

SEXUAL HARASSMENT POLICY & PROCEDURES

1. POLICY OVERVIEW

- 1.1** HS-UK expects everyone to be treated with respect and dignity in line with the Company's corporate values. The Company is committed to providing a safe working environment that is free from bullying, discrimination, harassment, sexual harassment and victimisation.
- 1.2** The company believes that sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals, on the workplace and for the organisation. Sexual harassment is unethical, unprofessional and undermines our corporate values. For these reasons, we take a zero-tolerance approach to sexual harassment.
- 1.3** This policy is designed to help employees understand their responsibilities and where to go for support. The Company has a clear procedure to make sure that any complaints of sexual harassment are always dealt with in an appropriate way but also steps in place to prevent sexual harassment occurring.
- 1.4** This policy applies to all employees, workers, agency workers and contractors.
- 1.5** This policy covers behaviour which occurs in the following situations:
- A work situation, either on or off site and at any venue
 - A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. working lunch, business trip or social event
 - Outside of a work situation but involving a colleague or other person connected to HS-UK.
- 1.6** The Company will provide all employees and managers with training on this policy, ensuring they understand their duties and responsibilities. See Section 12 for further details.

2. SEXUAL HARASSMENT

- 2.1** Sexual harassment is unlawful, and it is defined under the Equality Act 2010. It occurs when a person is subjected to unwanted conduct of a sexual nature which has the purpose or the effect of:
- Violating the person's dignity
 - Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person or others.
- 2.2** The conduct does not need to be sexually motivated only sexual in nature.
- 2.3** Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome. Unwanted conduct that has an effect can be considered harassment, even if the effect was not intended.
- 2.4** A single, one-off event or a series of incidents can amount to sexual harassment.

- 2.5** A person can be affected by sexual harassment even if the conduct is not targeted at them.
- 2.6** Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. Sexual harassment often arises as a form of violence against women and girls, but it can also be a form of violence targeted at men and those with non-binary gender identities.
- 2.7** Sexual harassment can be a manifestation of power relationships and can occur within unequal relationships in the workplace. It can arise as the result of sexism and power inequalities between women and men. In cases where sexual harassment is found to have occurred, such abuses of power will be taken into account.
- 2.8** The Company recognises that certain vulnerable or minority groups may be more at risk from sexual harassment.
- 2.9** Types of behaviours which constitutes sexual harassment include, but are not limited to:

PHYSICAL CONDUCT

- Unwelcome physical conduct including patting, pinching, stroking, kissing, hugging
- Fondling or inappropriate touching
- Physical violence including sexual assault and rape
- The use of job-related threats or rewards to solicit sexual favours
- Unwanted body touching or physically molesting a person
- Standing too close to someone
- Excessively lengthy handshakes
- Unwanted brushing against another's body.

VERBAL CONDUCT

- Banter
- Mimicry
- Comments about someone's appearance, age, private life etc.
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the person
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images by any medium
- Coercion
- Gaslighting (a form of covert emotional abuse)
- Intrusive enquiries into someone's personal life
- Reference to their sexuality or physical appearance
- Unwanted sexual compliments or excessive flirting.

NON-VERBAL CONDUCT

- Display of sexually explicit or suggestive material or images including graffiti
- Acts affecting a person's surroundings

- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Predatory behaviour, obscene, suggestive or offensive communications including email and social media
- Pornographic or offensive posters, handouts or screensavers
- Indecent exposure
- Leering or staring.

2.10 Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated and where that reaction is reasonable in the circumstances.

2.11 Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

3. THIRD PARTY HARASSMENT AND PREVENTION

3.1 At HS-UK sexual harassment from third parties towards any of our colleagues is not tolerated. This is where an individual(s) involved have a legitimate relationship to the business – whether they are a visitor, customer, supplier, contractor or third party encountered as part of the individual's role.

3.2 The Company have risk assessments in place to help prevent any harassment from third parties.

3.3 In addition, we will take the following steps to prevent sexual harassment by third parties:

- Make it clear to third parties who work with us that sexual harassment of our colleagues is unacceptable
- Provide regular training for managers and employees to raise awareness of rights related to sexual harassment and of this policy.

