

Anti-harassment and Anti-bullying Policy

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Table of contents

1	Scope	1
2	Administration	1
3	Purpose	1
4	Personnel Responsible	2
5	Our commitment to you	2
7	Who is protected from harassment	3
8	Meaning of harassment	3
9	Bullying	4
10	Microaggressions	5
11	What to do	5
12	Support for those affected or involved	7
13	Sensitivity and confidentiality	7
14	Policy breaches	7
15	Record-keeping	8

1 Scope

1.1 Applicability

This includes employees, workers, contractors, agency workers, volunteers and interns. The policy also relates to job applicants, and is relevant to all stages of the employment relationship.

1.2 Applicable law

This policy will be interpreted in accordance with the relevant national legislation, with the local legislation taking precedence and may therefore be modified as required by jurisdiction.

2 Administration

This policy has been implemented following consultation with the Staff Consultative and Diversity and Inclusion Committees.

This policy and the procedures described in this document do not form part of any employee's contract of employment and they may be amended or withdrawn at any time. We may also vary these procedures, including any time limits, as appropriate in any case.

This policy will be reviewed at least once in every 3 years.

As a global company, we are committed to understanding and following the local laws of the countries within which we operate. Where there are specific differences, the details of how we will do this will be captured in appendices to this policy.

This policy covers harassment or bullying which occurs at work and at settings outside of the regular workplace which could reasonably be linked to OPM. This would include, and are not limited to, business trips, at work-related events or social functions. It covers bullying and harassment by all types of staff (including consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

3 Purpose

The purpose of this policy is to ensure a safe and respectful working, learning or social environment for everyone involved. The policy provides guidelines for behaviour that is considered unacceptable, including but not limited to physical, verbal or written abuse, discrimination and sexual harassment.

The policy aims to prevent and address any form of harassment or bullying and to provide support and resources to those who have experienced that behaviour.

We seek to promote a culture of inclusivity, respect and fairness and protect the rights and dignity of all individuals. The policy accompanies our Equality, Diversity and Inclusion (EDI) Policy.

our inclusive culture and you can read more about this in our Equality, Diversity and Inclusion (EDI) policy.

4 Personnel Responsible

The HR Director is accountable for the effective operation of this policy, including its maintenance, review and compliance with any relevant legislation.

Line managers are responsible for effective day-to-day operation of this policy.

HR Business Partners (HRBPs) are responsible for providing support to ensure the effective operation of this policy. HRBPs may delegate their role in this process to another competent member of the HR team, or external consultant.

All individuals to whom this policy applies are responsible for their own compliance with the policy and for ensuring everyone is treated, and treat others, fairly with dignity and respect.

5 Our commitment to you

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.

As an organisation we are committed to ensuring that our workplaces are free from bullying and harassment.

5.1 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. (For more information on discrimination and victimisation, please refer to our Equality, Diversity and Inclusion (EDI) policy.)

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them up to and including dismissal. Where applicable this will be under our Disciplinary Procedure.

There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

7 Who is protected from harassment

All of our staff, and any individuals who you come into contact with as part of your role, are protected from harassment. We are particularly aware of our responsibility to protect individuals from harassment which is due to their Innate Characteristics which do not affect their ability to do their job. These are:

- disability;
- sex, gender, gender identity or gender reassignment status;
- marital status;
- race, racial group, ethnic, regional or national origin, colour or nationality;
- religion or belief;
- sexual orientation;
- age;
- marital or civil partnership status;
- pregnancy, maternity or paternity;
- caste or socio-economic background

8 Meaning of harassment

Harassment is unwanted conduct that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

8.1 Examples of harassment

Harassment can occur in many forms, and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event
- marginalising someone from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress;
- "outing" (ie revealing their sexual orientation or transgender identity against their wishes), or threatening to "out", someone;

- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of an actual or perceived Innate Characteristic, or because they are associated with someone with an Innate Characteristic.

8.2 Sexual harassment.

Harassment may be sexual in nature. Sexual harassment is:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex, transgender identity or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender identity.

9 Bullying

Bullying is conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a characteristic protected by law, it may also constitute harassment and be unlawful.

While this is not an exhaustive list, examples of bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

10 Microaggressions

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

11 What to do

This section outlines what you should do if you are bullied or harassed.

11.1 Informal route

Bully/harasser is a colleague

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your line manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Bully/harasser is a third party

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action.

11.2 Formal complaints

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with their manager or the HR team. In some jurisdictions, there are OPM committees who you can approach to support you with your complaint.

While you can raise a formal complaint of bullying or harassment under our Grievance Procedure, you may prefer to do so under this policy because it is specifically aimed at dealing with such issues. You should be aware that you cannot raise a complaint under this policy if you have raised a complaint about the same issue already under the Grievance Procedure.

Under the formal procedure within this policy, we will usually:

- ask you to set out your complaint in writing and include as much detail as possible, for example the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far;
- hold a meeting with the alleged bully/harasser to ascertain their response to the allegations;
- carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
- invite you to a meeting to discuss your complaint in full and where you will have the right to be accompanied by a colleague or trade union representative;
- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- consider all the evidence in full and make a decision; and
- inform you of our decision and, if we uphold the complaint, instigate disciplinary action up to and including dismissal against the bully/harasser.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations and we will discuss this with you.

If you are not satisfied with the outcome of the formal investigation, you have the right to appeal.

Should you wish to appeal, you should write to the HR Director, setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and usually no longer than five working days after we inform you of the decision.

The manager appointed to hear the appeal will arrange a meeting with you to discuss your appeal in full and to try and reach a satisfactory solution. You must take all reasonable steps to attend this meeting and you may be accompanied by a colleague or trade union representative.

The manager handling the appeal will write to you to confirm the outcome of the appeal, which will be final.

12 Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.

For emotional support, you can access free, confidential counselling from our Employee Assistance Programme (EAP). For more details of how to contact the EAP, please go to the Global Hub.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate.

13 Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal (or other appropriate action for staff who are not employees).

14 Policy breaches

If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for those who are not employees). Please refer to our Disciplinary Procedure for further information.

Anyone who raises a complaint or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal under our Disciplinary Procedure (or other appropriate action for those who are not employees).

15 Record-keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data in accordance with our Data Protection Policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our Disciplinary Procedure.

Anti-harassment and Bullying Policy

Document Purpose:

OPM would like to ensure that all OPM representatives are treated, and treat others, fairly with dignity and respect. This document describes the actions available to those who believe they are victims of bullying or harassment, and the standards and procedures OPM will follow as a consequence, with the aim of providing a working environment free from harassment and bullying.

Policy Overview			
Policy Owner	Human Resources Director		
Applies to	All staff and suppliers over whom OPML has duty of care		
Global or local scope	Global		
Version Number	3.0	Effective from	02/06/2023
Approvals (Dates)	Board		01/06/2023
	Management Team		25/05/2023
	Other (please state)		