

# Klinger UK Sexual Harassment Policy

## 1. Introduction

This policy applies to Klinger UK Limited and all its UK locations and employees, as well as any officers, consultants, self-employed contractors, casual workers, agency workers, volunteers, interns, or any other individual or third party which is contracted by or engaged with KLINGER for the performance of duties.

- 1.1.** This policy considers sexual harassment occurring 'in the course of employment'. This covers sexual harassment occurring within the workplace, but it also covers sexual harassment occurring at work-related events and acknowledges that KLINGER should seek to prevent third-party sexual harassment.

## 2. What is Sexual Harassment?

- 2.1.** Sexual harassment is defined within the Equality Act 2010 as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Under the Equality Act 2010, employers have a positive legal duty to take reasonable steps to prevent sexual harassment of their workers.
- 2.2.** Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended.
- 2.3.** A non-exhaustive range of behaviours recognised to be forms of sexual harassment are listed below. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:
  - Sexual images displayed or shared;
  - Offensive words or comments;
  - Demeaning or humiliating behaviour or language;
  - References to someone's body;
  - Intrusive questions about someone's private life;
  - Stalking, including online stalking;
  - Sexual gestures such as simulating sexual acts;
  - Unwanted touching, such as putting a hand on someone's knee or hugging them;
  - Unwanted sexual attention whether verbal or physical;

- Coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
- Sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

**2.4.** Sexual harassment is considered a disciplinary offence, and in some cases is also a criminal offence.

**2.5.** Although, statistically, women are more likely to experience or report sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in-person and online, and outside of as well as during working hours. Regardless of when and how it occurs, KLINGER will consider any sexual harassment involving employees as a workplace issue and will take action in line with our disciplinary policy accordingly.

### 3. Third-Party Harassment

**3.1.** The Equality Act 2010 requires employers to take reasonable steps to prevent their employees from sexual harassment by third parties, such as customers, service users or at work related events.

**3.2.** Whilst an individual is not able to make a claim against third-party harassment alone, legal liability can be placed with the employer where third-party sexual harassment has occurred alongside a claim of another nature.

**3.3.** KLINGER commits to providing a safe and respectful workplace environment for all of its employees in the course of their employment and whilst carrying out their duties. Third-party sexual harassment will not be tolerated, and employees are strongly encouraged to follow the procedure to make a formal complaint should they be the victim of, or witness to, third party harassment of any nature.

**3.4.** In our responsibility to prevent sexual harassment from third parties, we commit to carrying out the below actions:

- Annually review risk assessments for all roles, with particular focus on those who come into contact with third parties more frequently
- Make our customers and all third-party engagements aware of our policy and stance
- Ensure that remote Service Centre locations are provided with relevant signage
- Include relevant information in relation to our policy and stance in all visitor sign in processes
- Include our policy and stance in all general commercial engagement documents
- Confirm with third-party engagements that they have adequate policies and procedures in place which are in line with legal obligations

**3.5.** In any instance that the company receives notification of third-party harassment, all care will be given to treat the matter seriously, confidentially and efficiently; understanding that unnecessarily delaying any investigation may result in further mental ill health impacts. Where a third-party individual or individuals are reasonably suspected of inappropriate behaviour or conduct in the form of sexual harassment, that individual will (depending on the severity of the case and with the input of the complainant) be dealt with in accordance with their actions. This may include:

- Warning a customer about their behaviour
- Banning a customer or individual from accessing our premises
- Banning a customer or individual from working with the organisation
- Sharing information with other branches of the business in relation to the individuals conduct (whilst maintaining confidentiality for our employee)
- Reporting any criminal acts to the police

## 4. Our Commitment

**4.1.** KLINGER will deliver regular training sessions for all employees so that everyone has a comprehensive understanding of what sexual harassment is and understands their role in preventing and addressing it.

**4.2.** It will be ensured that additional training, education and guidance is provided to the Leadership Team and all line managers to give them the confidence to tackle sexual harassment.

**4.3.** We recognise the need for regular risk assessments to identify and mitigate risks of sexual harassment. We will actively consider the risks of sexual harassment occurring in the course of employment and devise and implement reasonable steps we can actively take to reduce those risks and proactively prevent sexual harassment occurring.

**4.4.** We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment.

## 5. Leading by Example

**5.1.** Senior leaders and line managers must foster a culture built on mutual respect where all employees feel safe to share their views and raise concerns. KLINGER expects leaders and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

- 5.2.** In addition to self-awareness, KLINGER expects and encourages leaders and line managers to regularly seek and act on feedback from their teams and peers in regard to an inclusive culture actively engaged in preventing sexual harassment.
- 5.3.** Preventing sexual harassment requires leaders and line managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even when they may face criticism for doing so.
- 5.4.** KLINGER will give appropriate training, education and guidance to leadership and line managers to ensure they have the confidence and capability to be proactive and deal with unacceptable behaviour at the earliest possible stage.
- 5.5.** As a leader or line manager, you are well placed to pick up on any underlying tensions that could indicate potentially inappropriate behaviours or attitudes. These may include employees being unwilling or reluctant to work together, heated exchanges or perceived favouritism.
- 5.6.** KLINGER will support and train leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect, as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.

