



Anti-Bullying, Harassment and Stalking

V1.0 November 2025

ELCAP is committed to providing a working environment for all its employees that is comfortable and free from all forms of bullying, harassment, and stalking. ELCAP adopts a zero-tolerance approach towards bullying, harassment or stalking from employees, clients, or suppliers. Any employee who is found to have harassed, stalked or bullied a colleague will be subject to disciplinary action, up to and including summary dismissal.

Some acts of harassment or stalking may be deemed to be so serious they may amount to unlawful assault, giving rise to civil or criminal liability. Liability for acts of harassment can be assigned to ELCAP, the perpetrator or any individual who has not followed the correct procedures.

You should note that this policy includes 'virtual bullying, harassment and stalking.' Any derogatory comments made by employees on social networking sites such as Facebook, Twitter etc., about work colleagues or the Company may be subject to investigation and, if deemed necessary, disciplinary action may be taken up to and including dismissal.

Bullying

Bullying is the misuse of power or position that is considered intimidating, offensive, or malicious and which undermines a person's ability, confidence or self-esteem leaving them feeling hurt, frightened, angry, or powerless.

Examples of bullying include

- Sadistic or aggressive behaviour over time
- Verbal or physical threats to intimidate
- Offensive or abusive personal remarks
- Humiliation or ridiculing
- Criticism in public which is designed to humiliate
- Persistent unjustified criticism
- Persistent negative comments
- Treating colleagues as children, not as adults
- Undermining employees by replacing their areas of responsibility unreasonably or without justification
- Exclusion from meetings
- Picking on one person when there is a common problem
- Reducing someone's effectiveness by withholding information
- Constantly changing work deadlines or work guidelines in order to cause someone to fail
- Setting unattainable targets

- Consistently not giving credit where it is due
- Consistently claiming benefit from someone else's work
- Belittling someone's opinion
- Making false allegations
- Monitoring work unnecessarily and intrusively
- Undervaluing work done
- Removing areas of responsibility without justification or consultation
- Imposing unfair sanctions.

Harassment

The Equality Act 2010 defines harassment related to gender, sexual orientation, gender reassignment, race which includes colour, nationality ethnic or national origins, religion, or belief, age, or disability as unlawful.

Harassment is any conduct either verbal, non-verbal or physical. Harassment is also conduct that is:

- Unreciprocated
- Unwanted
- Considered to be offensive
- Affects the dignity of men and women at work

Harassment can take many different forms:

- physical conduct ranging from unwelcome touching to serious assault
- unwelcome sexual advances
- demeaning comments about a person's appearance based on gender, race, disability, gender reassignment or any other Protected Characteristic
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age
- the use of obscene gestures
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars, or pin-ups.
- written abuse such as letters, faxes, emails or web site, or graffiti (these may be anonymous) which refers to gender, race, disability, gender reassignment, sexual orientation, or any other Protected Characteristic
- explicit behaviour such as mimicking the effect of a disability
- covert or disguised behaviour such as social isolation or exclusion from social activities, non-co-operation and implicit threats due to gender, race, disability, gender reassignment, sexual orientation, or any other Protected Characteristic
- pressure for sexual favours or pressure to participate in political/religious groups or incidents associated with work such as stalking, pestering, or spying
- verbal abuse such as anonymous voicemail messages, threats, shouting, offensive language or innuendo, slander, telling offensive jokes, name calling or spreading malicious rumours

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Such behaviour is unacceptable if:

- It is unwanted, unreasonable, and offensive to the recipient
- It is used as the basis for employment decisions

- It creates a hostile or ineffective working environment

Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

A single incident can be harassment if it is sufficiently serious.

Bullying or harassment is not:

The legitimate, constructive, and fair criticism of an employee's performance or behaviour at work. An occasional voice raised, or argument is not bullying. Strong management is reasonable and legitimate provided that employees are treated with dignity and respect.

Stalking

Stalking is also covered by legislation although it is not legally defined. There are a number of examples of behaviours given in the legislation which are associated with stalking, for example:

- a. following a person,
- b. contacting, or attempting to contact, a person by any means
- c. loitering in any place (whether public or private)
- d. watching or spying on a person.

Harassment that includes one or more of the above features is not automatically stalking. The course of conduct, assessed in the first round, must fit the generally received interpretation of the word 'stalking'.

It should be noted that stalking on social media sites will be treated in the same way as any other form of stalking and is completely unacceptable.

The Procedure for Dealing with Complaints of Bullying, Harassment or Stalking

Bullying, harassment, and stalking can be very challenging to handle. There is no one way of handling suspected or alleged issues.

If the Company has grounds to believe that you may have been bullying, harassing, or stalking another employee, whether or not there has been a formal complaint, the Company will instigate an investigation into the allegations.

You are encouraged to report any incidents of bullying, harassment or stalking that you experience, witness or notice on social media sites so that the Company can investigate and

resolve the matter. Any employee who believes that another employee's conduct amounts to bullying, harassment or stalking has the absolute right to complain to their line Manager.

If you believe you are being bullied, harassed, or stalked by your line Manager then you are entitled to go to the next level of management if applicable.

Any complaints should be raised using the Company's Grievance procedure which is detailed as a separate policy. The Company will take all such complaints seriously and an employee who makes a genuine complaint of bullying, harassment or stalking will be protected and will not be penalised or victimised in any way.

The Company reserves the right to suspend or temporarily redeploy either the employee suspected of bullying, harassment or stalking, or the employee raising a complaint of bullying, harassment, or stalking, during the investigation, if it is considered in the interests of the individual(s) or the Company to do so. Suspension in these circumstances does not constitute disciplinary action and will be on full pay.

As soon as possible following the conclusion of the investigation, the Company will inform the employee suspected of bullying, harassment or stalking as to the outcome. The Company will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee.

Any disciplinary proceedings will be in line with the Company's Disciplinary procedure and will be conducted by a different Manager from the person who conducted the investigation.

If it is concluded that there was no discrimination, bullying, harassment or stalking this will be the end of the matter. If it is concluded that a false claim has been maliciously made against the employee, the person, or persons responsible may be subject to disciplinary action.

The Company will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, the Company recognises that you may nonetheless want to raise a concern in confidence. The Company will not disclose your identity without your consent. If a situation arises where the concern cannot be resolved or the matter taken forward without revealing your identity (for example because your evidence is needed in Court), the Company will discuss with you whether and how the matter can proceed.

Harassment or Bullying from a Third Party

If you experience any discriminatory behaviour, bullying, harassment or stalking from a third party such as customers or clients, you should raise the matter immediately with your line Manager or any other Manager present at the place of work. The matter will be treated seriously, and the Manager will carry out a full investigation.