



KINGSTON WHARVES LIMITED

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KWL HARASSMENT POLICY AND PROCEDURES

December 2019



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1. HARASSMENT POLICY

The Kingston Wharves Group is committed to promoting and providing a working environment where all team members are treated with respect and courtesy.

Any conduct involving harassment of any employee for any reason is considered unacceptable. Whilst sexual harassment is one form of harassment, there are many types of harassment in the workplace.

People can be subject to harassment on a wide variety of grounds including but not limited to:

- Age
- Gender
- Mental or physical disability
- Religious or political conviction
- Membership or non-membership of a Trade Union
- Race, ethnic origin, nationality, skin colour
- Sexual orientation
- Real or suspected infection with HIV/Aids
- Marital or family status
- Bullying

It is the responsibility of all employees to comply with the policy and to treat all colleagues with dignity and respect. Please note the following:

- All allegations of harassment will be treated seriously and handled confidentially.
- This policy not only applies to interaction whilst working at the organization's premises and those of any customer, client or contact, but extends to time spent doing the organisation's business elsewhere, including while travelling on business, on training courses, and at conferences and social events with colleagues.
- Appropriate disciplinary action will be taken against any person who breaches this policy. The ultimate Company action may be dismissal.
- The policy applies equally to:
 - all employees, regardless of employment category or levels;
 - independent contractors; and
 - interns, volunteers, apprentices, and students gaining work experience.

Harassment Definition

Conduct shall be considered as constituting harassment if:

- It is unwanted, uninvited, unreasonable, humiliating and/or offensive to the recipient.
- An individual's rejection of, submission to, or tolerance of such unwanted behaviour on the part of colleagues (including superiors) is used explicitly or implicitly as a basis for decisions which affect that individual's access to training, employment, continued employment, promotion, salary or any other employment decision.
- Such conduct creates an intimidating, hostile or humiliating work environment for the recipient.

Conduct becomes harassment if it continues, once it has been made clear to the individual who is displaying the behaviour, that it is regarded by the recipient as offensive or unwelcome, although a single incident of such conduct may constitute harassment if sufficiently serious.

It is the unwanted nature of the conduct, which distinguishes harassment from acceptable behaviour.



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Examples of Harassment

Harassment can take a variety of forms that can be written, verbal, non-verbal or transmitted electronically. The following represents examples of the types of inappropriate behaviours covered by this policy. This list is not exhaustive.

- Unwanted physical contact, touching e.g. patting, groping, pinching or brushing up against another employee's body, unwelcome fondling;
- Kissing in a sexual manner, assault and coercing sexual intercourse;
- Continued invitations for social activity outside the workplace after it has been made clear that such invitations are unwelcome;
- Unwelcome sexual advances, propositions or pressure to engage in sexual activity;
- Offensive flirtations, suggestive remarks, innuendoes or lewd comments;
- Physical, gestural, verbal, non-verbal or visual behaviour of a sexual nature e.g. winks, licking of lips;
- Displaying pornographic or sexual explicit material in the work place, or sending such material electronically;
- Unwanted comments on one's physical attributes;
- Demeaning and belittling remarks;
- Spreading offensive false rumours about someone's personal life;
- Verbal and/or written harassment through jokes, offensive language, gossip, slander, threats;
- Coercion through pressure to participate in political/religious groups;
- Offensive behaviour; isolation or non-cooperation at work, exclusion from social activities;
- Bullying: repeated use of aggression or cruelty, viciousness, intimidation or a need to humiliate, dominate the relationship; and
- Victimization: treating an individual less favourably than others because they made a complaint or allegation of discrimination or acted as a witness in connection with any proceeding under this policy.

Types of Sexual Harassment

There are 3 categories of sexual harassment that are recognized internationally under the law:

- Quid pro quo
- Hostile work environment.
- Romantic or Sexual Relationships

Quid Pro Quo (meaning 'this for that' or "something for something")

This is a form of sexual harassment whereby an individual who is in authority e.g. a supervisor/manager, demands sexual favours of a subordinate in exchange for a job, a development opportunity, promotion, maintaining one's job or receipt of any benefit. Refusal can lead to, dismissal, disciplinary action or the withholding of a promotion, poor performance rating, among other things.

Hostile Work Environment

The hostile work environment occurs when the work environment becomes unpleasant, intimidating or unbearable due to a pattern of aggressive sexually-oriented conduct, which interferes with the individual's work performance.

Romantic or Sexual Relationships

Romantic and/or sexual relationships between individuals in a management/reporting relationship constitute a conflict of interest. The person in the relationship who is in a position of higher organisational authority has a responsibility to promptly declare the relationship and seek a waiver from the CEO or eliminate the conflict of interest. The conflict of interest must be dealt with in a way that minimises potential for harming the person with lower organisational authority.



