



EQUAL OPPORTUNITIES AND DIVERSITY POLICY

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POLICY STATEMENT

Hadden Construction Ltd is an equal opportunity employer and is fully committed to treating equally every person, group and organisation that we work with and employ. We will take all reasonable steps to provide a working environment in which everyone is treated with respect and dignity and which is free from unlawful discrimination, harassment and victimisation on grounds of:

- age
- colour
- disability including sensory impairment
- gender
- marital status
- ethnic origin or race
- faith, religion or beliefs
- sexual orientation
- trade union activity
- HIV status
- language

To ensure this, all employees, in particular those responsible for recruitment, interviewing, performance appraisal and career development will receive appropriate guidance, training and clear instructions on equal opportunities and diversity. This will be done in conjunction with the Company Training Policy and Plan.

The relevant legislation that inform our policy are:

- Sex Discrimination Act 1975 and 1986 (as amended)
- Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2000)
- Disability Discrimination Act 2005 (amendment regulations 2003)
- Human Rights Act 1998
- Gender Recognition Act 2004
- The Sex Discrimination (Gender Reassignment) Regulations 1999
- Crime and Disorder Act 1998
- Asylum and Immigration Act 1999
- Working Time Regulations 1999
- Equal Pay Act 1975 (Amendment) Regulations 2003
- The Protection of Harassment Act 1997
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Employment Rights Act 1996 (provisions relating to maternity leave and dependant carer leave and redundancy)
- National Minimum Wage Act 1998
- Maternity and Parental Leave Regulations 1999
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- The Equality Act 2006
- Disability Equality Duty (DED) 2006
- Rehabilitation of Offenders Act 1974
- Trade Union and Labour Relations (Consolidation) Act 1992
- The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

These are supplemented by Codes of Practice and guidance that inform our policy as follows:

- Code of Practice on the Duty to Promote Race Equality in Scotland
- Commission for Racial Equality Code of Practice on Employment and Occupation
- The McPherson Report (1999) (recommends various actions to overcome institutional racism)
- Commission for Racial Equality Code of Practice on Race Equality and Procurement in Local Government

We are committed to ensuring effective compliance with all relevant legislation and codes of practice relating to equal opportunities and diversity. We will continually monitor changes in legislation to ensure our policy remains up to date.

The main aims of the policy are:

- To provide a working environment in where people are able to give their best and are free from discrimination, intimidation, and harassment or bullying.
- To provide all employees with the training and development they need to fulfill their potential.
- To ensure our employment practices are non-discriminatory and support staff with specific religious or cultural beliefs and those who need specific assistance to overcome disabilities.
- To have a workforce reflecting the communities which we work in with people from different groups represented at all levels in the staffing structure.

A commitment to this policy is required from all staff and any others with whom we may work e.g. contractors, consultants, suppliers, who all have a duty to co-operate with the company to ensure that this policy is effective in ensuring equal opportunities and diversity and in preventing discrimination. We also expect the same commitment from all those who receive a service from us and will promote this policy in all our dealings with them.

Implementation

In order to implement equal opportunity and diversity objectives the Company will take the following key actions:-

- The annual compilation of an Equality & Diversity Action Plan. This will be included in the Company's Business Plan and will address the extent and range of need in the area, objectives, proposed activities, outcomes and resources. Actions proposed in the plan will be implemented.
- In reviewing policies and procedures, ensure that these comply with statutory requirements and best practice in relation to equality of opportunity and diversity.
- Provide training on equalities and diversity for all management and staff to enable them to develop and implement this policy and the Action Plan.
- Develop monitoring frameworks with particular reference to careful definition of desired outcomes and developing practical means of measuring the same.
- Work with other agencies to develop its information base on ethnic minorities and disadvantaged groups, their needs for our services and the most appropriate means of accessing the same.
- Develop procedures and import appropriate information and practice from emerging guidance

Training

The Company will, on a continuous basis, provide training on equalities and diversity for both management and staff. All new employees will be made aware of the equalities and diversity policy during formal induction training. Training will aim to:

- Eliminate, wherever possible, actual or potential inequalities in the opportunities available to employees to develop skills relevant to their jobs and to develop their careers with the Association
- Inform all staff, particularly those responsible for employment or other management matters, about their obligations under anti-discrimination legislation and this policy; and provide guidance through training on how to translate policy into practice.
- Encourage staff to attend training courses on equalities & diversity

Discrimination, Harassment, Bullying or Intimidation

It is against the company's policy for anyone who works for us to harass, bully or intimidate another individual. Harassment occurs where a person engages in unwanted conduct which has the purpose or effect of violating the other's dignity or creating a hostile, degrading, humiliating or offensive environment for the other person.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favours, engaging in any other unwelcome verbal or unwanted physical conduct of a sexual nature, subjection to obscene or other suggestive comments and sexual jokes or pictures.

