

Royal Mail Group Ltd

**Bullying & Harassment Procedure
Agreement**

1st July 2013

For all employees of Royal Mail Group

Joint Royal Mail, CWU, Unite Statement

1. Royal Mail Group, CWU and Unite are committed to placing equality, diversity and fairness at the heart of our values, policies and everyday practices of our employees.
2. Royal Mail Group, CWU and Unite are committed to creating and maintaining a working environment free from bullying and harassment, where everyone treats each other with dignity and respect, so people are able to achieve of their best.
3. In general terms, bullying and harassment refers to unwanted behaviours that make someone feel intimidated, degraded, humiliated or offended. It can be between two individuals or may involve groups of people and includes behaviour that employees may find offensive even if not directed at them personally. Bullying and harassment can occur in written communications, visual images, by phone, mail and social media as well as face to face actions. Inappropriate banter will not be tolerated.
4. Managing performance by giving feedback constructively, asking people to undertake their responsibilities or carry out another reasonable task, or taking appropriate action under the relevant employment policies is not bullying or harassment, but conversations about performance will be consistent with the general requirement that we all treat each other with dignity and respect. Behaviour which is not in accordance with these principles is unacceptable.
5. We will not tolerate intimidation, victimisation or unfair discrimination against any employee who makes a complaint of, or who assists in, an investigation of alleged bullying and harassment.
6. There is an informal and a formal process for dealing with genuine concerns relating to bullying and harassment. We encourage behavioural issues to be dealt with informally where appropriate, to maintain good working relationships and resolve the issue quickly. Informal resolution can take place before a formal complaint is raised or with the agreement of the person raising the complaint at any stage of the formal procedure.
7. When resolution cannot be achieved informally or when this is not appropriate the complaint should be progressed through the formal process. Complaints will be dealt with thoroughly and in confidence and all the individuals involved will be treated with dignity and respect. Where necessary appropriate disciplinary action will be taken, up to and including dismissal. Because accusing someone of bullying or harassment is a very serious matter, disciplinary action will be taken against the person making the allegation if on investigation it is found to be vexatious.
8. All Royal Mail Group managers and Union representatives are responsible for ensuring that bullying and harassment is prevented and dealt with whether or not it is brought formally to their attention.

Peter Walls
Royal Mail Group

Ray Ellis
CWU

Brian Scott
Unite / CMA

BULLYING AND HARASSMENT PROCEDURE

1 PURPOSE AND SCOPE

The procedure is designed to enable individuals to raise issues or complaints they have in connection with their treatment at work, specifically in respect of harassment, harassment based on association or perception, bullying and victimisation, definitions of which can be found in Appendix A.

This procedure cannot be used as an alternative to other procedures which have in built appeals. Nor does it replace the grievance procedure - which should be used for complaints not related to harassment, bullying or victimisation. It cannot be used where employees are asked to work in line with their contract of employment (see paragraph 4. employee rights). This procedure applies to all types of employees, as well as casuals, self-employed contract workers and agency contract workers.

SPECIFICALLY THE PROCEDURE AIMS TO:

- i Enable individuals to raise issues of concern specifically in connection with harassment, bullying and victimisation.
- ii Clarify for all involved how those complaints will be handled.
- iii Reflect best practice and statutory rights.
- iv Provide an approach that is fair, consistent and which treats individual's issues or complaints in a non-discriminatory and timely way.

2 EMPLOYER'S OBLIGATIONS AND GUIDING PRINCIPLES

- i Complaints made under this procedure are assumed to have been made in good faith.
- ii Royal Mail Group is committed to making equality of opportunity and fair treatment a reality whereby an individual can seek, obtain and continue employment without unfair and/or unlawful discrimination.
- iii Complaints should normally be managed in the line, without unnecessary escalation at first line manager level wherever appropriate.
- iv Harassment and bullying, harassment based on association or perception, unfair treatment and victimisation are not acceptable in Royal Mail Group.
- v All complaints will be treated seriously.
- vi All policies and procedures should be applied correctly and fairly.
- vii Policy and procedure documents will be made easily accessible.
- viii Complaints and/or allegations of bullying or harassment should be resolved informally unless the issue is too serious or is persistent in nature.
- ix Cases will be handled as speedily as possible, aiming to have the investigation completed within 35 days. Where there is delay, both the complainant and respondent will be notified of the reason and anticipated date of conclusion. Cases will be handled sensitively and wherever practicable in confidence.
- x All employees will be treated with dignity and respect

- xi Both the complainant and the respondent will receive a written summary of the investigating manager's conclusions at the completion of the process.
- xii The key principle of the procedure is to take timely corrective action and ensure that there is no reoccurrence of the issue complained of. It is therefore, the responsibility of the line manager to take action and check whether this has been achieved. It is the responsibility of the ER Case Management Team to monitor such actions.

