Prevention of Bullying and Harassment at Work

DiveCo Marine Ltd is committed to encouraging and maintaining good employee relations within a working environment that fosters team working and encourages employees to give of their best. Everyone in the Company, and those who have dealings with the Company, has a responsibility to maintain good working relationships and not be engaged in any unfair or hostile behaviour

The Company's policy applies to all staff working within the organisation and to all employees working off the premises. It extends to include non-permanent workers such as contractors, agency, temporary staff, consultants, and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.

There is a clear process for managing workplace bullying, which is set out in the eight steps below.

1. Foundation

The foundation of preventing workplace harassment, discrimination, and bullying lies in the establishment of clear policies and procedures. DiveCo has developed policies that explicitly prohibit these behaviours and outline reporting procedures and consequences for violations. These policies will be communicated to all employees and are readily accessible. In addition to the obligations placed upon both employers and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity, and respect. The Company has a "zero tolerance" policy and will investigate thoroughly any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally. It is the responsibility of all members of staff to read, understand and comply with the contents of this policy.

2. Provide regular training and education

Training and education are key to raising awareness and understanding of workplace harassment, discrimination, and bullying. We will provide regular training sessions in the form of Toolbox Talks for all employees on recognising, preventing, and addressing these behaviours. Our Toolbox Talks cover topics such as identifying inappropriate conduct, understanding diversity and inclusion, and bystander intervention. Our employees also have access to this policy via the QR Code within their Contract for Services Document.

Workers, including managers and senior staff, should be trained on:

- what sexual harassment in the workplace looks like
- what to do if they experience or witness it
- how to manage any complaints of harassment

The Equality and Human Rights Commission (EHRC) have published technical guidance together with an eight-step guide for employers on preventing sexual harassment at work. The guide makes it clear that the eight steps identified are not an exhaustive list, but implementing the steps should help an employer take positive action to prevent and deal with sexual harassment.

3. Foster an inclusive work culture

DiveCo adopts a work culture that values diversity, promotes inclusivity, and encourages open communication. Senior Managers should lead by example by demonstrating inclusive behaviours and addressing any instances of discrimination or bullying promptly and effectively. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment that they witness, or that comes to their attention.

4. Implement fair recruitment practices

Fair recruitment practices are essential for creating equal opportunities for all candidates. We will ensure that recruitment and selection processes are fair, unbiased, and based on objective criteria. Our recruitment practices are based on the individual's qualifications that are relevant to our requirements. This said, we will promote diversity and inclusion in hiring practices to create a more representative workforce wherever possible.

5. Establish effective reporting mechanisms

We need to make sure that our employees feel safe and supported when reporting incidents of harassment, discrimination, or bullying. DiveCo has an Open Door Policy that actively encourages employees to approach their line manager, or senior manager with their concerns. We also have a reporting system based on a QR Code that leads to a simple online form on our website. This form can be used to record and report observations of bullying on others, or on themselves and can be anonymous if necessary. Any such report will be treated with the strictest confidentiality and non-retaliation for those who come forward with complaints. All reports will be taken seriously, and a prompt and thorough investigation will be conducted, when required.

6. Conduct impartial investigations

When incidents are reported, we will conduct impartial investigations to determine the facts objectively. If the allegation cannot be dealt with in-house, or is serious, we have engaged an external HR Company to investigate and manage cases sensitively and ensure due process for all parties involved. Support will be provided to both the complainant and the accused throughout the investigation process.

7. Take appropriate disciplinary action

Those found guilty of harassment, discrimination, and bullying must face consequences for their actions. DiveCo will take appropriate disciplinary action against individuals found to have engaged in these behaviours, up to and including termination of employment if necessary. Disciplinary action will always be applied **consistently**, not one rule for one and one for another.

8. Policies

DiveCo will adopt clear policies on bullying, harassment, including sexual harassment and discrimination, setting out unacceptable behaviours. Also, that reporting routes, are regularly updated and accessible for employees. Our policies, and other related documents ,will be reviewed annually, or as needed due to changes in legislation.

Key Principles

The Company will provide and maintain a safe working environment in which everyone is treated fairly and with respect. DiveCo will not tolerate harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic on any of its own employees or employees of any company working on our behalf.

Risk assessments

DiveCo will identify high-risk areas, particularly where employees deal with third parties.

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Definitions

Harassment may be defined as any behaviour which is:-

- Unwanted by the recipient
- Is considered objectionable
- Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals.
- Causes humiliation, offence, distress, or other detrimental effect.

Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Sexual harassment – Defined as unwanted conduct of a sexual nature that violates dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment; with concrete examples in person, online, or via messaging
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively, repeated, and persistent behaviour, which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to :

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules, or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a communal problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “Cyber bullying” i.e., bullying via e-mail. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g., by giving inadequate instructions or unreasonable deadlines.

Therefore, Harassment and Bullying *may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.*

Sexual harassment is unlawful and will not be tolerated. DiveCo Marine is required to take all reasonable steps to prevent sexual harassment of our workers. We, as an employer, can be held liable for sexual harassment if they we have not taken all reasonable steps to prevent it.

