

# Harassment & Bullying

Reference: HR\_POL\_004

Version: 6.4

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## 1. Summary

EDF Energy fully supports the rights of all individuals to be treated with dignity and respect at work. Subjecting someone to harassment or bullying is unacceptable behaviour. It can also be a form of discrimination and therefore unlawful. Harassment and bullying which is not addressed will have a negative impact on the wider organisation as well as on the individual. EDF Energy recognises that such actions can affect people's well being and work performance. The company will make every effort to provide a safe, healthy and fair work environment thus enhancing workplace relations and productivity, employee retention and company reputation. This document outlines procedures for protection and redress in relation to harassment or bullying.

## 2. Scope

The HR Policy: Harassment & Bullying applies to all EDF Energy employees, other than those working in joint venture companies where local policies may apply.

Agency supplied workers and managed service workers engaged by EDF Energy are also required to abide by this HR Policy.

## 3. References

Legislation, regulation and guidance from external organisations, including:

Equality Act  
ACAS Guidance Bullying & Harassment at Work  
Health and Safety at Work Act  
Protection from Harassment Act

## 4. Harassment & Bullying Statement

EDF Energy's policy is that harassment and/or bullying of an individual is unacceptable behaviour which will not be tolerated. Harassment and bullying are generally considered to be unwelcome and unwarranted conduct that result in detrimental treatment and/or violate another person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment.

EDF Energy will not tolerate any type of harassing or bullying behaviour. However, employees and workers should be aware that some types of harassment and bullying can also be a form of discrimination and, as such, are unlawful. In particular, harassment and bullying on the grounds of various protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex, sexual orientation, religion or belief. This applies whether or not the harassment or bullying relates to the actual or perceived protected characteristics of the individual and includes harassment and bullying in relation to others with whom the affected individual associates.

### 4.1 Principles of the HR Policy: Harassment & Bullying

The following key principles must be remembered at all times:-

- In all harassment and bullying situations, it is the impact of the conduct and not the intent that is the determinant factor. Therefore, in the first instance, full consideration will be given to the recipient's view of what they have found to be offensive and therefore unacceptable behaviour. Furthermore, it is not an excuse and not a defence that the perpetrator is "joking" or "not meaning to cause offence" or "merely being friendly"
- Harassment and bullying may be actionable if it takes place at any time, on or off workplace premises or during work or non-working hours. Harassment and bullying can be both in person or electronically and can include incidents that takes place outside of the workplace
- The company prohibits the display of material (such as pin ups/posters) which is deemed offensive

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- Proper and fair management style does not amount to bullying or harassment. As such managers are expected to give employees reasonable instructions and to challenge performance issues or conduct issues fairly, consistently and appropriately, using appropriate language
  - If, following an investigation, a complaint against an employee is found to be valid, then the employee may be liable to action under the relevant Disciplinary Procedure. This includes harassment and bullying against employees, agency supplied workers, managed service workers, suppliers, customers and any other person(s) with whom employees have dealings during the course of their work. Such behaviour will be treated as either misconduct or gross misconduct depending on the seriousness of the offence and will result in the application of the company's disciplinary procedure, possibly leading to dismissal
  - Where a complaint against an agency supplied worker or managed service worker is found to be valid then EDF Energy will be entitled to terminate any contract or other arrangement with immediate effect, and without notice
  - No individual need fear victimisation for bringing a complaint of harassment or bullying. Retaliation against an employee complaining about any form of harassment or bullying will be a disciplinary offence
  - Allegations of harassment or bullying are taken very seriously, however where it is considered after investigation, that the allegations have been made either frivolously or maliciously, disciplinary action may be taken against the individual who has made the allegation

## 4.2 Dealing with complaints

Most complaints are best resolved quickly and informally through discussion between the various parties. Recipients are strongly encouraged to address, rather than ignore, such situations as matters dealt with quickly are more likely to be resolved effectively. If appropriate, the recipient should first raise the matter with the individual and state that their behaviour is unacceptable and ask that it stop. Some people may not realise that their behaviour is offensive simply because it has never been challenged.

