**Harassment & Bullying Policy**

1. **Introduction**

**1.1 Purpose**

To provide a policy and associated procedures for employees who believe they are a victim of harassment and bullying in the workplace.

**1.2 Scope**

All employees on a permanent or fixed term contract of employment, freelancers and contractors.

1. **Policy statement**

Monsoon Accessorize will not tolerate bullying and harassment of any kind.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, i.e. business trips and work-related social events.

It highlights the types of behaviour that are considered to be bullying or harassment and clearly states a procedure to be followed in the event that an individual believes that they are being subjected to such unwanted behaviour.

The company takes any allegations of this nature extremely seriously and undertakes to thoroughly and fully investigate any complaints received. We have both a statutory and moral duty to do so, and will ensure that these obligations are met at all times.

Our aim is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with the utmost respect. Any behaviour that undermines this aim is totally unacceptable. This also applies to work-related functions held outside of normal working hours, either on or off the organisation's premises, such as Christmas parties, leaving celebrations, working lunches, etc.

All bullying and harassment is misconduct and is a disciplinary offence, which will be dealt with under the company’s Disciplinary Policy. Bullying or Harassment could constitute gross misconduct, which can lead to dismissal without notice.

Some bullying or harassment could constitute unlawful discrimination, e.g. if it relates to a person’s sex, race, religion or belief, sexual orientation or disability. Serious bullying or harassment may amount to other civil or criminal offences.

The policy does not cover bullying or harassment by customers, suppliers, vendors or visitors. In these cases, employees should report any such behaviour to their manager who will take the appropriate action.

1. **Related policies and documentation**

* Equal Opportunities Policy
* Disciplinary Policy
* Grievance Policy
* Employee Handbook

1. **Policy details**

**4.1 Harassment**

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating, or offensive working environment for an individual.

Harassment can be defined as unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, marital status, employment status, age or any personal characteristic.

Conduct may be defined as harassment whether or not the person behaving in that way intends to offend. Something intended as a joke may offend another person. Different people find different things acceptable. Monsoon Accessorize recognises that everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be defined as harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it persists once it has been made clear that it is regarded by the victim as offensive. However, a single incident can be defined as harassment if it is sufficiently serious.

Harassment on any grounds, including the above, will not be tolerated. Harassment at work is not only despicable and demeaning, but it is also unlawful under the Equality Act 2010.

**Examples of behaviours that may constitute harassment:**

Examples of behaviours that may constitute harassment covered by this policy include, but are not limited to the following:

**Verbal****harassment** — examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks

**Non-verbal****harassment** — examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects

**Physical****harassment** — examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion

**Coercion** — examples include pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc. Isolation or non-co-operation and exclusion from social activities

**Intrusion** — examples include stalking, pestering, spying, etc.

**4.2 Bullying**

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. 

Bullying can be defined as “offensive, malicious, insulting or intimidating behaviour, or an abuse or misuse of power, which is meant to undermine, humiliate, belittle or injure the recipient, leading to loss of self-esteem and ultimately self-questioning an individual’s worth, both in the workplace and society as a whole”

**Examples of behaviours that may constitute bullying:**

Examples of bullying behaviour covered by this policy include, but are not limited to the following:

* Derogatory remarks
* Substituting responsible tasks with menial or trivial ones
* Shouting or swearing at an individual
* Persistent, excessive, unfair or unjustified criticism
* Public humiliation and/or insults
* Persistent undervaluing of a person’s effort
* Constant ignoring of opinions
* Withholding information without justification so as to cause difficulty or embarrassment to an individual
* Unjustified, excessive monitoring and/or supervision
* Setting someone up to fail; for example setting a target/objective that cannot be achieved
* Constant changing of targets for no justifiable reason
* Unreasonably blocking requests for leave
* Aggressive communications
* Insulting, intimidating or threatening behaviour
* Insensitive jokes or pranks
* Ignoring or excluding an individual

**4.3 Victimisation**

Victimisation is treating someone less favourably than others because they have in good faith, complained whether formally or otherwise, that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them worse work to complete.

**4.4 Procedure for dealing with harassment, bullying and victimisation and making a complaint**

Monsoon Accessorize recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. Monsoon Accessorize operates an open-door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, the organisation recognises that this may not always be appropriate in the circumstances. If this is the case, employees can discuss the situation with the next higher level of management or a member of the HR department.

Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the organisation reserves the right to investigate the situation, as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

Just as it is for the individual to decide what behaviour is either acceptable or unacceptable, then it is also for the individual to decide which route to take in solving any problem that has occurred.

|  |  |
| --- | --- |
| Steps to follow | |
| 1 | Employees can choose to solve the matter themselves or with the support of line management or the HR department, by simply approaching the perpetrator, and making the perpetrator aware that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made. |
| 2 | If the situation continues or is so extreme that step 1 above is not possible, the employee should put their complaint in writing to their line manager or the HR department if the line manager is not appropriate. This must include:   * The name of the harasser or bully * The nature of the harassment or bullying * Dates and times of specific incidents * Names of any witnesses * Details any action (if any) that may have already been taken to stop this behaviour |
| 3 | The employee will then be invited to attend a meeting within fourteen days wherever possible, in order to hear their complaint and attempt to resolve the issue. The alleged perpetrator’s line manager will meet with them to investigate the complaint. Attempts will be made to separate the complainant and perpetrator whilst the matter is being dealt with. |

|  |  |
| --- | --- |
| 4 | Once all investigations into the matter are complete. A letter confirming the outcome of the meetings will be sent to the employee. The line manager will then meet with the complainant to discuss the situation and outcomes. If the complainant is not satisfied with the outcomes, they have the right to appeal against the decision and must raise the issues in writing to the next level of management clearly detailing the reasons for appeal. This must be done within seven working days of this meeting. |
| 5 | The employee will then be invited to attend a meeting within fourteen days wherever possible to discuss the reasons for appeal. |
| 6 | The outcomes of the appeal will be final. Outcomes could result in the complainant having no grounds to go further, or disciplinary action being taken in accordance with the company disciplinary policy. |

The examples of harassment and bullying provided in this policy are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. Any harassment or bullying will be classed as gross misconduct, for which employees may be summarily dismissed.

Making a complaint which an individual knows to be untrue or giving evidence which an individual knows to be untrue, may lead to disciplinary action being taken against that individual.

1. **Responsibility**

All those persons referred to within the scope of this policy are required to adhere to its terms and conditions. They must understand that this policy is also incorporated into their terms and conditions of employment.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the HR department prior to any action being taken.

The HR department has the responsibility for ensuring the maintenance, regular review and updating of this policy.

Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the HR Director.