## 6. How we can all help prevent Sexual Harassment

- 6.1.** We all have a shared responsibility to help create and maintain an environment free from sexual harassment. You can do this by:
  - Considering how your own behaviour may affect others, and amending it accordingly;
  - Being receptive, rather than defensive, if asked to modify your behaviour;
  - Treating your colleagues with dignity and respect;
  - Taking a stand if you think inappropriate comments, jokes or behaviour is occurring;
  - Making it clear to others if you find their behaviour unacceptable;
  - Intervening if possible, to stop sexual harassment and giving support to others;
  - Reporting sexual harassment or potential sexual harassment in the appropriate manner to either your line manager or to a member of the HR Team.

## 7. What to do if you are concerned about Sexual Harassment

- 7.1.** The following process can be followed by any employee of KLINGER. You can follow this process if you feel you are experiencing sexual harassment or if you witness sexual harassment or have a concern that another colleague may be experiencing sexual harassment.
- 7.2.** KLINGER commits to treating all allegations of sexual harassment with the upmost seriousness. We will follow a fair and equitable process to ensure all concerns are investigated thoroughly to allow us to resolve matters promptly whilst ensuring all parties are treated sensitively and in a confidential manner.

### **7.2.1. Informal Approach**

You may be able to resolve matters informally. The person may not know that their behaviour is unwelcome or upsetting, so an informal discussion may help them to understand the effects of their behaviour and agree to change it.

If you feel able to, tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You are encouraged to keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you wish to raise the matter formally.

If this is too difficult for you, please speak to your line manager, or a member of the HR team for advice and assistance. They may, with your agreement, speak to the person concerned on your behalf or accompany you when you speak to the other person.

If the informal approach is not appropriate, or has not been successful, you should raise the matter formally through our grievance procedure.

### **7.2.2. Formal Procedure**

When any employee feels that they need to deal with an issue of sexual harassment formally, you should make a formal complaint in accordance with our Grievance Policy.

Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

If you wish to make a formal complaint about victimisation of this nature, you should submit it in writing to your line manager or the HR Team.

We will investigate all complaints of this nature in a timely, confidential and sensitive manner. The investigation will be conducted by someone with appropriate seniority, training and experience and with no prior involvement in the complaint. Details of the investigation and the names of any persons involved will only be disclosed on a 'need to

know' basis. We will consider whether any steps are necessary to manage the ongoing employment relationship between all parties involved.

If the report does not come directly from the person being harassed, the nominated investigator will confidentially speak to the person affected and ideally encourage them to report. In cases where individuals are reluctant to report despite encouragement, the investigating manager needs to respect the wishes of the person making the complaint as far as possible.

Once the investigation is complete, KLINGER will inform all parties (separately) of our decision. Whether or not a complaint is upheld, we will consider how best to manage any ongoing working relationships between all parties. As a general principle, the decision whether to progress a complaint is up to the individual concerned. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

If the manager considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary action is that sexual harassment occurred, prompt action will be taken to address it.

### **7.2.3. Supporting the Investigation**

All reports of sexual harassment should be taken seriously, and protecting the person who raised the complaint or who is the recipient of sexual harassment should be of paramount importance. Alongside this, the alleged harasser should be treated fairly in accordance with procedure and the law.

In some cases, and depending on the severity of the allegation(s), more immediate action may need to be taken, such as suspending or moving the alleged harasser. A member of the HR Team will advise investigating managers on the appropriate course of action. Care must be taken to ensure no action is taken that could be perceived as punishing any person who raises a complaint.

## **8. If you Witness Sexual Harassment**

**8.1.** Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where you feel there may be a continuing risk if you do not report it
- Cooperating in any investigation into the incident

- 8.2.** All witnesses will be provided with appropriate support and will be protected from victimisation.

## 9. Providing Support

- 9.1.** KLINGER understands that reporting sexual harassment takes courage and can be extremely stressful. We will ensure that any individuals raising a concern or complaint are given reassurance and support throughout the process. This support may also need to be extended to any employees who have witnessed sexual harassment.
- 9.2.** As well as providing opportunities to talk, our HR team are able to signpost employees to relevant services such as occupational health or counselling if appropriate.
- 9.3.** KLINGER educates leaders and line managers to be vigilant for signs of victimisation whereby an employee is treated less favourably because they have reported sexual harassment and will take appropriate action through our disciplinary policy if required.

## 10. Consequences of a Breach of this Policy

- 10.1.** If after due investigation, we consider that an incident of sexual harassment has occurred, the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct. The person concerned may be suspended on full pay during the investigation until any eventual disciplinary proceedings have been concluded. If the complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal, depending on all relevant circumstances.
- 10.2.** Aggravating factors such as an abuse of power over a more junior colleague will be taken into account when deciding what disciplinary action will be taken.
- 10.3.** Incidents of sexual harassment may constitute a criminal offence, and KLINGER may suggest that the matter is reported to the police.
- 10.4.** In our commitment to prevent sexual harassment in the course of employment, we will fully analyse any unaddressed risks which were not recognised and could have reasonably prevented any incident of sexual harassment and put in place any reasonable measures to prevent a recurrence of a similar nature.

## 11. Record Keeping



Information about a complaint by or about an employee may be placed on either party's personnel file, along with a record of the outcome and any other notes or documents compiled during the process. These will be processed in accordance with data retention guidance.

All employees are required to adhere to this policy.

Should you have any queries regarding the content of this policy, please contact your line manager in the first instance, or a member of the HR Team.

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## Amendments

Issue	Page	Revision / Amendment	Approval By	Date
001	All	New Document	Ian Collins	04/11/2024