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## Bullying and Harassment Policy

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All staff must be treated with dignity and respect, free from harassment or other forms of bullying at work. This procedure sets out examples of the type of conduct that may constitute harassment or bullying and our commitment to eliminating such conduct.

All staff are responsible for treating their colleagues with dignity and respect and should consider whether their words or conduct could be offensive to others. Even unintentional harassment or bullying is unacceptable.

Where harassment or bullying is shown to have taken place it will be dealt with under our *Disciplinary Procedure* (see policy) as a form of misconduct. In some cases, it may be treated as gross misconduct leading to summary dismissal of those responsible.

### WHAT THE LAW REQUIRES

Under the *Health and Safety at Work Act 1974* we have a duty to provide our staff with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.

We are also responsible for ensuring that our members of staff are protected from unlawful harassment, bullying or discrimination in the course of their work on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

Individual members of staff may in some cases be held legally liable for harassing their colleagues or third parties including customers and may be ordered to pay compensation by a court or employment tribunal.

## WHAT IS HARASSMENT?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief or age of the victim.

A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Examples of harassment include:

- unwanted physical conduct or "horseplay". Physical conduct ranges from touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault.
- unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity.
- suggestions that sexual favours may further a career or that refusal of sexual favours may hinder it.
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome.
- inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks.
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet).
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

## WHAT IS BULLYING?

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem.

As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others.
- physical or psychological threats.
- overbearing and intimidating levels of supervision.
- inappropriate and/or derogatory remarks about someone's performance.
- abuse of authority or power by those in positions of seniority.
- unjustifiably excluding colleagues from meetings or communications.

Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

Harassment or bullying can occur both in the workplace and in settings outside the workplace, such as business trips, events or social functions organised for or on our behalf and whether on or off our premises. Anyone who believes they are being subjected to harassment or that they are being bullied should not hesitate to use the procedures set out below.

Informal steps to resolve bullying or harassment: if you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally with the person responsible if you feel able, and explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should seek support from your supervisor/Manager. The management will provide confidential advice and assistance to those who believe they have been bullied or harassed and will offer to assist in the resolution of any problems, whether through informal or formal means.

If you are unsure about whether an incident or series of incidents which have occurred constitute bullying or harassment, contact your supervisor/Manager or the Personnel Manager in confidence, on an informal basis. They will be able to advise you how your concerns should be dealt with.

If informal steps have not been successful or would not be appropriate, you should follow the formal procedure set out below.

## RAISING A FORMAL COMPLAINT ABOUT BULLYING OR HARASSMENT

The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases or where the informal procedure has been unsuccessful, you should raise your complaint in writing with the Personnel Manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person you should refer it to another senior manager or one of the Directors.

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 try and stop it.

As a general principle, the decision to progress a complaint rests with you. However we have a duty to protect all staff, so we may decide to pursue the matter independently if, in all the circumstances, it is considered appropriate to do so *even if* you do not want us to do so.

## FORMAL INVESTIGATIONS

Complaints will be investigated in a timely and confidential manner to establish full details of what happened. Your name and the name of the alleged harasser or bully will not be divulged other than on a “need to know” basis to those individuals involved in the investigation. We will appoint a person with suitable experience and with no prior involvement in the complaint to investigate the allegation(s). We will set out a provisional timetable for the investigation, which will be communicated to all parties. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

We shall consider whether the alleged harasser or bully should be redeployed temporarily, or suspended on full pay pending the outcome of the investigation, or whether reporting lines or other managerial arrangements should be altered.

At the outset of the investigation, the investigator will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied to this interview by a colleague or a trade union representative of your choice. We will arrange further meetings with you as appropriate throughout the investigation and/or at its conclusion.

The investigator will also meet with the alleged harasser who may also be accompanied by a colleague or trade union representative of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them. At the end of the investigation, the investigator will submit a report to a Director or senior manager nominated to consider the complaint. This person will arrange a meeting with you to report on the outcome of the investigation. We shall provide copies of the investigator’s report together with this person’s findings to you and to the alleged harasser.

If we conclude that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. This may well include disciplinary action under our *Disciplinary Procedure*. During any disciplinary process, consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred.

Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed, e.g. this may involve arranging some form of mediation or counselling or a change in the duties or reporting lines of either party. However, any worker who is, after investigation, found to have deliberately provided false information or to have acted in bad faith may be subject to action under our *Disciplinary Procedure*.

## APPEALS

If the harassment grievance has not been resolved to your satisfaction you may appeal in writing to the Managing Director, stating your full grounds of appeal, within one week of the date on which you received the decision. We will then hold an appeal meeting, in accordance with the terms of our Grievance Procedure.

Protection for those assisting with an investigation: Staff who make complaints or who participate in good faith in any investigation conducted into alleged harassment or bullying will be protected from any form of intimidation or victimisation as a result of their involvement.

If you believe you have been subjected to any such intimidation or victimisation, you should seek support from your supervisor/Manager. They may alternatively or additionally raise a complaint in writing under this procedure or our *Grievance Procedure* (see Policy).

## CONFIDENTIALITY

Confidentiality is an important part of the procedures provided to deal with harassment and bullying. Whether making a complaint or because they are involved in any investigation, everyone is responsible for observing the high level of confidentiality required. Breach of confidentiality may give rise to disciplinary action under our *Disciplinary Procedure*.