The company recognises that if an individual feels that they are being harassed or bullied, particularly when the reason is highly personal or the treatment is by a manager, that they may feel uncomfortable raising this directly themselves. In such cases or, if they have already done so and the harassment or bullying continues, they should raise the matter with their manager, a more senior manager or Human Resources who will support them with the appropriate next steps. Trade Union members may also seek support from their trade union representative.

If informal attempts do not resolve the issue or the nature of the complaint makes it appropriate, the relevant formal Grievance Procedure should be initiated. Any complaints made under the Grievance Procedure will be treated seriously, will be investigated in an impartial and objective manner and will be dealt with in a sensitive and timely way. Due to the nature of harassment and/or bullying complaints some adjustments to the process may be required. The confidential nature of grievances should be respected by all involved and should only be discussed with relevant parties. An employee who makes a complaint or who is the subject of a complaint, can be accompanied by a fellow worker or an accredited trade union representative at all grievance and investigation meetings.

In some cases the use of an independent mediator may be appropriate. Mediation is a voluntary process where the independent mediator helps two (or more) people in dispute to find a solution to the issues that they can both agree to. It can be helpful particularly where there is unintentional misunderstanding and lack of awareness. In some cases the allegations may be of such a nature that investigation and possible disciplinary action is the only alternative. Where mediation is agreed to by all parties and the grievance procedure is underway it will be suspended for the duration of the mediation. Mediation may also be useful where a formal grievance has concluded and consideration needs to be given as to how an effective working relationship needs to be taken forward between the parties.

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Where an individual has a serious concern about the integrity of the company which they do not feel able to raise with their manager or Human Resources, they should raise the issue through EDF Energy's Confidential Reporting of Serious Concerns Procedure. The reporting procedure identifies internal contacts and details of an external reporting line.

### 4.3 Support

All employees can access the company's Employee Assistance Programme. Where appropriate, Occupational Health can also provide support to employees.

### 4.4 Review

The company reserves the right to revise and update the HR Policy: Harassment & Bullying from time to time in order to reflect changes in the law, best practice, or the way in which EDF Energy conducts its business. The company will consult with the recognised trade unions on any change to approach.

Additional supplementary information is provided by the company in the Annexe to this document.

## 5. Responsibilities

<b>Role</b>	<b>Responsibility</b>
Chief People Officer	Owns the HR Policy: Harassment & Bullying and is responsible for obtaining agreement to it from the Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions and seeking approval from the Chief Executive.
Industrial Relations & Reward Director	Responsible for maintaining this HR Policy ensuring that it is regularly reviewed and proposing any changes.
Business Unit Human Resources Directors and those in equivalent roles in Corporate Functions	Responsible for ensuring this HR Policy is implemented and communicated appropriately within their respective business areas. Make all employees aware of the HR Policy: Harassment & Bullying. Ensure that complaints are investigated and reviewed properly and a log kept of any complaints that are made. Enforcing this HR Policy and where it is alleged that employees have breached it ensuring the appropriate disciplinary procedure is instigated consistently.
Executive Members	Have been delegated authority to make decisions within their business areas in operating this HR Policy. Further delegation of authority within business areas will be captured in local governance documentation.

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Employee Services

Responsible for receiving complaints, ensuring that complaints are investigated and reviewed properly and a log kept of any complaints that are made.

Responsible for distributing the HR Policy: Harassment & Bullying to new employees.

Supply Chain

Communicating the HR Policy: Harassment & Bullying to organisations providing workers to EDF Energy and ensuring arrangements are in place for agency supplied workers and managed service workers to be made aware of this HR Policy.

Managers

Have a duty and a responsibility to embed appropriate behaviour within their teams and to ensure that they make every effort to eliminate harassment or bullying. They should be aware that they could be held liable for failure to take appropriate action to protect their employees.

Expected to give employees reasonable instructions and challenge performance and conduct issues fairly, consistently and appropriately.

