

Unacceptable Behaviour Policy

Overview

CEDR is dedicated to creating and maintaining a safe, welcoming, inclusive and diverse community. CEDR nurtures a healthy environment and culture of mutual respect and consideration, allowing all members of the organisation to thrive without fear of abuse, aggression, threats of violence, acts of discrimination or associated microaggressions, harassment and/or related misconduct.

CEDR is committed to providing excellent customer service to consumers, clients and businesses (collectively referred to as individuals) that use our services and we will always do our best to support parties that refer disputes to CEDR for resolution. In return, we expect people to treat our staff with the respect and courtesy that will allow them to carry out their work efficiently and without being subject to harm.

We understand that individuals may act out of character at times, given that they are engaging with CEDR about a dispute that may be upsetting for them. However, in a few cases this behaviour can become inappropriate and unacceptable, despite CEDR's best efforts to help.

Therefore, CEDR has created this policy document to set out the different types of unacceptable behaviour that staff may experience when carrying out their daily duties, and the steps we can take to respond to this.

What does this policy do?

This policy enables CEDR to deal with unacceptable behaviour in a professional and structured way. It lets individuals and CEDR staff know what we consider to be unacceptable behaviour and the steps we will take to address such behaviour. The policy applies to all individuals that use our services.

What is Unacceptable Behaviour?

CEDR employees have the right to decide when an individual's behaviour has become unacceptable, using this policy as their guide. If they feel an individual's behaviour is unacceptable, and they feel harmed by it, then they are encouraged to tell the individual. It is irrelevant whether the individual who presented the behaviour intended to cause offence or harm. Instead, what matters is how the CEDR employee was affected by the behaviour and how it made them feel.

Therefore, it is not easy to give a comprehensive list of what CEDR considers to be unacceptable behaviour because it will depend to some degree on the circumstances of the event. We provide, however, broad examples in this policy document of what CEDR considers to be unacceptable behaviour, but this list is not exhaustive.

When can Unacceptable Behaviour occur?

Unacceptable behaviour can occur in any interaction between CEDR staff and individuals, which can include:

- Telephone and video conversations
- Face to face conversations
- Online case management systems and portals
- Emails
- Evidence submitted for a case
- Online review websites
- Letters
- Webchat
- Social media platforms such as Facebook, LinkedIn and Twitter

What are the types of Unacceptable Behaviour?

CEDR has broken down unacceptable behaviour into five categories:

1. Aggression, rudeness and abuse
2. Threats of violence
3. Intimidation
4. Acts of discrimination and associated microaggressions
5. Vexatious behaviour

1. *Aggression, rudeness and abuse*

Aggression, rudeness and abuse encompasses behaviour that is hostile and disrespectful. For example, individuals being dismissive towards CEDR employees or raising their voices/shouting on the phone would constitute behaviour under this heading.

Further examples of such behaviour include, but are not limited to:

- Swearing or using offensive language in conversations or written communications

- Using insults or condescending language
- Disrespectful or aggressive written communication

It is worth noting that if an individual is excessively using offensive language, but the language is not directed at the staff member, this can still be considered unacceptable behaviour.

2. Threats of violence

Threats of violence involve intentionally putting another person in fear for their safety. We all say things we regret at times, but CEDR has a responsibility to protect its employees and take any threats of violence very seriously. Being threatened with physical violence can be very frightening, particularly when the recipient is not sure whether the individual making the threats is serious.

Examples of such behaviour include, but are not limited to:

- Making statements on social media that the individual will seek out and attack someone, even as a joke
- The individual saying they will harm the employee they are communicating with or one of their colleagues
- The individual saying they will damage the company's or an employee's property
- Threatening confrontation, such as the individual saying they will come to the office to confront staff members

3. Intimidation

Intimidation is acting to frighten or threaten somebody so that they will do what you want. In order to provide our services independently and impartially, CEDR's employees must be able to do their jobs without worrying that an individual will target them as a result.

Examples of such behaviour include, but are not limited to:

- Threatening to 'name and shame' an employee on social media or in the press
- Threatening to start legal action against an employee or CEDR
- The individual saying they will engage in vexatious behaviour, such as nuisance calling

It is worth noting that notifying CEDR of legal action or making press enquiries does not necessarily constitute unacceptable behaviour. It is only if such actions are threatened by an individual in order to get what they want in relation to a case that it will be considered to be intimidation.

4. Acts of discrimination and associated microaggressions

Discrimination involves the unjust or prejudicial treatment of different categories of people on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (collectively referred to as 'protected characteristics').

Associated microaggressions can be defined as statements, actions or incidents that illustrate an indirect, subtle or unintentional discrimination against members of a marginalised group, such as a racial or ethnic minority. It is worth noting that microaggressions are usually more indirect and subtler in comparison to discrimination.

