

Spinnaker Global Limited - Sexual Harassment Prevention and Action Plan Policy

1 .The Policy Statement

Spinnaker Global Limited (hereinafter Spinnaker) is committed to providing an inclusive, supportive and safe environment for everyone who works here. We will not tolerate any form of sexual harassment in the workplace and will treat all incidents seriously and promptly investigate all allegations of sexual harassment.

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

1.1. The aim of the Policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- educating all staff about sexual harassment and their role in developing a culture free from harassment;
- fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence;
- where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed and capturing learning from what happened to help create an environment free from harassment;
- monitoring our progress in achieving a workplace free from harassment; and
- building continuous improvement into our culture.

1.2. Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The Policy sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment. It is supported by the senior leadership within the organisation and they will all be visible champions of this Policy.

1.3. There is no time constraint around reporting an incident of sexual harassment under this Policy and/or our Grievance Procedure and/or our Disciplinary Procedure. However, at the Employment Tribunal there is a time limit for bringing cases of sexual harassment of three months less one day from the last act of harassment. Mandatory **ACAS early conciliation** must be initiated within this time limit (<https://www.acas.org.uk/early-conciliation>).

1.4. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, suspension, demotion and dismissal with or without notice in accordance with our Disciplinary Procedure may be taken against any person who violates this Policy. There may also be circumstances where further training is mandated for individuals, teams or the whole organisation.

1.5. No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint. This means that anyone who makes such a complaint or who helps someone to make such a complaint, for example by giving evidence or information, will not be prejudiced because of their actions. No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld. Retaliating against a worker for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence

1.6. 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

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comply with it. This Policy will be communicated to all staff using a variety of methods including induction, training, team briefings and internal circulars.

1.7. The following Spinnaker policies & procedures should be read in conjunction with this policy:

- Disciplinary Procedure
- Grievance Procedure
- Diversity Policy
- Office Rules
- Spinnaker Core Values

2. What is Sexual Harassment?

2.1. 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 person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person

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

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

2.4. 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. We recognise that sexual harassment often arises as a form of violence against women and girls. Sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.

2.5. Under international law, sexual harassment constitutes a breach of a person's human rights.

2.6. Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager or supervisor and a more junior colleague, or a longstanding employee and a new joiner. It frequently arises 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 in deciding what disciplinary action to take.

2.7. We also recognise that certain vulnerable or 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 systems of oppression and power which can result in harassment based on a combination of different aspects of a person's identity.

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What is 'unwanted conduct'?

2.8. Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome:

- It is not necessary for the recipient to say that they object to the behaviour for it to be unwanted.
- There may be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted.
- There may be circumstances where behaviour feels appropriate to those involved but causes concerns for others who may see or overhear it, even if nothing is targeted at them.

2.9. Types of behaviours which can constitute sexual harassment may include the following (see Appendix A for examples):

Physical conduct

- Unwelcome physical contact.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Banter
- Comments on a worker's appearance, 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 worker
- Condescending or paternalistic remarks
- Coercion

Non-verbal conduct

- Sending/sharing/displaying sexually explicit or suggestive material or imagery
- Inappropriate notes and written jokes
- Posts or contact on social media
- Sexually suggestive gestures
- Wolf-whistling
- Leering
- Predatory behaviour

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2.10. The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the "recipient").

2.11. There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work such as at a work event or walking home). For example, engaging in a consensual sexual act in the workplace. We do not permit sexual contact in the workplace and any such behaviour may still 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 in hindsight.

3. When does this policy apply?

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

4. What if the alleged perpetrator is not a member of staff?

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, suppliers, clients, candidates or visitors to our premises. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is.

5. The Employer Duty of Care

The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of staff. This Policy and its implementation is a constituent part of Spinnaker's efforts to discharge this duty, which applies equally to avoiding all forms of discrimination.

6. Responsibilities of Managers and Supervisors

6.1. All those with line management responsibility must ensure that all workers are aware of this policy and understand their own, and the Company's responsibilities.

