

Company Name:	Marylebone Recruitment Limited trading as Marylebone Services
Policy Name:	Sexual harassment policy
Date:	26th October 2024

1. INTRODUCTION

Marylebone Services is committed to ensuring that all its staff and applicants are treated with dignity and respect and treat others in the same way. We believe that all staff and applicants have the right to work in an environment which is free from any form of harassment, including sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

Sexual harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 as amended and it will not be tolerated. Marylebone Services has a zero-tolerance approach to sexual harassment.

We are committed to ensuring that reasonable steps are taken to prevent sexual harassment to all employees, agency/temporary workers, and applicants. We will take reasonable steps to safeguard temporary workers we supply and internal members of staff from harassment. We will carry out due diligence checks on hirers/intermediaries who we engage in the supply of temporary agency workers to ensure that they are taking reasonable steps to carry out their duties under the Equality 2010.

This policy will be reviewed and updated from time to time to ensure Marylebone Services' compliance with its duties under the Equality Act 2010 as amended by the Worker Protection (Amendment of Equality Act 2010) Act 2023 to ensure that all reasonable steps are taken to prevent sexual harassment.

We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

Our managers will maintain an open door policy. All of our staff have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action including termination of assignment and employment.

This policy is reviewed regularly to ensure it remains up to date and to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

2. SCOPE

We condemn all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of the company. This policy also applies to temporary agency workers who are working via the company at a client site.

3. RESPONSIBILITIES

All workers are responsible for ensuring they understand and comply with this policy and they must:

- Treat colleagues, clients, and third parties with respect.
- Refrain from any behaviour that could be interpreted as sexual harassment.
- Report any incidents they witness or experience.

4. DEFINITIONS

Sexual harassment is 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 that is related to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels. Someone may be sexually harassed even if they were not the target of the behaviour. **Examples of sexual harassment include, but are not limited to:**

- a) sexual comments or jokes, which may be referred to as 'banter'
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact in online communications including on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails, text messages or messages via other social media
- k) unwelcome touching, hugging, massaging or kissing

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. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation. Protected acts include:

- a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
- b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- c) making an allegation that someone has breached the Equality Act 2010, or
- d) doing anything else in connection with the Equality Act 2010

Examples of victimisation may include:

- a) Failing to consider someone for promotion because they have previously made a sexual harassment complaint
- b) Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- c) Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

5. CIRCUMSTANCES COVERED BY THIS POLICY

This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions
- c) outside of a work situation but involving a colleague or other person connected to the Company, including on social media
- d) A situation occurring outside of the normal workplace or normal working hours which is NOT related to work but where the incident is relevant to your suitability to carry on your role within the company

6. PROCEDURE

6.1 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 the workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available from Human Resources.

Allegations of sexual harassment and victimisation involving a situation at a client site must also be reported.

6.2 Informal Complaint

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 a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

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 send a written request to the harasser.

In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a 1-2-1 meeting. 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.

6.3 Formal Complaint

Written Complaint

Where the informal approach fails or you do not wish to use the informal procedure, you should bring the matter to the attention of your Manager as a formal written complaint and again your confidential helper can assist you in this. Alternatively, you can report instances of sexual harassment by emailing Danielle Glazebrook at danielle.glazebrook@maryleboneservices.co.uk or Olimpia Susan at Olimpia.Susan@maryleboneservices.co.uk.

If possible, you should keep notes of what happened so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

Investigation

The matter will then be investigated in the following way:

- 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.
- You will be invited 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 5 working days of receipt of your complaint. You must take all reasonable steps to attend.
- The alleged harasser will be interviewed, along with any witnesses.
- Any documentation or evidence will be reviewed e.g. emails, messages, photographs, CCTV etc.
- Those involved in the investigation will be expected to act in confidence.

Please note that any investigation is likely to involve the client company where you might be working and they may have their own procedures that they are required to follow.

Where an incident/complaint of sexual harassment relates to a temporary agency worker, Marylebone Services will not carry out instructions from a hirer/and/or intermediary which it considers will amount to sexual harassment and victimisation.

Outcome

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

Appeal

You have the right to appeal against the findings of the Investigator. If you wish to appeal you must inform your Manager within five working days, ensuring that you outline grounds for the appeal. You will then be invited to a further meeting. As far as reasonably practicable, the Company will be represented by a more Senior Manager than the Investigator (unless the most Senior Manager attended the first meeting).

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

Regardless of the outcome of the procedure, we are committed to providing the support you may need.

You will not be victimised for having brought a complaint.

6.4 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.

6.5 Third-party sexual harassment

Third-party sexual harassment occurs when someone is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, clients, service users, friends and family of colleagues, delegates at a conference, audiences, 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.

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 inform third-parties i.e. suppliers of our zero-tolerance sexual harassment policy via our website.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible via the reporting channels detailed above.

Should a third party sexually harass a member of our workforce, we will advise the third party about their behaviour and provide information to support the third party in any investigation. 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 assignment/employment.

7. ACTION

If it is concluded that harassment has occurred, remedial action will be taken. 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 or in accordance with the client you are working with disciplinary procedure (as applicable).

An employee or agency worker that we supply to our clients 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.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, your assignment will be terminated with immediate effect and/or disciplinary action will be taken against you.

All employees and workers will be expected to comply with our policy on sexual harassment in the workplace. Any breach of such a policy will lead to appropriate disciplinary action. Employees who we find to be responsible for sexual harassment will be subject to disciplinary procedures and the sanction may include termination. Temporary/agency workers who we find to be responsible for sexual harassment will be subject to our complaint's procedure even where such sexual harassment involves individuals who are not engaged by us.

8. TRAINING

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.

Regular training will be provided to all management staff on sexual harassment and this is monitored and reviewed for effectiveness regularly with refresher training provided as appropriate.