

SEXUAL HARASSMENT POLICY

1.0 INTRODUCTION

Bee Lighting takes every step to ensure that its benefits and human resource practices are in line with best practice, above statutory legislation and where reasonable for the business to do so.

This policy also aims to maintain a safe, healthy, and productive working environment for all employees, customers, and any other individuals involved in the operation of the organisation. Employees have a fundamental right to work in a safe environment and therefore the company has an obligation to ensure the wellbeing of its staff, to which it is fully committed.

Sexual harassment will not be tolerated or condoned within the organisation. The following policy is to protect employees from sexual harassment, both internally and from third parties, and to enable them to make a complaint without fear of reprisal.

The organisation welcomes feedback on the contents of this policy at any time, including suggestions for new policies or queries regarding existing policies. Feedback should be directed to Nicola Clarke.

2.0 BACKGROUND

The Worker Protection (Amendment of Equality Act 2010) Act 2023 which came into force on 26 October 2024, introduces a legal obligation on employers to take reasonable steps to proactively protect their workers from sexual harassment. (Section 40A). Whilst the organisation has previously ensured that the welfare of its employees is a priority, the new legislation now provides an opportunity for a review of existing policies to ensure that proactive reasonable steps are identified and implemented in this area.

Therefore, the implementation of a policy specifically covering sexual harassment is one such reasonable step.

3.0 SCOPE OF THE POLICY

This policy applies to all permanent and temporary employees

4.0 DEFINITION OF SEXUAL HARASSMENT

- 4.1 Sexual harassment is defined as any unwanted conduct of a sexual nature that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. A person could be sexually harassed by someone who is of the same or different sex or orientation

Examples of sexual harassment listed below includes, but is not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault

Verbal conduct

- Comments on a worker's appearance
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Sending sexually explicit messages (by phone or by email)
- The use of job-related threats or rewards to solicit sexual favours

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Wolf Whistling
- Leering

This is not an exhaustive list.

It is important to bear in mind that the actions listed must be viewed in the terms of distress that they cause the individual, and whether the actions create an intimidating, hostile, degrading, humiliating, or offensive environment. It is the perception of the recipient which determines the view, although the issue of what is deemed to be a reasonable perception will also need to be taken into account.

- 4.2 Sexual Harassment may arise where an employee is offended by behaviour even if the behaviour was directed at someone else

5.0 THIRD PARTY SEXUAL HARASSMENT

Third-party sexual harassment will not be tolerated, and the organisation has a legal obligation to take reasonable steps to prevent sexual harassment by third parties.

The organisation is taking proactive steps to prevent third party sexual harassment. These include:

- undertaking relevant risk assessments
- ensuring the organisation's sexual harassment policy is visible on its website
- including a reference in contracts with suppliers and customers of the organisation's stance to sexual harassment.

6.0 . EMPLOYER'S DUTY

Sexual harassment is unlawful and will not be tolerated. The organisation has a legal duty to take reasonable steps to prevent sexual harassment and will ensure the following:

- Conducting risk assessments to identify potential harassment scenarios.
- Providing training for all employees, including refresher training.
- Keeping a record of any sexual harassment complaints and to monitor for any patterns of unwanted behavior
- Establishing clear reporting procedures for victims of sexual harassment
- Taking prompt and effective action in response to any complaints

7.0 MANAGEMENT RESPONSIBILITY

All managers employed within the organisation have a duty to establish and maintain a safe working environment free from sexual harassment and to provide support to those who are experiencing or who have experienced this behaviour.

This includes being aware of the definition of sexual harassment and associated behaviours which could be construed as sexual harassment. Managers should take a proactive approach and address such concerns at the time, with advice from HR if appropriate.

If a manager is approached by an employee with a complaint of sexual harassment, they should speak to HR regarding advice on the next steps which will include further investigation to establish the full facts. (see section 10.0 – Reporting and Complaints process).

8.0 EMPLOYEE RESPONSIBILITY

All employees must comply with this policy. They should be aware of own behaviours and that of others, taking steps to ensure that sexual harassment does not occur. Incidents of sexual harassment must be reported to either their line manager or direct with Human Resources. Support and advice will be offered as appropriate.

9.0 RISK ASSESSMENT

The organisation will carry out regular risk assessments to help identify where employees may be vulnerable and where instances of sexual harassment might occur. The risk assessment will include control measures taken by the organisation to minimise the risk of situations occurring.

