

Document number: EP0027-V1-0421-UK	Document title: Antiharassment, antisexual harassment and antibullying policy (UK)
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Employee groups policy applies to: (highlight those applicable)	All pub employees All head office
Locations the policy applies to: (highlight those applicable)	UK

Summary of the document

Harassment, including sexual harassment, is not permitted or condoned under any circumstances. Everyone must be treated fairly and is entitled to work in an environment free from harassment, victimisation and bullying. This policy covers the legal definition of harassment, what actions could constitute harassment, victimisation and/or bullying and how you should report cases of harassment, victimisation and/or bullying.

Policy/procedure – full details

Harassment, including sexual harassment, is not permitted or condoned under any circumstances. Everyone must be treated fairly and is entitled to work in an environment free from harassment, victimisation and bullying. This policy covers the legal definition of harassment, what actions could constitute harassment, victimisation and/or bullying and how you should report cases of harassment, victimisation and/or bullying.

This policy should be read in conjunction with the 'equality, diversity and inclusion' policy, 'disability' policy, 'gender diversity' policy and 'relationships at work' policy.

You should be mindful of how your behaviour may be received or interpreted at work, including when interacting with customers. This policy also applies to behaviour outside of the workplace, including at social functions, training events and online, including social media. This policy applies to colleagues, customers, contractors and visitors.

Wetherspoon is committed to being a business in which everyone is treated fairly, with dignity and without intimidation. This includes providing an environment free from harassment because of any protected characteristic (listed below).

The legally defined protected characteristics under the Equality Act are:

1. age
2. disability
3. race
4. religion or belief
5. sex
6. sexual orientation
7. gender reassignment
8. marriage or civil partnership

9. pregnancy or maternity

Antiharassment (including sexual harassment)

Harassment is harmful. It can subject individuals to fear, stress and anxiety and put a strain on work, personal and family life. Harassment can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment and employee turnover. Harassment and victimisation are unlawful.

Harassment is unwanted conduct related to a relevant protected characteristic and which has the purpose or effect of violating another employee's dignity at work or which creates an intimidating, hostile, degrading, humiliating or offensive environment for another employee at work.

Harassment can take many forms, and examples include the following:

- Unwanted physical conduct and behaviour, such as unnecessary touching, patting, pinching, brushing against another person's body, insulting or abusive behaviour or gestures, physical threats, assaults, coerced sexual intercourse or rape.
- Unwanted verbal conduct (name-calling, abusive language, mockery) or unwanted non-verbal conduct (social media/text messages or pictures, notices or written comments) related to an individual's or group's race/nationality/ethnic origin, religion or belief, age, disability, sex/gender identity, gender reassignment/trans, sexual orientation, marital status/civil partnership or pregnancy/maternity. This includes conduct (inside or outside of the workplace) which denigrates, ridicules, intimidates or is abusive to an individual or group. It also extends to the exclusion of an individual from work or organised social activity.
- Sexual harassment encompasses less favourable treatment of someone because they rejected, or were submitted to, sexual harassment. Subjecting someone to a detriment because they complained of sexual harassment or supported a complaint of sexual harassment is both victimisation and unlawful.
- Speaking overly loudly in the presence of a deaf employee/customer.
- Mimicking the speech patterns of an employee.
- Making sneering remarks of a racial nature.
- Mimicking a person's walk, gestures or personal mannerisms.
- Mocking a person's tendency to attend religious services of their choice.
- Singing songs containing offensive words.
- Displaying certain contentious emblems, badges or flags.

Expected standards and obligations to antiharassment

- All employees have a responsibility to behave in a way which is not offensive to others and to encourage others to do the same. Employees must ensure that their behaviour towards colleagues and customers does not cause offence and could not, in any way, be considered to be harassment.
- All employees should discourage harassment, by making it clear to any person who is causing harassment that such behaviour is unacceptable. Employees should support those who are suffering such treatment and are considering making a complaint.
- All employees should alert a line manager to any incident of harassment as soon as it is practical to do so, to enable Wetherspoon to deal with the matter and to prevent any further escalation of the problem.
- In deciding whether or not harassment has taken place, the company will investigate the alleged comments or actions and the effect they had on the recipient, the intent to cause offence and any other relevant factors.

- If employees feel that they are unable to discuss this with their line manager, they should immediately inform another manager or e-mail: ash@jdwetherspoon.co.uk

Breaches of antiharassment policy

- Employees should immediately bring any complaints of harassment to the attention of their line manager. If employees feel that they are unable to discuss this with their line manager, they should inform another manager or e-mail: ash@jdwetherspoon.co.uk
- Disciplinary action, up to and including summary dismissal, will be taken against anyone failing to fulfil their responsibilities under this policy.
- Harassers, their supervisors and their line manager may be held personally liable in the event of any legal proceedings.
- During an investigation into an allegation, it may be necessary to relocate employees. This may include the complainant(s) if, for business reasons, it is not practicable to move the other people involved. The relocation should remain in place at least until the conclusion of the investigation.

Allegations which are proved to be false or malicious may be regarded as gross misconduct for disciplinary purposes.

Anyone who makes a harassment complaint and fails to maintain confidentiality at any time during the process, or anyone who is interviewed in connection with someone else's complaint and fails to maintain confidentiality, may be dealt with under the 'disciplinary and dismissal' policy.

Antibullying

Workplace bullying is repeated inappropriate behaviour (direct or indirect), whether verbal, physical or otherwise, conducted by one person or more, against another person/other people, at a place of work and/or in the course of employment, which could reasonably be regarded as undermining an individual's right to dignity at work.