3 EMPLOYEE OBLIGATIONS

- i Complaints raised under this process must be made in good faith.
- ii All employees are to treat each other with dignity and respect.
- iii All employees are to behave in a way, which reflects the published Code of Business Standards.
- iv All employees are expected to fully co-operate during the course of an investigation and should behave appropriately throughout, including maintaining confidentiality throughout the process and after its conclusion.
- v Employees who witness unacceptable behaviour should challenge it in a way which is consistent with our business values.
- vi Complaints should normally be raised informally with the aim of resolving the issue at the earliest opportunity. Benefits of this approach are a quick resolution of the issue, maintaining good working relationships, and avoiding a formal investigation which often draws other people in as witnesses. It is recognised that this may not always be possible or appropriate in cases of serious bullying or harassment, in which case proceed directly to the formal stage.
- vii Employees should raise their complaints as soon as they arise or as soon as they feel able to do so. However, there may be occasions when an individual wishes to raise a complaint after the event.
- viii Employees should be open and honest in dealings with others and respect confidentiality.

4 EMPLOYEE RIGHTS

- i Employees have the right to work in an environment where they are treated fairly and are free from bullying, harassment, harassment based on association or perception, or victimisation.
- ii Employees have the right to be addressed reasonably, particularly when asked to carry out work in the course of their duties, taking account of their role, skills, abilities and the prevailing work demands at the time. Employees have the right to be treated with dignity and respect and may seek redress if this is not the case. Where a complaint relates to a person's behaviour, the bullying and harassment procedure should be used. Where a complaint relates to the application of a work policy or direction, the grievance procedure should be used.

5 INFORMAL APPROACH

- i Before entering the process the complainant should try to deal with the issue informally if they feel able to. Benefits of this approach are a quick resolution of the issue, maintaining good working relationships, and avoiding a formal investigation which often draws other people in as witnesses. In cases of serious bullying or harassment it may not be possible or appropriate to try to resolve the matter informally, in which case it should be taken straight into the formal process.
- ii The complainant can try to resolve the matter informally themselves or they can do so through one of the following ways:
- They can contact the bullying and harassment helpline for support in how to resolve the issue informally on telephone number 0800 587 4777 who will be able to advise them on the best approach
 - Discuss the issue with their line manager, union representative or a work colleague and request their help in resolving the issue
- iii. Complainants are often able, and may prefer, to resolve an issue themselves without discussing the matter with their line manager or submitting a complaint. In many cases, the person will be unaware that their behaviour is causing the complainant offence and typically by asking them to stop, and confirming that their behaviour did cause offence and the reason why, may be sufficient to stop the issue from happening again.

Complainants may resolve the matter themselves by:

- Discussing the issue with the person
- Writing a letter to the person
- Telephoning the person
- Sending the person an email

When the complainant raises their concerns with the person whose behaviour they found unacceptable, it is important that the person understands the issue and why the complainant finds the behaviour unacceptable. Therefore the complainant will need to tell the person:

- Why they want to discuss the issue
- Why they found the behaviour unacceptable
- The impact that the behaviour has had and how it made them feel
- Request that the person stop their unacceptable behaviour immediately
- Discuss any solutions to the problem and what this may involve e.g. mediation

When having this conversation or setting out the above in a letter, it is important that the complainant does so in a calm but firm way. Being aggressive or overly emotional should be avoided as

this may hinder the discussion and prevent an informal resolution to the issue.

iv. Complainants may also consider resolving the issue informally with the help of a third party. This could be a:

- Line manager
- Trade union representative
- Colleague
- Discussion regarding their concerns with the bullying and harassment helpline

By discussing the issue with a third party, the complainant may be able to find a quick resolution to the problem and have the support to resolve the issue with the person in question.

The complainant should explain to the third party when the incident occurred and whether there was anything that triggered the matter. They should state why they were offended and discuss with the third party potential solutions to resolving the issue.