Racial Harassment includes engaging in unwelcome verbal or physical conduct of a racial nature, subjection to racist comments and racist jokes or pictures. Harassment may comprise intentional bullying which is obvious or violent but it can also be unintentional such as the use of nicknames or teasing.

Religious Harassment includes ostracising or picking on an individual and using racially or religious derogatory and offensive remarks, even in fun.

It is also against the company's policy for an employee to harass another employee on the grounds of his or her race, colour, ethnic origin, nationality, religion or belief, age or disability.

Gender

The Company is opposed to all forms of sex based discrimination and is committed to achieving gender equality both in the provision of services and in employment.

To achieve our aims the Company will:

- Strive to create an environment that is free from harassment and sexist language and behaviour;
- Give equal consideration to applications based solely on their ability to do the job, and give equal opportunity to men and women for training, career development and promotion for employees;
- Develop specific initiatives, where required, to address gender imbalance in the workforce;
- Set targets to achieve a balanced gender mix at a senior level within the Company and support the attainment of this goal by creating family friendly working practices;
- Challenge sexist attitudes and practices in evidence within other organisations with which Hadden works;
- Create a flexible working environment where work and home life responsibilities are recognised and supported.

Disability

We recognise that people with a Disability are disadvantaged both by the environment and by social attitudes which reflect principally the needs of non-disabled people. Our approach is therefore to apply a social understanding of disability to ensure equality of opportunity for disabled people.

To achieve our aims the Company will:

- Strive to provide services that are relevant to the needs of people with disability;
- Make sure that all our services and information about them are accessible and available to people with a disability;
- Ensure that any disabled person applying for a vacancy within the Company will be judged solely on their ability to do the job;
- Wherever possible modify our procedures or equipment to make full use of an individuals ability and adapt our facilities as necessary to accommodate people with a disability;
- Regularly audit our premises, services and processes to make sure the requirements of the Disability Discrimination Act are met;
- Train managers and staff in awareness and confidence to support people with a disability where needed;
- Continue employing, whenever practicable, employees who become disabled during their employment and assist in their retraining.

Age

We acknowledge the valuable role of older people within our workforce. We will seek to ensure that our employment policies are relevant and fair to all age groups and we will work to create an environment where people are judged on their talents, skills and experience rather than on misconceptions and prejudices about age.

The Company also values the contribution that younger people make to society. Similarly, Hadden values the contribution of our younger workforce and traineeships have been developed to encourage those leaving school and/or higher education to commence their career with the Company. This programme will be expanded and developed over time.

To achieve our aims we will:

- Follow the Government's Voluntary Code of Practice for Age Diversity and Employment;
- Remove age related criteria in our employment practices (subject to present retirement ages);
- Provide recruitment, promotion and training on the basis of need regardless of age;
- Work to ensure that older workers are enabled to leave the organisation with dignity and flexibility in both timing and working arrangements.

Sexuality

Hadden recognises the very real discrimination that people face in their lives due to their sexuality and life choices. We want to create an environment where lesbians, gay men and bi-sexual people are free from unfair treatment and harassment and feel safe to be open about their sexuality and difference if they choose to do so.

To achieve our aims we will:

- Respect an individual's right to define their sexual identity;
- Protect the dignity of women and men at work;
- Work towards enabling employees to feel safe in being open about their sexual identity;
- Ensure that appropriate awareness training is provided in existing training courses and where necessary make additional provision for such training.

Religion

Hadden aims to tackle unlawful discrimination and harassment on the grounds of religion and belief and to promote good relations between people of different religions and beliefs.

