making the complaint will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s);
- The nature of the harassment or bullying;
- The dates and times the harassment or bullying occurred;
- The names of any witnesses; and
- Any action taken by the employee to resolve the matter informally.

The worker's complaint will be treated confidentially however the worker should be aware that the alleged perpetrator(s) would normally need to be told the name of the person bringing the complaint and the details of the complaint in order for the issue to be investigated properly. However, MWH will carry out the investigation as confidentially and sensitively as possible.

Where the worker and the alleged perpetrator(s) work in proximity to each other, MWH may think it inappropriate for the worker to continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. If so, MWH may decide to:

- Transfer the worker or the alleged perpetrator;
- Transfer both the worker and the perpetrator;
- Send the worker or the perpetrator home on full pay; or
- Send both the worker and the perpetrator home on full pay.

After the investigation, MWH will meet with the alleged perpetrator to consider the complaint and the findings of the investigation. At the meeting, the alleged perpetrator may be accompanied by a colleague or a trade union official.

After the meeting (and normally within 5 working days), MWH will write to the worker making the complaint and the perpetrator(s) to inform both of MWH's decision and to notify the alleged perpetrator of their right to appeal to a more senior manager.

Where MWH thinks that a disciplinary offence might have been committed, we will instigate using MWH's disciplinary procedure with the offending party.

5.5 Appeal procedure

If the employee is not satisfied with MWH's decision an appeal may be made in writing to a more senior manager, stating the full grounds of appeal, within 5 days of the date on which the decision was sent or given to the employee.

An appeal meeting will be arranged, usually within one week of receiving the employee's written appeal. At the meeting, the employee may be accompanied by a colleague or a trade union official.

The outcome of an appeal meeting will be confirmed to the employee in writing within 14 days of the meeting.

6 Glossary of Terms

Employee - All persons holding a permanent contract of employment working in the United Kingdom.