



# HRP0011 - Harassment and Bullying Policy

HRP: 0011 V3

LEVEL 1 POLICY

<b>Contents</b>	
<b>DOCUMENT CONTROL</b>	<b>3</b>
<b>Introduction</b>	<b>4</b>
<b>Objective</b>	<b>4</b>
<b>Scope</b>	<b>4</b>
<b>Who this policy applies to</b>	<b>4</b>
<b>Our Responsibilities</b>	<b>4</b>
<b>The Company's position on bullying, harassment, and victimisation</b>	<b>5</b>
<b>Harassment and Bullying Procedure</b>	<b>6</b>

INTERNAL

**DOCUMENT CONTROL**

Document Title	HRP0011 - Harassment and Bullying Policy		
Reference	HRP0011	Version	V3
Classification	Internal		
Effective From	22/01/2025		
Last Review	22/01/2025	Next Review By	22/01/2026
Document Owner(s)	Human Resources		
Approved by	Sharon Harris	Date	22/01/2025
Status if printed	Uncontrolled – refer to FBP Intranet		
Circulation	Internal	Date (Published on Intranet/External website)	11/02/2025

<b>Revision History</b>		
Version Number	Date of Revision	Comments / Reason for Revision
V1.0	01/07/2021	New Forterra Intranet
V2.0	01/04/2024	Updated definitions and data protection clause
V3.0	22/01/2025	Update legislation

## **Introduction**

We have a zero-tolerance approach to bullying and harassment and are committed to ensuring that all members of staff are treated, and treat others, with dignity and respect. We understand that experiencing inappropriate behaviour can impact the mental and physical health of those affected, both in their personal and working life, as well as having a negative impact on our workplace culture and productivity. We will treat all allegations seriously and will deal with them in accordance with this policy.

## **Objective**

The aim of this policy is to prevent any form of harassment, bullying, victimisation, or inappropriate behaviour, which causes offence, whether by physical contact, verbal comments, written correspondence or electronic mail. It also provides a framework for resolving any problems that may occur as a result of such unsolicited or unwelcome behaviour.

Harassment or bullying can have a devastating effect on an individual. It often causes anxiety and loss of concentration and can lead to possible poor performance or absence from work. It can also create tension and conflict within the workplace, leading to poor morale, higher labour turnover, reduced productivity, lower efficiency, and divided teams.

## **Scope**

This policy does not give contractual rights to individual. The Company reserves the right to alter any of its terms at any time, although we will notify you in writing of any changes.

## **Who this policy applies to**

This policy applies to all employees, officers, workers, agency workers, contractors, apprentices, volunteers, and interns. The policy also relates to job applicants and is relevant to all stages of the employment relationship.

It applies to bullying or harassment by members of our staff as well as third parties.

## **Our Responsibilities**

a) The Company's responsibilities.

The Executive Committee has overall responsibility for this policy but has delegated responsibility for managing its implementation to the Group People Director. Any suggestions for change should be reported to the Group People Director.

Day-to-day responsibility for the operation of the policy sits with the HR department and line managers. If you have any questions about this policy, you should direct them to HR or/your line manager in the first instance.

b) The Manager's responsibilities.

All managers are expected to lead by example, conducting themselves in accordance with this policy and ensuring that those they manage do the same. They should ensure that employees understand the standards of behaviour expected of them under this policy and take action when any behaviour falls below the required standards.

## INTERNAL

The Manager should be responsive and supportive to anyone who makes an allegation of harassment or bullying, provide clear advice on the procedure, maintain confidentiality and ensure there is no further instances.

The Manager should be alert to unacceptable behaviour in any part of the Company and take appropriate action to ensure this behaviour stops.

c) Employee's responsibilities.

It is a requirement that all employees must be aware of and be familiar with this policy. You have a responsibility to comply with this policy and to help us to implement it.

You have a duty not to bully, harass or victimise anyone at work (including third parties with whom you come into contact at work) and not to help anyone else do so.

The employee has a responsibility to help ensure a working environment in which all individuals are treated with dignity and respect. The employee must be aware of their behaviour to others and make every effort to ensure it does not cause offence and misunderstanding.

The employee should discourage or take action to stop any harassment or bullying witnessed on sites. If an employee has witnessed an incident they may be interviewed as part of a formal investigation. Such contributions are valuable, and it is important that an objective, factual statement is provided.