To achieve our aims we will:

- Strive to create an environment which recognises and respects all religions and beliefs and is free from unlawful discrimination or harassment;
- Develop employment practices and services in ways which recognise and respects religion and belief;
- Improve the understanding of religion and belief amongst our staff so that they can sensitively address the needs of individuals and of different faith communities;
- Work with other companies and agencies we deal with to ensure that they are aware of the need to respect and be sensitive to the religion and beliefs of all our staff

Recruitment of ex-Offenders

The Company undertakes to treat all applicants for positions within the organisation fairly and not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.

We will only request a Standard or Enhanced disclosure where it is necessary and relevant to the position sought. Where a position requires a disclosure we will make this clear on the application form, job advert and any other information provided about the post.

Family Commitments

The Company is aware that employees may have family commitments in terms of childcare and eldercare. Managers should deal constructively and sympathetically with requests from employees for adjustments in their working hours to accommodate family commitments. Part-time and job share opportunities will be considered where appropriate, and such workers will enjoy pro-rata pay and benefits comparable to full-time employees.

Reporting Complaints

All allegations of discrimination or harassment will be dealt with seriously and confidentially. Employees should report any discriminatory acts or practices or suspected cases of harassment to the Director of Finance and Administration - Anne Nicol, who is the Senior Manager responsible for our policy's implementation. The allegation will be promptly investigated and the complainant will be interviewed and asked to provide a statement setting out the details of their allegation. Once the investigation has been completed the complainant will be informed of the outcome and the company's conclusions.

Employees must not victimise or retaliate against any other employee who has made allegations or complaints of discrimination or harassment.

Action will be taken under the company's disciplinary procedure against any employee who is found to have committed an act of unlawful discrimination.

Recruitment, Advertising and Selection Procedures

The company is committed to applying its equal opportunities and diversity policy statement at all stages of recruitment and selection. Our objective is to recruit the most suitable candidate for the position in terms of experience, abilities and qualification.

Recruitment is carried out on an "Open" basis with advertisements being placed in the local Job Centre along with local and national Press, clearly stating Hadden Construction Ltd is an Equal Opportunities Employer.

When advertising job vacancies we will adhere to the following procedure:-

- Prepare Job Descriptions which accurately describe the skills and knowledge requirements of the required role.
- Avoid prescribing any requirements which would exclude applicants from a particular gender, race, political or religious grounds, disability, age, sexuality, educational background or marital status.
- Invite applications from internal candidates simultaneously with external advertising.

All job applicants will be provided with a copy of the Equal Opportunities and Diversity Policy as part of the recruitment process.

The selection process will be carried out consistently for jobs at all levels. All applications will be processed in the same way. The staff responsible for shortlisting, interviewing and selecting candidates will be clearly informed of the selection criteria and the need for their consistent application. Where possible, all applicants will be interviewed by at least two interviewers and all questions asked will relate to the requirements of the job.

In accordance with our statutory obligations we will give equal consideration to applicants with physical or mental disabilities and will provide appropriate and equivalent training along with making reasonable adjustments to work arrangements or to work premises to ensure that the disabled person is not placed at a disadvantage in comparison with those who are not disabled.

We will not discriminate unfairly or unlawfully in the application of disciplinary action, redundancy or dismissal.

We will monitor the numbers and type of staff terminating their employment to establish their reasons for leaving.

The Company will not discriminate against any member of staff in relation to the provision of pay and other terms and conditions of employment and will seek to eliminate any anomalies found.

All staff will be entitled to join a trade union of their choice if they wish.

INSTRUCTIONS TO RECRUITING PERSONNEL

Read carefully and understand clearly the Company Equal Opportunities and Diversity Policy Statement also read and understand the various types of Discrimination that must be avoided during and after the selection of candidates for employment as follows -

1. **Direct Sex Discrimination**

This is unlawful and occurs where a person of one sex is treated less favourably, on the grounds of sex, than a person of the other sex would be treated in the same or not materially different circumstances.

2. **Indirect Sex Discrimination**

This is unlawful and occurs when an unjustifiable requirement or condition is applied equally to both sexes, but has a disproportionately adverse effect on one sex, because the proportion of one sex which can comply with it is considerably smaller than the proportion of the other sex which can comply with it and it cannot be shown to be justifiable on the grounds other than sex.

3. **Stereotyping**

Avoid attributing certain characteristics to people because they belong to a particular group.

