

B.B. Price Group of Companies, including Harris (Steels) Limited - Sexual Harassment Prevention & Action Policy and Procedure

1. Introduction

The B.B. Price Group of Companies are committed to providing an inclusive, supportive and safe working environment for everyone who works here, which includes employees and agency workers, but also third parties such as service providers, contractors and visitors.

Sexual harassment is prohibited under the Equality Act of 2010. It occurs when a person is subjected to unwanted conduct of a sexual nature which has the purpose or the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The company will not tolerate any form of sexual harassment in the workplace, will treat all incidents seriously and promptly investigate all allegations of sexual harassment under this policy and procedure. You are expected to treat all persons with dignity and respect without subjecting them to sexual harassment or unwanted attention in all your communications, whether verbal or non-verbal.

This policy will apply to any unwanted sexual harassment that occurs in the course of a person's work. This includes at their place of work, on their commute, or at/while travelling to a place which is not their place of work if they are there for a reason related to work, including a work-related social event, business trip, training session or conference.

While this policy does not form part of any contract of employment (or contract to provide services) and may be amended at any time, all staff will be made aware of this policy and will be expected to comply with it. Sexual harassment will be treated as a disciplinary offence.

No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint.

2. Aim

The aim of this policy and procedure is to prevent and respond to incidents that might arise and take action to effect long-term change by:

- Educating all staff about sexual harassment and their role in delivering a culture free from harassment.
- Fostering a working environment that supports the dignity and respect of all and is free from any sort of discrimination, bullying, harassment and violence, including gender-based violence.
- Where sexual harassment does occur, providing processes and procedures for dealing with it to ensure that it is properly managed.
- Learning from what happened to create an environment free from harassment.
- Building continuous improvement of our culture, with zero tolerance of sexual harassment.

3. Related Policies

Related policies should be read in conjunction with this policy:

- Dignity at Work Policy and Procedure
- Equal Opportunities Policy
- Health and Safety Policy
- Code of Ethics Policy
- Disciplinary Procedure

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4. What is Sexual Harassment?

Sexual Harassment is prohibited 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 persons' dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person

Unwanted conduct that has one of these effects can be harassment even if the effect is not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person may be affected by sexual harassment even if the conduct is not targeted at them.

It is unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Any person can be a victim of sexual harassment regardless of sex, sexual orientation, or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. The company recognises that sexual harassment often arises as a form of violence against individuals including those with non-binary gender identities.

Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal workplace relationships between management and a junior colleague or a long-standing employee and a new starter. In cases where sexual harassment is found to have occurred, such abuses of power will be taken into account in deciding what disciplinary action to take.

Certain vulnerable minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment. This is because multiple categories of identity, such as gender, race, sexuality, trans status, religion and disability can interact in ways that create complex variations of oppression based on the different aspects of a person's identity.

5. What is 'Unwanted Conduct'?

This may be a wide range of behaviour which is unwanted and unwelcome. Types of behaviour that constitutes sexual harassment may include:

Physical Conduct

- Unwanted physical contact including patting, pinching, stroking, kissing or hugging
- Fondling or inappropriate touching
- Physical violence, including sexual assault or rape
- The use of job-related threats or rewards to solicit sexual favours

Verbal Conduct

- Banter
- Mimicry
- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories, jokes or pranks
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images by any medium
- Coercion
- Gaslighting (covert emotional abuse)

Non-Verbal Conduct

- Display of sexually explicit or suggestive material or imagery
- Exposure to inappropriate online material
- Inappropriate online contact
- Inappropriate online behaviour
- Graffiti
- Acts affecting a person’s surroundings
- Posts or contact on social media
- Facial expressions
- Gestures
- Whistling
- Leering
- Predatory behaviour

The effect of such behaviour and whether it is unwanted should be considered from the view of the recipient, the person who feels embarrassed.

There may be other unwanted sexual behaviour, which though not wanted is still inappropriate in the workplace (including in a place that might legally count such as a work event or even walking home). For example, engaging in a consensual sexual act in the workplace. We do not permit sexual conduct in the workplace and any such behaviour may be addressed as a breach of the sexual harassment policy. We recognise that if this behaviour were allowed to take place, there is a risk of one party believing that the conduct is welcome and the other considering the conduct to be unwanted, either at the time or with hindsight. This can increase the risk of sexual harassment.

6. Preventing Sexual Harassment

Other relevant policies referred to in section 3 of this policy are relevant in conjunction with sexual harassment of which the company’s Dignity at Work Policy and Procedure is particularly relevant and other policies will provide context-specific guidance.

