

H.E.L Group Policy

Anti-Harassment and Anti-Bullying Policy

1 Policy Statement

- 1.1 H.E.L Group, and its associated companies, is committed to ensuring that all colleagues are treated with dignity and respect and treat others in the same way. We believe that all colleagues have the right to work in an environment which is free from any form of harassment and / or bullying. This policy therefore covers harassment and bullying that occurs:
- a) in the workplace;
 - b) during any situation related to work, such as at a social event with colleagues, on a business trip or at a customer or supplier event;
 - c) against a colleague or other person connected to the employer outside of a work situation, including on social media; or
 - d) against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- 1.2 This policy should be read together with our Equality, Diversity and Inclusion Policy.
- 1.3 This policy applies to all anyone working for us, whether at any of our premises, at home, or elsewhere, including: casual and agency staff, consultants, contractors, directors, Employees, homeworkers, managers, and officers and volunteers.
- 1.4 Anyone referred to in paragraph 1.3 above is required to read this policy and to ensure that they understand what types of behaviour may amount to:
- a) bullying;
 - b) standard harassment; or
 - c) sexual harassment.
- 1.5 This policy does not form part of any of our Employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.
- 1.6 Our policy is that the harassment or bullying of any of our Employees is unacceptable behaviour.

- 1.7 We have carried out an assessment to assess the risk of different forms of harassment occurring in our workforce, including in different roles and departments, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed regularly.

2 Harassment

- 2.1 It is H.E.L Group's policy that the harassment of any of its Employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.
- 2.2 Harassment may take many forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.
- 2.3 Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.
- 2.4 Harassment also occurs where the perpetrator engage in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.
- 2.5 A person will also commit harassment if they (or anyone else) engages in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female Employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.
- 2.6 Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However, a single incident may amount to harassment if it is sufficiently serious.
- 2.7 The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Colleagues must always consider whether their words or conduct may be considered offensive.

- 2.8 Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
- 2.9 A person may complain of harassment even if they themselves are not the victim, if they experience the requisite effect when they witness another person being harassed.
- 2.10 Whilst not an exhaustive list, forms of harassment include:
- a) physical contact and obscene or offensive gestures;
 - b) 'jokes', 'banter', gossip, slander, offensive language, shouting and / or behaving in an intimidating manner;
 - c) offensive, insensitive or sectarian songs or messages (including email);
 - d) displaying posters or pictures, graffiti, emblems, flags obscene or offensive gestures;
 - e) offensive email and screen savers etc;
 - f) isolation or non co-operation and exclusion;
 - g) coercion for sexual favours and sexually suggestive remarks;
 - h) pressure to participate in political / religious groups;
 - i) intrusion by pestering, spying and stalking; and
 - j) continued requests for social activities after it has been made clear that such suggestions are not welcome and verbal, non-verbal or physical conduct of a sexual nature.
- 2.11 Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases, their behaviour may also amount to a criminal offence.

3 Bullying

- 3.1 Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.
- 3.2 Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):

- a) spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);
- b) copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone, picking on them or setting them up to fail;
- c) unfair treatment, deliberately excluding a person from communications or meetings without good reason;
- d) overbearing or intimidating supervision and / or other misuse of power or position;
- e) making threats or comments about job security without foundation;
- f) deliberately undermining a competent worker by overloading and constant criticism; and
- g) preventing individuals progressing by intentionally blocking promotion or training opportunities.

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

4 Consequences for the Perpetrator

4.1 An allegation of harassment or bullying will result in an investigation and possible disciplinary action in accordance with paragraph 10 below, which could result in dismissal and / or termination of contract without notice.

4.2 When deciding what disciplinary action to take, we will take account of any aggravating factors, such as abuse of power over a more junior colleague.

4.3 As well as giving rise to disciplinary action, harassment is unlawful and individuals may be held personally liable for their actions. In some cases, their behaviour may also amount to a criminal offence.

5 Standard Harassment (protected characteristics)

5.1 'Standard' harassment may relate to any of the Equality Act 2010 protected characteristics, i.e.:

- a) age;
- b) disability (past or present);
- c) gender reassignment;
- d) race, colour, nationality, ethnic or national origins;
- e) religion or belief; and
- f) sexual orientation

5.2 It may also relate to:

- a) trade union membership (or non-membership);
- b) part-time or fixed-term status;
- c) power or hierarchy; or
- d) willingness to challenge harassment;

5.3 The phrase 'relate to' is very wide and covers:

- a) harassment based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong; and
- b) harassment that occurs because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a trans person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for them.

6 Sexual Harassment

6.1 Sexual harassment is unwanted behaviour of a sexual nature which has the purpose or the effect referred to in paragraph 2.3 above.

6.2 The conduct need not be sexually motivated; it only needs to be sexual in nature. This includes a wide range of behaviour, e.g.:

- a) sexual comments or jokes;
- b) displaying sexually graphic pictures, posters or photos;
- c) suggestive looks, staring or leering;
- d) propositions and sexual advances;
- e) making promises in return for sexual favours;
- f) sexual gestures;
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life;
- h) sexual posts or contact on social media;
- i) spreading sexual rumours about a person;
- j) sending sexually explicit emails or text messages; and
- k) unwelcome touching, hugging, massaging or kissing.

