

DIANI SEA HOTELS: DIANI SEA LODGE

BULLYING & HARRASMENT POLICY

Version 1 2015

This Policy forms part of the HR Policy

Diani Sea Hotels is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the Company and those who have dealings with the Company has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by the General Principles legislation of the Employment Act, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.

1. The Company's policy applies to all staff working within the organization and to all employees working off the premises. It extends to include non-permanent workers such as casuals, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
2. The Company has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally and take the necessary action.
3. Key Principles
4. The Company will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the Company must not encounter harassment, intimidation or victimization on the basis of gender, race, color, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
5. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.
6. Harassment may be defined as any conduct which: -

The Company believes that the working environment should at all times be supportive of the dignity and respect of individuals. If a complaint of harassment is brought to the attention of management, it will be investigated promptly and appropriate action will be taken.

- is unwanted by the recipient
 - is considered objectionable
 - causes humiliation, offence, distress or other detrimental effect.
7. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:
- Physical contact – ranging from inappropriate touching to serious assault, gestures, intimidation, aggressive behaviour.
 - Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and teasing, offensive language.
 - Non-verbal – offensive literature or pictures, graffiti and computer/phone imagery, isolation or non-co-operation and exclusion or isolation from social activities.
8. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious, insulting & “cyber bullying” i.e. bullying via social media or e-mail. (Care and sensitivity should be practiced with regard to the choice of context and language in this case).
- 9. What should you do if you are sexually harassed?** If you feel that you have been the recipient of sexually harassing behaviour, tell the person to stop and it makes you feel uncomfortable”. This being option 1, depending on the severity of the situation report it immediately to the Management. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint. If your supervisor is the source of the harassing conduct, report the behavior to that person’s supervisor or to the Human Resources Manager

Your identity will be protected and you will not be retaliated against for making a complaint.

What happens after a complaint is made? Within 3 days after a written complaint is made, a supervisor, or other person designated by the management, will investigate the complaint. The person will speak with possible witnesses and will speak with the person named in your complaint. *Your anonymity will be protected to the extent possible.* Depending on the complexity of the investigation, you should be contacted within say four days, two weeks, and one month about the status of your complaint and whether action is being taken.

Written Policy: Upon receiving your signed contract, you will receive a copy of Diani Sea Resort’s sexual harassment policy or when you begin working. If at any time you would like another copy of that policy, please contact your HOD or HR Office. If Diani Sea Resort should amend or modify its sexual harassment policy, you will receive an individual copy of the amended or modified policy. The Policy is also posted at all staff noticeboards.

Penalties If an investigation of any allegation of sexual harassment shows that harassing behaviour has taken place, the harasser will be subject to disciplinary action, up to and including dismissal.

Harassment and Bullying may be summarized as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Operations Manager:
Name & Signature

HR Manager
Name & Signature

Employee Name
Date Received, Signature

KEVIN TOM OCHIENG’

OPERATIONS MANAGER

1st January 2023