10.0 REPORTING AND COMPLAINTS PROCEDURE

The following procedure applies to all who wish to make a complaint in respect of sexual harassment either within the organisation or by a third party.

- 10.1 Initially, If an employee feels they are subjected to sexual harassment in the workplace, they should, but only if they feel comfortable to do so, ask the person responsible to stop the sexually harassing behaviour.

- 10.2 In the case of third-party sexual harassment, this should be reported to their line manager, a member of the management team and/or HR who will consult and take advice as appropriate regarding appropriate action and give appropriate advice at the time.

Due to the potentially sensitivity of the situation where a third party is involved, the complaint will be discussed with the employee in confidence (unless the severity of the situation deems otherwise), and an appropriate route will be considered and agreed by both parties. The organisation will take such complaints seriously and address them sensitively, handling information carefully and on a strictly need to know basis. This will be discussed with the employee.

- 10.3 If the employee decides to put forward a formal complaint, then they should put this in writing to Human Resources, giving as much detail as possible. It is recommended that written notes are made as to what has happened. This should include dates, times and names, including any witnesses. Writing things down can be especially helpful as sometimes talking about the experience may be distressing.

- 10.5 Human Resources will instigate an internal investigation. It may be appropriate to seek external advice in order to investigate the matter in the most appropriate way. In any event, the organisation will investigate the matter in a reasonable time but will endeavour to investigate within 10 working days. In some circumstances, however, this timeframe may not be practical (for example due to the unavailability of key people involved) and in these cases a realistic timeframe will be agreed with all parties. and the employee will receive protection from victimisation. The organisation may consider alternative working arrangements for both the employee and alleged offender whilst the investigation is underway.

Alongside this, the alleged harasser will be treated fairly throughout the process.

- 10.6 Detailed written records will be kept by the organisation during the investigation and, if the complaint is upheld, disciplinary action will be taken against the offender, which may result in dismissal

- 10.7 Employees have the right to report sexual harassment through the organisations whistleblowing policy BDP-27. Doing so provides them with additional legal protection under whistleblowing legislation.

11.0 DISCIPLINARY ACTION

Sexual harassment and victimisation may lead to disciplinary action up to and including dismissal if it is committed:

- In a work situation
- During any situation related to work such as social events
- Against a colleague or other person connected to the employer outside of a work situation including on social media

All aggravating factors will be taken place in deciding what appropriate disciplinary action to take, such as abuse of power between a senior and junior colleague.

For further details, please refer to the organisation's disciplinary policy.

12.0 FALSE ACCUSATIONS

If, through the process or on its conclusion, it is found that false allegations have been made, the organisation will seek legal advice on the appropriate action. The situation will be taken extremely seriously.

13.0 EMPLOYEE SUPPORT

The organisation is committed to supporting victims of sexual harassment. Support measures may include:

- Adjustments to work arrangements.
- 121 support with your line manager and/or Human Resources
- External support lines, such as West Mercia Rape & Sexual Abuse Support Line on 0808 500 2222 or their website can be found here - [Home - WMRSASC](#)
- The organisation may reimburse the cost of counselling services where an employee's mental health is affected

If you would like further support or a discussion regarding how the organisation may help you, please contact a member of the management team or HR.

The employee will be given protection under the organisation's whistleblowing procedures if the criteria contained therein applies.

14.0 MONITORING AND REVIEW

In order to monitor the effectiveness of this policy and associated processes, the organisation will carry out monitoring as follows:

- Regular review of the sexual harassment policy (six-month review from going “live” date and thereafter annually unless a significant incident takes place in the interim time which warrants an earlier review. The policy will also be reviewed and updated in line with any changes to legislation.
- The organisation will maintain an incident log to record and document any actions taken as a result of a sexual harassment incident and/or complaint. Any personal data will be recorded in order to comply with GDPR legislation. The incident report is included with this policy as Appendix A.
- Feedback from employees will be considered throughout any review process. Please contact Nicola ~Clarke if you would like to provide any feedback.

Should you require any further information relating to this policy, please contact Human Resources.

APPENDIX A - SEXUAL HARASSMENT INCIDENT REPORT FORM

Sexual Harassment Complaint

Employee Name			
Department		Title	
Age		Sex	

Date of Incident		Time of Incident	
Person(s) you allege committed the sexual harassment:			
Name		Position/Title	

Please describe the incident in detail, including your reaction to incident:

Person(s) who witnessed the incident, if any:	

Action Taken	