4. **Discrimination by way of Harassment**

The harassment of an employee by another employee is unacceptable conduct and, in cases of racial or sexual harassment, may be unlawful discrimination. Harassment is seen as repeated, unreciprocated and unwanted verbal or physical abuse, intimidation or attention by one employee towards another, which is offensive to the injured employee and interferes with their job performance, job security or otherwise causes them to suffer a disadvantage in the nature or quality of their employment. Harassment also includes displays of any materials that are held to be offensive, in terms of this policy, to employees in the workplace environment. In terms of the Company's Equal Opportunities and Diversity Policy discrimination by way of harassment will be considered a breach of the Company's Policy.

The Company does not discriminate against part-time members of staff and will ensure that the conditions of service apply equally to part-time staff on a pro-rata basis as appropriate.

Responsibilities

The person who has overall responsibility for the full implementation applying, enforcing and monitoring the Company's Equal Opportunities and Diversity Policy is the Director of Finance and Administration - Anne Nicol.

The Director of Finance and Administration will be responsible for ensuring that this policy underpins all aspects of Hadden's work.

This will involve:

- Developing an organisational culture in which this policy can operate effectively and monitoring regularly to ensure that it is properly implemented throughout Hadden.
- Co-ordinating the monitoring of the policy.
- Reviewing and developing Hadden's procedures and practices in association with Directors, Management and Staff.
- Providing guidance and information to Managers and Staff on equality and diversity issues.

Managers and Supervisors have a responsibility to ensure that the requirements of this policy are being respected and complied with in the areas of the business for which they are responsible and to take appropriate action if they are not.

This will involve:

- Communicating the company culture and policy.
- Ensuring the successful implementation of the policy.

All employees/workers/managers/contractors/consultants have a responsibility for ensuring that they have read, are familiar with this policy and will put it into practice/implement it in carrying out their role within the Company.

We expect that all our employees/workers/managers:

- Are committed to making the policy and strategy effective and to setting an exemplary standard for others to follow.
- Ensure that they avoid any unfair or unlawful discrimination in service provision.
- Do not bully, harass or intimidate any other employee or service user or victimise any person who has raised a complaint regarding discriminatory practice.
- Draw to the attention of their line manager or the Personnel Department any instances of apparent discrimination or any perceived "equality of opportunity" issue in relation to employment or to the provision of services.

Members of staff have a duty to respect and act in accordance with this policy and treat colleagues with respect and dignity. They must report any incidents of bullying, harassment and discrimination which they observe or become aware of to their Manager.

Sub-contractors and Suppliers are advised of the company's equal opportunities and diversity policy at induction. The appropriate Manager should be notified of any complaints regarding the behavior of sub-contractors or their employees. Sub-contractors and Suppliers breaching this policy may be regarded as in breach of contract which may lead to an individual being removed from site or termination of contract.

Organisations we deal with may be asked to provide information on any complaint relating to their organisation which has been referred to a court or industrial tribunal in respect of any discrimination. Organisations who have been involved in such litigation may be considered for removal from our Approved Lists if found to be discriminating.

All service providers will be expected to comply with the goods and services code of practice issued under the Disability Discrimination Act.

Any visitor to our construction sites or head office is covered by this policy and may complain under the procedure outlined.

The Company recognises that the existence of an Equal Opportunities and Diversity Policy does not in itself guarantee equality in access, opportunity or outcome, and that the success of the policy depends on the degree of commitment in practice, by all members of staff and Management.

Monitoring, Review and Continual Improvement

Hadden will collect and analyse statistical information in various aspects of its activities in order to assist in monitoring its equal opportunities and diversity policy. Any information gathered will be used solely for this purpose.

The main objectives of monitoring are to:

- Identify if objectives and targets are being met;
- Establish and highlight where possible inequalities may be occurring;
- Determine which weaknesses or omissions within policies, procedure or practices are responsible;
- Examine how policies or procedures can be improved to address inequality.

This STATEMENT of COMPANY POLICY will be displayed prominently at all workplaces. The policy will be brought to the attention of all employees, self-employees, sub-contractors, suppliers and clients. The organisation and arrangements for implementing the Policy will also be available at Head Office for reference by any employee as required. It will also be provided to all members of staff upon commencement of employment with the Company as part of the staff induction procedure and is available on the company website to download.

The Company Equal Opportunities and Diversity Policy will be reviewed annually or as required when new or changed legislation occurs, or should there be a change in the Company's activities.