Line managers who are faced with a complainant who has raised an alleged complaint to them should listen to the complainant and support them.

Throughout this discussion, the line manager or other third party should aim to find out the following information:

- What happened and when
- Who the people involved were
- Discuss ways of resolving the issue. This could include mediating between the two employees, discussing the issue with the person who allegedly committed the offence etc.

It is important that managers continue to informally monitor the situation following the informal resolution of the issue to ensure that the inappropriate behaviour has stopped and is not repeated.

v Discussion can often resolve an issue or complaint effectively. The informal approach may include mediation, at the request of the complainant. If the issue remains unresolved or reoccurs it is important to raise it formally as soon as possible.

vi Where mediation is used, it is important that the complainant's line manager periodically checks to ensure that the remedy has worked, that no reoccurrence of the causal behaviour has arisen and that no victimisation has resulted. It is therefore, the responsibility of the line manager to take action and check whether this has been achieved.

vii) If the complaint is made against a union representative, the complainant may decide that the issue can be dealt with informally following a discussion with the ER Case Management team at Step 3. If not the Divisional Representative will be informed of the nature of the complaint by the manager handling the case after Step 4 of the complaints process and prior to Step 5. (If the manager is

unsure of who is the correct union official, they can contact the Engagement Advisor/Business Partner for clarification). The purpose of this discussion will be to determine whether the complaint can be informally resolved. (as required by Step 3 of the "Conduct Code Approach for Union Representatives")¹.

6 FORMAL APPROACH

- i Timescales for making complaints under the formal process will vary based on the informal approach taken and the success of this in resolving the issue. However, where an individual believes that it is necessary to use the formal approach this should be done as soon as is reasonably practicable (e.g. usually within 3 months of an episode of bullying and harassment, unless there is good reason not to) to enable a full investigation to take place. Where there is a continuing effect it is still preferable for an early complaint to be registered.
- ii Once management is aware of alleged harassment, bullying or victimisation taking place, action must be taken. Where a third party (e.g. a colleague, customer or relative) brings a case to the attention of management, then a manager (normally the line manager of the person who is the complainant) should still investigate the allegation in line with this procedure. However, there may be occasions when an alternative manager may be appropriate, particularly where there is reason to believe that the line manager is the subject of the complaint. This could mean that the complainant will need to be seen by someone from outside his or her area.

7 MAKING A COMPLAINT

- i A complaint is regarded as formal when an individual either completes a Harassment Complaints Form (H1), writes a letter of complaint or email the complaint to HRSC Gateway. The forms are available from their manager, from HR Services, the Royal Mail Bullying and Harassment Helpline, and from the Trade Unions. (**SEE APPENDIX B** for a list of Helpline numbers and terms of reference).
- ii The complainant will then either:
 - a) Discuss the issue with their line manager, and forward a copy to the address below retaining a copy for both themselves and the line manager.

**Freepost
ER Case Management Team
Royal Mail HRSC
4th Floor
Pond Street**

¹For cases involving a Unite/CMA union representative please refer to Appendix 2 of the Royal Mail and Unite/CMA IR Framework

Sheffield
S98 6HR

- b) If they do not wish to involve the line manager (for example if the line manager is the subject of the complaint) they can forward a copy to the second line manager, and **one to the Freepost address** above, retaining a copy themselves indicating why they have not involved the line manager.
 - c) Exceptionally, the complainant may bypass line management and send **TWO COPIES TO THE FREEPOST ADDRESS ABOVE**. This may be in instances where the line managers are the subjects of the complaint or there is a specific and appropriate reason why the complainant does not want to involve line managers at this stage. In such circumstances the reason should be made clear on the form.
- iii On receipt of a formal complaint, the ER Case Management Team will call the complainant within one working day to see if it can be resolved informally. If it cannot be resolved informally it is recorded as a formal complaint and logged on the B&H database. An investigation manager will then be appointed. The investigating manager will follow the steps set out in Section 8. Ideally, any counter complaints will be dealt with simultaneously under one integrated investigation.
- iv In any case where completion of the investigation within the 35-day target is not possible, due to the complexity of the investigation, the complainant and respondent will be advised accordingly.
- v Any new incidents of bullying, harassment or victimisation, arising after conclusion of a case can be taken up as a fresh complaint.
- vi Occupational Health Services can be accessed through ATOS Healthcare who are able to provide a range of services for any individual who may require extra support. Additional support is also available from appropriate external organisation on which ATOS Healthcare can advise.

