

# Bullying, harassment and sexual harassment policy

**Applicable to:**

All persons within the Henry Boot group

**Produced by:**

People team

**Effective from:**

December 2024

**Policy/Guidance Number:**

V2, 2024

**To be reviewed by:**

January 2026

**Linked documents:**

n/a

**Versions:**

Version 1 – June 2024

Version 2 – December 2024

## Overview

This policy applies to all employees within the Henry Boot group.

This policy aims to prevent all forms of offensive and unfair behaviour, whether or not such behaviour is unlawful. It sets out the type of behaviour that's unacceptable and provides those who are the victims of harassment (including sexual harassment) and bullying with a means of redress.

This policy is non-contractual.

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## 1. Introduction

### Overview

Bullying, harassment (including sexual harassment) and victimisation are harmful to employees, employers and stakeholders alike. Such behaviour can subject people to fear, stress and anxiety, putting great strain on work, personal and family life. It can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment, and employee turnover. It impacts badly on safety, organisational effectiveness and business success.

In addition, certain types of harassment (including sexual harassment) and victimisation on the grounds of a protected characteristic under the Equality Act 2010 are unlawful and will not be tolerated under any circumstances by Henry Boot.

We are committed to being a business in which everyone is treated fairly, with dignity and respect, and without intimidation. Everyone is entitled to work in an environment free from harassment, victimisation and bullying.

We will not tolerate harassment (including sexual harassment), bullying or victimisation of:

- Job applicants
- Employees
- Contractors
- Agency workers
- Self-employed workers
- Ex-employees
- Customers/clients.

Harassment, sexual harassment, bullying and victimisation of others could result in disciplinary action up to and including dismissal.

We recognise that bullying, harassment and victimisation can occur both in and outside the workplace. Therefore, this policy also applies to colleague-related incidents outside of the workplace, including work-related functions held outside of normal working hours, either on or off our premises, such as Christmas parties, leaving celebrations, and working lunches.

Complaints about or reports of bullying, harassment and/or victimisation should be made by following the procedures set out in this policy.

This policy applies to all staff working for Henry Boot, including employees, contractors, agency workers, consultants, officers, volunteers and interns.

This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.

## 2. What is bullying and harassment (including sexual harassment)

### Bullying

Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Bullying does not include legitimate, reasonable and constructive criticism of a colleague's behaviour or performance, proper performance management, or reasonable instructions given to staff colleagues in the course of their employment.

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

- Physical or psychological threats;
- Overbearing and intimidating levels of supervision; or
- Inappropriate derogatory remarks about someone's performance.

### **Harassment**

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

Unlawful harassment may be related to a person's age, disability, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual origination, pregnancy, maternity, marriage and/or civil partnership.

However, Henry Boot does not tolerate any form of harassment, even if it does not fall within the above categories.

Harassment may include, for example:

- Offensive emails, text messages or social media content;
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender; or
- Mocking, mimicking or belittling a person's disability.

### **Sexual Harassment**

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature 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.

Sexual harassment is unlawful and Henry Boot will not tolerate it.

Sexual harassment may include, for example:

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- Offensive emails, text messages or social media content.

### **Less favourable treatment for rejecting or submitting to unwanted conduct**

Harassment also includes treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past. For example, a line manager rejecting an individual for promotion because the individual would not go on a date with them.

## **3. Third Party Harassment**

### **3.1.**

Third party harassment would occur where a person is harassed by someone who is not employed by Henry Boot, but with whom they have come into contact during the course of their employment/work for Henry Boot.

Third party harassment could include, for example, sexual harassment and/or derogatory comments about a person's age, disability, race or sexual orientation by a client or supplier visiting Henry Boot's premises, or where a person is visiting a client or supplier's premises or other location in the course of their employment.

Henry Boot has a legal obligation to take reasonable steps to prevent sexual harassment of its workers in the course of their employment, including by third parties.

Whilst an individual cannot bring a standalone claim for third party sexual harassment against Henry Boot, it can still result in legal liability when raised with other types of claim, and will not be tolerated by Henry Boot.

Henry Boot asks all staff to take all reasonable steps they can to prevent and report such behaviour under this policy, as well as harassment more widely.

Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

### **Key points**

Conduct which may be considered acceptable or tolerable to one person, but which makes another feel distressed, uncomfortable or maligned, may be considered to be bullying or harassment, for example where it makes someone feel:

- Upset;
- Humiliated;
- Threatened;
- Vulnerable;
- Their privacy is being invaded; and/or
- Their self-confidence is being undermined, leading to undue stress.

Bullying and/or harassment may be intentional or unintentional. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace even if they were not intended to harass that person. Similarly, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

The key issues are that it is unsolicited, unwelcome, and fails to respect others. Incitement to commit any of the above will also come under the terms of the policy.

