

## **Policy - Rail**

**Title: Anti- harassment, bullying or physical assault Policy**

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### **1. POLICY STATEMENT**

The purpose of this policy is to ensure that all staff are treated and treat others with dignity and respect, free from harassment, bullying or physical assault. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy. This policy covers harassment, bullying or physical assault which occurs both in and out of the workplace, such as on business trips, at events or work-related social functions. It covers harassment, bullying or physical assault by staff and also by third parties such as customers, suppliers or visitors to our premises. Staff must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional bullying or physical assault is unacceptable.

The company will take allegations of harassment, bullying or physical assault seriously and address them promptly and confidentially where possible. harassment, bullying or physical assault by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases it may amount to gross misconduct leading to summary dismissal. This policy does not form part of any employee's contract of employment and we may amend it at any time or depart from it where we consider appropriate.

### **2. RESPONSIBILITY FOR THE POLICY**

The Senior leadership team has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

The HR Manager has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it, and auditing internal control systems and procedures to ensure they are effective in bullying or physical assault.

Management at all levels are responsible for ensuring those reporting to them understand and comply with this policy and the issue of harassment, bullying or physical assault in supply chains.

### **3. COMPLIANCE WITH THE POLICY**

You must ensure that you read, understand and comply with this policy.

#### **What is harassment?**

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the victim's gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability, or age. Harassment is unacceptable even if it does not fall within any of these categories. Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;

- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him.

### **Sexual Harassment.**

#### **What is Sexual Harassment?**

Sexual harassment is unwanted conduct of a sexual nature that has the purpose or effect of:

- Violating a person's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The effect on the recipient is important. Conduct may amount to sexual harassment even if it was not intended to cause offence. A single incident can constitute sexual harassment.

#### **Examples of Sexual Harassment**

Examples include, but are not limited to:

##### **Verbal Conduct**

- Sexual comments or jokes.
- Remarks about a person's body or appearance.
- Sexual propositions or repeated requests for dates.
- Questions about someone's sex life.
- Catcalling or wolf-whistling.

##### **Non-Verbal Conduct**

- Staring or leering.
- Displaying sexually explicit images or materials.
- Sending inappropriate memes, GIFs or emojis.
- Making sexual gestures.

##### **Physical Conduct**

- Unwanted touching, hugging or kissing.
- Standing unnecessarily close.

- Messages or physical contact without consent.
- Sexual assault.

### **Online or Digital Conduct**

- Sending sexually explicit messages or images.
- Inappropriate comments during video meetings.
- Persistent personal messaging after being asked to stop.
- Sharing offensive content in work-related chat groups.

This policy reflects our obligations under the UK Equality Act 2010 and is designed to align with guidance issued by the UK Equality and Human Rights Commission (EHRC), including the employer duty to take reasonable steps to prevent sexual harassment in the workplace.

### **What is bullying?**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- unjustified persistent criticism;
- belittling someone's opinion;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; or
- deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **What is physical assault:**

Physical assault, Physical assault in the workplace includes hitting, pushing, slapping, or any use of physical force intended to cause harm, intimidation, or fear. It may involve coworkers, supervisors, clients, or external individuals. Physical assault may include, by way of example

- physical violence – including kicking, spitting, hitting or pushing, as well as more extreme violence with weapons;
- verbal abuse – including shouting, swearing or insults, racial or sexual abuse; threats and intimidation.

## **4. Addressing third-party harassment, bullying or physical assault**

Third-party harassment or sexual harassment occurs between a member of ASH staff and a third party who they come into contact with during the course of their employment, such as staff from other organisations, job applicants, consultants, contractors, or suppliers. We note that the law requires employers to take reasonable steps to prevent sexual harassment by third parties.

Third-party harassment or sexual harassment could take place at such events as, meeting clients alone; any environment where people are drinking alcohol; social events; power imbalances between staff; or when travelling for work.

Whilst an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim.

Harassment by third parties will not be tolerated. All staff are encouraged to report any third party harassment they experience or witness in accordance with this policy. We act in accordance with the Government Guidance on third party harassment and employer's liability. If any third-party harassment of ASH staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, formal contract management actions, banning harassers from our premises, reporting any criminal acts to the police. Any harassment by a member of ASH staff against a third-party may lead to disciplinary action up to and including dismissal.

## **5. Raising a formal complaint**

If you wish to make a formal complaint about harassment, bullying or physical assault, you should submit it in writing to the HR Manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the Senior Leadership Team.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, 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.

As a general principle, the decision whether to progress a complaint is up to you. 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.

## **6. Formal investigations**

The company will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a other representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or other representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a contractor, customer, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

The company will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully. It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

At the end of the investigation, the investigator will submit a report to a manager nominated to consider the complaint. The manager will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You

have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the manager's findings will be given to you and to the alleged harasser.

## **7. Action following the investigation**

If the manager considers that harassment or bullying has occurred, prompt action will be taken to address it. Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them. Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

## **8. Appeals**

If you are not satisfied with the outcome you may appeal in writing to the HR Manager, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or other representative to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **9. Training**

We provide training to all employees with regards to the topics covered within this policy, including how to identify potential signs and report concerns, training will cover the company's policies, procedures, and reporting mechanisms.



Signed: Anthony Allday

Position: Managing Director

Date: 02/12/2025