CEDR will not tolerate any acts of discrimination or associated microaggressions made against CEDR employees, whether made verbally or in written correspondence.

Examples of such behaviour include, but are not limited to:

- Requesting to speak to an employee from a specific racial background
- Using a slur or derogatory term that relates to one or more protected characteristics, whether directed at an employee or not
- Repeated and intrusive questioning of an employee in relation to their racial background
- Requesting for adjudications to be conducted by someone different after seeing the name of the adjudicator on the case
- Requesting to speak to someone else because of an employee's accent
- Requesting to change the pronunciation of an employee's name to make it easier for the individual to pronounce
- Individuals negatively changing their attitude or tone towards an employee once they become aware of an employee's protected characteristic(s)
- Ascribing intelligence or competence on the basis of an employee's protected characteristic(s)
- Making remarks related to being impressed with a woman's expertise/role
- Negatively commenting on the staff of a company that the individual is in dispute with because they are based in a different country

5. Vexatious behaviour

Vexatious behaviour includes excessive levels of contact, consistently making unreasonable demands of CEDR or its employees, and harassing CEDR or its employees. For example, an individual contacting CEDR multiple times a day in relation to their case would be considered vexatious behaviour. CEDR staff will endeavour to have productive and proportionate conversations with individuals to help them

understand the process. However, staff cannot provide individuals with unlimited time as this impacts our ability to provide a quality service to all individuals.

Further examples of such behaviour include, but are not limited to:

- Seeking to repeatedly discuss the same issue
- Repeatedly attempting to file a complaint without following the published complaints procedure
- Consistently demanding immediate escalation to a manager, or immediate resolution of issues
- Repeatedly seeking contact from staff outside of office hours
- Repeatedly seeking unjustified prioritisation over other individuals
- Refusing to accept that an individual is unable to speak directly with an adjudicator, despite having been advised of this
- Making frivolous complaints about staff and repeatedly seeking to have them replaced
- Repeatedly asking for a discount

What can an employee do in response to Unacceptable Behaviour?

Employees are empowered to take any of the actions below that they consider to be appropriate in the circumstances in order to effectively respond to unacceptable behaviour.

- The employee is encouraged to alert an individual to any unacceptable behaviour being displayed.
- The employee should give a warning to allow the individual the opportunity to adjust their tone or behaviour, to retract any statements made in order to avoid any further instances of unacceptable behaviour.
- The employee may also seek assistance from their colleagues or their manager, which may include transferring the call or contact to another employee.
- If the behaviour persists, the employee is able to terminate the call or contact. If this happens, the employee will advise the individual that the call or contact is to be terminated and the reasons why, and the employee will then notify their manager immediately.
- A copy of the Unacceptable Behaviour Policy will be provided to the individual where possible.

It is worth noting that an employee is not required to use each of these actions in a particular order. The action(s) that the employee chooses to take will depend on the severity of the unacceptable behaviour that the individual has displayed.

What can CEDR do in response to persistent Unacceptable Behaviour?

CEDR management will seek to support employees in taking actions in line with this Policy. In some situations, an employee may deal with an individual's unacceptable behaviour without the need for this to be escalated. However, when escalation is required, CEDR management will take any action that they consider to be appropriate in the circumstances in order to effectively respond to unacceptable behaviour. These actions may include:

- The individual's contact may be limited to a particular format (e.g. written correspondence only).
- Contact from the individual's telephone number and/or email address may be blocked.
- The individual's contact may be limited to a specific employee of CEDR.
- If the individual's unacceptable behaviour is of a particularly severe nature, the individual's case may be closed and all services withdrawn without a resolution.
- If the individual's unacceptable behaviour is of a particularly severe nature, the individual's access to CEDR's services in the future may be refused.
- The individual may be reported to the police, or legal action may be taken against them, if we believe that any aspect of their unacceptable behaviour raises serious concerns for the safety of our staff.
- The individual may be reported to an industry regulator or another relevant organisation (especially if the behaviour is from one of their members).
- If an individual makes unacceptable comments on social media about CEDR and/or its employees, action may be taken to seek to have such comments removed.

CEDR management will write to the individual where possible to explain any steps that have been taken as a result of the individual's behaviour. Where possible, a copy of the Unacceptable Behaviour Policy will also be provided to the individual, if this has not previously been done.

What happens if an individual disagrees with the content of this Policy or the way in which CEDR or its employees has applied it?

Generally, CEDR and its employees have sole discretion as to the content of this Policy and how it is applied. It is worth noting that individuals are not obliged to use CEDR's services, and always have the right to withdraw from the process and take their disputes to an alternative forum, such as the courts.

If an individual has a complaint about the quality of service they have been provided with by CEDR or its employees, they are able to make a complaint through our complaints procedure.