

1. Introduction

- 1.1 Van Elle is dedicated to providing a working environment for our people that is comfortable and free from all forms of bullying and harassment, as such we aim to ensure that all people are treated and treat others with dignity and respect
- 1.2 This policy informs staff about the types of behaviour that are unacceptable and provides information on how to make a complaint and how a complaint will be dealt with.

This policy covers the behaviour of our employees and that of third parties such as clients, contractors, suppliers and visitors to Van Elle premises
- 1.3 This policy also covers in and out of the workplace, such as on business trips or at work-related events or social functions

2. Principles

- 2.1 Van Elle seeks to provide a work environment in which all our people are treated with respect and dignity and that is free from harassment and bullying based upon age, disability, gender reassignment, race (including colour, nationality, ethnic or national origins and caste), religion or belief, sex or sexual orientation. These are known as the “protected characteristics”.
- 2.2 You are responsible for conducting yourself in accordance with this policy and you have a duty to cooperate with Van Elle to make sure that this policy is effective.
- 2.3 Breaches of this policy will be treated as potential gross misconduct and result in your dismissal. You should also bear in mind that you can be held personally liable for any act of unlawful harassment, and you may also be guilty of a criminal offence.
- 2.4 You should inform your line manager or HR of any suspected cases of bullying or harassment.
- 2.5 You should support colleagues who suffer such treatment and are making a complaint.
- 2.6 Van Elle will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful bullying or harassment against our people.
- 2.7 We will not ignore or treat lightly grievances or complaints of harassment or bullying from our people.

3. Bullying and Harassment

- 3.1 **Bullying** is offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power which undermines or humiliates another person or makes them feel vulnerable, upset or threatened. Power does not always mean being in a position of authority, as it can include personal strength and the power to coerce through fear.
- 3.2 **Harassment** is when one person unlawfully harasses another person, if they engage in unwanted conduct that is:
 - related to a protected characteristic
 - of a sexual natureand the conduct has the purpose or effect of violating the other person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

- 3.3 Harassment is also when a person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, and that conduct has the purpose or effect of violating the other person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, and they treat that other people less favourably because of that other persons rejection of or submission to the conduct.
- 3.4 Harassment by association is when unwanted conduct is based on the protected characteristic of a third party with whom the person is associated, or if it was directed at someone other than the person, or even at nobody in particular, but they witnessed it. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.
- 3.5 Harassment can include cases where the unwanted conduct occurs because it is perceived that a person has a particular protected characteristic, when in fact they do not.
- 3.6 Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different people find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.
- 3.7 Behaviour which a reasonable person would realise would be likely to offend another person will always constitute harassment without the need for the person having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way.
- 3.8 A single incident can amount to harassment if it is sufficiently serious.

4. Examples

- 4.1 Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:
 - unwanted physical conduct, including touching, pinching, pushing and grabbing
 - physical or psychological threats
 - overbearing and intimidating levels of supervision or inappropriate derogatory comments about a person's performance
 - unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
 - subjection to obscene, lewd or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to a protected characteristic
 - the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
 - jokes, remarks or pictures of a pornographic, sexual, sexist, racist, homophobic or ageist nature or which are otherwise derogatory or stereotypical in relation to a protected characteristic, including e-mails, text messages, video clips and images sent by mobile phone or posted on social media
 - demeaning comments about a person's appearance
 - questions about a person's sex life
 - outing or threatening to out a person's sexual orientation
 - the use of nicknames related to a protected characteristic whether made orally or by e-mail
 - picking on, mocking, mimicking or ridiculing a person because of a protected characteristic
 - continued suggestions for social activity after it has been made clear that such suggestions are

unwelcome

- isolating a person or excluding them from social activities or relevant work-related matters because of a protected characteristic.
- 4.2 However, reasonable, legitimate and constructive criticism / evaluation of a person's performance or behaviour, or reasonable instructions given in the course of employment, will not amount to bullying or harassment on their own. Those are part of normal employment relationship and should not be interpreted as anything different.

5. Reporting Complaints – informal process

- 5.1 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 unwelcome or makes you feel uncomfortable.
- 5.2 However, we also recognise that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective, unsuccessful or impractical or you feel that it is too difficult or embarrassing, or the situation is too serious to be dealt with informally, you should follow the formal procedure set out below.
- 5.3 If you are not certain whether an incident or series of incidents amounts to harassment or bullying, you should initially contact your line manager or HR informally for confidential advice.