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4. RESPONSIBILITIES

Employee Responsibilities

- All employees have a responsibility to maintain a working environment in which the dignity of employees is respected. Everyone must comply with this Policy and employees should ensure that their behaviour to colleagues and customers does not cause offence and could not in any way be considered as harassment.
- Employees should discourage harassment or victimisation by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer from such treatment and are considering making a complaint.
- Wherever possible, if an employee feels that they have been the subject of any form of harassment or victimisation they should firstly inform the person responsible that their behaviour is unwelcome and ask them to stop.
- Alternatively, if an employee feels unable to raise the matter directly, then they should use the procedure as detailed in the Harassment Procedure.

Manager and Supervisor Responsibilities

- Managers and Supervisors have a duty to implement this policy and to make every effort to ensure that harassment or victimisation does not occur, particularly in work areas for which they are responsible.
- Managers and Supervisors have a duty to act on any incidents of harassment or victimisation of which they are aware. If harassment or victimisation does occur, they must effectively deal with the situation.
- Failure to implement this policy will be considered a failure to fulfil all the responsibilities of their job.
- Managers or Supervisors will not threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances or other offensive behaviour will be used as a basis for an employment decision affecting that employee. Such conduct by a Manager or Supervisor will be treated as misconduct, which may constitute gross misconduct warranting dismissal.

Company Responsibilities

- Employers are in a position of leadership and authority and therefore have a duty and a general responsibility to keep the workplace free from harassment.
- The Company will be required to issue a clear policy statement against harassment and to establish an internal mechanism for addressing complaints of harassment.
- This policy and procedure will be communicated effectively to all employees and the Company, will ensure that all employees and all Managers and Supervisors are aware of their responsibilities. Appropriate training will be provided including training on induction and management courses.
- The Company will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment or victimisation.
- The Company's HR Representatives will provide advice and assistance to employees who are subjected to harassment or victimisation.
- Where necessary counselling will be provided.
- The Company will monitor all incidents of harassment or victimisation and will review the effectiveness of this Policy and procedures from time to time.

All complaints of harassment or victimisation will be treated confidentially and will be dealt with promptly and fairly. Where necessary, independent investigations will be carried out.



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4. HARASSMENT COMPLAINT PROCEDURE

The Company recognises the problems that harassment can cause at work and will strive to ensure that such unacceptable behaviour does not take place. It may not be appropriate for the normal grievance procedure to be used for complaints of harassment particularly where the complaint refers to an immediate superior. A procedure has therefore been developed for dealing with complaints of harassment.

The procedure seeks to ensure minimum stress for the individual with timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

At all stages of the procedure the need to ensure confidentiality will be of paramount importance. Information will be given on a "need to know" basis only and will be strictly restricted to ensure a fair hearing, both to the complainant and the alleged harasser.

Informal Procedure

This stage is appropriate where the employee simply wants the behaviour to stop. Employees can seek to resolve matters informally by:

- Approaching the alleged harasser directly, if he/she feels able to do so, making it clear to the person(s) harassing the employee that the behaviour in question is offensive, unwanted and that he/she wants it to stop. This can be done verbally or in writing.
- Approaching the alleged harasser with the support of a work colleague. In taking this course of action it is recommended that you also inform your HR Representative; this is to enable the Company to record and monitor any reported incident of harassment.
- Approaching the alleged harasser with the support of a Supervisor/Manager or the HR Representative or requesting such a person to make the approach on behalf of the employee. This is often sufficient to correct the situation, particularly if the individual(s) involved was unaware that the behaviour was causing offence.

Where an employee seeks the support of a Supervisor/Manager or HR Representative he/she will be sensitively informed that their role at the informal stage is one of support and assistance. The employee will also be advised that:

- Formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.
- All reported incidents of harassment will be monitored and in the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action (including disciplinary action) where this proves to be necessary.
- A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

The Formal Stage

At any time, whether or not informal action has been taken, any individual who feels that he/she has been harassed, sexually harassed, bullied, victimised or treated in a way that breaches this policy can make a formal complaint in writing to his/her line manager. If the line manager is the Person Complained About, then the complaint in writing should be sent to the next most senior manager. Alternatively, the formal complaint can be directed to the HR Department.



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A formal complaint of harassment, sexual harassment, bullying, and/or victimisation should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s) as well as the names of any witness or witnesses to the incident(s).

The person making the complaint should also provide a written account of any attempts made to resolve the matter informally.

