



POLICY

4.1 ABACUS CARE & SUPPORT LIMITED disapproves of all forms of harassment, including sexual or racial harassment and harassment based on disability, age, gender, gender reassignment, religion or belief, pregnancy or maternity, marital or civil partner status and sexuality, and seeks to ensure that the working environment is conducive to all its employees.

4.2 The following procedure informs employees of the type of behaviour that is unacceptable and provides employees who are the victims of any form of harassment with a means of redress.

4.3 Implementation of the policy is the duty of all staff, particularly managers and supervisors. All employees must comply with this policy (ABACUS CARE & SUPPORT LIMITED encourages and welcomes the support of the recognised trade union(s) in seeking to eradicate harassment of all forms from the workplace). Any breach of this policy may be considered gross misconduct and the individual concerned may be dismissed without notice.

4.4 Under the Equality Act 2010, harassment is unwanted conduct related to a 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.

4.5 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

4.6 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work. Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

4.7 The relevant protected characteristics are:

- Race, including colour, nationality, ethnic or national origin
- Sex
- Disability
- Age
- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partner status
- Pregnancy or maternity

4.8 This policy does not form part of an employee's contract of employment and may be amended at any time.

4.9 Any data processed by ABACUS CARE & SUPPORT LIMITED, which includes any protected characteristics, will be processed in accordance with Data Protection legislation.

4.10 Under Article 8 of the Human Rights Act 1998 individuals have the right to respect for private and family life. A right to private life includes, for example, the right to determine sexuality or sexual orientation. It therefore follows that harassment under the Equality Act 2010 at the workplace for these would also give an argument for breach of the Human Rights Act 1998.

The Human Rights Act 1998 only technically covers public bodies directly. Private institutions carrying out public services or receiving funding from public bodies could also be caught directly by the effect of the Human Rights Act 1998. In any event, ABACUS CARE & SUPPORT LIMITED will also take into account the purpose and impact of the Human Rights Act 1998.



DEFINITIONS

6.1 Harassment and Violence

- The European agreement recognises that harassment and violence can:
 - Be physical, psychological, and/or sexual
 - Be one-off incidents or more systematic patterns of behaviour
 - Be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc.
 - Range from minor cases of disrespect to more serious acts (including criminal offences) which require the intervention of public authorities

6.2 Aggrieved Employee

- The employee who believes that they have been subjected to bullying and/or harassment and raises a complaint about this conduct either informally or formally in accordance with this policy

6.3 Indirect Discrimination

- Where (A) applies to (B) an apparently neutral provision, criterion or practice that (A) would apply equally to others, but which puts or would put those who share (B)'s protected characteristic at a particular disadvantage. There will be no discrimination if the provision, criterion or practice is objectively justified

6.4 Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

6.5 Bullying/Harassment

- Under the Equality Act 2010, where (A) engages in unwanted conduct related to a protected characteristic (or of a sexual nature) that has the purpose or effect of violating (B)'s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for (B). Whether the conduct has that effect is judged subjectively from (B)'s viewpoint, subject to a test of reasonableness

6.6 Direct Discrimination

- Where, because of a protected characteristic, a person (A) treats another (B) less favourably than (A) treats or would treat others