6.2 Managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

6.3 To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- Respond to complaints of sexual harassment swiftly, proportionately, sensitively and objectively and involving HR at the earliest opportunity.
- Deal directly with third party perpetrators outlining actions which may include withdrawing service, terminating a contract and banning from the premises if behaviour is not moderated.
- Ensure that this policy is followed.

6.4 In terms of their own behaviour, managers and supervisors are expected to be exemplars to others. 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 and be managed under Spinnaker's Disciplinary Policy.

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6.5 A Line Manager's failure to actively implement this Policy within their area of responsibility, or to fail to deal with sexual harassment when they become aware of it, could constitute a breach of this policy and their employment contract, and disciplinary action may be taken.

7. Responsibilities of Workers

7.1 All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and services users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

7.2 To discharge this duty, individual members of staff must:

- Ensure they understand what sexual harassment is.
- Be aware of how their behaviour may affect others.
- 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.
- Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.
- Co-operate in investigations into alleged sexual harassment.

8. What should I do if I may have engaged in unwanted conduct?

8.1 If you have, or are concerned that you have, engaged in unwanted conduct of a sexual nature (intentionally or otherwise), you should take responsibility for your actions as soon as you can, as they may amount to sexual harassment, and notify HR without delay. This is important as it may prevent the recipient of your behaviour from experiencing further trauma.

8.2 If you have been questioned, accused, cautioned, charged or prosecuted for a criminal offence, including for sexual harassment, assault, rape, any sexual offence, stalking, coercive control or violence or threats of violence, you must report this to HR immediately. This applies even if you deny the alleged conduct or do not consider the alleged conduct to be connected to work. A failure to report this could amount to Gross Misconduct in itself.

8.3 If, at any time, you are asked by someone who considers your behaviour to amount to sexual harassment to stop, you must not persist in your behaviour. You should also report the incident to your Line Manager or HR. Remember that everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An authentic apology and genuine assurance that the behaviour will not be repeated may be enough to end the matter. However, in some cases a direct apology without a third party to facilitate may not be appropriate and advice from HR should be sought in advance. You should be sensitive to the reaction/potential reactions of the recipient. If the recipient refuses to accept your apology or is upset further by it, you should not persist in contacting them.

9. What should I do if I am the recipient of unwanted conduct?

Report your concerns to your line manager and/or to HR, whomever you feel more comfortable to speak to. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with your line manager / HR is a helpful way of talking through what has happened and deciding what further action you wish to take. Such discussions will be dealt with in confidence. However, if the harassment is of such a serious nature because of the high immediate risk to your safety or others we may need to take further action.

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10. What should I do if I have witnessed unwanted conduct of a sexual nature?

You do not have to be the affected person to raise a concern or make a complaint. If you see sexual harassment happening or become aware of it, you should report it provided it is safe to do so and you feel able to do so. Your actions can be important in helping to create a culture free from sexual harassment.

11. Investigations

11.1 The overriding aims throughout any investigation arising out of a complaint will be to respect the confidentiality, dignity and wellbeing of all parties, to establish the truth, to reach an outcome that is just and acceptable and to prevent any future harm.

11.2 Within the organisation, confidentiality will be maintained as far as possible, with information only being shared when appropriate.

- We may at times need to involve external legal advisors, or public agencies where a criminal offence may have been committed, or if maintaining confidentiality would pose a risk to the complainant or to others.
- All parties and witnesses will be asked to keep evidence and what they say and are asked in the proceedings confidential, but we recognise that the events in question may be traumatic and, when appropriate, they will be given details of those in the organisation that they can speak to for support or referred to the Company's Employee Assistance Programme.

11.3 While the sensitive nature of information will be respected and it will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process. For example, it could form part of a disciplinary investigation in which case the information would be shared with the alleged perpetrator.

11.4 It may be that materials are ultimately used as evidence in legal proceedings which could be held in a public forum.

11.5 Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

11.6 As a first stage in investigating the complaint the Investigator (probably HR) will arrange to interview separately the complainant, and the alleged perpetrator, both of whom may be accompanied by work colleague or any other person of their choosing. We recognise that the parties may prefer to talk to an investigator of the same sex, and this will be facilitated wherever possible.

11.7 Managing a complaint under this Policy will mirror and may trigger our Grievance Process while also recognizing the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint.