Responsible for enforcing the HR Policy and where misconduct is alleged instigating the appropriate disciplinary procedure

Employees

Responsible for familiarising themselves with the HR Policy: Harassment & Bullying, adhering to it and raising any questions or concerns they may have.

Responsible for complying with the HR Policy and creating a culture of respect by making sure that their behaviour towards their colleagues does not cause offence.

When an employee believes harassment or bullying is occurring, it should be addressed not ignored. This may include reporting incidents to managers or Human Resources.

## 6. Records

Records will be maintained of the number of grievances raised by employees in relation to harassment and bullying.

Personal data will be retained in accordance with EDF Energy's privacy notices [www.edfenergy.com/yourprivacy](http://www.edfenergy.com/yourprivacy)).

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## 7. Document history

Version	Date	Author	Comments
Version 1.0	01/06/04	Maggie West	EDF Energy – Employment Policy Review
Version 2.0	01/10/04	Maggie West	Updated: Executive Committee member responsibilities
Version 3.0	14/03/05	Maggie West	Updated
Version 4.0	01/07/06	Maggie West	Updated: Organisational changes
Version 5.0	14/07/07	Maggie West	Updated: Human Resources Director
Version 6.0	07/05/14	Maggie West	EDF Energy – Employment Policy Review Replaces British Energy BE-POL-016
Version 6.1	06/05/15	Maggie West	Updated: Organisational changes
Version 6.2	26/01/16	Maggie West	Updated: Organisational changes
Version 6.3	03/08/18	Maggie West	Updated: Orgz changes & information in Annexe
Version 6.4	28/05/19	Kerry Henn	Updated: Org changes, annual review & Author change

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## Annexe

### Supplementary Information

#### Harassment & Bullying

##### What is harassment?

ACAS defines harassment as unwanted conduct related to an actual or perceived relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. EDF Energy considers that harassment can go beyond conduct relating to protected characteristics and can extend to other characteristics, such as weight, hair colour, personal wealth etc. This list is not exhaustive.

Harassment can be physical, verbal or psychological and a wide range of different types of behaviour at work may potentially be perceived as harassment. The following are examples of behaviour that could be perceived as harassment. This list is by no means absolute; it is intended to provide an understanding of behaviour that might constitute harassment.

- Unwanted conduct of a sexual nature such as unnecessary touching or unwanted physical contact, compromising invitations, demands for sexual favours and suggestions that refusal or compliance may harm or enhance the individual's future employment
- Insults, offensive, derogatory or patronising comments including homophobic, biphobic and transphobic comments, name calling, mimicry, ridicule, gestures, pranks or offensive jokes
- Threats or actual violence
- Subtle behaviour such as giving someone the 'silent treatment' or excluding them from work and social events
- Circulating or displaying pictures or literature which are offensive to particular groups or individuals
- Using terms, comments, jokes, actions or behaviour relating to the characteristics of an individual or group
- Sending offensive literature or unwanted messages via the company's postal or electronic mailing system
- Making defamatory or insulting comments about employees on social networking sites and blogs
- Sending threats or offensive comments to a person's mobile phone via SMS text messages

Outing: revealing a person as lesbian, gay, bisexual or transgender without their consent. The harassment may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable by the recipient. The term "unwanted" makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to them. People are different, and what one employee finds hilariously funny may be offensive or degrading to another.

In judging whether or not particular conduct may amount to harassment, it is important to bear in mind that the motive of the "harasser" is irrelevant. The phrase "purpose or effect" makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It will not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it. Care should therefore be taken not to assume that an employee who objects to certain behaviour is overreacting or that the complaint is trivial.

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In deciding whether or not the conduct has the effect of violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, an employment tribunal will take into account the employee's perception, the other circumstances of the case, and whether or not it is reasonable for the conduct to have that effect. This ensures a degree of balance between the victim's subjective perception of the treatment and an objective, reasonable viewpoint, and means that an oversensitive person who takes offence unreasonably at a wholly innocent remark will not have a legitimate complaint of harassment.