6.3 A person can experience unwanted conduct from someone of the same or a different sex.

6.4 Sexual interaction that is invited, mutual or consensual is not sexual harassment (because it is not unwanted), but situations change and sexual conduct that has been consensual in the past may become unwanted.

7 Third-party Sexual Harassment

7.1 In your work, you will have contact with third parties. We will not tolerate sexual harassment of our colleagues by any third party. As with any harassment or bullying, if you experience or witness harassment by a third party, we would urge you to report it in accordance with paragraph 8.

7.2 We will take the following steps to prevent harassment by third parties:

- a) make it clear to our clients, suppliers and others who work with us that sexual harassment of our colleagues is unacceptable, e.g. by issuing notices at the entrances to our premises, or in recorded messages at the beginning of telephone calls;
- b) provide regular training for managers and colleagues to raise awareness of rights related to sexual harassment and of this policy;
- c) provide specific training for managers to support them in dealing with complaints;
- d) take steps to minimise occasions where colleagues work alone;
- e) where possible, ensure that lone workers have additional support; and
- f) carry out a risk assessment when planning events attended by clients and / or suppliers.

7.3 If a complaint of third-party harassment is received, we will seek to investigate the allegation and may:

- a) warn the client or supplier about their behaviour;
- b) ban them from our premises;
- c) report any alleged criminal acts to the police;

8 Harassment and Bullying Procedure

8.1 Because we take harassment and bullying seriously, informal and formal reporting procedures have been introduced, as a way of dealing with complaints of harassment and / or bullying.

- 8.2 Any allegation of harassment or bullying will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment or bullying must not hesitate in using this procedure, and they should not fear victimisation. Retaliation against an Employee who brings a complaint of harassment or bullying is in itself a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.
- 8.3 H.E.L Group will provide, in confidence, support and assistance to Employees subjected to harassment or bullying and assist in the resolution of any problems, whether through informal or formal means.
- 8.4 If you are in any doubt as to whether an incident or series of incidents that has or have occurred constitute harassment or bullying, then in the first instance you should approach a member of the People Department on an informal confidential basis. They will be able to support you in assessing whether the complaint necessitates further action, in which case the matter will be dealt with formally or informally as appropriate. For information on our informal procedure, see paragraph 9 below, and for information on our formal procedure, see paragraph 10 below.
- 8.5 You may prefer to try to resolve the matter on an individual basis, if you feel able to do so. In some cases, it may be possible for the affected person to explain clearly to the perpetrator that the behaviour in question is not welcome, that it offends them, makes them uncomfortable or interferes with their work, and that they want it to stop—and this may be enough to make it stop. However, the affected person may not always feel able to take this step, and in more serious cases it will not be appropriate.
- 8.6 If you wish to make an informal complaint, you put this in writing to your Line Manager; that person, in most cases, will be best placed to respond to the complaint. There may be occasions where it is inappropriate to raise the matter informally, in which case you should proceed straight to the formal procedure. If the complaint is about that manager, you should raise the grievance with another manager or proceed straight to the formal procedure
- 8.7 You are advised to make a formal complaint where serious harassment or bullying occurs, or informal methods fail or are not appropriate. Unless there are exceptional circumstances that make it impracticable to do so, a formal complaint should be made in writing to the People Department and your Line Manager. If the matter concerns that person, you should refer your complaint to a more senior manager. To enable us to deal with your complaint properly, your written complaint should set out full details of the behaviour in question, including the name of the perpetrator, the nature of the harassment or

bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken to attempt to stop it occurring.

- 8.8 When we are considering a complaint of harassment or bullying, we will seek to do so in a way that is fair and sensitive to the person who made the complaint, anyone who witnessed it and anyone accused of harassment or bullying.
- 8.9 We will talk to the person who made the complaint to find out more about the issue and how they would like it handled. We will try to take what they would prefer into account and agree our approach together. For example, if they want the matter to be handled informally, but it is an extremely serious matter, we might suggest handling it formally instead. Equally, if they have made a formal complaint and we think it is appropriate to try to resolve it informally first, we may suggest that.
- 8.10 We will keep an open mind when dealing with a complaint, in particular we will avoid making assumptions and look into any complaint thoroughly and fairly, keeping in mind any sensitivities that may make it hard for an Employee to speak up about harassment or bullying.
- 8.11 We will seek to offer support to those who experience or witness harassment or bullying, and those accused of harassment or bullying. In particular, both the complainant and the alleged perpetrator may seek support from a number of specialist helplines, details of which are available through the People Department.
- 8.12 Before deciding on the next steps, we will consider:
 - a) if there is anyone else we need to agree the next steps with;
 - b) the nature of the complaint or concern;
 - c) how serious the allegations are;
 - d) any evidence we have so far;
 - e) what we will need to do to look into the complaint, if we need to look into it further;
 - f) how the person who raised the concern would like it handled;
 - g) how similar cases have been handled in the past;
 - h) if the unfair treatment seems to be intentional;
 - i) what might resolve the complaint;
 - j) if we might need to take any other steps, e.g. if it is possible that a disciplinary procedure might be needed.