The company understands its duty of care to its employees, as imposed by law, including specific obligations to protect the health and safety and welfare of its staff and third parties that may be affected. In discharging this legal duty we recognise that there are certain measures that the company can take to help prevent sexual harassment in the workplace, including adequate measures are in place to tackle sexism and address inequality between sexes and personal identities as well as other forms of discrimination including racism, ageism, ableism, homophobia or transphobia as well as conditions which cause high levels of stress. The company may adopt and operate various measures to combat these factors including:

- **Good Management Practices:** Including anti-discrimination practices, competent and respectful people management, awareness of the conditions that can allow sexual harassment to become prevalent and consistency in taking appropriate preventative actions and interventions, including prompt and unambiguous actions to visibly demonstrate that concerns over sexual harassment will be taken seriously.
- **Risk Assessment:** Including consideration of factors that can increase the risk and sexual harassment including workplace stress, power imbalance, lone working, third-party interactions and lack of diversity or inclusion in the workforce.
- **Awareness Raising:** About the nature and impacts of sexual harassment, common reactions to sexual harassment and the requirement for respectful behaviour for all staff to create a culture free from harassment and to identify and address incidents when they occur. Copies of this policy and procedure shall be issued to all company staff individually; it shall also appear in visitors’ books and in communication folders placed in company canteens and posted on the company’s website.

- **Top Management Involvement:** This policy and procedure has been created by the company's top management and communicated to all levels of company management. The directors of the company understand the need to communicate and support and promote the application of the company's sexual harassment policy in the workplace. Junior managers should also be encouraged to make reports where they have concerns, regardless of seniority.
- **Targeted Training:** On sexual harassment and about this policy for all staff, including managers at all levels of the company. It will include role model and the value of speaking out to raise concerns and not being a bystander to sexual harassment, what constitutes sexual harassment, how to prevent and report it and the responsibilities of management, investigating it and making decisions about complaints and disciplinary processes.
- **Confidential Reporting:** Contact points where staff can raise concerns in a confidential discussion of their concerns and their situation and be provided with information regarding taking further action.
- **Staff Survey:** Ascertaining how working conditions impact staff and identifying any areas of concern, with periodic surveys and liaison with works representative.
- **Awareness of Gender Balance and Improving Diversity and Inclusion:** Risk assessment, staff feedback and data monitoring of reports, investigations, disciplinary actions, sickness absence and staff turnover may all provide indicators of how effective the company's policy and procedure is at preventing and controlling sexual harassment, leading to reviews and corrective actions or improvement.

7. Responsibilities

Everyone has a part to play in being aware of preventing and dealing with sexual harassment.

- **Directors**

The Directors have overall responsibility for this policy and procedure. This includes communicating and applying the policy, acting as role models and reviewing the policy to ensure its ongoing effectiveness.

- **Managers**

All persons with line management responsibilities must ensure that all workers are aware of this policy and procedure and understand both their own and the company's responsibilities.

Managers have a particular duty to ensure that in their area of responsibility, that everyone is treated with dignity and respect. To do this they shall:

- Challenge unacceptable and questionable behaviour that they become aware of
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively and objectively using specified procedures.
- When dealing with complaints try to understand what has happened and to address that proportionately, including where this involves the employer acknowledging fault within the organisation.
- Deal directly with third-party perpetrators (services providers, contractors, visitors) outlining actions which may include reporting to their management, their banning from our premises or termination of a contract if behaviour is not moderated
- Ensuring that the sexual harassment policy is followed
- Settling an example to others with their behaviour

A Line manager's failure to implement this policy in their area of responsibility and failure to deal with sexual harassment may constitute a breach of the policy.

- **Employees/Workers**

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues and other parties. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated. To do this you should:

- Understand what sexual harassment is
- Be aware of how their behaviour may affect others
- Challenge unacceptable behaviour
- Help defuse any situations of sexual harassment
- Check-in with persons who may have received sexual harassment
- Report incidents of sexual harassment (either experienced directly or witnessed).
- Co-operate in investigations to sexual harassment

8. Third Parties

Third parties may include, customers, suppliers, visitors, service providers or contractors.

The Worker Protection (amendment of the Equality Act 2010) 2023 requires employers to take reasonable steps to prevent sexual harassment of staff in the course of their employment and to take proactive approach to manage the risk of workplace sexual harassment by third parties. Any instances of work-related sexual harassment, from a third party (regardless of who the alleged perpetrator is), should be reported in line with this policy and procedure.

