

## POL-HR-16 POLICY STATEMENT

### Anti-Harassment and Anti-Bullying

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The scope of this policy statement is to outline the behaviours expected of our colleagues in line with our company values SPIRIT and Diversity & Inclusion values FREDIE and to signpost colleagues where to report any signs of bullying and harassment.

#### Introduction

At AmcoGiffen we are fully committed to creating a working environment that allows all our colleagues and external key stakeholders to feel comfortable to be themselves without the fear of judgement. This policy accompanies our Diversity & Inclusion policy.

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

#### Scope

This policy applies to employees, agency workers, contractors, volunteers, summer placements and apprentices and is relevant to all stages of the employment relationship. The policy also relates to job applicants, and external parties and subcontractors. The policy also applies to bullying or harassment by third parties.

#### Our commitment to you

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our colleagues by:

- ensuring all colleagues have annual diversity & inclusion training as well as access to bullying and harassment training including sexual harassment training
- promoting our FREDIE (Fairness, Respect, Equality, Diversity, Inclusion & Engagement) values and encouraging colleagues to challenge inappropriate behaviours where they feel comfortable
- promoting this policy and associated initiatives through our Diversity & Inclusion and Women at AmcoGiffen Forums
- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee resource groups to identify and address any issues
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace (and by third parties that you may have contact with); and
- ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties.

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We believe that a culture of FREDIE not only benefits our organisation but supports the ongoing health and wellbeing of our colleagues and enables our people to work better because they can be themselves and feel that they belong.

We are committed to providing a safe and respectful workplace and promoting a working environment based on dignity and respect as well as trust, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the health and wellbeing of colleagues as well as the wider organisation. We therefore adopt a zero-tolerance approach to instances of bullying or harassment. This includes all forms of sexual harassment.

### **What we expect from you**

We expect all colleagues, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. (For more information on discrimination and victimisation, please refer to our Diversity & Inclusion policy POL\_HR-06)

Any allegations of committing, authorising or condoning any act of bullying or harassment will be investigated and could lead to disciplinary action, whereby actions could be deemed as gross misconduct and could lead to dismissal.

There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason or for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support (see What to do if you are being bullied or harassed).

### **Who is protected from harassment**

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability
- sex
- gender reassignment
- marital or civil partnership status
- race
- religion or belief
- sexual orientation; and
- age.

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Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

### Meaning of harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

### Examples of harassment

Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic
- unwanted physical behaviour, for example, pushing or grabbing
- excluding someone from a conversation or a social event or marginalising them from the group
- derogatory comments about pregnancy, maternity leave or IVF treatment
- mimicking or making fun of someone's disability
- derogatory or offensive comments about religion
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic
- "outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out", someone
- consistently using the wrong names and pronouns following the transition of a person's gender identity
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

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### Meaning of sexual harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

### Examples of sexual harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media)
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults
- offensive comments about appearance or dress, innuendo or lewd comments
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

### Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

### Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

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It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

### Microaggressions

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority.

Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group
- Micro-insults: Unintentionally insensitive remarks or assumptions based on stereotypes
- Micro-invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group.

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

### What to do if you are being bullied or harassed

#### Informal route

##### Bully/harasser is a colleague

We empower all colleagues if you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

There is support available through our Employee Assistance Programme. You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you. The contact number is 0800 028 0199 using code HA103468.

#### Third parties

Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.

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If you are experiencing bullying or harassment by a third party, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action.

### **Formal route**

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally. You can raise a formal complaint of bullying or harassment under our Grievance policy HR36.

### **Support for those affected or involved**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

We have a number of trained mental health first aiders throughout the organisation as well as the support available through our Employee Assistance Programme. The contact number is 0800 028 0199 using code HA103468.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned, including any third party.

### **Sensitivity and confidentiality**

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, the disciplinary process may be instigated.

### **Consequences of breaching this policy**

If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be considered in deciding what disciplinary action to take.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, disciplinary action may be instigated up to and including dismissal (or other appropriate action for non-employees).

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### Record-keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data in accordance with our Data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

### Monitoring and review

This policy is reviewed annually and, if necessary, amended to ensure that it remains effective. We analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis to assess the impact of this policy and our wider diversity & inclusion policy.



**John Booth**

Managing Director