3.4 Any inappropriate actions/behaviours from third parties, should be reported by those who are affected or witnessed it, so the Company can take the appropriate action to prevent this, such as warn the third party about their behaviour, ban them from our premises, report any alleged criminal acts to the police and share information with other areas of the business.

3.5 The Company will not tolerate sexual harassment by any member of the workforce against a third party.

4. RESPONSIBILITIES

4.1 At HS-UK all employees are responsible for creating an environment that is free from bullying, discrimination, harassment and victimisation. The Company expects everyone to live by our corporate values and treat everyone with respect. We all have a part to play in ensuring colleagues are treated fairly and this means standing up to behaviour which we believe is unacceptable.

4.2 Responsibilities are outlined below:

DIRECTORS

- Have a legal duty to provide a safe working environment and ensure swift and effective action in recording and responding to a report of sexual harassment
- Ensure employees have access to confidential support and advice services, this includes ensuring there is a designated person responsible for receiving reports of sexual harassment
- Establish effective recording and reporting mechanisms using both formal and informal routes
- Ensure that those who are approached with a report of sexual harassment know how to respond and record information.

ALL EMPLOYEES

- Have a responsibility to contribute to a productive and respectful working environment. This includes supporting and caring for their colleagues, customers and visitors
- Have a duty in the creation of a safe working environment, where sexual harassment is not tolerated
- Must ensure that they understand what sexual harassment is and be aware of how their behaviour may affect others
- Should challenge unacceptable behaviour wherever possible, as long as it is safe to do so. Forms of intervention include, calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately, taking steps to defuse the situation/redirect those involved, checking in with the recipient of the behaviour after it has taken place assuring them that what occurred was not acceptable
- Should report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it themselves
- Co-operate in investigations into alleged sexual harassment
- Ensure that this policy is followed at all times.

MANAGERS

- Have a particular duty to ensure that within their area of responsibility everyone is treated with dignity and respect
- Should role model inclusive behaviour and lead by example. Keep talking to colleagues about the Company's corporate values. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach of this Policy
- Must understand and be committed to the rights and entitlements of all employees to attend work and perform their duties, without the fear of being sexually harassed in any form
- Must understand what constitutes an act of sexual harassment
- Be aware of behaviour and language that can cause offence, including jokes and banter, and if necessary, remind employees of their expected standards
- Must ensure all reasonable steps are made to eliminate sexual harassment.
- Should always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected

- A manager's failure to actively implement this Policy within their area of responsibility, or failure to report sexual harassment when they become aware of it, could constitute a breach of this Policy.

HUMAN RESOURCES

- Understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form
- All employees are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment
- They provide an environment which discourages harassment and victimisation and set an example by their own behaviour
- They treat all complaints seriously and confidentially
- They take immediate and appropriate corrective action if they become aware of any offensive action
- Respond to complaints of sexual harassment swiftly, sensitively and objectively using the specified procedures
- The focus in dealing with complaints should be to understand what has happened and address that proportionately, including where this involves the Company acknowledging failing and accepting fault and blame where appropriate
- Deal directly with any third-party perpetrator (such as clients, visitors or contractors) actions which may include withdrawing a service, terminating a contract or banning from the premises if behaviour is not moderated
- Ensure that guidance, support and education is provided to all employees in relation to the prevention of sexual harassment
- Ensure that managers are aware of their obligations and responsibilities in relation to sexual harassment and the rights and entitlements of their employees
- Ensure that this Policy is followed at all times.

5. REPORTING PROCEDURE

- 5.1** The Company strongly encourages any employee who feels they have either been sexually harassed or have witnessed another colleague being affected by sexual harassment to take immediate action, preferably by making it clear that such behaviour is unwelcome and offensive. Alternatively, or in addition, you can report a case of sexual harassment either verbally or in writing to the Human Resources Department. Alternatively, you do have the option of utilising the Whistleblowing Policy and Procedure (PPM040).
- 5.2** The Company encourages all employees to raise issues that are concerning. No employee will face disciplinary action for doing this or for being a witness for someone who has raised a complaint. If someone victimises a colleague for complaining or being a companion to a witness, the Company may take disciplinary action against them.
- 5.3** The Company recognises it takes strength and bravery to report an incident of sexual harassment and there is a wide range of support tools and resources available as a result.