9 Informal Procedure

- 9.1 For details of how to submit an informal complaint, see paragraph 8.6 above.

- 9.2 Depending on the circumstances, we may already have talked to the person who raised the complaint to decide the best approach together.
- 9.3 Dealing with a complaint informally means taking steps to resolve it without using the formal harassment procedure.
- 9.4 An informal approach may involve:
 - a) having a quiet word (in private) with the person who has been complained about;
 - b) arranging a meeting with everyone involved, if they all agree; or
 - c) offering mediation, if everyone involved agrees.
- 9.5 A quiet word—this may help to repair working relationships or make it clear what counts as acceptable behaviour, e.g. a manager may be able to explain to the person who has been complained about how their behaviour made the other person feel, see if they would be willing to apologise and agree with them how they will behave in the future. It may involve a number of conversations with both Employees to agree a way forward.
- 9.6 A meeting with the people involved—before arranging this, we will meet with everyone separately first and make sure they are willing to meet to try to resolve the complaint. We will:
 - a) give everyone notice of the meeting;
 - b) hold it in a private place;
 - c) listen to what everyone has to say, and take everyone's views into consideration;
 - d) work towards resolving the issue in a way everyone can accept;
 - e) make sure any agreed outcome is consistent with similar situations in the past; and
 - f) keep notes of agreed actions.
- 9.7 Using mediation—this involves an independent, impartial person helping both sides to try to find a solution. It may be useful if there has been a misunderstanding, or a lack of awareness of how someone's actions are affecting someone else.
- 9.8 If the issue is resolved informally, we will:

- a) keep a record of the actions taken and the outcomes; and
- b) keep in touch with the person who made the complaint to check things are still okay.

9.9 If, at any stage in an informal process, we decide there is no need for action or further steps we will:

- a) keep a written record of this decision and the reasons why; and
- b) inform the person who made the complaint and explain our decision.

9.10 If the complaint cannot be resolved informally, we or you may decide to deal with it formally.

10 Formal Procedure

10.1 For details of how to submit a formal complaint, see paragraph 8.7 above.

10.2 We may need to deal with a complaint formally if:

- a) the Employee is not willing to try to resolve it informally;
- b) this policy says the type of situation being complained about must be dealt with formally;
- c) the complaint is very serious;
- d) the situation could lead to disciplinary action.

10.3 We will appoint someone to investigate the complaint who is neutral and not involved in the complaint.

10.4 If it is necessary to separate the Employees involved while we handle the complaint, we will seek to do so fairly. For example, we may temporarily move one of them to a different shift or location, but we will not move the person who made the complaint unless they ask to be moved. Where the allegations are serious, we may suspend the alleged perpetrator on full pay while the complaint is being investigated. A decision to suspend the alleged perpetrator is not considered a disciplinary action, nor does it imply that any decision has been taken about the case.

10.5 If you are the complainant, you will be interviewed by the investigator to establish full details of what happened. You may bring a fellow worker with you to this meeting if you choose. The investigator will then carry out a thorough, independent, impartial and objective investigation. An investigation will be carried out as quickly as possible, sensitively and with due respect for the rights of the person bringing the complaint and the alleged perpetrator. This

investigation will be used for any follow-up disciplinary procedure under paragraph 10.11, unless the person handling the disciplinary procedure considers that more information is needed.

- 10.6 Where a complaint is about someone other than a fellow worker, such as a client or other third party, we will consider what action may be appropriate to protect the complainant (and anyone else involved) pending the outcome of the investigation, bearing in mind the needs of our business and the rights of the third party. We will try to discuss the matter with the third party or their employer where appropriate.
- 10.7 The investigation will involve interviews with the person against whom the complaint is made and any other relevant witnesses. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.
- 10.8 Strict confidentiality will be maintained throughout the investigation into the allegation. The importance of confidentiality will be emphasised to the Employees involved, including any witnesses.
- 10.9 When the investigation has been completed, the complainant and the alleged perpetrator will be informed whether or not the allegation is considered to be well-founded. The complainant will have the right to appeal against this decision, by following the procedure in the H.E.L Group Grievance Procedure.
- 10.10 If the allegation is well-founded, disciplinary action may be taken in accordance with the Code of Conduct and Disciplinary and Dismissal Procedure against the person alleged to have committed the behaviour complained about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person with or without notice.
- 10.11 If the allegation is found to be not well-founded, consideration may be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for either of them to continue to work in close proximity to each other.
- 10.12 Malicious complaints of harassment or bullying can have a serious and detrimental effect upon a colleague and the workplace generally. An Employee will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld. However, an Employee may face disciplinary action in accordance with our Disciplinary Policy if the allegation is found to be both false and made in bad faith (i.e. without an honest truth in its belief). We are sure that all Employees appreciate that this is necessary to protect the integrity of this policy.