

Insuletics Limited

Harassment Policy

HR Policy 1
Appendix 3
Issue 2
Date November 2014

Approved by: Ian Coates

INTRODUCTION

As part of its overall commitment to equality of opportunity, Insuletics Limited (the Company) is fully committed to promoting a good and harmonious working environment where every employee is treated with respect and dignity and in which no worker feels threatened or intimidated because of his or her religious beliefs, political opinion, sex, marital status, disability or race¹. The aim of this policy and the accompanying procedure is to prevent harassment, provide guidance to resolve any problems should it occur and prevent recurrence.

Harassment at work in any form is unacceptable behaviour and will not be permitted or condoned. Sexual, sectarian and racial harassment as well as harassing a disabled person on account of disability constitute discrimination and are unlawful under the sex discrimination, fair employment, race relations and disability legislation. Harassment may also be a civil offence, a criminal offence and it may contravene health and safety legislation.

Harassment detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour. This can have a direct impact on the profitability and economic efficiency of the Company.

Harassment is inappropriate behaviour at work and will be treated by the Company as misconduct, which may include gross misconduct warranting dismissal. All employees must comply with this policy.

DEFINITION OF HARASSMENT

Harassment is unwanted conduct of a sexual/sectarian/racial/disability nature or other conduct based on sex, religious belief, political opinion, race or disability affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct. Such behaviour is unacceptable:

- Where it is unwanted, unreasonable and offensive to the recipient
- Where it is used as the basis for an employment decision
- Where it creates a hostile working environment

1

Throughout this document the word "race" is to be understood, in line with The Equality Act 2010. The Act protects all racial groups, regardless of their race, colour, nationality, or national or ethnic origins.

Insuletics Limited

Harassment Policy

HR Policy	1
<i>Appendix</i>	3
Issue	2
Date	November 2014

Approved by: Ian Coates

- Verbal and written harassment through jokes, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters
- Visual displays of posters, graffiti, obscene gesture, flags, bunting or emblems or any other offensive material
- Isolation or non-co-operation at work, exclusion from social activities
- Coercion, including pressure for sexual favours, pressure to participate in political/religious groups
- Intrusion by pestering, spying, following etc

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

EMPLOYEES' RIGHTS

All employees have the right to work in an environment which is free from any form of harassment. The Company fully recognises the right of employees to complain about harassment should it occur. All complaints will be dealt with seriously, promptly and confidentially. A copy of the complaints procedure, which has been agreed with the recognised trade unions, is attached.

This procedure does not replace or detract from the rights of employees to pursue a complaint under the sex discrimination, race relations, disability discrimination legislation to an industrial tribunal in the case of sexual harassment, racial harassment and harassment on the grounds of disability and under the Equality Act to the Equality and Diversity Tribunal in the case of sectarian harassment. A complaint must be lodged within three months from the date of the alleged act of sex, disability or racial discrimination. For religious or political discrimination, a complaint must be lodged within three months from the date when the person first knew, or might reasonably be expected to have first known of the act of discrimination or within six months from the date the act occurred, whichever is earlier.

Every effort will be made to ensure that employees making complaints and others, who give evidence or information in connection with the complaint, will not be victimised. Victimisation is discrimination contrary to the Disability Discrimination Act 2005, the Equality Act 2010, the Race Relations Act 2000 and the Sex Discrimination Act 1975 (Amendment 2008). Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

Insuletics Limited

Harassment Policy

HR Policy 1
Appendix 3
Issue 2
Date November 2014

Approved by: Ian Coates

EMPLOYEES' RESPONSIBILITIES

All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected. Everyone must comply with this policy and employees should ensure that their behaviour to colleagues and customers does not cause offence and could not in any way be considered to be harassment.

Employees should discourage harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. They should alert a manager or supervisor to any incident of harassment to enable the Company to deal with the matter.

MANAGERS' AND SUPERVISORS' RESPONSIBILITIES

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment does not occur, particularly in work areas for which they are responsible. Managers and supervisors have responsibility for any incidents of harassment of which they are aware or ought to be aware. If harassment does occur, they must effectively deal with the situation.

Managers and supervisors should:

- (i) Explain the Company's policy to their staff and take steps to promote awareness of the procedure for dealing with complaints. Ensure that each member of staff has access to a copy
- (ii) Be responsive and supportive to any member of staff who makes an allegation of harassment, provide clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure that there is no further problem of harassment or victimisation after a complaint has been resolved
- (iii) Set a good example by treating staff and customers with dignity and respect
- (iv) Be alert to unacceptable behaviour and take appropriate action
- (v) Ensure that members of staff know how to raise harassment problems

Insuletics Limited

Harassment Policy

HR Policy	1
<i>Appendix</i>	<i>3</i>
Issue	2
Date	November 2014

Approved by: Ian Coates

THE COMPANY'S RESPONSIBILITIES

The Company will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment. This policy and procedure will be communicated effectively to all employees and the Company will ensure that all employees and all managers and supervisors are aware of their responsibilities. Appropriate training will be provided including training on induction and management courses.

