

# Personal Harassment Policy and Procedure

## A. Policy

1. CMS deplors all forms of personal harassment and seeks to ensure that the working environment is sympathetic to all employees.
2. CMS has published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
3. CMS recognises that it has a duty to implement this policy and all employees are expected to comply with it.

## B. Examples of personal harassment

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- A. insensitive jokes and pranks
- B. lewd or abusive comments about appearance
- C. deliberate exclusion from conversations
- D. displaying abusive or offensive writing or material
- E. unwelcome touch
- F. abusive, threatening or insulting words or behaviour. These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

## C. Complaining about personal harassment

### 1. Informal complaint

CMS recognises that complaints of personal harassment and particularly of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate to raise the issue through the normal grievance procedure.

In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the CEO, who may be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this



verbally then you should hand a written request (i.e. email) to the harasser, and your confidential helper can assist you in this.

## **2. Formal complaint**

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the head of HR/a director or the CEO (if next level of authority) as a formal written complaint and again your confidential helper can assist with this.

If possible, you should keep notes of the harassment so that the written complaint can include:

- A. the name of the alleged harasser
- B. the nature of the alleged harassment
- C. the dates and times when the alleged harassment occurred
- D. the names of any witnesses
- E. any action already taken by you to stop the alleged harassment

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or their suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within 10 working days of the meeting, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

### **D. General notes**

1. Although the investigation may be outsourced, especially if the nature of the harassment is sensitive, the complaint must be chaired internally.



2. Mediation may be used at any point of the process (before, during and/or after) in order to restore the working relationship.
3. If the report concludes that the allegation is well founded the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
4. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.