### **The Company's position on bullying, harassment, and victimisation**

We believe that a culture of equality, diversity and inclusion is vital to supporting the wellbeing of our people and we are committed to providing a safe and respectful workplace for all members of staff. Accordingly, we will not tolerate any bullying or harassment of any kind: whether at work on or away from our premises, during any situation related to work (including business trips, at social functions or on social media), or against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. Any such conduct will be treated as a disciplinary offence, which may in appropriate circumstances lead to dismissal.

In addition, we will not tolerate any retaliation against, or victimisation of, any person who has been involved in bringing a complaint of harassment or bullying. Retaliation against or victimisation of a person who has made a complaint of bullying or harassment will constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

We will take proactive steps to prevent all forms of harassment and bullying of our people, including by third parties (for example our customers, self-employed contractors, suppliers, or visitors to our premises). Non-exhaustive examples of measures we are committed to taking include:

- ensuring that all of new starters attend training on equality, diversity and inclusion and respect at work, including anti-harassment anti-bullying training, as part of the on-boarding process.

## INTERNAL

- requiring all employees to attend regular training on equality, diversity and inclusion issues, including anti-harassment anti-bullying training, on at least an annual basis.
- providing focused training for line managers so that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace (including by third parties).
- conducting regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment, including by third parties.
- monitoring our organisational culture via measures such as exit interviews, return-to-work meetings, and anonymous staff surveys. We will take active steps to address any issues that are identified as part of our process of ongoing monitoring and review.
- ensuring that our zero-tolerance approach to all forms of bullying and harassment, is effectively communicated, including to relevant third parties.

We will take appropriate action in relation to any allegations of harassment or bullying, including by third parties.

We will treat all allegations seriously, irrespective of the seniority of the alleged perpetrator, whether the conduct is a one-off act or a repeated course of conduct, and whether it appears the conduct was undertaken deliberately or not.

If you are a victim of or witness to bullying or harassment, we encourage you to report it without delay in accordance with this policy. This will enable us to take appropriate action and provide support.

We will investigate any allegations in a timely manner, sensitively and, as far as possible, confidentially. Where, following investigation, the evidence indicates that this policy has been breached, we will usually take action under our disciplinary procedure (which may result in a disciplinary sanction up to and including dismissal).

There is no justifiable reason to bully or harass someone else. You should also be aware that if an employment tribunal or court finds that you have bullied or harassed someone you could be personally liable to compensate the victim. In some circumstances the treatment may also amount to a crime punishable by a fine or imprisonment.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Accordingly, false allegations or actions which are made in bad faith will 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.

### **Harassment and Bullying Procedure**

#### 1. What type of treatment amounts to harassment

“Harassment” is any unwanted physical, verbal, or non-verbal conduct that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment also includes situations where someone is treated less favourably because they have submitted to or refused to submit to such harassing behaviour in the past.

## INTERNAL

Harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to another protected characteristic such as age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation. Our stance is that harassment is unacceptable even if it does not fall within any of these categories.

Harassment can take many forms. Non-exhaustive examples of harassment include:

- verbal abuse, “banter”, offensive comments, jokes, taunts or pranks, whether or not related to a protected characteristic.
- unwanted physical conduct, intimidation or “horseplay” (such as touching, pinching, grabbing, hitting, pushing, or jostling);
- unwelcome sexual advances or suggestive behaviour (even if the harasser perceives the conduct as harmless, or the conduct has not been unwelcomed in the past).
- lewd or suggestive comments or gestures, including offensive comments or gestures about appearance or dress, innuendo, leering and whistling.
- sending or displaying material by any means that is pornographic, inflammatory, abusive, or that some people might find offensive (including “pin-ups”, graffiti, emails, text messages, video clips and/or images sent electronically or posted online).
- offensive emails, text messages or social media content;
- disclosing or threatening to disclose someone’s sexual orientation or transgender status.
- gossip and speculation about someone’s sexual orientation or transgender status, including spreading malicious rumours.
- derogatory comments about pregnancy, maternity leave or IVF treatment.
- continued suggestions for social or sexual activity after it has been made clear that such suggestions are unwelcome.
- suggestions or threats by managers or supervisors that sexual favours or racial origins could affect someone’s job security or prospects.
- disrespecting a person’s gender identity, name and pronouns. This may include ‘misgendering’ a person (i.e. deliberately or repeatedly referring to the person using a pronoun that does not correctly reflect the gender with which they identify) or using a trans person’s ‘dead name’ (i.e. the trans person’s name before they transitioned).
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

A single incident can amount to harassment. It is the impact of the conduct and not the intent of the action that determines whether harassment has taken place.