Individuals will be appointed to provide advice and assistance to employees who are subject to harassment. The name of these designated advisers will be made known to all employees. The Company will ensure, where possible, that employees can raise complaints, should they wish, with someone of their own gender, religion or race, or who is aware of disability issues. All complaints of harassment will be dealt with promptly, seriously and confidentially. Managers, supervisors and designated advisers will receive appropriate training so that they can perform their roles sensitively and effectively. In addition, those playing an official role in any formal complaints procedures will receive appropriate training.

REVIEW

The Company will monitor all incidents of harassment and will review the effectiveness of this policy and procedure annually.

PROCEDURE

DEALING WITH COMPLAINTS OF HARASSMENT

Scope: Any employee who believes that he/she has suffered any form of harassment is entitled to raise the matter through the following procedure.

This procedure does not replace or detract from his/her statutory rights under sex discrimination, equality of employment, disability discrimination or race relations legislation.

THE INFORMAL STAGE

This stage is appropriate where the employee simply wants the behaviour to stop, where the harassment is not serious or where it has not been repeated.

Employees can seek to resolve matters informally by:-

- Approaching the alleged harasser directly making it clear to the person(s) harassing the employee that the behaviour in question is offensive, is not welcome and should be stopped
- Approaching the alleged harasser with the support of a colleague
- Approaching the alleged harasser with the support of a supervisor/manager.

Insuletics Limited

Harassment Policy

HR Policy	1
<i>Appendix</i>	3
Issue	2
Date	November 2014

Approved by: Ian Coates

If it is too difficult or embarrassing to do this personally, employees may request a supervisor or manager to approach the alleged harasser on their behalf.

Where an employee seeks the support of a supervisor he/she will be sensitively informed that their role at the informal stage can only be one of support or assistance.

The employee will be advised that:-

- (i) A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.
- (ii) A written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

All reported incidents of harassment will be monitored and in the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. Additionally, there may be situations where the seriousness of a complaint warrants formal proceedings.

THE FORMAL STAGE

This formal complaints procedure is appropriate if the harassment is serious, if the person making the complaint prefers this, or if the harassment continues after the informal procedures have been used.

It should be raised through the formal complaints procedure as follows:-

- A senior member of management (the Manager) has been given responsibility for proceedings at the formal stage. Individuals may raise complaints with this Manager or, if appropriate, another member of management or individual designated for this purpose.
- Where possible, employees will be able to bring a complaint in the first instance to someone of their own religion, gender or race, or who is aware of disability issues, if they so choose
- Managers carrying out investigations at the formal stage should not be connected in any way with the allegation which has been made
- A representative of management will assist throughout the procedure. He/she will attend all meetings and maintain a written record of all proceedings including the investigation and any outcome. The Manager conducting the investigation will check all records to ensure accuracy

Insuletics Limited

Harassment Policy

HR Policy 1
Appendix 3
Issue 2
Date November 2014

Approved by: Ian Coates

INVESTIGATION UNDER THE FORMAL PROCEDURE

(i) Time Limits

The following procedure details time limits for the completion of each stage of the procedure. If any of these time limits are not possible then both parties will be informed of the revised timescale.

The procedure will be completed within 20 working days of the complaint having been received. Where this is not possible the procedure will be completed as soon as practicable.

(ii) Making a Complaint

Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.

While it is preferable that a complaint should be made in writing to the Manager (or any other manager as appropriate) this will not preclude the investigation of a complaint made verbally.

The Manager will acknowledge receipt of the complaint and arrange to meet the Complainant within 3 working days.

(iii) Initial Meeting with the Complainant

The Manager will meet the complainant to:-

- Clarify and formally record the nature of the complaint and that it is being handled under the formal procedure
- Ensure that the Complainant is aware of the next stage of the procedure
- Advise that the Complainant has the right to be accompanied and/or represented at the investigatory meeting by a work colleague

The Complainant will have the right to be accompanied and/or represented at this meeting by a work colleague or designated adviser.