8 BULLYING AND HARASSMENT PROCESS

STEP 1

Before entering the bullying and harassment process the complainant should try to deal with the issue informally if they feel able to. **IN ALL CASES, AND BEFORE MAKING A FORMAL COMPLAINT, THE COMPLAINANT SHOULD CONSIDER THE FOLLOWING**

- i If possible, has the matter been raised with the other person(s) involved? Very often the person(s) causing offence may not be aware they have done so.
- ii Has the matter been discussed with their manager (if possible)?

- iii If practicable, have any attempts been made to resolve this matter other than by making a formal complaint? Has the complainant involved a third party to try and resolve the issue?
- iv Has any contact been made with the **BULLYING AND HARASSMENT HELPLINE? (0800 5874777)**.

STEP 2

Written complaints should be sent to the **FREEPOST ADDRESS** and email complaints to **HRSC GATEWAY**.

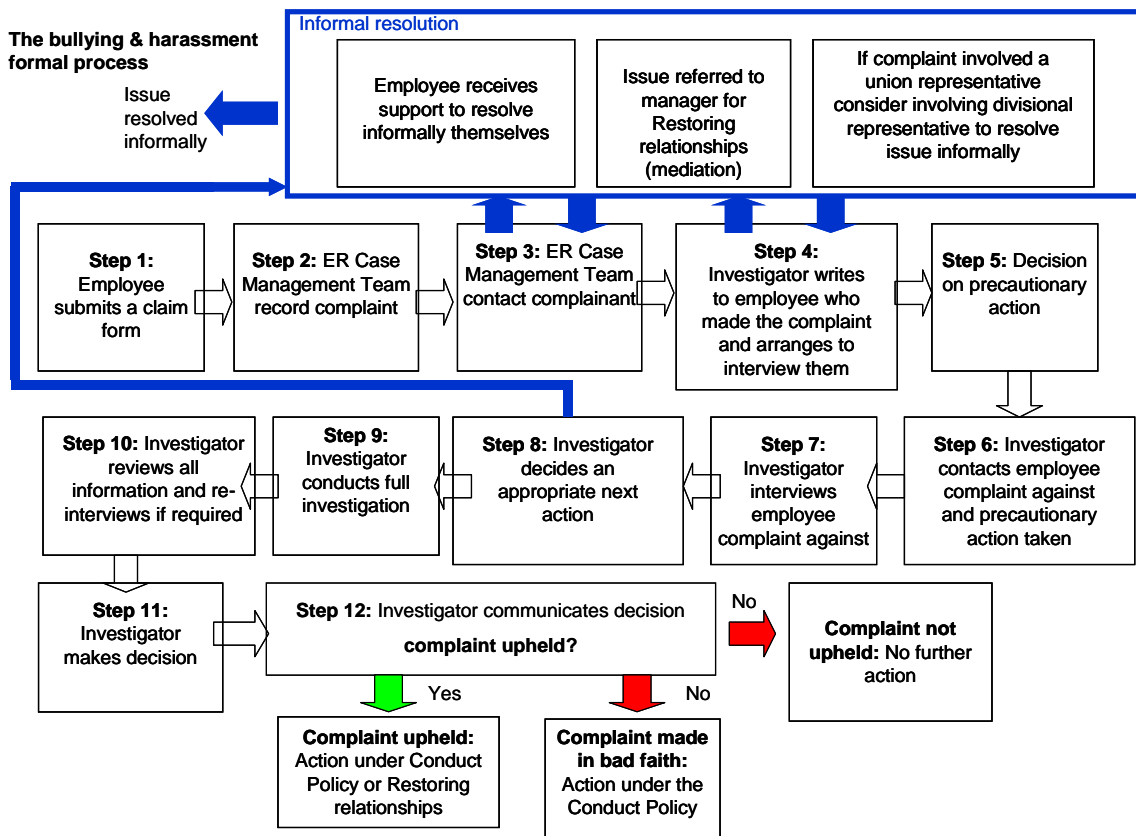
**Freepost
ER Case Management Team
Royal Mail HRSC
4th Floor
Pond Street
Sheffield
S98 6HR**

NB 35 Day target for completion of the investigation starts on receipt of complaint with ER Case Management Team.