Bullying is defined separately to harassment and includes persistent criticism and personal abuse, either in public or private, which humiliates or demeans the individual(s) involved. It is different to harassment by definition, but it can include harassment, and harassment can include bullying if it is related to a relevant protected characteristic.

Bullying can be harmful. It can subject individuals to fear, stress and anxiety and put a strain on work, personal and family life. Bullying can cause illness, accidents, absenteeism, poor performance, an apparent lack of commitment and employee turnover.

Bullying can be direct or indirect. It can be behaviour from employee to employee, from manager to employee, from client to employee or from contract worker (eg other professional engaged by the employer) to employee.

Examples of direct bullying behaviour:

- physical abuse or threats of abuse
- regular humiliation, ridicule or belittling efforts – often in front of others
- insulting, sneering or unnecessarily commenting on the appearance of another person
- making an individual, his or her beliefs or opinions, the butt of jokes or uncomplimentary remarks which are likely to cause offence
- verbal abuse, including shouting, use of obscene language and spreading malicious rumours
- showing hostility through sustained unfriendly contact or exclusion
- inappropriate overruling or undermining of a person's authority
- reducing jobs to routine tasks well below the person's skill and capabilities without prior discussion or explanation
- persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance
- repeatedly assigning duties which are obviously unfavourable to one individual
- constantly picking on a person when things go wrong
- shouting at staff in public or in private

Examples of indirect bullying behaviour:

- deliberately and maliciously withholding work-related information in order to undermine a colleague, or making it unnecessarily difficult for staff to access information
- subjecting an individual to unreasonable scrutiny
- setting unreasonable or impossible work deadlines or tasks
- continuously refusing reasonable requests without justification
- not giving credit for a contribution to work or for work done well

Constructive criticism about your behaviour or performance from your manager or colleagues is not bullying. It is part of normal employment and management routine, and should not be interpreted as anything different.

Wetherspoon does not tolerate bullying. It will investigate complaints of bullying and take disciplinary action, if necessary, up to and including summary dismissal, against any employee knowingly bullying another employee or failing to fulfil their responsibilities under this policy.

Cyberbullying and harassment

Cyberbullying is any form of bullying which takes place online or through smartphones/tablets. This includes, but is not limited to, text messages, inappropriate postings or photographs, offensive or threatening comments or sensitive personal information being posted to others (including outside of work). Wetherspoon views cyberbullying as unacceptable behaviour. If complaints are founded, the conduct will be treated under the disciplinary and dismissal procedures.

Anyone who makes a bullying complaint and fails to maintain confidentiality at any time during the process, or anyone who is interviewed in connection with someone else's complaint and fails to maintain confidentiality, may be dealt with under the disciplinary and dismissal procedures.

Third-party harassment

Wetherspoon does not tolerate the harassment of employees by customers, visitors or suppliers.

Wetherspoon will take all reasonable steps to prevent the third-party harassment of employees. Harassment by a third party can be just as devastating for an employee as harassment by a fellow worker.

Victim support

Employees who have been subjected to harassment and/or sexual harassment will be supported during and after the necessary investigation. Likewise, other individuals involved in any enquiry will receive appropriate levels of support.

Employee's responsibilities

- Employees must not behave in a way which could be construed as offensive or could, in any way, be considered to be harassment of others or have the effect of undermining their dignity at work.
- Employees should discourage harassment by making it clear that they find such behaviour unacceptable, that it must cease or a complaint will be raised.
- Employees should alert their line manager to any incident of harassment to enable Wetherspoon to deal with the matter quickly and to stop it from continuing.

Company's responsibilities

Wetherspoon has a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work under the Health and Safety at Work Act 1974.

To provide training to all staff and managers on harassment and sexual harassment in the workplace.

A failure to take steps to prevent the harassment, victimisation or bullying of employees, whether by colleagues or third parties, may amount to a breach of this duty.

Management guidance

Managers must:

- be responsive and supportive to any employee who makes an allegation of harassment, and be committed to providing clear advice on the procedure to be followed.
- maintain and promote confidentiality around any complaints of harassment or bullying, and seek to ensure that there is no further harassment or victimisation after a complaint has been made or resolved.
- ensure that while an investigation into harassment is carried out, the contact between the individuals involved is minimised and, where possible, avoided.
- set an example through their behaviour, by treating all employees and customers with dignity and respect.
- take individual concerns seriously and act upon them without allowing any reprisal.
- be alert to potentially unacceptable behaviour. They must take appropriate action to prevent or address any such behaviour, including in cases where the employee raises concerns of harassment outside of work (for example, linked to social media or text messaging).

Under no circumstances should managers 'turn a blind eye' or ignore behaviour which they know, or could reasonably know, is taking place.

It is possible that inaction or a particular way of dealing with complaints of third-party harassment could amount to indirect discrimination. This occurs when a way of dealing with issues or a policy is

applied in the same way, for all employees or a group of employees, but has the effect of putting employees sharing a protected characteristic at a particular disadvantage. It does not matter that the company did not intend to disadvantage those employees.

The company may also be liable for direct discrimination if it treats complaints of harassment by an employee with a protected characteristic in a less favourable way than it treats complaints by others.

Complaints of bullying, harassment and sexual harassment

All complaints of harassment, sexual harassment or bullying should be treated seriously, sensitively and in accordance with the right of the complainant and of the person against whom the complaint is made against.

A full, fair and confidential investigation will take place. No assumptions will be made about the culpability of the alleged perpetrator until the investigation is completed.

Follow SOP OF0193 – How to conduct an investigation and SOP OF0191 – How to conduct a formal meeting (if required).

Malicious complaints

If the complaint is found to be malicious, then appropriate disciplinary action will be imposed, up to and including dismissal.