Investigating a Formal Complaint

- Any manager who receives a complaint of harassment, sexual harassment, bullying and/or victimisation should immediately forward it under confidential cover to HR.
- HR will have designated responsibility for all proceedings at the formal stage, including for ensuring that the formal complaint procedure, and where appropriate, the disciplinary procedure, is consistently followed.
- HR and the investigating Manager (appointed after consultation), will investigate the matter and should not be connected in any way with the allegation that has been made.
- HR will be responsible for arranging all meetings and maintaining a written record of all proceedings including the investigation and any outcome. The investigating Manager will check all records to ensure accuracy.
- Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.
- HR will acknowledge receipt of the complaint and arrange a meeting to discuss the complaint. This initial meeting will normally take place within five (5) working days.

Initial Meeting with the Complainant

HR and the investigating Manager will meet the Complainant to:

- Clarify and formally record the nature of the complaint and confirm that it is being handled under the formal procedure.
- Ensure that the Complainant is aware of the next stage of the procedure.

The Complainant will have the right to be assisted at this meeting by a recognised employee representative or work colleague as appropriate.

Avoiding Contact between Complainant and Alleged Harasser

The issue of avoiding contact between the Complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the complaint.

Where a case of serious harassment has been alleged, consideration will be given to implementing measures to prevent contact, following discussion with the Complainant.

Informing the Alleged Harasser

HR and the Investigating Manager will meet with the alleged harasser to:

- Outline the nature of the complaint,
- Confirm that it is being handled under the formal procedure,
- Ensure that the employee is aware of the next stages of the procedure.

Following this meeting HR will write to the alleged harasser outlining the nature of the complaint and setting a date for a formal meeting normally to be held within five [5] working days of the complaint being received.



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The Investigation

While the HR Representative and the investigating Manager will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within ten [10] working days of the date the complaint was received. Where this is not practicable the Complainant and the alleged harasser will be so advised.

Meeting with Complainant

The HR Representative and the Investigating Manager will meet with the complainant and consider their comments and any other related matter. The complainant will have the right to be accompanied by a work colleague.

Meeting with Alleged Harasser

The HR Representative and the Investigating Manager will then meet the alleged harasser and hear his/her response to the alleged incident. The alleged harasser will have the right to be accompanied by a work colleague.

Meeting with anyone who can assist with the investigation

Having heard the complainant, the HR Representative and the Investigating Manager will meet anyone who can assist further with the investigation. Each individual will be asked to outline what happened.

The HR Representative and the investigating Manager will meet the manager of both the complainant and the alleged harasser to establish if there has been any previous history of conflict between them and/or other parties.

The HR Representative and the investigating Manager may then wish to have further meetings to clarify or gain additional information.

Consideration of Information and Reporting the Facts

As far as possible, all those giving information to the HR Representative and the investigating Manager should do so privately and not in the presence of any other person involved in or present during the alleged incident. All evidence provided to assist with the investigation will be treated as confidential.

The HR Representative in consultation with the Investigating Manager will then prepare a written report outlining the facts, indicating their findings, and whether a case of harassment is substantiated.

Decision on Disciplinary Action

The HR Representative and the investigating Manager will consider the facts and will decide whether to:

- Initiate the Company's agreed disciplinary procedure against any party as appropriate;
- Initiate the Company's agreed disciplinary procedure against any party as appropriate and to provide additional training and or counselling;
- Provide additional training and or counselling; or
- Take no further action.

If the complaint is found to be malicious the complainant may be subject to disciplinary action up to and including dismissal.



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Communicating the Decision

The decision taken will be communicated in writing to both the Complainant and the person against whom the complaint was made. The HR Representative will also inform the Complainant or the alleged harasser of his/her right to appeal against any decision taken within five [5] working days of communication of the decision, and how to do so. Every effort will be made to have completed the procedure within fifteen [15] working days of the complaint having been received. If it is not practicable for the stated time limits to be achieved, then both parties will be informed of the revised timescale.

AFTER THE INVESTIGATION IS COMPLETE:

Redeployment if Disciplinary Action is taken

Where a complaint has been upheld, the Complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with the Company, and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration will be given to the possible transfer of either the Complainant or the harasser where possible.

Redeployment where Disciplinary Action has not been taken

In such cases consideration may still be given, where practicable, to the voluntary reassignment of one of the employees concerned.

Counselling

Counselling will be offered to both parties. This will be provided by a trained member of staff or by an external provider.

Further Meetings

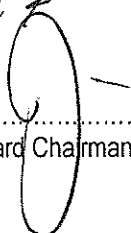
The investigating Manager may meet the employee who has alleged harassment on a regular basis to offer support and to ensure that no harassment or victimisation continues. This action will be undertaken even where a complaint has not been upheld.

4. POLICY APPROVAL

This Harassment Policy & Procedures is hereby approved, and supersedes any policy with the same subject matter before August 2019.


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C.L.D. Committee Chair

December 2019
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Date


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Board Chairman

December 2019
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Date