STEP 3

- i Within a maximum of one working day of receiving notice of the complaint, the ER Case Management Team will make contact (normally by telephone) with the complainant to discuss the case. At this stage, the ER Case Management Team will seek to verify the nature and substance of the complaint and discuss, if appropriate, the opportunity for Informal Resolution (See Section 5).
- ii As a result of the discussion with the ER Case Management Team, the complainant will need to decide how they wish the matter to be progressed.
- iii The case advisor should discuss options with the complainant including if the issue can be informally resolved by the employee themselves. This discussion could include perhaps providing additional help and advice, by encouraging the complainant to meet a manager who can use restoring relationships or other mediation processes to help resolve the situation or where the issue involves a union representative considering speaking to another union representative..
- iv If the issue cannot be resolved informally or if the complainant does not agree that it is appropriate to resolve this way the ER Case Management Team will request a suitable Investigating Manager from the appropriate area or an Independent Harassment Investigator for sexual harassment complaints.

v During the formal procedure there are still opportunities for the complaint to be resolved informally, and where appropriate, this option should still be discussed with the complainant. However the decision remains with the complainant. See the diagram below.



STEP 4

Where a formal complaint is continued, and within one working day of Step 3; The appointed Investigating Manager will contact the complainant inviting them for interview. The interview should, as far as reasonably practicable, take place within 3 working days of the invitation. A trade union representative or work colleague from within Royal Mail Group may accompany the complainant. The work colleague must not be geographically remote to the individual concerned and must not be a witness in the case. During this interview, there may be a further opportunity for Informal Resolution. See section 5, page 4.

Where the respondent is a union representative, the investigating manager should refer to 'Conduct Code for Union Representatives' step 1 and 2. The investigating manager will advise the CWU Divisional representative when an investigation is to be progressed.²

NB If the employee is disabled it may be a reasonable adjustment to allow a support worker, lip reader or other individual to accompany them as appropriate, in addition to their representative.

² For cases involving a Unite/CMA union representative please refer to Appendix 2 of the Royal Mail and Unite/CMA IR Framework

STEP 5

Where a complaint is made under this procedure the aim is to minimise any risk of inappropriate behaviour and ensure the investigation can be completed without any interference. As soon as reasonably practicable, following the interview of the complainant, the investigator will need to consider the need for, and decide on, any precautionary action³. This will entail noting any impact factors⁴ affecting the complainant and the respondent. Where precautionary action is being considered, all reasonable steps should be taken to avoid unnecessary loss or hardship. Advice can be sought from the HR Services Advice & Support Team at this stage on 08456060603. The investigator will record their decision, and reasons.

NB Precautionary Action in itself does not imply guilt but may be necessary to ensure the integrity of the investigation and reduction of further risk to the **complainant**.

STEP 6

As soon as reasonably practicable after Step 4 and Step 5, the respondent should normally be seen by the investigating Manager (any delay to be notified to ER Case Management Team). A trade union representative or work colleague from within Royal Mail Group may accompany the respondent. The work colleague must not be geographically remote to the individual concerned and must not be a witness in the case. However, there may be occasions when the appointment of an alternative investigating manager may be appropriate, particularly where there is reason to believe that there may be a risk of bias, collusion etc. This could mean that the respondent will need to be seen by someone from outside his or her area.

In every case, the respondent is to be:

- i Given a copy of the original complaint or details where the complaint was not in writing, with matters not relevant to the complaint against the respondent removed where necessary.
- ii Given notification of any decision on precautionary action (subject to an initial 48-hour review and every 48-hours thereafter if precautionary action is applied).
- iii Invited to interview in writing (to include a statement setting out their right to be accompanied) - minimum of 48-hours notice to be given.

³Precautionary actions could include a requirement to: work at an alternative location, on different duties, or shifts, or remain at home on Precautionary Suspension. The manager should consider whether precautionary action is appropriate, for either the employee who the complaint is against and/or the employee who made the complaint. This action is normally applied to the employee who the complaint is against. The purpose here is to ensure there is a separation of witness, the complainant and the respondent

⁴Impact Factors could include; likelihood of further harassment/victimisation or complainant, proximity of respondent to complainant and the likelihood of interference with witnesses/integrity of the investigation

NB : THIS STEP IS NOT PART OF THE INTERVIEW PROCESS.