## **Risk Assessments**

We will take active, reasonable steps to try to prevent sexual harassment (including by third parties) of staff, as well as harassment more widely.

This includes our undertaking a risk assessment (and reviewing and updating it, as needed) to enable Henry Boot to anticipate scenarios when our workers and employees may be subject to harassment and sexual harassment in the course of employment/work for us, including by third parties.

This will include a review and consideration of factors which may increase the likelihood of harassment or sexual harassment and the steps that can be taken to minimise them, for example, staff working alone. Such preventative steps Henry Boot will take may include warning notices to third parties visiting or recorded messages at the beginning of telephone calls.

## **4. What is victimisation?**

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing, a 'protected act'. Protected acts include:

- Alleging that someone has breached the Equality Act 2010;
- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010; and/or
- Doing any other thing for the purposes of or in connection with the Equality Act 2010.

Examples of victimisation include:

- Denying someone an opportunity because you suspect that they have made a complaint about harassment;
- Excluding someone because they have raised a grievance about harassment;
- Failing to promote someone because they accompanied another staff member to a grievance meeting; and/or
- Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

## **5. Expected standards**

We do not tolerate bullying and harassment, and we are committed to:

- Ensuring that Henry Boot is free from bullying and harassment;
- Ensuring that all employees are treated with dignity; and
- Providing a culture where employees have confidence to raise any instance of bullying and harassment.

Everyone has a responsibility to behave in a way that's not offensive to others and to encourage others to do the same. You must ensure that your behaviour towards colleagues and other stakeholders does not cause offence and could not in any way be considered to be bullying and/or harassment.

We will view any allegation of bullying, harassment and sexual harassment seriously, will fully investigate all complaints made or issues/concerns that we become aware of

in accordance with this policy, and will take disciplinary action where appropriate, which could result in summary dismissal.

In particular, harassment, sexual harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:

- In a work situation;
- During any situation related to work such as at a social event with colleagues;
- Against a colleague or other person connected to the employer outside of a work situation, including on social media; or
- Against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

## **6. Procedure**

Everyone has a personal responsibility to ensure that this policy is applied, and to behave in a considerate and respectful manner towards their colleagues, customers, suppliers and members of the general public.

All directors, managers and those responsible for supervising others have the added responsibility of ensuring that all staff are made aware of this policy.

Henry Boot will investigate any allegations in a timely manner, sensitively and in a way that protects confidentiality as reasonably as possible. It is recognised that procedures to deal with bullying and harassment must account for the possibility that the alleged bully / harasser could be a person in authority.

Anyone who believes that they are being bullied or harassed, or have witnessed or have any concerns in relation to any form of bullying or harassment, whether from a colleague at any level or a third party, should take the following steps.

### **6.1. Confidential advice**

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or the People team informally for confidential advice. If you don't feel comfortable/able to approach your line manager or the People team, you can approach another senior colleague of your choice or you should make a report via our whistleblowing hotline, details of which can be found on the hub.

We encourage you to act promptly, as it is crucial that we can help address the harassment and bullying without delay.

### **6.2. If you witness bullying or harassment or are concerned about it taking place**

Colleagues who witness bullying or harassment (including sexual harassment), or are concerned about it taking place, are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so;
- Supporting the victim to report it or reporting it on their behalf; and,
- Cooperating in any investigation into the incident.

In addition, please promptly alert your line manager to any incident of bullying and/or harassment so that we actively help deal with the matter and prevent any further



escalation of the problem. If you feel unable to bring a concern to the attention of your line manager or, if the matter is of a particularly confidential nature, please contact the People team.

### **6.3. Informal procedure**

If you're the victim of minor incidents of bullying, victimisation and/or harassment, you may wish to try to resolve the issue first informally with the person responsible – although there is no obligation on you to do so, and we recognise this approach will not necessarily be suitable in the circumstances.

If you don't feel able to do this verbally, then a written request (explaining the distress which their behaviour is causing) handed to the perpetrator may be effective. Our People team can give you support to do this.

If the above steps are too difficult/you do not consider them appropriate, you should speak to your line manager or the People team who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, you should speak informally to the People team. If this does not resolve the issue, you should follow the formal procedure below.

We encourage you to keep a record of any incidents of bullying and/or harassment detailing when, where and what occurred, and any witnesses.

As such, depending on the circumstances you may:

- Choose to seek an informal resolution through the intervention of your own, with support, as needed for your line manager and/or the People team, or
- Prefer to follow the formal procedure set out below.