Formal Procedure

6. Step 1 - Reporting

- 6.1 If you wish to make a formal complaint about harassment or bullying, whether against a fellow employee or a third party, such as a client, contractor or supplier, you should report the incident to your line manager or HR.
- 6.2 You should promptly make your complaint so that investigation may proceed, and any action may be taken in a timely manner.
- 6.3 Your written statement 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.
- 6.4 If you do not wish to speak to or write to your line manager, or the matter concerns your line manager, you can instead speak to or write to an alternative manager or to HR.

7. Step 2 - Investigation

- 7.1 A suitable person will be appointed as the investigation manager.
- 7.2 The allegation will be promptly, thoroughly and impartially investigated with sensitivity and due respect for the rights of all parties concerned.
- 7.3 As part of the investigatory process, a meeting will be arranged with you so that you can give your account of events.

- 7.4 You have the right to be accompanied by a trade union official or a fellow employee of your choice at this meeting, but they must respect the confidentiality of the investigation.
- 7.5 The investigation manager may arrange further meetings with you as appropriate throughout the investigation.
- 7.6 Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances, so individuals not involved in the complaint or investigation should not be told about it.
- 7.7 However, in order to effectively investigate an allegation, Van Elle must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, your identity and the nature of the allegations must be revealed to the alleged harasser or bully so that they are able to fairly respond to the allegations and give their account of events.
- 7.8 It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint.
- 7.9 The importance of respecting the confidentiality of the investigation will be emphasised to all those involved.
- 7.10 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 therefore, if you change your mind after raising a formal complaint, we may still pursue the matter independently if, in all the circumstances, we consider it appropriate to do so. We will, however, not do so without talking to you first.
- 7.11 Where your complaint is about an employee, we may consider making temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
- 7.12 Where your complaint is about a third party, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the third party's rights.
- 7.13 We will also seriously consider any request that you may make for changes to your own working arrangements during the investigation.

8. Step 3 - Outcome

- 8.1 Once the investigation has been completed, the investigation manager will prepare a report and you will then be informed in writing of the outcome as soon as possible.
- 8.2 We are committed to taking appropriate action with respect to all complaints of harassment or bullying which are upheld. If the harasser or bully is a third party, we will consider what action would be appropriate to deal with the problem.
- 8.3 You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
- 8.4 We will take appropriate steps to ensure that you do not suffer any form of retaliation or victimisation as a result of raising a complaint. You should inform your line manager or HR if you believe you have been subjected to this type of treatment.
- 8.5 If your complaint is upheld and the harasser or bully remains in Van Elle's employment, we will take all reasonable steps to ensure that you do not have to continue working alongside them if you do not wish to do so. We will discuss the options with you. For example, it may be appropriate to change the

working location, duties or reporting lines of one or both parties.

- 8.6 If your complaint is not upheld, arrangements will be made for you and the alleged harasser or bully to continue or resume working and to repair working relationships. We will consider how best to manage any ongoing working relationship between you and them. For example, it may be appropriate to arrange counselling or mediation.

9. Step 4 - Appeal

- 9.1 If you are not satisfied with the outcome of your complaint, you may appeal in writing to a HR within seven working days of the date of the outcome letter, clearly stating the grounds for your appeal.
- 9.2 A suitable person will be appointed as the appeal manager, who has not been involved in any previous stage of the process and arrangements will be made to hear your appeal.
- 9.3 If you wish, you may be accompanied by a trade union official or a fellow employee of your choice.
- 9.4 Following the meeting, you will be informed in writing of the decision on your appeal.
- 9.5 This is the final stage of the procedure and the decision shall be final.

10. Disciplinary Action

- 10.1 Disciplinary action will be considered for any breach of this policy and will be treated as potential gross misconduct and could result in dismissal.
- 10.2 This includes the following:
- Anyone who is found to have harassed or bullied another employee
 - Anyone found to have retaliated against or victimised someone as a result of them raising a complaint.
 - Line managers who had knowledge that harassment or bullying had occurred but had taken no action to eliminate.
 - A failure to maintain confidentiality within the informal or formal procedure.
 - Anyone found to have raised a complaint that is malicious, vexatious, fabricated or falsified.