

17. Bullying policy

Bullying is any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual involved.

All employees have the right to be treated with respect. To help ensure individual's rights are respected, it is the Employer's policy to seek to eradicate bullying. No form of bullying will be condoned at work or outside of work if it has a bearing on the working relationship.

Procedure

The procedure below aims to help ensure that employees are protected from bullying and that complaints are dealt with swiftly, thoroughly and fairly.

Where appropriate, efforts will be made to resolve complaints informally. However, it is recognised that some incidents, by virtue of their serious nature, will need to be dealt with immediately under the formal procedure.

Disciplinary action will be taken against any individual who is in breach of this policy.

Bullying behaviour may include, but is not limited to:

- Insulting or aggressive behaviour.
- Criticism in front of colleagues or customers.
- Derogatory remarks.
- Insensitive jokes.
- Exclusion of an individual.
- Imposing excessive workloads or unachievable deadlines.
- Persistently undervaluing effort or attainment.
- Any harassment, bullying or victimisation

The actions must be viewed in terms of the effect they have on the recipient.

Employees who are bullied may feel vulnerable and be unsure whether their complaint will be taken seriously.

Employees should feel confident that the Employer will deal with all complaints of bullying seriously and will deal with the matter in confidence. It is the duty of every employee to comply with this policy to ensure bullying is eliminated from the workplace.

Any employee who receives a complaint of bullying should encourage the individual concerned to make use of the complaint's procedure.

Any manager who either receives a complaint or witnesses an incident of bullying must investigate the matter fully.

Managers must ensure that the working environment is free from bullying and are responsible for ensuring that any individual who has made a complaint of bullying is not victimised.

Complaints of bullying which are found to be malicious or false will result in disciplinary action being taken against the person making the complaint.

Informal Procedure

Employees should keep written records of incidents of bullying in order to help the Employer conduct a thorough investigation. If possible, the following details should be recorded: date, time, individuals involved, witnesses, and nature of incident.

If possible, the recipient should inform the other party that the behaviour or conduct is offensive and must stop. It may be appropriate to do this in front of a witness, such as another employee of the Employer.

Alternatively, the recipient may request that Mr Lam speaks to the alleged bully on their behalf.

Formal Procedure

The formal procedure may be used if the matter is not resolved informally, is too serious to be dealt with that way, or if the employee simply prefers to make a formal complaint.

Formal complaints of bullying must be made in writing to the Employer. The complaint should provide full details of the incident(s) complained of.

The Employer will appoint someone to investigate the complaint. The investigation will normally involve interviewing all parties involved including any witnesses.

The Employer will write to you to arrange a meeting to discuss the grievance fully.

The Employer may also write to the individual who is the subject of the complaint and may arrange a separate meeting. All parties will be given time to prepare for their meetings and they will be arranged at a time and location convenient for all parties.

Any parties to the proceedings may choose to be accompanied at the meetings by a fellow worker, a trade union representative or an official employed by a trade union. All such meetings will be confidential.

If further investigation is required, this will normally be concluded within two weeks. However, if this is not possible, the Employer will write to the person that made the complaint to explain the reasons for the delay and to inform him or her of the date by which the investigation should be concluded.

The Employer will write to both the parties to the proceedings to inform them of the outcome of the investigation.

If the person who brought the complaint is dissatisfied with the outcome or the way the complaint was handled, he or she may make a request for the matter to be reconsidered at an appeal hearing. This request must be made in writing within seven days of the receipt of the letter stating the outcome.

If such a request is made, the Employer will try to appoint someone else who was not involved in the original hearing and has no connection to the proceedings to reconsider the matter, make further investigations where necessary and provide written confirmation of the outcome within 14 days.

If disciplinary action is justified, the Employer will write to the individual concerned with an explanation of the reasons why disciplinary action or dismissal is being considered against him or her. The individual concerned will be invited to attend a disciplinary hearing within seven days of the date on which the parties received notification of the outcome of the investigation (or, where reconsideration was requested, within five working days of notification of the outcome of that process).

Any disciplinary action will be conducted in accordance with the Employer's formal disciplinary procedure. Bullying is viewed seriously by the Employer and any disciplinary action taken will reflect the severity of the offence.