Scott Hadden

**Chairman & Construction Director
Hadden Construction Limited**

1 March 2009



HARASSMENT POLICY

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HARASSMENT POLICY STATEMENT

1.0 INTRODUCTION

Hadden Construction values the contribution that all its employees make in enabling the delivery of effective, efficient and high quality services.

We recognise that, to deliver these services to the best of their ability, employees need to work in a healthy and safe environment where all employees are treated with the dignity and respect that they deserve and which is free from harassment and bullying in all its forms.

Harassment and bullying are morally, legally and professionally unacceptable. Team working is undermined and employee morale is reduced. This in turn lowers productivity, and increases staff sickness absence and turnover. It also costs time and money, affects the quality of service delivery and damages our reputation.

For all these reasons, harassment and bullying will not be tolerated and is likely to lead to disciplinary action.

2.0 POLICY AIMS AND PRINCIPLES

2.1 Aims

This policy applies to all employees, workers, managers, contractors, suppliers and clients.

This policy aims to:

- Minimise the risk of harassment and bullying behaviour.
- Encourage a proactive approach to the early recognition of harassment and bullying.
- Resolve such conflicts effectively and speedily if they occur.

2.2 Principles

- Employees must see this policy as a key part of the Company's policy on Equality and Diversity.
- Hadden recognises that all employees have the right to be treated with dignity and respect and we will consider all complaints of harassment or bullying in this context.
- Anyone who supports or encourages harassment or bullying by others might be liable to disciplinary action.
- It is important to remember that bullying and harassing behaviour is not determined by the intention of the person who has caused the offence, but by the effect that it has on the recipient. It is up to the recipient to decide if they are being bullied or harassed because they find the behaviour unacceptable.
- Hadden recognises that it employs a diverse workforce where individual employees may have different expectations about what is acceptable workplace behaviour.
- Employees are encouraged to raise valid complaints and can expect them to be taken seriously by Hadden and to be investigated promptly, sensitively and fairly. However, malicious complaints will be regarded as gross misconduct and disciplinary action (including the possibility of dismissal) will be taken.
- Both parties to a complaint must be treated fairly and both will be offered support and guidance.
- Independent procedures are available to treat the matter seriously, establish what happened in any alleged incident (s) and deal with it speedily as far as that is possible.
- Employees will be protected from victimisation for making or being involved in a complaint.
- As far as is possible, confidentiality will be maintained but cannot be guaranteed once the investigation is set in motion.

3.0 ROLES AND RESPONSIBILITIES

3.1 Hadden as a corporate body will ensure that: -

- Recognised trade unions and recognised employee representatives are consulted in agreeing this policy.
- All existing and new employees are provided with a copy of this policy.
- Employees involved in these procedures have access via Personnel to independent counselling.
- This policy and its procedures comply with legislation.
- This policy and its procedures are monitored and reviewed formally on a regular basis in consultation with recognised trade unions and employee representatives.
- Each Head of Department is accountable for the effective implementation and monitoring of the policy within their area of responsibility.

3.2 Managers will ensure that:

- There is good communication with and between employees by operating an open door policy.
- Examples and standards of behaviour are set in the workplace that include not harassing and bullying staff and generally making employees aware of how their behaviour affects people.
- An environment and culture is created where everyone is treated with respect and dignity and inappropriate behaviour is not tolerated.
- Inappropriate behaviour is recognised and action is taken promptly where it occurs.
- Employees are aware of the policy and know how to raise harassment and bullying issues.
- Solutions are worked on to resolve harassment and bullying cases.
- Support is provided to employees who may feel that they are being harassed or bullied.
- Complaints are dealt with seriously, fairly, thoroughly, quickly and confidentially respecting the feelings of all concerned.
- There is no retaliation against the person who made the complaint.
- Employees recognise that gossiping about harassment and bullying can be destructive.

3.3 Employees are responsible for complying with this policy and are required to:

- Treat colleagues with dignity and respect.
- Be aware of how their own behaviour can affect others e.g. ensuring that normal workplace banter enhances rather than undermines teamwork.
- Support colleagues who are being harassed or bullied.
- Bring to the attention of their manager or another appropriate senior manager, any instances of harassment or bullying that they are aware of.