A person may be harassed even if they were not the intended target. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

## **2. What type of treatment amounts to bullying?**

There is no legal definition of bullying. However, we regard “bullying” to be behaviour (aimed at an individual or group of individuals) which creates a threatening, intimidating or humiliating environment that undermines the confidence and self-esteem of the

## INTERNAL

recipient. In some cases, the bully misuses the power they hold from being in a position of authority; other times the power may be the bully's personal strength or the power to coerce through fear or intimidation.

Bullying conduct may be physical, verbal and/or non-verbal. Non-exhaustive examples of bullying include:

- physical or psychological threats.
- verbal abuse, such as shouting or swearing at colleagues.
- rifling through, hiding, or damaging personal property.
- practical jokes, initiation ceremonies, or inappropriate birthday rituals.
- supervision which is overbearing or intimidating.
- deliberate exclusion from work activities or conversations at work.
- making inappropriate derogatory remarks about someone's performance in front of others.
- withholding information, a person needs in order to do their job.
- cyberbullying, i.e. using information and communications technology (particularly mobile phones, the internet, and social media) to upset or humiliate someone.

The following do not, of themselves, amount to bullying: appropriate criticism of an employee's behaviour; proper performance management; reasonable instructions given to staff in the course of their employment.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and as such may be unlawful.

It is important to recognise that conduct which one person may find acceptable, another may find unacceptable. We expect all staff to be treated with due respect and appropriate sensitivity.

### **3. What type of treatment amounts to victimisation?**

Non-exhaustive examples of victimisation include:

- denying someone an opportunity because they have made (or because you suspect that they intend to make) a complaint about harassment;
- failing to promote someone because they accompanied another staff member to a grievance meeting;
- dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

As set out above, retaliation against or victimisation of a person who has made a complaint of bullying or harassment will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

### **What should you do if you are being bullied, harassed or victimised.**

There are two routes an individual can take to resolve the harassment or bullying, the informal and formal route.



## INTERNAL

The most important thing is that staff should not ignore the problem or blame themselves. Making a complaint is a serious issue and shall be treated as such and with confidentiality.

### **The Informal Route**

If you are being harassed or bullied by another member of staff, you may wish to start by trying to resolve the issue informally.

You may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is not welcome or makes you uncomfortable, that you consider it to be contrary to our policy and that it must stop.

Alternatively, you could speak with your manager or another colleague to seek guidance on how best to resolve the issue. Your request for help will be treated confidentially.

If this approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Human Resources Department (HR). They may try to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that: there has been a complaint that their behaviour is having an adverse effect on a fellow employee; such behaviour is contrary to our policy; and the continuation of such behaviour could amount to a serious disciplinary offence. It may be possible for HR to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

If your complaint is resolved informally, the alleged perpetrator(s) will not generally be subject to any disciplinary sanction. However, in exceptional circumstances (such as where your concern involves a serious allegation of sexual harassment, or in cases where the behaviour has occurred before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

### **The Formal Route**

If informal resolution is unsuccessful or inappropriate, you should make a formal written complaint about the harassment or bullying to your manager or directly to the HR department ([bp.hr@forterra.co.uk](mailto:bp.hr@forterra.co.uk)). If the matter concerns that person, you should refer it to the position at a higher level of management or HR. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

Your formal written complaint should include the following details: the name of the alleged perpetrator(s); the nature of the harassment or bullying; the dates and times the harassment or bullying occurred; the names of any witnesses; and any action taken by you to resolve the matter informally.

If you wish to make a formal complaint about victimisation, your written complaint should include the following details: 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 dates and times 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.

## INTERNAL

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.

You will be invited to a meeting to consider your complaint and to discuss any suggestions you have for how it may be resolved. The meeting will normally be held within five working days of your formal complaint being raised. At the meeting, you may be accompanied by a fellow worker or a trade union official, who must also respect the confidential nature of the meeting.

We will then conduct an investigation into your complaint. The investigation will be carried out by someone with appropriate experience and no prior involvement in the complaint. It may be necessary to interview witnesses as part of the investigation. If so, we will stress to them the importance of confidentiality.

The alleged perpetrator(s) will normally need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as promptly, confidentially and sensitively as possible.

Where you and the alleged perpetrator(s) work in proximity to each other, we may consider it inappropriate for you to continue to do so while the complaint is being investigated and during any consequent disciplinary proceedings. This may necessitate that one or both parties be suspended on full pay or transferred to an alternative role on a temporary basis.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a fellow worker or a trade union official, who must also respect the confidential nature of the meeting.

