CPX Technology Building, Pepper Road,
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Sexual Harassment Policy

Introduction

The company are committed to ensuring all members of staff are entitled to be treated and treat others, with dignity and respect in the workplace. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise. Sexual harassment can occur both in and outside of the workplace, such as on business trips, at work-related events, social functions or on social media.

Sexual harassment takes many forms, but whatever form, it is unlawful under the Equality Act 2010 as amended.

The law required employers to take reasonable steps to prevent sexual harassment of their staff. The company is committed to take action to prevent sexual harassment from occurring and have clear reporting procedures to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, the company encourage you to let us know as soon as possible, so we can deal with the matter swiftly.

The Managing Director has overall responsibility for the operation of this policy but may delegate elements of the implementation or decision-making to The HR Department. The managers will maintain an open-door policy and the company encourages all employees to come forward with any concerns in relation to sexual harassment. All employees have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action up to, and including, termination of employment.

This policy is reviewed regularly to ensure it remains up to date and to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

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Scope

The company deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, consultants, volunteers, interns and contractors in all areas of our company, including any overseas sites.

Definitions

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

A fellow worker, an agent of a company, or a third party may commit sexual harassment. It does not need to occur in person. It can occur via digital means, including social media sites or channels (e.g. WhatsApp, text messages etc.) Someone may be sexually harassed even if they were not the target of the behaviour. For example, someone may be sexually harassed by pornographic images displayed on a colleagues' computer in the workplace.

Examples of sexual harassment include, but are not limited to:

- Sexual comments or jokes, which may be referred to as "banter"
- Displaying sexual graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact in online communications, including on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails, text messages or messages via other social media
- Unwelcome touching, hugging, massaging or kissing

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act for detrimental treatment to be considered as victimisation.

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The protected acts are:

- Making a claim or complaint under the Equality Act 2010 (e.g for discrimination or harassment)
- Helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- Alleging that someone has breached the Equality Act 2010
- Doing anything else in connection with the Equality Act 2010

Example of victimisation may include:

- Failing to consider someone for promotion because they have previously made a sexual harassment complaint, or it is suspected that they intend to make a complaint about sexual harassment
- Dismissing or failing to promote someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

Circumstances which are covered

The policy covers behaviour which occurs in the following situations:

- A work situation
- A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a business trip or social functions
- Outside of a work situation but involving a colleague or other person connected to the company, including on social media platforms
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

What to do if you are subject to sexual harassment or victimisation

The company is committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of the company disciplinary procedure.

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Informal complaint

The company recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether that person has a direct supervisory responsibility to you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

In addition, you may also choose to raise concerns during your regular communication with your manager, e.g. in a one-to-one meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below. If you do not have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that your may have.

If you are not sure whether an incident or series of incidents amount to sexual harassment, you should contact your HR Department informally for confidential advice on the situation.

If you are the victim of minor sexual harassment, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally, then you could hand a written request to the harasser and your confidential helper can assist you in this. If you do not feel able to do this, you should speak to your Line Manager, who will provide confidential advice and assistance to resolve the issue informally.

Formal Complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, it should be brought to the attention of your Line Manager as a formal written complaint, which if you chose one, your confidential helper could assist you with this.

If the matter concerns your Line Manager, you should submit it to your HR Department instead.

If possible, you should keep notes of what happened so that the written complaint can include:

- The name of the alleged harasser
- The nature of the alleged harassment
- The dates and times when the alleged harassment occurred
- The names of any witnesses
- Any action already taken by you to stop the alleged harassment.

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On receipt of a formal complaint, the company will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved, in line with company procedures, or making changes to your working arrangements, such as change of duties or working hours, to avoid or minimise contact with the alleged harasser.

Where the complaint is about someone other than an employee, such as a customer, supplier or visitor, the company will consider what action maybe appropriate to protect you and anyone involved pending the outcome of the investigation.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation.

The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

On conclusion of the investigation, the investigator will submit a report to a manager. The manager will then arrange a meeting with you, usually within one week, to discuss the outcome and what actions, if any, need to be taken. You will have the right to bring a colleague, your confidential helper or a trade union representative with you to the meeting.

A copy of the report and findings will be given to you and the alleged harasser.

If the findings show there is a case to answer, the matter will be dealt with under misconduct or gross misconduct, under the company disciplinary procedure.

You have the right to appeal against the findings of the investigation. If you wish to appeal, you must inform the person referred to in the outcome letter within five working days of receiving the outcome. You will then be invited to a further meeting, usually within one week of receiving your appeal. At the appeal hearing, where practicable, the company will be represented by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting). They then may ask anyone previously involved to be present also.

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You will have the right to bring a colleague, your confidential helper or a trade union representative with you to the meeting.

Following the appeal meeting, you will be informed of the final decision, as soon as possible, which will be confirmed in writing to you.

Regardless of the outcome of the procedure, the company are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

Employees will not be victimised for having brought a complaint.

Any employee who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under the company's disciplinary procedure.

What to do if you witness sexual harassment or victimisation

Anyone who witnesses sexual harassment or victimisation, are encourages to take appropriate action to address it. You should not take any action that may put you at risk or sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the victim and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the HR Department in writing. Alternatively, you can report instances of sexual harassment by emailing.

Your concerns will be handled by an appropriate manager who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers and members of the public.

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Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law required employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable step to prevent third-party sexual harassment may result in legal liability in other types of claims

To prevent third-party sexual harassment from occurring, the company will:

- Inform third parties of our zero-tolerance sexual harassment policy within our supplier documentation
- inform customers through displaying the Sexual Harassment Policy on our company website

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to your manager.

Should a customer/client sexually harass a member of our workforce, we will take action such as, warn the customer/client, ban the customer/client, share details with other parties. Any criminal acts will be reported to the police.

The company will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment, in line with the company disciplinary procedure.

Disciplinary Action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using the company disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

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Training

The company will provide training to all our staff on sexual harassment to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour
- how they can report any incidents of having been sexually harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

The company will ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

The company will regularly review the effectiveness of our training and provide refresher training as appropriate.

Employee Assistance Programme

The company remind you that further support is available by contacting our Employee Assistance Programme (EAP), a confidential 24-hour telephone counselling service, which can be accessed on 0800 030 5182.

Further Support:

Support and guidance can also be obtained from the following external services:
(a) The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
(b) Protect (www.protect-advice.org.uk).
(c) Victim support (www.victimsupport.org.uk).
(d) Rape crisis (www.rapecrisis.org.uk).
(e) Rights of women (England and Wales) (www.rightsofwomen.org.uk).