

POL_HRRMST04_02

Harassment Policy and Procedure

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1. PURPOSE

It is the policy of the Company to prohibit any form of personal harassment. Improper interference with the ability of staff members to perform their expected duties will not be tolerated and should be reported to the appropriate supervisor as well as to Medilink International General Manager.

2. SCOPE

The Harassment procedure will apply to all staff members and its contractors from the commencement of your employment. There may be local variances to this policy and procedure that comply with local legislation.

3. DEFINITIONS

Personal harassment takes many forms and staff members may not always realise that their behaviour constitutes harassment. Harassment is related to protected characteristics, age, sex, disability, race, gender, religion, sexual orientation Personal harassment is unwanted behaviour by one staff member towards another and examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against staff members committing any form of personal harassment.

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when either:

- submission to such conduct is or becomes a term or condition of an individual's employment or is used as a basis for employment decisions relating in any way to that individual;
- such conduct substantially interferes with an individual's work performance; or
- such conduct creates an intimidating, hostile, or offensive working environment.

4. REFERENCES AND RELATED PROCEDURES

POL_HRRMST05 - Disciplinary Policy

HRR1021 - Performance Evaluation Feedback form

POL_HRRMST01 - Equal Opportunities Policy

5. ROLES AND RESPONSIBILITIES

General Manager – will receive formal complaint of harassment and authorise an investigation. They have authority for dismissal/termination of contract of service of a staff member or contractor

HR Specialist – Person in charge of maintaining HR records and ensuring that this policy and procedure is followed

Manager – May be appointed by the General Manager to complete an investigation into the complaint

Staff member - may make a true complaint unmaliciously and has a responsibility to follow the process outlined in this policy and procedure

Confidential helper – A senior colleague of your choice, who will support through the process.

6. PROCEDURES

Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our 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 General Manager, who will 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 to the harasser, and your confidential helper can assist you in this.

Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the General Manager as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;

- the names of any witnesses; and
- 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 suspension with pay until the matter has been resolved. The General Manager will appoint an investigator.

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 ten working days of the meeting with you, 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.

If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. A staff member who receives a formal warning or who is dismissed for harassment may appeal by using our disciplinary appeal procedure.

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.

Any staff member found to have engaged in such conduct, or who condones such action on the part of subordinates, will be subject to appropriate disciplinary action up to and including termination of employment. A staff member may also be subject to individual liability and penalties as a harasser.

7. REFERENCE STANDARDS AND GUIDELINES

Employment Equality Framework Directive (2000/78)

Racial Equality Directive (2000/43)

8. APPENDICES

