

## Discrimination, Bullying and Harassment

The Equality Act 2010 aims to harmonise discrimination law and strengthen the law to support progress on equality. There are various grounds of discrimination that existed under previous legislation and these have been brought together as "protected characteristics" in the new Act. The forms of conduct prohibited under the Act include direct discrimination, discrimination by association, perception discrimination, indirect discrimination, harassment, third party harassment and victimisation.

Bullying is defined as offensive, intimidating, malicious and insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate or denigrate or injure the recipient. Harassment is more specific in that it refers to conduct that is made unlawful by the discrimination legislation and is generally considered to occur when, on one of the protected grounds, a person engages in unwanted conduct which has the effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Both definitions are not mutually exclusive but the key difference between the two is that for conduct to amount to harassment it must be done for a prohibited reason (i.e. the victim's sex, race etc.) Thus, what amounts to bullying will not necessarily also amount to harassment.

Bullying and harassment may not necessarily occur face to face. They may take the form of written communications, visual images, electronic e-mail ("flame mail"), phone texting and automatic supervision methods such as computer recording downtime from work or recording telephone conversations.

### **The MODUTEC policy is to adopt the EHRC Equality Act 2010 Code of Practice - Employment.**

MODUTEC recognises that bullying and harassment is unlawful, will not tolerate it in any form and will take immediate steps to investigate and take appropriate action against any perpetrator

Furthermore, bullying and harassment are not only unacceptable on moral grounds but may create serious problems for the organisation; including poor morale and employee relations, loss of respect for managers and supervisors, poor performance, lost productivity, absence, resignations, damage to MODUTEC's reputation and potential costs through courts and tribunal awards of compensation.

### **Examples of unacceptable behaviour include:**

- **Spreading malicious rumours or insulting someone by way of a protected characteristic.**
- **Copying memos that are critical about someone to others who do not need to know.**
- **Ridiculing or demeaning someone, picking on them or setting them up to fail.**
- **Exclusion or victimisation.**
- **Unfair treatment.**
- **Overbearing supervision or other misuse of power or position.**
- **Unwelcomed sexual advances including touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.**
- **Making threats or comments about job security without foundation.**
- **Deliberately undermining a competent worker by overloading and constant criticism.**
- **Preventing individuals progressing by intentionally blocking promotion or training opportunities.**

Bullying and harassment will almost certainly be treated as a disciplinary offence resulting in disciplinary action.

The effectiveness of this Policy Statement will be monitored and reviewed at least annually by MODUTEC Management to ensure our continuing compliance with any relevant legislation, to meet new business requirements and to identify areas in need of improvement.



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