



Sexual Harassment Policy

Introduction

All members of staff are entitled to be treated with dignity and respect in our place of work. This means creating an environment that is free from sexual harassment, where employees feel safe and supported, and have access to resources and reporting avenues to address any harassing behaviour if it does arise.

Sexual harassment can take many forms, but whatever form it takes it is unlawful under the *Equality Act 2010 (EqA)* and, more specifically, under the *Worker Protection (Amendment of Equality Act 2010) Act 2023*.

At BE, we will take all reasonable actions to prevent sexual harassment from occurring, and endeavour to have clear reporting procedures for our staff to make a complaint if they are subjected to this behaviour at any time through their employment. We will also take a zero-tolerance approach to acts of sexual harassment in our workplaces. If you have been sexually harassed at work, or you have witnessed sexual harassment in the workplace, you are encouraged to report it so we can investigate and deal with the matter swiftly.

Responsibilities

Human Resources has overall responsibility for the operation and review of this policy but may delegate elements of implementation or decision-making to other department Directors or Managers. Our Human Resources department will maintain an open-door policy and encourage all staff to come forward with any concerns regarding workplace sexual harassment.

All our Employees are responsible for behaving in line with this policy's requirements. Employees have a specific duty under the Health and Safety at Work etc. Act 1974 "to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work".

Scope

This Policy applies to all staff of BE Offices and associated companies and includes employees, workers, agency workers, volunteers and contractors in all areas of our Organisation.

What is Sexual Harassment?



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Sexual harassment is defined as “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 different treatment concerning gender reassignment or sex.

A fellow worker, an agent of an organisation, or a third party could commit sexual harassment. It does not need to occur in person; it can also occur via digital means, including social media sites or messaging channels (e.g. WhatsApp). Someone may be sexually harassed even if they were not the intended target of the behaviour.

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

- sexual comments or jokes that offend or intimidate
- displaying sexually 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 or suggestive emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing
- sharing, or threatening to share, intimate images without consent
- Actual or attempted rape or sexual assault.

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. The protected acts are:

- making a claim or complaint under the EqA (e.g. for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the EqA
- making an allegation that someone has breached the EqA
- doing anything else in connection with the EqA.

Examples of victimisation may include, but are not limited to:



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- failing to consider someone for promotion because they have previously made a sexual harassment complaint
- dismissing 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

This 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 an organized work situation but involving a colleague or other person connected to the Organisation, including on social media.
- Acts against anyone outside of a work situation, where the incident is relevant to your suitability to carry out your role.

What to do if You Are Subject to Sexual Harassment or Victimisation

We are 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 and, although every situation will be considered on an individual basis, BE will treat every case and in accordance with the principles of our disciplinary procedures, a copy of which is available from Human Resources. BE will take a zero-tolerance approach to substantiated acts of Sexual Harassment.

Informal complaint / Request for the behaviour to stop

We 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 Human Resources or a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you experience sexual harassment and you feel comfortable to do so, 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 should hand a written



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request to the harasser, and your confidential helper can assist you in this. For example, if someone is making inappropriate remarks or jokes, asking them to stop and alerting them that you feel uncomfortable may have the desired effects without the need for other involvement. This is understandably not always possible, or at times is not effective, and therefore a complaint should be lodged.

In addition, you may also choose to raise concerns with your manager, e.g. in a one-to-one meeting or via email. 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.

Formal complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of the Human Resources Department as a formal written complaint and again your confidential helper can assist you in this. You can lodge this complaint in person, through email, over the phone or via other digital means e.g. WhatsApp to the HR Manager or HR Director.

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.

On receipt of a formal complaint, we 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 appropriately investigated and resolved.

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 strict confidence and any breach of confidence may be dealt with under the disciplinary procedure.



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On conclusion of the investigation, which will normally be within 10 working days of the meeting with you (though this is dependent on the nature of the complaint), the decision of the investigator detailing the findings will be sent in writing to you.

You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the Director, who will be named on the outcome report, within five working days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, the Organisation will be represented by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting).

Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will again be confirmed in writing.

Regardless of the outcome of the procedure, we 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.

You will not be victimised for having brought a complaint.

What to do if You Witness Sexual Harassment or Victimisation

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of 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 person who has been sexually harassed 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 Human Resources or another member of senior management in writing.

Your concerns will be handled by the HR Manager or Director 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



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connection with work. This includes our customers, suppliers, members of the public, clients, self-employed contractors, etc.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires 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 steps to prevent third-party sexual harassment may result in legal liability in other types of claim.

In order to prevent third-party sexual harassment from occurring, we will:

- attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our staff is not acceptable
- inform third parties (i.e. suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to Human Resources in person, over the phone or via email.

Should a customer sexually harass a member of our workforce, we will take all steps deemed appropriate, this can include: Contacting the customer's workplace, banning them from entering BE sites, share information relating to the incident with our other offices/branches, etc. Any criminal acts will be reported to the police.

We 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.

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 our 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.



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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.

Training

We 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.

We 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.

We will regularly review the effectiveness of our training.

We provide refresher training as appropriate.

Employee Assistance Programme

We would like to 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*.