You should also be aware that third parties may potentially direct this type of behaviour at you and that some situations may pose a greater risk of this occurring. These include:

- Interactions while working alone
- Events where socialising with third parties occur
- Any situation where alcohol may be taken
- Where third parties are unaware of company rules or policies
- Shared journeys

Likewise, it is unlawful for any company employee or agency worker to sexually harass or give unwanted conduct to the third parties you may encounter at work.

9. Witnessing Sexual Harassment

What should you do?

If you see someone being sexually harassed at work, you could step in and try and stop it happening, if you feel it is safe to do so.

After (or during) it has happened you can:

- Support a complaint made by the person who experienced the sexual harassment. This may include giving evidence as a witness in an investigation.
- Report what you've seen or experienced to your line manager (or another appropriate manager)
- Make a sexual harassment complaint yourself (you do not need the permission of the person who's been sexually harassed).

When deciding whether to make a report yourself you may talk to the person who experienced the harassment to see if they want your support or talk to someone else to help you decide (e.g. someone you trust at work).

If you report that you have witnessed sexual harassment, but do not consider the company has managed your complaint appropriately, you can raise a complaint through this procedure.

10. What Should You Do If I Have Been Accused of Sexual Harassment or Unwanted Sexual Conduct?

If you have been approached by a colleague or third party, and accused of sexual harassment or unwanted sexual conduct, you should listen carefully to their complaint and reflect on your behaviour. It is important to remember that everybody has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. A genuine apology and assurance that the behaviour will not be repeated may be enough to end the matter. If an apology is not accepted by the individual you are advised not to persist in contacting them and consider raising the matter with your line manager.

Where the complaint is raised formally, you must engage in the investigation process. Allegations of sexual harassment may amount to an act of misconduct or gross misconduct. Where the nature of the allegations are serious, and/or there are concerns regarding the safety of the complainant, the company may consider suspension from work on full pay, pending the outcome of any investigation. Suspension is not intended to indicate guilt and would be considered where there are no other suitable alternative options available.

11. What Should I Do If I'm The Recipient of Unwanted Conduct of a Sexual Nature?

Informal Resolution Process

If you consider yourself the victim of sexual harassment or unwanted conduct, you may in some instances be able to resolve the matter satisfactorily by explaining clearly to the perpetrator that their behaviour is unacceptable, contrary to the company's sexual harassment policy and must stop. Alternatively, you may ask a fellow employee to explain this on your behalf, or to be with you when you confront the perpetrator.

You are encouraged to seek the assistance of your line manager when you want advice regarding appropriate steps to stop harassment or unwanted conduct. Any discussion will be confidential.

If you have an issue, which you do not feel comfortable addressing directly to the perpetrator, or is not appropriate to address yourself informally, you may raise the matter informally to your line manager. If the issue involves your manager, or there is some other reason you don't want to raise it with them, you should instead tell another manager or company director.

If you report the matter informally, but do not want the matter taken further, the individual receiving the complaint will keep in contact with you periodically to check whether the situation improves. However, although your wishes to keep the report confidential will be adhered to whenever possible, where sexual harassment is of a serious nature the Company may need to take action as there may be a risk to you or others. In these situations, we will discuss with you accordingly and explore safeguards such as suspending or transferring the alleged perpetrator to prevent further harassment.

If you report the matter informally, and are content for your complaint to be shared with the perpetrator, your manager may seek to resolve the matter informally by indicating to the alleged perpetrator, without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee; that any such behaviour is contrary to company policy; that the continuation of such behaviour would, if substantiated, amount to a serious disciplinary offence.

Although an informal complaint will not normally be subject to disciplinary sanctions, in exceptional circumstances, following consultation with you, the company may decide that it is necessary to investigate further and take more formal action.

Formal Reporting

If informal action does not stop the sexual harassment, or you consider the harassment is of a more serious nature, you may wish to raise a complaint under this (the Sexual Harassment Prevention and Action) Policy and Procedure. Managing a complaint under this policy will mirror the structure of the Company grievance process whilst recognising the unique issues of raising a complaint of sexual harassment.

If you wish to raise a formal complaint, you should, in the first instance, raise it in writing with your immediate Line Manager. If your complaint involves your manager, or there is some other reason you don't want to raise it with them, you should write to another manager or company director. Your written formal complaint should include details of the complaint including the alleged incidents (dates and times if possible), and an account of the behaviour. You should set out your desired outcome.