4.0 WHAT IS HARASSMENT IN THE WORKPLACE?

General Guidance

Harassment is any conduct based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, race, colour, language, religion or other belief, political, trade union or other opinion/belief, national or social origin, association with a minority, property, birth or other status which is unreciprocated or unwanted and which affects the dignity of men and women at work (Adapted from the Human Rights Act 1998 and the EC Recommendation and Code of Practice on Harassment).

“At work” includes any place that can be identified with the requirements of the employer or with social events linked to that employment.

Features of harassing behaviour:

- Persistent incidents.
- A single, serious incident.
- Unwanted physical contact.
- Verbal abuse such as anonymous voicemail messages, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumours.

- Written abuse such as letters, faxes, e-mails or graffiti (these may be anonymous) or displaying offensive pictures or posters.
- Explicit behaviour such as mimicking the effects of a disability, threats.
- Covert or disguised behaviour such as social isolation and non-co-operation, implicit threats and pressure for sexual favours.
- Incidents associated with work such as stalking.

Such behaviour is inappropriate and unacceptable if:

- It is unwanted, unreasonable and offensive to the recipient.
- It is used as the basis for employment decisions.
- It creates a hostile or ineffective working environment.

5.0 WHAT IS BULLYING IN THE WORKPLACE?

General Guidance

Bullying is the misuse of power or position that undermines a person's ability, or leaves them feeling hurt, frightened, angry or powerless.

Features of bullying behaviour:

- Sadistic or aggressive behaviour over time.
- Exclusion from meetings.
- Humiliation or ridiculing.
- Criticism in public that is designed to humiliate.
- Persistent, unwarranted criticism in private.
- Treating colleagues as children, not as adults.
- Undermining employees by replacing their areas of responsibility unreasonably or without justification.
- Withholding information to deliberately affect a colleague's work performance.
- Constantly changing work deadlines or work guidelines.

6.0 PROCEDURES

Aims

The following procedures aim to help resolve complaints about harassment and bullying carefully and sensitively by:

- Clarifying how complaints should be made and resolved.
- Ensuring that complaints are dealt with promptly, fairly and consistently.
- Protecting the rights of both the complainant and the alleged harasser/bully.

Options for action

Employees who believe that they are being harassed or bullied should take the following steps:

- Personal Action
- Informal Action
- Formal Action

Personal Action

In some cases talking directly with the person who is causing the harassment/bullying problem might be enough. This approach might be appropriate if, for example, the person complaining believes that the unacceptable behaviour is unintentional, and the other person is unaware of its impact.

The person complaining can take this action alone, or with help from a work colleague or trade union representative.

The person complaining should clearly:

- Explain how the behaviour makes them feel in as much detail as is possible.
- Explain how it is interfering with their work.
- Ask the person to stop that behaviour.

It is the responsibility of the person complaining to keep a note of everything that is said.

Informal Action

Informal action is intended to conciliate rather than to punish.

If the “Personal Action” outlined previously fails or is inappropriate, informal action by a manager or the Personnel Manager might be more effective. However this approach should not be taken if the person complaining wishes formal action to be taken or if the seriousness of the incident (s) makes it inappropriate. After discussing the issue with the person complaining, the manager should speak to the alleged harasser/bully to attempt to resolve the issue. This informal and confidential discussion should explore the following:

- How the person complaining feels as a result of the other person’s behaviour.
- The alleged harasser/bully’s view of the situation.
- In what way the behaviour is contrary to the policy.
- The required standards of behaviour.
- The likely consequences of continuing the behaviour.
- How the situation will be monitored and reviewed.

The manager should take a note of both discussions.

Following these discussions, the manager should provide feedback to the person complaining. If appropriate, the manager can offer to facilitate a joint meeting with both sides to re-establish effective working relations.

Formal action

If neither “Personal Action” nor “Informal action” has resolved the matter or if the person complaining chooses to take formal action, the matter should be reported to the Personnel Manager.

The complaint must be in writing, confirming the specific dates and details of the incident (s), and any approaches asking the alleged harasser/bully to stop.