STEP 7

Following a minimum of 48-hours notice in writing as described in Step 6 iii above, the Investigating Manager will interview the respondent and will revisit any decision with regards to precautionary action. The respondent has the right to be accompanied by a trade union representative or work colleague from within Royal Mail Group. The work colleague must not be geographically remote to the individual concerned and must not be a witness in the case.

STEP 8

At this stage, the Investigating Manager will make an assessment of the case and decide what further action is most appropriate. The investigator will determine whether there is

- i An opportunity to resolve the matter informally with the agreement of the complainant. This could include restoring relationships (mediation) or if the matter involves a Union Representative speaking with the divisional representative or another representative from the union. If the matter is going to be resolved informally the investigator must obtain the complainant's agreement in writing and briefly describe why this decision has been made. The papers should then be returned to the ER Case Management Team for filing or
- ii A need to investigate further by interviewing relevant witnesses for both the complainant and respondent if so proceed to Step 9 or
- iii A possibility to immediately proceed to the decision making stage in which case Step 11 applies.

STEP 9

The investigator will as far as reasonably practicable, identify, contact and interview all relevant witnesses for both the complainant and respondent within a maximum of 14 working days of Step 8. Relevant material arising during the course of the investigation will be copied to the complainant and respondent. Anonymity may be considered when, in the opinion of the investigating manager, there is a genuine fear of intimidation or reprisal where a specific legitimate request for anonymity has been made by a witness. If this is the case, statements will be provided anonymised.

NB If the employee is disabled it may be a reasonable adjustment to allow a support worker, lip reader or other individual to accompany them as appropriate, in addition to their representative.

STEP 10

At the conclusion of Step 9, being in possession of all relevant witness accounts, and information, the Investigator, should also carefully consider the need to re-interview the complainant, respondent, and/or witnesses to clear up any ambiguities or to discuss any new evidence upon which a decision will be made.

Relevant material arising during the course of the investigation, including all witness statements relevant to the investigation, will be copied to the complainant and respondent. Where the investigating manager decides to re-interview the claimant, the respondent or any witnesses, they will do so before sharing the information. In this case all relevant material, including the original statements, will be provided after the further investigation has been completed. Where the investigating manager considers there is a genuine fear of intimidation or reprisal where a specific legitimate request for anonymity has been made by a witness, documents provided will be anonymised. Any issues / concerns have to be raised by the complainant or respondent within five working days of receiving the documents. If any comments are received by the investigating manager they will need to carefully consider the need to re-interview the complainant, respondent and / or witnesses to clear up any ambiguities or to discuss any new evidence upon which a decision will be made. All information is shared in strictest confidence.

NB the Investigator must ensure that both the complainant and respondent are kept fully informed in writing.

STEP 11

The Investigator will now need to begin the decision-making process, considering the facts based on reasonable belief. Where the Investigating Manager does believe that bullying and/or harassment has taken place, then the complaint will be upheld or part upheld. In their report the Investigator will set out any recommendations made and explain the reasons for their decision.

Depending on the nature of the bullying or harassment, the recommended course of action may vary. Typical recommendations could include:

- Restoring relationships through mediation
- Appropriate training
- Counselling
- Conduct action

If the complaint is considered not to have been made in good faith, the steps set out in Section 12 (part vi) will apply.

STEP 12

Within a maximum of 7 working days of the decision being made (Step 11) the investigator will communicate their decision, to the complainant, respondent, ER Case Management Team and the relevant line manager. The

decision will be in writing, giving summary reasons, relevant to the individual(s) concerned. All parties must treat this information in the strictest confidence.

