



III DEALING WITH CLAIMS OF UNLAWFUL DISCRIMINATION POLICY

A. UNLAWFUL DISCRIMINATION

This may occur, either directly or indirectly, associated with a person's age, disability, race, religion, belief, sex, sexual orientation, gender reassignment, marriage, civil partnership, pregnancy or maternity (these are referred to as 'protected characteristics' under the Equality Act 2010).

B. HARASSMENT

1. An employee or third party (e.g. a customer or supplier) harasses another employee if they engage in unwanted conduct related to an anti-harassment protected characteristic (sex, age, disability, gender reassignment, race, religion or belief or sexual orientation) or unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee (or another person with whom the employee is associated).
2. In some cases, behaviour (such as banter or jokes) will constitute harassment if it continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

C. BULLYING

1. Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.
2. Anpario's policy includes the following:
 - a) Anpario will not tolerate unlawful discrimination, harassment or bullying in or associated with the workplace in any form. Allegations against an employee that they have been responsible for behaviour which constitutes unlawful discrimination, harassment or bullying which are concluded by the Company to be well founded will be dealt with via the Company's published Disciplinary Procedure.
 - b) An employee concluded to have been guilty in or related to the workplace of any act of unlawful discrimination, harassment or bullying is liable to serious disciplinary action which could involve dismissal.
 - c) The Senior Management of Anpario will act promptly to stop any act or form of unlawful discrimination, harassment or bullying and will take whatever steps are necessary to prevent such behaviour happening again.
 - d) The Company recognises that victims of unlawful discrimination, harassment or bullying may feel humiliated and intimidated and that it may be difficult for them to complain. Anyone who believes they have been the subject of unlawful discrimination, harassment or bullying will be treated sensitively. Appropriate assistance, for example counselling, will be made available in efforts to assist the individual with any significant after effects or trauma associated with incidents of unlawful discrimination, harassment or bullying.
 - e) The Senior Management of Anpario plc will encourage the development of a culture within the workplace which means that employees will not feel threatened by instances of unlawful



- discrimination, harassing behaviour or bullying and will be able to challenge the perpetrators of such behaviour should it occur.
- f) The Company will ensure that offensive material (e.g. literature, photographs, cartoons, data stored images, etc.) is not present, displayed or circulated within the Company and that the language in common use within the workplace is not offensive to either gender or to any individual on the basis of their race, age, disability, sexual orientation, religion, belief, gender reassignment or which is unlawfully discriminatory towards any individual or minority group in general.
 - g) Each employee has a duty to report any instances of unlawful discrimination, harassing or bullying behaviour which they witness, whether or not they themselves are the victim.
3. Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:
- a) Unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature.
 - b) Undue pressure or coercion or the offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
 - c) Subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic.
 - d) To touch, hold, grab, hug, kiss or make any other unwanted physical contact or stare excessively or pointedly at a person's body.
 - e) Telling jokes or circulating pictures or images of a sexual, sexist or racial nature or which are otherwise derogatory in relation to an anti-harassment protected characteristic.
 - f) Demeaning comments about an employee's appearance.
 - g) Questions about an employee's sex life.
 - h) The use of nick names related to an anti-harassment protected characteristic.
 - i) Withdrawing co-operation from or isolating an employee or excluding him or her from social activities or relevant work-related matters because of an anti-harassment protected characteristic.

D. PROCEDURE

1. Throughout, every effort will be made to ensure that the procedure applied is fair and confidential, respecting the rights and privacy of each individual.

An employee who believes that he or she has been the subject of unlawful discrimination, harassing or bullying behaviour should report the matter to a Senior Manager. Any allegation that unlawful discrimination, harassment or bullying has occurred must also simultaneously be communicated by the employee to HR or the Company Secretary who may be contacted via:

post: Manton Wood Enterprise Park
Worksop
Nottinghamshire
S80 2RS
telephone: 01909 537395



In the event that the initial complaint was lodged in writing the matter shall also be dealt with in accordance with the Company's adopted *Grievance Policy* (DG II).

2. An employee lodging a complaint of unlawful discrimination, harassment or bullying may request to be accompanied at any stage of the process by a colleague, or relative of their choosing. The complainant may also request that interviews occur away from the place of work. Any such complaint will be treated in the strictest of confidence although the complainant's identity may need to be disclosed to the alleged perpetrator(s) of the act(s) of unlawful discrimination, harassment or bullying.
3. HR, (or in HR absence the investigating executive appointed by HR), will begin investigating the allegations and circumstances as soon as practicable but in any event every effort will be made for the investigation of the complaint to begin within 24 hours. Every effort will be made for the investigation process to be completed within seven working days.
4. An allegation of unlawful discrimination, harassment or bullying made against a colleague may result in that individual being suspended from work on full pay until the outcome of any investigation and any associated disciplinary process is known. Such a suspension from work on full pay must be authorised by a Senior Manager and will only be implemented after very careful consideration and a conclusion that under the circumstances suspension is reasonable and necessary for identified reasons. It will be made clear that such a period of paid suspension from work is not a disciplinary sanction.
5. Any employee who is concluded following thorough investigation to have fabricated an allegation of unlawful discrimination, harassment or bullying against a colleague or has lied when giving evidence will themselves be subject to disciplinary action.
6. Anpario may adopt a range of outcomes in the event that it is concluded that an employee has been guilty of behaviour which constitutes unlawful discrimination, harassment or bullying. These outcomes may include, but are not restricted to, any or a combination of the following:
 - a) The issue of apologies in respect of instances of unacceptable behaviour.
 - b) Requiring an employee to enter into a binding undertaking that behaviour of specified types will not be repeated.
 - c) The issue of warnings requiring changes to behaviour.
 - d) Suspension from Work.
 - e) Demotion.
 - f) Loss of privileges.
 - g) Transfer to another department or location.
 - h) Dismissal, with or without notice.

In instances where it is concluded that unlawful discrimination, harassment or bullying has occurred, a disciplinary outcome of a Final Written Warning stating that any repetition will result in dismissal may be adopted without such warning having been preceded by any previous warning on the topic.

7. Following issue to the employee who lodged a complaint of unlawful discrimination, harassment or bullying of a communication in writing setting out the investigator's findings and decision, (but not



necessarily details of any subsequent disciplinary sanctions decided upon if there are subsequent related disciplinary proceedings), the employee who lodged the complaint shall have a right of appeal against the outcome. The appeal should be made in writing setting out the grounds within seven days of receipt of the written decision and sent for the attention of HR or Company Secretary. The appeal shall be heard in accordance with stage 2 of the published *Grievance Policy (DG II)*.