



REFERENCE GUIDE

Global Anti-Harassment & Bullying Policy Sample

GENERAL GUIDANCE NOTE:

This sample policy is not legal advice or a substitute for consultation with qualified legal counsel. Anti-harassment and anti-bullying laws vary from country to country. The types of behaviors that are deemed illegal harassment or bullying can differ substantially, even when laws use similar terms. In addition, policies may not restrict other fundamental rights, such as the right to privacy or the right to association with others.

Some countries view harassment as a workplace safety issue; some countries impose criminal sanctions on harassers; and some countries explicitly require that employers have a program to prevent discrimination and harassment. A well-written policy and training are key components of a prevention program.

In most countries, employers may have an obligation to consult with a local works council, trade union or other employee representative before implementing new work rules. This is particularly important when the employer adopts a policy that exceeds the legal minimum. The policy should be made available in the languages used in the workplace. By law, the policy may have to be included in a handbook, set of work rules for the workplace, or equality plan to be enforceable against employees as a cause for discipline or termination. (Most countries do not have employment at will.)

Generally, it is best practice to make sure all employees receive a copy of the policy and that it is made easily available to employees on the Company's intranet or bulletin boards. Policies should have effective dates noted on the face of the policy and the Company should retain an archive of earlier versions.

This sample policy should not be implemented or executed except on the advice of counsel.

SAMPLE TEXT:

The purpose of this policy is to enforce the Company's policy that all employees are treated with dignity and respect and that employees treat others with dignity and respect, free from harassment and bullying. All employees are required to take the time to ensure they understand their obligations under this policy. This policy has been [insert as appropriate] developed in consultation with [the works council, trade union, occupational safety committee, or other employee representative]. This policy may be amended as appropriate. While the policy itself is not a contract, its terms are incorporated into individual employment contracts with the Company and collective agreements.

We respect employment laws wherever in the world our businesses operate. We are committed to providing a work environment free from discrimination, harassment, bullying, and retaliation (victimization), and providing equal employment opportunities for all employees, applicants, and trainees.

This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips, or at work-related events or social functions. It covers bullying and harassment by employees of other employers, contractors, and members of the public, such as vendors and customers. It also covers harassment by third parties such as customers, suppliers, or visitors to our premises. The core principle is that employees must treat others with dignity and respect and should, themselves, be treated with dignity and respect. Employees should always consider whether their words or conduct could be offensive. Whether conduct violates this policy does not turn on the intent of the person who engages in the conduct. What matters is how the conduct is received and whether a reasonable person would find the conduct offensive, and violative of their dignity.

We take all allegations of harassment or bullying seriously and address them promptly. Any investigation will be conducted with the greatest degree of confidentiality consistent with completing a fair and thorough investigation.

Harassment or bullying by an employee will be treated as a disciplinary matter, including dismissal.

HARASSMENT

"Harassment" is a serious, severe or pervasive conduct, that is unwanted or offensive that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating, hostile or offensive environment. Unlawful discrimination and harassment (based on race, color, sex, pregnancy, age, national origin, religion, language, social origin, disability, genetic information, sexual orientation, veteran status, gender identity, trade union membership or other categories protected by applicable law) will not be tolerated. Discrimination also includes treating someone less favorably because they have submitted or refused to submit to such behavior in the past.

Examples of potential harassment:

- Unwanted and inappropriate physical contact or horseplay, including touching, pinching, pushing, grabbing, unnecessary brushing against someone, invading personal space and physical or sexual assault
- Unwelcome sexual advances or suggestive behavior, and suggestions that sexual favors may further a career or that a refusal may hinder it
- Stalking or persecuting a person with unwanted attentions, gifts, or messages
- Continued suggestions for dating, romance, or social activity after it has been made clear that the suggestions are unwelcome
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of the person
- Mocking, mimicking or belittling a person's disability or age
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender

- Outing or threatening to out someone as gay or lesbian
- Shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity

Persons may be harassed even if they are not the intended target. For example, person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for them.

BULLYING

"Bullying" is offensive, intimidating, malicious or insulting behavior involving the misuse of power that makes a person feel vulnerable, upset, humiliated, undermined or threatened. "Power" does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct.

Examples of potential bullying:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Acts of physical or psychological violence
- Creation of arbitrary standards for one person, imposing unrealistic demands, micromanaging work, or using supervision to intimidate a person
- Inappropriate, exaggerated or untrue derogatory remarks about someone's performance, particularly in front of others
- Sabotage of work
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from meetings or communications without good reason, or encouraging others to do so
- Stealing credit for another's work

Legitimate, reasonable, and constructive criticism of a worker's performance or behavior, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

REPORTING A BREACH OF THIS POLICY

Everyone has a responsibility to help protect the Company's reputation and to prevent unethical or unlawful actions from happening. We realize that it is difficult to raise a sensitive issue, especially if it involves a co-worker or a situation in your work area.

However, if you have any information about activities or behavior that conflict with or could be perceived to conflict with this policy or a law or regulation, you have a responsibility to let the Company know.

You should report the potential violation to either:

- Your supervisor
- The Human Resources Department
- The Legal Department
- An employee helpline

The Company maintains the greatest degree of confidentiality consistent with its legal obligations to follow up on complaints, including investigation, remedial action, and if required, reporting to appropriate enforcement agencies.

The Company prohibits retaliation or victimization of persons who seek to enforce their legal rights or the provisions of this policy. The Company will not take any action against you if you report violations in good faith. If a violation is found, the Company will take appropriate remedial action, which may include discipline consistent with the applicable collective bargaining agreement or organizational policies and procedures. Disciplinary actions are proportional, so they may vary from a verbal warning to dismissal or referral for criminal prosecution, depending on the country involved. Disciplinary actions are customarily private. If you think that you or someone else has been retaliated against or victimized for raising an issue under this policy, please contact the Human Resources or Legal Department or the [employee hotline].

Optional: Details of the [employee hotline] are:

- From [country]: [NUMBER]
- From [country]: [NUMBER]
- From [country]: [NUMBER]

You also have the option to report a potential violation or retaliation/victimization to [insert the name and contact information of the local agencies handling complaints in those countries where local practice makes the inclusion of this information necessary].

RESPONSIBILITY FOR THIS POLICY

The [[BOARD OF DIRECTORS] OR [COMMITTEE] OR [POSITION]] has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to [POSITION].

All managers have a specific responsibility to operate within the boundaries of this policy, take effective steps so that all employees understand the standards of behavior expected of them, and to take action when behavior falls below its requirements. Managers will be given training in order that they may do so.

Effective Date: [insert]