After the meeting, we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome.

If you wish to appeal, you should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will normally be invited to attend a meeting to consider it. You have the right to bring a colleague or trade union official, who must also respect the confidential nature of the meeting. We will write to you after any appeal meeting to confirm our final decision. Following this stage, there will be no further right of appeal.

Where the alleged perpetrator is an employee and the evidence gathered in the investigation indicates that a disciplinary offence has been committed, our disciplinary procedure will usually be instigated and a disciplinary hearing under that procedure will be arranged to deal with the alleged disciplinary offence. In accordance with that procedure, the alleged perpetrator will be provided with relevant evidence about the allegations against them and will be given a full opportunity to respond.

Where the investigation indicates that a disciplinary offence has been committed, aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

## INTERNAL

Alternatives to disciplinary action may be considered in some instances. Where the investigation indicates that no disciplinary offence has been committed, both you and the alleged perpetrator will be informed in writing.

Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the individual concerned (for example, we will consider whether mediation and/or counselling, or a change of duties, working location or reporting lines would be appropriate in the circumstances).

We retain the discretion to choose whether to hold meetings in person or remotely, as appropriate, depending on the circumstances.

If a meeting is to be held remotely:

- we will ensure that all participants (including, if applicable, any permitted person that you choose as a companion) can access the necessary technology and materials.
- we ask you to inform us if you have a disability or other accessibility issue that could affect your ability to use video conferencing technology so that we can consider any reasonable adjustments; and
- you must not have anyone else in the room with you during the meeting (other than your permitted chosen companion, if applicable, if they are attending from the same physical location as you).

### **If you are being bullied or harassed by a third party (such as a customer, supplier or visitor to our premises)**

If you are being bullied or harassed by a third party, such as a customer, supplier, or visitor to our premises (or when visiting a customer or supplier's premises or other location in the course of your employment), please raise this with your immediate manager without delay. We will then decide how best to deal with the situation, in consultation with you. 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 rights of that person. Where appropriate, we will attempt to discuss the matter with the third party. We will also seriously 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 or bully.

Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

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

### **If you witness bullying or harassment**

Staff who witness bullying or harassment are encouraged to take appropriate steps to address it. Depending on the circumstances, appropriate steps could include: intervening where you feel able to do so; supporting the victim to report the incident; reporting the incident on the individual's behalf; and/or co-operating with any investigation. All witnesses will be provided with appropriate support and will be protected from victimisation.

### **Risk assessments and ongoing monitoring**

We recognise that we have a proactive duty to take reasonable steps to prevent sexual harassment of our staff during the course of their employment (including in respect to third parties) and we take this duty seriously. We will undertake risk assessments, which we will keep under regular review, to assess the risk of our employees being exposed to sexual harassment at work, including steps we can take to minimise those risks and prevent sexual harassment from taking place (including with respect to third parties).

We will take active measures to protect our employees from sexual harassment, in accordance with the risks identified in our risk assessment.

We will monitor the treatment and outcomes of any complaints of harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved, and workforce training is targeted where needed.

### **Confidentiality, data protection and record keeping**

We aim to deal with complaints of bullying and harassment sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a complaint under this procedure. Details of any 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.

Conducting investigations and formal meetings under this procedure involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with complaints of bullying and harassment. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees; to ensure a safe working environment under health and safety laws)
- for the performance of the employment contract (i.e. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees)
- in our legitimate interest to deal effectively with bullying and harassment complaints, whether you are the subject of them or are otherwise connected to the issues raised.

## INTERNAL

Special category data and data relating to criminal convictions or offences may occasionally need to be processed under this procedure – for example, where an employee asserts that they are being bullied or harassed because of their race or sexual orientation, or where an employee requires a reasonable adjustment to the procedure to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Where we take witness statements from employees with information about the complaint being investigated under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the process. This will ordinarily be HR; the person/people conducting investigations; and the managers conducting any formal meeting or appeal. In addition, if in the course of the procedure it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this procedure may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

More general information, including details of who your personal data is shared with, your rights under data protection law and who you should contact if you have any concerns, is contained in our main employee privacy notice, which can be accessed via our company intranet, or a copy obtained from your manager.

### **Further support**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to provide appropriate support.

Confidential counselling/support is available on request via our employee assistance programme.

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)).

### **Review**

We will review this policy at regular intervals or as the need arises and we will monitor its effectiveness and implement any changes that may be required.