- 5.4** If an individual is in any doubt as to whether an incident or series of incidents that have occurred could constitute harassment, they should either speak to the Human Resources Department or their line manager on an informal, confidential basis.
- 5.5** The Company is committed to ensuring that there is no sexual harassment in our workplace. Allegations of sexual harassment may be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our Disciplinary and Capability Policy and Procedure (PPM010).
- 5.6** The Company recognises that complaints of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate for individuals to raise the issue formally. In these circumstances, we strongly encourage employees to take an informal route that may involve one or more of the following options:

INFORMAL STAGE

- If the individual feels comfortable to do so, they should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask them to stop. If they feel unable to do this verbally then a hand written request can be written to the harasser
 - Ask for confidential support from the Human Resources Department or your Line Manager and arrange an informal meeting to discuss the issues and agree a way forward
 - Using facilitated conversations or mediation. This will involve an independent, impartial person helping both sides to try and find a solution
 - If the complaint cannot be resolved informally, the individual may decide to deal with it formally
 - If the harassment poses a serious risk to safety or the safety of others, the Company may decide to proceed with formal action.
- 5.7** Individuals are advised to make a formal complaint where serious sexual harassment 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 Human Resources Department.
- 5.8** The Company will keep an open mind when dealing with a complaint and will avoid making any assumptions. Any complaint will be looked into thoroughly and fairly, keeping in mind any sensitivities that make it hard for a colleague to speak up about harassment.
- 5.9** The Company will seek to offer support to those who experience or witness sexual harassment and those accused of harassment.

FORMAL STAGE

- To enable the Company to deal with a complaint properly, the written complaint should set out full details of the behaviour in question, including the name of the harasser, the nature of the harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken to attempt it to stop occurring

- The Human Resources Department will then talk to the individual to find out more about the issue and how they would like it handled, and an approach will be agreed.
- The Company will appoint someone to investigate the complaint who is neutral, not involved in the complaint and will carry out a fair investigation
- If it is necessary to separate the colleagues involved while the complaint is handled, the Company will seek to do so fairly
- Where the allegations are serious, the Company may suspend the alleged perpetrator on full pay whilst the complaint is being investigated. This is not considered disciplinary action at this stage, nor does it imply that any decision has been taken about the case
- The complainant will be interviewed by the investigator to establish full details of what happened. They may choose to be accompanied to this meeting by a fellow colleague or a trade union official
- The investigator will then carry out a thorough, independent, impartial and objective investigation. The investigation will be carried out as quickly and as sensitively as possible with due respect for the rights of the person bringing the complaint and the alleged perpetrator
- The investigation will involve interviews with the person against whom the complaint is made and 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
- Strict confidentiality will be maintained throughout the investigation into the allegation. The importance of confidentiality will be emphasised to any colleague involved, including any witnesses
- Upon completion of the investigation, the complainant and the alleged perpetrator will be notified as to whether the allegation has been found to be substantiated or unsubstantiated
- If the allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour. Depending on the circumstances and the seriousness of the complaint, this may result in dismissal
- Where a complaint is about someone other than a fellow colleague, such as a supplier, customer, contractor or other third party, the Company 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 the business and the rights of the third party. The matter will be discussed with the third party or their employer where appropriate.

5.10 Malicious or false complaints of sexual harassment can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of sexual harassment made in bad faith may be dealt with via our Disciplinary and Capability Policy and Procedure (PPM010).

6. POTENTIAL OUTCOMES

6.1 Following the informal or formal stages described above, possible outcomes may include, but not limited to, any combination of the following:

- Reminding those involved of the expected standards of conduct

- Further training to raise awareness
- Monitoring of the situation
- Counselling
- Disciplinary action against the harasser, which could include dismissal, a formal warning, demotion, transfer or suspension
- Disciplinary action against the complainant if there is strong evidence that the complaint was false or malicious
- Formal apologies and agreement that the behaviour will cease
- Mediation/conciliation conducted by an impartial third party with the aim that both parties agree to a mutually acceptable resolution.