If the alleged perpetrator acknowledges having caused offence, apologises and agrees not to repeat the behaviour, informal action may take the form of their line manager confirming in writing the standards of behaviour required going forward, and the possible consequences of failing to achieve those standards.

### **6.4. Formal procedure**

Where informal procedures fail/are not suitable, or serious bullying and/or harassment has occurred/is suspected, we advise you to bring a formal complaint using this procedure.

#### **a) Formal complaint - bullying, harassment and sexual harassment**

The formal complaint should be submitted in writing to your line manager or the People team. If the matter concerns your line manager, you should submit it to the People team. If you don't feel comfortable/able to approach your line manager or the People team you should make a report via our whistleblowing hotline, details of which can be found on the hub.

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 bullying, harassment or sexual

harassment, 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.

#### **b) Formal complaint – victimisation**

If you wish to make a formal complaint about victimisation, you should submit it in writing to your line manager or the People team. If the matter concerns your line manager, you should submit it to the People team.

Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, 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.

#### **c) General principle**

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 may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

#### **d) Formal investigation**

We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.

We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You are permitted to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. We will also consider what additional action may be appropriate to protect you and other staff pending the outcome of the investigation. The investigator will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

At the end of the investigation, the investigator will submit their investigation findings to a manager. The manager will arrange a meeting with you, usually within a week of receiving the investigation findings, to discuss the outcome and what action, if any, is proposed to be taken. You are permitted to bring a colleague or a trade union representative to the meeting.

Henry Boot will assess, on a case-by-case basis, the level of detail which is reasonable and appropriate for it to provide to you about its decision and next steps. For instance, we may not be able to share information with you on a disciplinary process that has arisen from your complaint, as it may be inappropriate to do so.

#### **e) Action following the investigation**

If the manager considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure.

Where the disciplinary outcome is that bullying, harassment or sexual harassment occurred, prompt action will be taken to address it. We will also consider what additional measures need to be taken to prevent future bullying, harassment or sexual harassment of staff.

The severity of the penalty imposed upon a member of staff guilty of bullying or harassment will be consistent with those detailed in our disciplinary procedure, i.e. serious harassment or acts of discrimination or victimisation will normally result in summary dismissal. Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take. Where a lesser penalty is appropriate, for example, a written warning, this may be coupled with action to ensure that you are able to continue working without embarrassment or anxiety. After discussion with you, an order for the transfer of the bully/harasser to a different work area may be made if this is feasible from an operational perspective. Alternatively, working practices may be arranged to minimise contact between the two employees. If you wish, your own transfer will be arranged, if possible, subject to practical limitations.

If the bully or harasser is a third party, such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem and prevent a recurrence. This may include asking, for example, a third-party supplier to take appropriate action regarding inappropriate actions by their staff.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship (to the extent that is appropriate) between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

Harassment on the grounds of a protected characteristic, sexual harassment, and victimisation are unlawful and in some instances individuals may be held personally liable for their actions, and their behaviour may also amount to a criminal offence. The use of this procedure does not preclude an employee from exercising their right to take legal action under UK legislation.

## **f) Appeals**

If you are not satisfied with the outcome you may appeal in writing to the People team, stating your full grounds of appeal, within one week of receiving written confirmation of our decision.

If you submit an appeal, we will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a more senior manager who has not been previously involved in the case. They may ask anyone previously involved to be present. You are permitted to bring a colleague or trade union representative to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

### **6.5. False accusations**

False accusations of harassment or bullying can have a serious effect on innocent individuals. Accordingly, deliberately false allegations or actions which are made in bad faith may also be dealt with under our Disciplinary Procedure. Individuals who make allegations of bullying or harassment in good faith will not be treated less favourably as a result of making an allegation, or subject to action under the Disciplinary Procedure.

## **7. Protection and support for those involved**

Staff who make complaints, report that they have witnessed wrongdoing or have concerns about wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

If you believe you have suffered any such treatment you should inform the People team. If the matter is not remedied, you should raise it formally using the formal procedure set out at section 6 above.

We will monitor the treatment and outcomes of any complaints (in particular of sexual harassment or victimisation), we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, and that the operation of this policy and related risk assessments are effective and updated, as needed. We will ensure that workforce training on harassment (including sexual harassment) is rolled-out and refreshed to all applicable workers and employees.

We offer access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying, harassment or sexual harassment. Please see link here for further information: [Employee Assistance Programme \(EAP\)](#), further details of which can be found on the hub.

Support and guidance can also be obtained from the following external services:

- The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)).

- Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)).
- Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)).
- Rape crisis ([www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)).
- Rights of women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)).

## **8. Reporting outcomes, confidentiality and record-keeping**

Confidentiality is an important part of the procedures provided under this policy. 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. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again. However, this may not be appropriate/possible in all circumstances.

Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.