

Anti - Harassment Policy

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Purpose

To create an environment in which everyone can work without being harassed, victimised or bullied on the grounds of race, nationality, ethnic origin, religion or belief, disability, sexual orientation, marital status and civil partnership, sex, gender, gender reassignment, age, pregnancy or maternity leave, or any other characteristic protected by law.

This policy should be read in conjunction with the Company's general policy on Equal Opportunities.

Scope

All employees, job applicants, agency staff, contractors and consultants (referred to as "Workers" in this policy). Save as implied by law, however, this policy does not form part of any contract of employment with the Company and may be amended by the Company from time to time.

Policy Statement

The Company considers harassment to be harmful to workers, employers and customers alike. It can subject individuals to fear, stress and anxiety within the workplace and in their personal and family life. Harassment can lead to illness, accidents, absenteeism, poor work performance and an apparent lack of commitment as well as people leaving employment. It may therefore impact adversely on safety, organisational effectiveness and business success.

This policy aims to ensure the fair treatment and dignity of all employees at work and prohibits all forms of harassment.

This policy is not designed to discourage normal social relations among colleagues or with the public. Its aim is to prevent unlawful discrimination. It applies not only to interaction whilst working at the Company's offices but extends to time spent travelling on business, on training courses, conferences and social events with colleagues.

This policy further recognises that those who are harassed, victimised or bullied often feel vulnerable and may be reluctant to complain. It therefore aims to accommodate any such concerns or difficulties.

Definitions of Unacceptable Behaviour

The following types of behaviour are examples of unacceptable conduct. Please note, however, that this list is not exhaustive.

HARASSMENT consists of any unwanted conduct affecting the dignity of people at work. It includes unwelcome verbal or physical conduct which another worker may find intimidating, offensive or distressing. It can amount to unlawful discrimination. It may involve a single incident or may be persistent and may be directed towards one or more individuals. All harassment is prohibited for the purposes of this policy, including but not limited to harassment on the basis of age, disability, pregnancy and maternity leave, marital status and civil partnership, gender reassignment, race, religion or belief, sex and sexual orientation, as covered in the Equality Act 2010 (“Protected Characteristics”).

UNWANTED PHYSICAL CONTACT such as unnecessary touching, insulting or abusive behaviour or gestures, physical threats or assault.

UNWANTED VERBAL CONDUCT such as comments concerning an individual or a group's Protected Characteristics and comments which are intended to demean or humiliate a person for any other reason, such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, inappropriate jokes or banter, abusive language or repeated suggestions for unwanted social activities.

UNWANTED NON-VERBAL CONDUCT such as religious, racial or sexually based graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, the display of pornographic or suggestive literature or other items, pictures or films/videos, inappropriate use of visual display units (VDUs) or network systems or sending of e-mails for this purpose.

BULLYING, including persistent unjustified criticism and personal abuse and/or ridicule and inappropriate use of status, authority or position, either in public or private, which humiliates or demeans the individuals involved, gradually eroding their self-confidence.

UNLAWFUL VICTIMISATION consists of treating an individual less favourably than others are or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the Equality Act 2010.

OTHER CONDUCT, which denigrates, ridicules, intimidates or is physically abusive of an individual or group.

These examples are not exhaustive. However, none of the above types of behaviour will be tolerated. It is irrelevant if the offending person does not mean to give offence or believes their comments or conduct to be welcome. It is for the recipient of such conduct to determine what behaviour they find acceptable and what they regard as offensive. Any alleged breach of this policy will result in a disciplinary investigation and may constitute gross misconduct, leading to summary dismissal.

Conduct of this nature can amount to harassment even though it is not explicitly about an individual's Protected Characteristics, where the conduct is directed at them or singles them out for one of those reasons.

Managerial Duties

It is the responsibility of all line managers/supervisors to implement this policy and to take corrective action to ensure compliance with it.

A manager or supervisor who becomes aware of behaviour which may breach this policy, whether or not a complaint has been made, has a responsibility to take the matter forward. They must discuss the issues with the alleged victim of the harassment and/or, where appropriate, the alleged perpetrator. Unless the individual expressly requests otherwise the incident/concern should be reported to the Director of Operations .

It may be necessary in serious cases (for example, where it is felt that others could be at risk if no action is taken) for the allegations to be investigated and disciplinary action taken even if a formal written complaint is not made.

Every employee, manager and supervisor who observes any harassment has an obligation to speak to the harasser to advise against any such behaviour. Anyone who feels unable to do so should raise their concerns with their line manager and/or the Director of Operations.

Procedure

Any individual who believes that they have been subject to, or have witnessed harassment, victimisation or bullying, has access to channels through which complaints can be raised.

The nature of harassment, victimisation or bullying is such that it is recognised that an individual may not wish to discuss it initially with their immediate manager or supervisor, particularly if the immediate manager or supervisor is the source of the problem. A Harassment, Bullying and Victimisation Complaints Procedure (the "Harassment Complaints Procedure") has therefore been established.

Reference to and application of the Harassment Complaints Procedure removes neither the individual's nor the employer's legal or contractual rights, responsibilities, obligations or remedies.

All complaints must be taken seriously and dealt with confidentially and promptly, although they may take longer where, for example, additional time is needed to carry out a proper investigation of the facts.