Procedure

- The Personnel Manager gives the complaint a high priority and arranges for another senior manager to investigate the complaint. The senior manager will not have line management responsibility for the persons involved.
- The senior manager will gather facts/statements relating to the incident (s) from everyone concerned.
- Everyone involved will receive a fair and impartial hearing.
- A work colleague or trade union representative may accompany the person complaining to meetings about the complaint. This also applies to the alleged harasser/bully.
- After an initial investigation, the senior manager will decide: -
- **Whether there is a case to answer:** If there is no case to answer, all records of the matter will be disregarded. The person complaining will receive feedback on this decision.
- **Whether the matter can be dealt with through mediation or conciliation:** If both sides agree to this, the alleged harasser/bully’s manager will be informed confidentially.
- **Whether there is justification for a formal disciplinary hearing.**
- The results of the initial investigation should be completed at the earliest opportunity and in any event should take no longer than three weeks to complete to minimise additional stress/anxiety on both sides.
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- If the matter is to be investigated in a formal disciplinary hearing, the Company's Disciplinary Procedures will apply.
- It might be necessary to suspend an employee on full pay to protect them or to aid the investigation (In accordance with the provisions laid out in the Company's Disciplinary Procedures) and it should be made clear to all involved that this is not disciplinary action.
- If appropriate it might be preferable to move an employee.

Outcomes

- If the initial investigation finds that the disciplinary procedure is not required, then conciliation or mediation will be invoked for the persons involved.
- If the investigation supports the allegation, the Company's Disciplinary Procedures will be used.
- The person complaining will receive verbal feedback on the outcome of their complaint that will later be confirmed in writing.
- Frequently the person complaining and the harasser/bully are based in the same workplace. If a complaint of harassment/bullying is upheld it might be necessary to separate them. In most situations it will be the harasser/bully who is moved.
- Sometimes it might be necessary to separate both sides even where the complaint is not upheld to maintain good working relations.
- Hadden recognises the importance of offering support including counselling assistance to all parties involved in these processes.

Victimisation

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. They may become labelled "troublemaker", denied promotion or training, or be socially isolated by their colleagues. If this happens or if organisations fail to take reasonable steps to prevent it from happening, they will be liable and may be ordered to pay compensation. Individuals who victimise may also be ordered to pay compensation.

Examples:

- After giving evidence for a colleague who had brought an Employment Tribunal claim against the organisation on the grounds of religion or belief, a worker applies for promotion. Her application is rejected even though she shows that she has all the necessary skills and experience. Her manager says she is a 'troublemaker' because she has given evidence at the Tribunal and as a result should not be promoted. This would be victimisation.

Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting. Harassment in terms of sexual orientation applies to individual's sexual orientation (real or perceived) or it may be about the sexual orientation (real or perceived) of those with whom the individual associates.

Examples:

- A male worker who has a same sex partner is continually referred to by female nicknames which he finds humiliating and distressing. This is harassment.
- A worker has a son who is gay. People in the workplace often tell jokes about gay people and tease the worker about his son's sexual orientation. This may be harassment on grounds of sexual orientation, despite it not being the victim's own sexuality that is the subject of the teasing.
- A culture in the workplace which, for instance, appears to tolerate the telling of homophobic jokes.
- Mr 'A' is continually teased about his partner's religious convictions. He finds being subjected to such teasing offensive and distressing and complains to his manager. His manager tells him not to be silly, that the teasing is only harmless workplace banter and is nothing to do with the organisation. This is discriminatory.

- Ms X is the only Welsh person working in a London firm. Her secretary takes every opportunity to mimic her accent and make anti-Welsh jokes in her presence, sometimes in staff meetings. This is discriminatory.

(Examples are taken from ACAS guidance)

7.0 MONITORING AND REVIEW

The policy and its procedures will be monitored and reviewed formally on a regular basis in consultation with recognised trade unions and employee representatives.

The Company will gather statistical information in various aspects of its activities in order to assist in monitoring its Harassment policy. Any information gathered will be used solely for this purpose.

This STATEMENT of GROUP POLICY will be displayed prominently at all workplaces. The policy will be brought to the attention of all employees, self-employees, sub-contractors, suppliers and clients. The organisation and arrangements for implementing the Policy will also be available at Head Office for reference by any employee as required. It will also be provided to all members of staff upon commencement of employment with the Company as part of the staff induction procedure.

The Company Harassment Policy will be reviewed annually or as required when new or changed legislation occurs, or should there be a change in the Company's activities.

Scott Madden

**Chairman & Construction Director
Hadden Construction Limited**

1 March 2009