9 COMMUNICATING THE OUTCOME AND REMEDIES

- i The Investigating Manager will remain responsible for communicating with complainant and the respondent throughout and at the end of the investigation. Complaints should always be handled with sensitivity and the reasons for reaching a particular decision should always be explained carefully. This may be done in a confidential meeting, particularly if complaints are not upheld. All parties are expected to fully co-operate and should treat whatever information they receive in the strictest confidence.
- ii If there is a proven case of harassment, bullying or victimisation, then the recommendations from the investigation must be implemented.
- iii Remedies include timely, relevant, informal corrective action, mediation or joint training to address the situation in the workplace. It is imperative that remedies are implemented as soon as practicable so that the behaviour complained of is recognised and stopped. In such cases, the complainant may be informed that a particular course of action or remedy is to be followed; however, the details will remain in strictest confidence.
- iv Where disciplinary action is considered necessary, upon conclusion of an investigation under the bullying and harassment procedure, the principles of the Conduct Code will apply. The case will be handed over to a new manager, who will be responsible for dealing with the conduct code case, and the evidence gathered under the bullying and harassment procedure may contribute to the fact finding stage under the Conduct Case. The outcome of any conduct case will not be communicated to the complainant (in line with the principles of confidentiality contained within the Conduct Code). Where the respondent is a union representative the investigating manager should refer to the 'Conduct Code for Union Representatives' step 3 and hold a meeting with the Line manager and the CWU Divisional Representative.⁵
- v Any precautionary action as detailed in Section 7 Step 5 will be considered if it is felt that there could be a likelihood of further harassment, bullying or victimisation. This may apply until the case is finally concluded and the outcome implemented.
- vi The ER Case Management Team will record the outcome of an investigation, including any recommendations and/or remedies and monitor this accordingly.

⁵ For cases involving a Unite/CMA union representative please refer to Appendix 2 of the Royal Mail and Unite/CMA IR Framework

10 APPEALS

i THE RIGHT TO AN APPEAL

- a) The complainant will have the right to an appeal against the decision if their complaint is not upheld or partly upheld.
- b) The appeal will need to be set out in writing and sent to the ER Case Management Team. Individuals may seek help in the preparation of the appeal but the individual retains responsibility for submitting it to the ER Case Management Team within ten working days of receipt of the conclusion of the investigation. The appeal will be monitored by the ER Case Management Team to safeguard the integrity and impartiality of the appeal process.

ii The Appeal Process

- a) The purpose of the appeal will be to consider:
 - i Whether the correct process and procedure has been followed.
 - ii Whether any new evidence has come to light which would have materially affected the outcome, and
 - iii Whether there is any way in which the decision could be found to be inherently unfair.
- b) An Appeals Manager will be appointed, who has not previously been involved in the investigation. The manager will examine the evidence and conduct any further investigation required.
- c) A face-to-face meeting with the complainant must be offered. Employees will have the right to be accompanied by a trade union representative or work colleague from within Royal Mail Group. The work colleague must not be geographically remote to the individual concerned and must not be a witness in the case.

NB: If an employee is disabled it may be a reasonable adjustment to allow a support worker, lip reader or other individual to accompany them as appropriate.

- d) The manager will provide a final decision in writing to both the complainant and respondent. The communication will include a statement on whether the appeal has been upheld and will outline any remedies required within 21 working days of receipt of the appeal.
- e) The manager will communicate the decision in writing to both the complainant and respondent. The communication will include a statement on whether the appeal has been upheld and will outline any remedies required within 21 working days of receipt of the appeal. Where this cannot be achieved the manager will write to advise the relevant parties accordingly.

11 CONFIDENTIALITY

- i Subject to the requirements of this process, everything said, or referred to, during investigation interviews should be treated in confidence. All parties will not discuss or share information from such interviews with any other party as this could prejudice the investigation.
- ii To thoroughly investigate the complaint, information from interviews might be put to others as part of the investigation. Information from interviews might also be disclosed to others (e.g. Employment Tribunals, external legal bodies etc).
- iii The complainant and respondent will be provided with copies of all relevant information relating to the case. Documents will be reviewed to ensure that personal details e.g. phone numbers, home addresses are removed. Anonymisation should only be considered where the investigating manager believes there is a real fear of intimidation or reprisal where a specific legitimate request for anonymity has been made by a witness.
- iv The complainant and respondent will be made aware in writing that if they have any concerns or questions regarding confidentiality they should contact the investigator.
- v Any breach of confidentiality may result in Conduct Code action. Where an investigating manager becomes aware of a breach in confidentiality, they should contact the ER Case Management Team.

12 GENERAL POINTS

- i Any new incidents of harassment, harassment based on association or perception, bullying or victimisation, arising after conclusion of a case can be taken up as a fresh complaint.
- ii It is not appropriate to use the Harassment and Bullying procedure again as a form of appeal against the outcome, as an appeal is already built into the process.
- iii Where there is a clear incident of serious misconduct such as violent or inappropriate behaviour, these cases should be dealt with directly via the conduct policy.
- iv Complaints which are deliberately false, fictitious or frivolous
 - a) Complaints that are deliberately false, fictitious or frivolous (brought in bad faith) undermine the validity of the whole process and damage the basis of good working relationships. While a guiding principle of the Bullying and Harassment procedure is that managers will treat all

complaints seriously, there is an obligation upon all employees that complaints must be in good faith.