If a complaint is upheld, the resolution of the situation will be aimed, amongst other things, at preventing any repetition of the behaviour or any associated behaviour.

Employees are assured that they will be protected against any victimisation for bringing a complaint. Any person who is found to have victimised or retaliated against another for complaining, supporting an employee or giving evidence about harassment will be subject to disciplinary action, and, if sufficiently serious, may be summarily dismissed as a result of their actions.

Employee Responsibility and Complaints Procedure

It is the responsibility of all employees to comply with this policy and to treat all others with respect and dignity. Every employee must take reasonable steps to ensure that harassment does not occur and must report any incidents to their line manager and/or the Director of Operations.

Informal Action

Any individual who feels that they or others have been harassed, victimised, bullied or treated in a way that breaches this policy should, if they feel able to do so, immediately tell the individual(s) doing it that the behaviour in question is offensive, unwanted and that it should stop.

A note should be kept of the date(s) and what was said by all involved. This may be needed as evidence should a further complaint of harassment, victimisation or bullying be made.

This is often sufficient to correct the situation, particularly if the individual(s) involved was/were unaware that the behaviour was causing offence.

An individual who feels unable to do this or who continues to be subjected to behaviour which they believe is in breach of this policy should raise the matter, either verbally or in writing, with their line manager or the Director of Operations. Following initial discussions, the complainant will be asked to choose one of the following options:

1. decide that no further action is necessary;
2. discuss the complaint with the alleged perpetrator (in the presence of the complainant's line manager or the Director of Operations if the complainant wishes);
3. request that the complainant's line manager or the Director of Operations help to resolve the matter through informal and discreet approaches to the individual; or
4. make a formal complaint using the procedure outlined below.

Formal Action

At any time, whether or not informal action has been taken, any individual who feels that they or others have been harassed, victimised, bullied or treated in a way that breaches this policy can make a formal written complaint to their line manager or the Director of Operations. Any such complaint should specify:

- the name of the alleged perpetrator;
- the date of any incident(s);
- the nature of the conduct complained of; and
- the name of any persons present who may have witnessed the incident(s).

All complaints will be handled in a timely, confidential, impartial and sensitive manner. The allegations will be fully investigated, with the complainant, the alleged perpetrator and any potential witnesses being separately interviewed by a designated member of P&O and the Director of Operations (although the Company reserves the right to substitute another interviewer where it considers it appropriate to do so). In advance of the meeting, the employee will be given written details of the complaint against them and, so far as practicable, copies of any available evidence.

Where possible, action will be taken to minimise contact between the complainant and the alleged perpetrator while the investigation is carried out. In serious cases the alleged perpetrator may be

suspended on full pay, or no pay, depending on the circumstances of the case and pending conclusion of the investigation.

If the investigation reveals the complaint to be valid, action designed to stop the harassment and efforts made to prevent its recurrence will be taken. The Company's Disciplinary Procedure will be used as appropriate.

Employees against whom a complaint has been made will have the opportunity to put forward their side of the story and are entitled to a fair and impartial hearing. In serious or persistent cases of harassment, dismissal may result. Other cases may warrant a warning. In some situations, it may be appropriate to relocate or transfer one of the parties concerned. In the case of a complaint being upheld under this policy every effort will be made to relocate the perpetrator and not the complainant.

In accordance with the Company's Disciplinary Procedure, where the complaint is upheld, the perpetrator will have the right of appeal against any disciplinary action taken against them as a result of a complaint under this policy.

The Company will make all reasonable efforts to keep the complainant and alleged perpetrator informed of relevant developments and expected timetables in relation to its investigation into the complaint(s) made.

At the conclusion of the investigation and any subsequent disciplinary action the complainant shall be advised, in writing, of the outcome of such actions.

Appeal

If, having made a formal complaint under this policy, the complainant believes the outcome is either wrong or unjust, they may appeal, in writing to a nominated person, within fourteen (14) days of being informed of the outcome of the investigation.

Following a review of the matter, if any new information comes to light, a further hearing will be held, typically within seven (7) days of the appeal being registered. The appeal hearing will typically be heard by a more senior manager or the Director of Operations, where possible. The Company will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider the information before the hearing.

Where no new information is brought forward, the appeal may be a review of the fairness of the original decision. This will be at the Company's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.

The complainant will be notified in writing of the decision, which will be final.

Counselling Services

The Company offers access to a confidential counselling service through the Employee Assistance Programme (EAP) which is available to those involved in or affected by any complaint made under this policy. See above for further detail on how to access the programme.

Confidentiality

All complaints and associated correspondence and interviews will be treated in strict confidence as far as possible. Unwarranted disclosure of confidential information may result in disciplinary action being taken.

Responsibility

All employees, and in particular managers and supervisors, must ensure that this policy is adhered to at all times. Disciplinary action will be taken against employees who act in breach of this policy and may result in summary dismissal in the case of a serious breach of it. Disciplinary action will also be taken against any employee found to have made malicious or vexatious allegations of harassment.

P&O is responsible for ensuring the maintenance and regular review and updating of this policy. Revisions, amendments or alterations to this policy can only be implemented following consideration and approval by P&O.