Insuletics Limited

Harassment Policy

HR Policy	1
<i>Appendix</i>	3
Issue	2
Date	November 2014

Approved by: Ian Coates

(iv) Avoiding Contact between Complainant and Alleged Harasser

The issue of avoiding contact between Complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the complaint. The Manager will take appropriate action concerning avoiding contact following discussion with the complainant, including the possibility of transfer if appropriate. Both parties should also be advised that there should be no communication between them directly or indirectly, in relation to the complaint.

Where a case of serious harassment has been alleged consideration will be given to precautionary suspension of the alleged harasser to enable investigation to proceed. An individual who is going to be suspended must be formally advised of this at a meeting with the Manager concerned. The individual will have the right to be accompanied and/or represented at this meeting by a work colleague as appropriate.

(v) Informing the Alleged Harasser

The Manager will meet with the alleged harasser and will:-

- Outline the nature of the complaint
- Confirm that it is being handled under the formal procedure
- Ensure that the individual is aware of the next stages of the procedure
- Advise that the alleged harasser has the right to be accompanied and/or represented at the next stage of the procedure by a work colleague

Following this meeting, the Manager will write to the alleged harasser outlining the nature of the complaint and setting a date for a formal meeting to be held within 5 working days of the complaint being received.

(vi) The Investigation should include at least the following:

Whilst the Manager will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 10 working days of the date the complaint was received. Where this is not practicable the Complainant and the alleged harasser will be so advised.

The purpose of these meetings is to establish the facts. All those giving information to the Manager do so privately and not in the presence of any other person involved in or present

During the alleged incident, a record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

Insuletics Limited

Harassment Policy

HR Policy 1
Appendix 3
Issue 2
Date November 2014

Approved by: Ian Coates

Meeting with person alleging harassment

The Manager will meet with the person alleging harassment and consider both what they have to say and any other related matters. The person alleging harassment will have the right to be accompanied and/or represented by his/her work colleague as appropriate.

Meeting with alleged harasser

The Manager will meet the alleged harasser and hear what he/she has to say about the alleged incident(s) and any other related matter. The alleged harasser will have the right to be accompanied and/or represented by his/her work colleague as appropriate. This will not be the same person who accompanies and/or represents the Complainant.

Meeting with anyone who can assist with the investigation

The Manager will meet anyone who can assist with the investigation. This may include supervisors and co-workers and may also include anyone who observed the Complainant's demeanour immediately before and after the alleged incident(s) or any colleague with whom the Complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

The Manager will meet the managers/supervisors of both the complainant and alleged harasser to establish if there has been any history of previous conflict between them and/or with other parties.

The Manager may then wish to have further meetings to clarify or gain additional information.

Consideration of Information

Having obtained all the information possible, the Manager will consider whether the Company's disciplinary procedure should be invoked or some other action taken.

Reporting the Facts

The Manager undertaking the investigation should prepare a written report outlining the facts indicating his/her findings, and whether the disciplinary procedure should be invoked or other action taken. Where the Manager has not the authority to take the necessary action, this report will be forwarded to the appropriate level of management.

Insuletics Limited**Harassment Policy**

HR Policy	1
Appendix	3
Issue	2
Date	November 2014

Approved by:	Ian Coates
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Decision on Disciplinary Action

The Manager (or other appropriate level of management as outlined above) will then decide either:-

- a) To initiate the Company's agreed disciplinary procedure against any party as appropriate; and/or
- b) To take no further action or to take any other appropriate management action, e.g. the provision of training or counselling.

Communicating the Decision

Having made a decision on the most appropriate course of action this will be communicated in writing to both the person who has complained and the person against whom the complaint was made.

(vii) After the Investigation is Complete**Consideration of Transfer**

- a) Redeployment if Disciplinary Action is Taken
Where a complaint has been upheld, the complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with the Company and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the harasser in the first instance and where transfer of the Complainant occurs it should not lead to any disadvantage to him/her.
- b) Redeployment where Disciplinary Action has not been Taken
Even where a complaint is not upheld, or for example, where the evidence is inconclusive consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.

Training and Counselling

Training and/or counselling will be offered to the person who has been harassed and to the harasser. Where a complaint has not been upheld training and/or counselling may also be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.

Insuletics Limited

Harassment Policy

HR Policy 1
Appendix 3
Issue 2
Date November 2014

Approved by: Ian Coates

Further Meetings

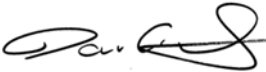
The Manager will meet on a regular basis with the individual who has alleged harassment to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld.

The Manager of the harasser will be responsible for ensuring that the harasser is made fully aware of the Company's policies on equal opportunities and harassment and of the law relating to these matters.

Date: 3 November 2014

Signed:

Ian Coates



Managing Director