The phrase "creating an intimidating, hostile, degrading, humiliating or offensive environment" means that behaviour can amount to harassment even if it is not targeted at an individual. It will be enough that the behaviour creates an atmosphere at work that causes offence to a particular employee, or makes them uncomfortable.

### **What is bullying?**

ACAS suggests that bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Typically, such behaviour will constitute bullying if it is persistent or regular, but a single incident could be regarded as bullying in certain circumstances. Examples of bullying include:

- Openly aggressive behaviour, making threats, shouting abuse/obscenities
- Humiliating or haranguing an individual, ridiculing or belittling them, often in front of others
- Being over critical about minor things and constantly overruling an individual's decisions without reason
- Spreading malicious rumours about an individual
- Copying memos that are critical about someone to others who do not need to know
- Excluding or victimising an individual
- Overbearing supervision or other misuse of power or position
- Cyberbullying; the sending or posting of harmful or cruel text or images via electronic communications

### **Guarding against offensive behaviour, jokes, banter and remarks**

EDF Energy's Code of Conduct says that employees should treat their colleagues and any other person with whom they come into contact with respect and dignity. As an inclusive company, we capture the value that difference brings.

Managers have a responsibility to promote a culture where all employees are respected and treated with dignity, both in terms of their own behaviours and in addressing inappropriate behaviours that they see. General banter linked to sex, race, religion, sexual orientation or age is the most common form of harassment in employment. The basic rule should be that any jokes, remarks, mimicking or banter that might cause offence to another employee on any grounds will not be permitted. Employees should be encouraged to realise that their colleagues will have differing views and feelings and differing levels of sensitivity about certain matters. Managers should make sure that they properly brief their teams as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour will be unacceptable.

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## Managing people

Managers need to be particularly careful when delivering criticism, for example where an employee has made a mistake in their work. Feedback will be essential to help the employee to understand what they have done that is unsatisfactory, why it is unsatisfactory and how to put matters right for the future. Giving criticism is part of every manager's job but it is important to ensure that it is delivered in a way that is constructive, not destructive.

Constructive criticism will focus on:

- actions and behaviour, i.e. discussing what the employee has or has not done;
- facts, and specific examples of the unsatisfactory behaviour or performance;
- future improvement, e.g. seeking to agree what the employee should do differently or what changes they should make; and
- acting calmly and reasonably.

Destructive criticism may involve:

- aggressive behaviour, e.g. shouting or swearing;
- personal insults or put-downs, e.g. "you're useless, you're always making stupid mistakes";
- allocating blame rather than responsibility; or
- acting emotionally and irrationally.

Where there are concerns regarding an employee's work performance or conduct managers should deploy the appropriate company procedure.

## Support and Information

### Employee Assistance Programme (EAP)

The Employee Assistance Programme (EAP) offers free, professional and independent advice and support to employees, by phone or online, on a wide range of work/life issues. In addition, it also offers confidential counselling – by telephone, online or face-to-face depending on the employee's personal preference. If an employee requires specialist counselling support, the EAP will refer them to EDF Energy's Employee Support Programme for up to three free and strictly confidential counselling sessions.

The EAP is a confidential service that is available 24 hours a day, 365 days a year. It can be accessed online ([www.wellness.rightmanagement.co.uk/login](http://www.wellness.rightmanagement.co.uk/login), username: edfenergywell) or via the telephone (0800 1116 387). Telephone calls are free of charge.

### Diversity & Inclusion:

Our Diversity and Inclusion Strategy is led from the top, with Executive Team members championing the agenda. The strategy is supported through local diversity and inclusion action plans. EDF Energy has a number of Employee Networks including:

- Black, Asian & Minority Ethnic Network (BAME)
- Cancer Support Network
- Disability & Carers Network (DCN)
- Forces Support Network
- Lesbian, Gay, Bisexual & Transgender Supporters Network (LGBT)
- Mental Health Supporters Network
- Women's Network
- Working Parents' Network
- Young Professionals Network

Further information is available from Pulse and MyCampus.