11.8 The Investigator's remit is to:

- investigate the complaint;
- provide an outcome to the complainant; and
- where appropriate make a recommendation as to whether the matter should be referred to a disciplinary process centred around the alleged perpetrator.

11.9 In appropriate circumstances, we will ensure that the complainant, and the alleged perpetrator, are not required to work together while the complaint is under investigation. The alleged perpetrator could be suspended or required to work from home while investigation and any subsequent disciplinary procedure are ongoing.

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- 11.10 At the end of the investigation, the investigator will provide a detailed response in writing to both the complainant and the other party, specifying outcomes wherever appropriate. If the complaint is upheld, this will include details of the action taken to address the specific complaint and of any preventative or structural measures taken to safeguard against future incidents of a similar nature.
- 11.11 If the outcome of the complaint is that the matter will proceed to a disciplinary process, the complainant will have the right to know that this will be pursued under the Disciplinary Procedure.
- 11.12 Where the complaint is not upheld, or proceeds to a disciplinary process under which the outcome involves the alleged perpetrator remaining with the organisation, the disciplinary outcome may include the *option* of a facilitated reconciliation meeting. The aim will be to understand and rebuild professional relationships where possible, failing which to provide closure as far as possible and enable the organisation to learn and move forward.

12. Further Information and Support

Anyone affected by sexual harassment at work can contact the ACAS helpline (<https://www.acas.org.uk/contact>) and / or make use of Spinnaker's Employee Assistance Programme which provides access to free confidential counselling sessions.

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APPENDIX A

Examples of sexual harassment

The following examples are intended to provide illustrations of the types of behaviours that can constitute sexual harassment.

Some forms of sexual harassment are clear violations of a person's dignity:

EXAMPLE ONE

A female worker of a particular race or nationality (X) overhears two colleagues discussing whether she would be willing to have sex with them. They express the view that she would be "really easy to get into bed" because "X women love sex".

Sexual harassment does not have to be targeted at one individual:

EXAMPLE TWO

A music promoter adds a link to their email signature to a promotional video for a rock band. In the video, scenes of a sexual nature are portrayed by actors. Every time they send an email to their colleagues and to their contacts outside the organisation, this link is received.

Sexual harassment does not have to be intentional:

EXAMPLE THREE

A worker believes that her male colleague uses the fact she is in a wheelchair as an excuse to make physical contact which her. She feels the situation is complicated by the practicalities and power dynamics of needing support from others with certain tasks. She wants to report the issue, but thinks he may not realise he has been doing this.

It is not necessary for the recipient to say that they object to the behaviour for it to be unwanted.

EXAMPLE FOUR

A young woman's body is repeatedly referred to by two of her colleagues. These comments are made in front of her over several months. She does not voice any objection to the comments, sometimes laughing at them and, on one occasion, she responds by making equally offensive comments about one of her colleagues.

There may be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted:

EXAMPLE FIVE

Two work colleagues become friendly, often having lunch together and occasionally meeting up outside of work. One Friday night, after a few drinks at the pub, they kiss and agree to meet again the following weekend. On the Monday morning, one takes the other to one side and explains that they regret what happened and would like to keep their relationship professional. The employee who wishes to keep the relationship going texts and emails the other employee several times a day over the next week, expressing their affection and upset at the 'change of heart' and repeatedly asking to meet up outside of work despite this request being repeatedly refused.

There may be circumstances where behaviour feels appropriate to those involved but causes concerns for others who may see or overhear it, even if nothing is targeted at them. This could still amount to sexual harassment in breach of this policy.

EXAMPLE SIX

A group of employees are chatting in the office about the finale of a TV show that they have all been watching. The TV show is popular though it is renowned for being sexist and sexually explicit at times. Those engaged in the conversation are all comfortable talking about the show and the sexual content, focussing on scenes depicting same-sex sexual activity. However, others who sit in the open plan office feel uncomfortable. They are worried that the group may try to involve them in the conversation as they do not want to talk about a show that they find misogynist, homophobic and degrading to women. They do not think anyone needs to be discussing it at work. They are also worried that if they voice that view they will be judged by the group who like the show.