- b) On completion of an investigation, where an investigating manager believes there is evidence to suggest that a complaint was not made in good faith she/he must decide whether the complaint was so made. For a complaint to be deemed as not made in good faith there must be reasonable grounds for that belief with supporting evidence. For example; where a complaint is brought that is untrue and/or aims to annoy, irritate, distress, damage or otherwise harm the reputation and/or integrity of the person against whom it has been made.
- c) If it is found that a complaint has not been brought in good faith, appropriate action may be taken under the Conduct Code, which may include dismissal.
- d) Where it is believed that the complaint was not made in good faith, the investigator will:
- Compile a summary of supporting evidence, clearly stating why they believe that the complaint was so made.
 - Review the original case papers and determine whether or not the case should be dealt with under the conduct code.
 - Advise the complainant of the outcome of the harassment investigation that s/he believes there is evidence to suggest that the complaint was not made in good faith; and
 - Pass the relevant papers on to the appropriate conduct manager (usually the line manager where they have not been involved) that action under the Conduct Code is required.

NB The original Investigating Manager will not undertake the investigation of the conduct case.

Peter Walls
Royal Mail Group

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CWU

Brian Scott
Unite / CMA

APPENDIX A GLOSSARY OF TERMS

GRIEVANCE

A grievance is a complaint raised by an employee about an issue relating to their work for which there is no separate appeal mechanism.

HARASSMENT

Harassment is any inappropriate and unwanted behaviour that could reasonably be perceived by the recipient or any other person as affecting their dignity.

Harassment may include suggestive remarks or gestures, pin-ups, graffiti, offensive comments, jokes and banter based on any of these. Such behaviour may focus on any protected characteristic such as age, disability, nationality, race, sex, sexual orientation, religion or belief, marriage and civil partnership or any other personal characteristic, and may affect the dignity of any individual or group of individuals at work. Harassment could be a one off event or a series of events and may be perpetrated by an individual or group of people.

Harassment may also be based on association or perception in respect of a protected characteristic. For example, if an individual is harassed because other employees consider him gay, even though he is not gay, this is harassment based on perception.

BULLYING

Bullying is intimidation on a regular and persistent basis or as a one off which serves to undermine the confidence, integrity, competence and effectiveness, of the person on the receiving end. A bully misuses his or her power, position or knowledge to criticise, humiliate and demoralise a colleague.

VICTIMISATION

Victimisation is the unfair and selective punishment of, or discrimination against, an individual.

COMPLAINANT

Any person who makes a complaint under the provisions of this procedure.

RESPONDENT

Any person against whom a complaint has been made under the provisions of this procedure.

APPENDIX B

BULLYING & HARASSMENT HELPLINE CONTACT DETAILS

ROYAL MAIL BULLYING AND HARASSMENT HELPLINE 0800 5874777 (24 HOURS A DAY, 7 DAYS A WEEK)

This free helpline is operated by an independent company and staffed by fully qualified and impartial advisors. Advisors can provide general and confidential advice around how to deal with bullying and harassment and if necessary they can help people initiate a harassment complaint. The helpline is there to provide an additional support for victims of bullying and harassment - it is not designed to take the responsibility for dealing with a complaint away from the line manager and HR Services.

CWU BULLYING AND HARASSMENT HELPLINE 0800 107 1909 (24 HOURS A DAY 7 DAYS A WEEK)

EMAIL : BULLYINGANDHARASSMENT@CWU.ORG

OTHER HELPLINES

HELP 08006888777 (24-HOURS A DAY, 7-DAYS A WEEK)

HELP is a confidential helpline which provides you with access to advisors 24 hours a day, seven days a week, for any concern, worry or problem. Calls will be directed to the most appropriate person.

DISABILITY HELPLINE

TELEPHONE 08000286142

FAX 01142414524

EMAIL : DISABILITY.HELPLINE@ROYALMAIL.COM

The Disability Helpline is managed by a team specifically trained in disability within the HR Advice and Support team at Sheffield; they provide a focal point for disability related issues within the organisation. It offers a fully confidential service.