To be compliant with regulations, DiveCo must:

- encourage workers to report any concerns about sexual harassment at work
- state that a concern about sexual harassment may amount to whistleblowing and refer to DiveCo’s whistleblowing policy
- state that harassment or victimisation may lead to disciplinary action up to and including dismissal
- state that aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

- define sexual harassment and provide clear examples of it – examples should be relevant to your working environment and reflect the diverse range of people that harassment may affect
- include an effective procedure for receiving and responding to complaints of harassment
- address third-party harassment (such as by customers or service users)

Sexual Harassment - This is defined by T*he 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, we have a positive legal duty to take all reasonable steps to prevent sexual harassment of our workers.

Under the Equality Act 2010, we, as an employer, must take all reasonable steps to prevent sexual harassment of our workers. This is called the preventative duty. The duty is designed to improve workplace cultures. It requires us to anticipate how sexual harassment might happen in our workplaces, and to take reasonable, proactive steps to prevent it. The preventative duty includes worker-on-worker harassment and harassment by third parties such as customers, clients, or the public. The law requires us to take all reasonable steps to prevent sexual harassment of our workers, and we can be held liable for sexual harassment if we have not taken all reasonable steps to prevent it

Everyone has a right to feel safe and supported at work. If we, as an employer, do not deal with sexual harassment in our workplaces, it can have a damaging effect on our workers' mental and physical health. This can affect them across their personal and working life. It has a negative impact on workplace culture and productivity.

It is DiveCo Marine's policy that:

- All staff treat colleagues with fairness, dignity, and respect
- Sexual harassment will not be tolerated, that it is unlawful, and who is protected
- Workers will be encouraged to report any concerns about sexual harassment at work
- A concern about sexual harassment may amount to whistleblowing and refer to the employer's whistleblowing policy
- Harassment or victimisation may lead to disciplinary action up to and including dismissal
- Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take
- Sexual harassment is defined and provide clear examples of it (see page 5 below)
- We implement an effective procedure for receiving and responding to complaints of harassment
- We address third-party harassment

Types and Examples of Sexual Harassment

Sexual harassment can happen in person or online (digital/text) and generally falls into three main categories:

- **Verbal:**
  - Sexually suggestive comments or jokes
  - Inappropriate questions or remarks about someone's sex life, body, or appearance
  - Catcalling or sexual propositions

- **Non-verbal:**
  - Intrusive leering, or suggestive looks
  - Displaying or sharing sexually explicit images, posters, or videos
  - Indecent exposure or "upskirting" (taking photos under someone's clothing)
- **Physical:**
  - Unwanted touching, hugging, kissing, patting, or pinching
  - Brushing up against someone deliberately or blocking their movement
  - Sexual assault or coerced sexual act

Third-party Sexual Harassment - It is unlawful for an employer to permit a third party to harass a worker. Harassment by a third party, such as a customer, client, supplier, or member of the public should be treated just as seriously as harassment by a colleague. We must take all reasonable steps to prevent this type of harassment. There is no statutory list of what counts as "all reasonable steps". Therefore, these steps could include:

- putting reporting mechanisms in place
- practical training on how to de-escalate confrontational or abusive behaviour and deal with harassment from a third party if it occurs
- clear signage displayed in public areas to state that harassment of staff will not be tolerated
- avoiding lone or isolated working where possible

Further:

- Third-party harassment is unlawful and defined as "Unwanted conduct related to a protected characteristic (or sexual harassment) directed at an employee by someone who is not a direct colleague or agent"
- That we, as an employer, can be held liable if one of our workers is harassed by a third party
- that the law requires us to take all reasonable steps to prevent sexual harassment by third parties
- that it will not be tolerated
- that our workers are encouraged to report it via the methods mentioned in the Reporting Section of this policy.
- what steps will be taken to prevent it -
- what steps will be taken to remedy a complaint and prevent it from happening again – for example, warning a person about their behaviour, banning them from site/office, reporting any criminal acts to the police, or sharing information with our clients, subcontractors, and suppliers.

Reporting

Any employee who wishes to make a complaint of harassment, sexual harassment or bullying is encouraged to first discuss matters informally with their line manager, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought. Should they prefer to make an anonymous compliant or report any form of sexual harassment they have witnessed, either by a colleague or third party, they may use the QR code that will take them directly to the Observation Card on our website.

When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate, and this may require an investigation under the Company's Disciplinary Policy and Procedure. We may consult our HR Consultant for advice on the situation.

If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the Company will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and advice from our HR Consultant to the relevant manager. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality may man that those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

Retention of Documents

The standard period for keeping complete records—including the complaint, evidence, investigation findings, and outcome, is 6 years. This will protect DiveCo if an employee brings a claim to an Employment Tribunal or files a civil suit. If the allegation is proved to be unsubstantiated and investigation finds no evidence of wrongdoing, DiveCo may consider a shorter retention period - 6 months to 2/3 years - to protect the reputation of the accused person.

Whistleblowing

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

This policy will be reviewed annually or in line with changes to legislation. This current revision has been checked and approved by:

Andrew C. Allan

Drew Allan
Managing Director
DiveCo Marine Ltd
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