We will confirm receipt of your complaint promptly and will appoint a suitable individual to investigate it. This may be an appropriate individual from the business, or from a third-party provider e.g. external HR Consultancy company. If you have any concerns regarding the appropriateness of the individual appointed to investigate the matter you should raise this to a suitable manager or company director.

How we investigate your complaint may depend on the nature, however it will usually involve an initial meeting with you, to understand your complaint further, followed by further evidence gathering and meetings with the alleged perpetrator and any witnesses identified. Both the complainant and the alleged perpetrator have the right to be accompanied by a companion: either a work colleague or union representative. In certain cases the Company may consider requests for alternative companion's to be present, e.g. a family member or friend. This should be discussed with the Company accordingly to seek agreement.

Within the organisation confidentiality shall be maintained as much as possible. However, whilst the sensitive nature of the process will be respected and managed accordingly, information shared by participants in the investigation, (statements and evidence provided) may need to be shared with other participants. For example, information with regards to the allegation will need to be shared with the alleged perpetrator to enable them to respond, and if the matter is progressed to a disciplinary investigation the alleged perpetrator will be entitled to have sight of witness statements and evidence.

Individuals who form part of the investigation process i.e. the individual raising the complaint, the alleged perpetrator, and witnesses should keep what is discussed during the investigation process confidential. The complaint should only be discussed with the appointed investigator or an appointed welfare support. A breach of confidentiality may be a disciplinary offence.

Following investigation, the appointed investigator will provide an outcome of the complaint, to the complainant in writing. If the complaint is upheld it will include details of the action to be taken to address the specific complaint and any preventative measures to prevent future incidents of this nature. The outcome of the investigation and any recommendations will be shared with the appropriate management. Where a complaint is upheld, recommendations may range from informal resolution, such as an apology, a mediated discussion with the perpetrator about their behaviour or, where a disciplinary offence has been committed, that the company's disciplinary procedure should be instigated. In this instance the complainant will be advised that the matter will be pursued under a disciplinary procedure but will not have the right to know the outcome of that procedure or any sanctions that have been imposed on the perpetrator.

If the sexual harassment constitutes a potential criminal offence, such as sexual assault, indecent exposure, stalking or offensive communications the investigator shall provide the complainant with appropriate support should they wish to report the matter to the police. The company will liaise with the police regarding the investigation and take advice on how to conduct a fair process.

In serious cases and as a precautionary measure for the protection of the complainant or to prevent interference in the investigation, the alleged perpetrator may be suspended while the investigation and any subsequent disciplinary procedure is undertaken.

Right of Appeal

The complainant has the right to appeal against the decision following the investigation within 5 working days of receiving the decision from the investigator.

Any appeal must be made in writing stating the reasons for the appeal. On receipt of the appeal a senior manager who has not been involved in the process, shall consider the appeal. The complainant shall have the opportunity to put forward their case and explain why they are not happy with the outcome. The manager may consider if it is necessary to undertake a further investigation. The decision of the manager shall be final.

If disciplinary action is taken against a perpetrator they shall have the right of appeal in accordance with the company's disciplinary process.

12. Protection from Victimisation

All employees and workers shall be protected from victimisation, intimidation or discrimination for making a complaint of sexual harassment. Retaliation against an individual for a complaint about, or assisting in an investigation of, sexual harassment is a disciplinary offence.

13. Review and Evaluation of this Policy

The company are committed to ensuring that this policy and procedure remains effective in preventing harassment and in dealing with incidents when they occur. We understand the importance of an ongoing review of its effectiveness.

14. Support for those Affected by Sexual Harassment

The company recognises that sexual harassment can cause stress, anxiety or other mental or physical health problems. Deterioration in job performance resulting from sexual harassment will be dealt with as a health-related issue and the person will be encouraged to seek help and support.

We understand that those accused of sexual harassment may also experience stress, anxiety or mental and physical health problems. We have a duty of care to support all staff affected by these issues.

Access to independent and trained counsellors, where it is deemed appropriate may be made available to staff and conducted in strictest confidence.

15. 'Confidentiality'

- To protect the interests of the person complained about, the person who has raised the complaint and others who may be involved as witnesses or otherwise, confidentiality will be maintained during any investigation process as far as is possible.
- If you fail to maintain confidentiality when you are involved in some way in a sexual harassment or sexual misconduct complaint, then you may face action under our Disciplinary Policy.
- We may place information and documents about a complaint raised by or about you on your personnel file. These will be processed in accordance with our Data Protection Policy.

16. Periodic review

This policy shall be subject to periodic review or earlier review at the point that change may occur.

SIGNED



DATE ...02 January 2025....

David Price (Managing Director)