6.2 Outcomes will depend upon factors such as:

- The severity and frequency of the harassment
- The weight of the evidence
- The wishes of the person who was harassed
- Whether the harasser could have been expected to know that such behaviour was a breach of policy
- The level of contrition
- Whether there have been any prior incidents or warnings.

7. APPEALS

7.1 If an individual is not satisfied with the outcome of a complaint, they may appeal in writing to the Human Resources Department stating the full grounds of appeal. The appeal must be submitted within 10 working days of the date the decision was given.

7.2 Both the complainant and the alleged perpetrator may appeal an outcome if they feel that the procedure wasn't followed correctly, or if they feel the outcome was wrong or unfair or if new substantial evidence is identified.

7.3 An appeal meeting will be arranged, normally within 1 week of the appeal being received. Individual's may choose to be accompanied to this meeting by a fellow colleague or a trade union official.

7.4 The appeal will be dealt with impartially by a Director or Senior Manager who has not previously been involved in the case.

7.5 Those concerned will be informed of the final decision in writing within 10 working days of the meeting. This is the end of the procedure and there is no further appeal.

8. EXTERNAL RESOURCES AND SUPPORT AVAILABLE

8.1 Anyone who has experienced sexual harassment at work, can contact the following organisations for free, confidential support and advice:

UNUM – Help@Hand is there every day, with services from trustworthy experts and everyday assistance for individual's and eligible family members.

<https://www.unum.co.uk/employee/help-at-hand>

Canada Life – MyStrength is a personalised mental wellbeing support tool which is designed to help employees overcome life’s challenges. The Company access code is G33246
<https://www.canadalife.co.uk/workplace-protection/support-services/mystrength/>

Samaritans – Is a charity who can provide emotional support to individuals who are struggling to cope or need someone to listen to them.
<https://www.samaritans.org/> or call 116 123 for free

Victim Support – Is an independent charity that provides free confidential and tailored support to victims of crimes, regardless of whether the crime has been reported or how long ago it happened.
<https://www.victimsupport.org.uk/> or call the helpline on 08 08 16 89 111

Galop – Supports LGBT+ people who have experienced abuse and violence.
<https://www.galop.org.uk/> or call 0800 999 5428

8.2 Anyone affected by sexual harassment at work can speak to the Human Resources Department for further support and guidance.

9. RELATED POLICIES

9.1 Copies of these policies can be found on PeopleHR:

- Whistleblowing Policy and Procedure (PPM040)
- Disciplinary and Capability Policy and Procedure (PPM010)
- Corporate Values Policy (PPM053)
- Bullying, Harassment and Victimisation Policy and Procedure (PPM003)
- Equal Opportunities Policy (PPM013)
- Social Media Policy (PPM032)
- Social Value Policy (PPM039)
- Employee Privacy Notice (GDPRM002).

10. RISK ASSESSMENT

10.1 The Company will conduct a risk assessment that will identify, assess and mitigate potential risks of sexual harassment in the workplace. The risk assessment is designed to ensure that all employees, contractors and third parties operate in a safe and respectful environment that is free from harassment.

10.2 The sexual harassment risk assessment will identify any control measures that are needed to create a safer workplace for everyone.

10.3 The Company will review the effectiveness of the risk assessment on an annual basis, or sooner if there are any reported incidents of sexual harassment. This may result in the risk assessment and policy being updated.

11. GDPR

11.1 The Company will comply with GDPR legislation when handling reports of sexual harassment.

11.2 The Company will handle any necessary personal data related to cases of sexual harassment very carefully and in compliance with the Employee Privacy Notice (GDPRM002).

12. TRAINING

12.1 The Company will provide annual policy training for all employees to ensure they are aware of:

- The definition of sexual harassment
- Examples of prohibited conduct
- Role and responsibilities including intervention techniques
- The reporting procedure.

This policy training will also be included in our induction process for all new employees.

12.2 Online training will also be provided to all Managers to ensure they are aware of their responsibilities to ensure that the Company is providing a safe working environment that is free from sexual harassment.

12.3 Online training will be provided to all employees to ensure everyone recognises and understands sexual harassment.