

1 **Dignity at Work/Anti-Harassment and Bullying Policy**

(This policy does not have contractual effect and is provided for guidance only.)

1.1 INTRODUCTION

The purpose of this policy is to provide guidance and an effective complaints procedure to you in the unfortunate (and hopefully extremely unlikely) event that you encounter harassment and/or bullying at work on any of the following grounds that are applicable to you (**Protected Grounds**):

- a. a disability;
- b. your gender;
- c. harassment of a sexual nature;
- d. that you intend to or have undergone a gender re-assignment or are transgender;
- e. your sexual orientation;
- f. your marital or civil partnership status;
- g. pregnancy or maternity;
- h. your race, colour, nationality, caste, ethnic or national origins;
- i. your age; or
- j. your religion or similarly held beliefs.

1.2 DOES THIS POLICY APPLY TO ME?

This policy applies to all employees, workers, consultants and contractors of the Company, whether full time, part time, permanent, fixed term or temporary and irrespective of status, level or grade. The policy also covers harassment/bullying which occurs both in and out of the workplace such as on business trips or at events or work-related social functions.

1.3 DIGNITY AT WORK STATEMENT

The Company is committed to and supports the rights of all employees to work and function in an environment that is free of all forms of harassment, bullying, intimidation and victimisation taken or perpetrated on Protected Grounds.

Harassment in any form is unacceptable to the Company and the Company will not tolerate such conduct. You are expected to comply with this policy in full and take appropriate measures to ensure that such conduct does not occur within the Company.

Employees with a strong faith or belief must respect the rights of other employees to hold and follow their own religions and beliefs (or non-beliefs as the case may be). The Company does not accept that any employee has any right to refuse to work with a colleague on the grounds of that colleague's sexual orientation, religion, belief, gender or race, even where this refusal is raised on the grounds of the employee's own religious or cultural beliefs.

Disciplinary action may be taken against you if you contravene this policy, which may include summary dismissal in the event of serious harassment.

1.4 WHAT IS HARASSMENT/BULLYING?

"Harassment" means unwelcome or unwanted conduct based on Protected Grounds, which has the purpose or effect of:

- a. violating that person's dignity at work; or

- b. creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Please remember that Harassment may involve conduct not directed at the person concerned, but which cause offence nonetheless, such as sexual jokes or gestures made in an employee's presence even though the joke is not aimed at the employee in question.

"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.

1.5 EXAMPLES OF WHAT IS MEANT BY HARASSMENT?

Examples of Harassment (incorporating bullying also) include the following types of behaviour (this is not, however, meant to be an exhaustive list):

- a. Sexual Harassment:

Any conduct that is overtly sexual in nature; unwanted and unwelcome physical contact, such as deliberately touching, patting, pinching or brushing against another employee; behaving in an intimidating fashion towards another employee, such as standing or sitting too close to another employee, particularly for unnecessarily long periods; unwanted and unwelcome sexual advances; propositions or pressure for sexual activity; sexually suggestive remarks; sexual innuendo or banter; lewd or licentious comments; sexually-based comments about another employee's physical appearance or dress; repeated and unwanted invitations in relation to activities outside work (for instance: invitations to dinner, the cinema, a lift home, etc); talking about one employee in a sexual context to another; flirtation; unwanted or unwelcome sexual or sexually suggestive gestures or postures; whistling; leering; notes, letters, texts or e-mails of a sexual nature; unwanted presents such as flowers, chocolates etc; the display of pornographic, explicit or sexually suggestive pictures or images, including the display of such images on computer screens.

- b. Other forms of Harassment:

Any intimidating, hostile, degrading, humiliating or offensive conduct that is undertaken based on Protected Grounds; remarks, jokes, terminology, nicknames or comments directly relating to Protected Grounds; comments about another employee's physical appearance or dress where the comments are directly or indirectly linked to Protected Grounds; talking about one employee in a manner that relates to Protected Grounds to another employee; offensive gestures; notes, letters, texts or e-mails of an offensive nature; the display of pictures or images which may offend on Protected Grounds; the "outing" of a colleague whose sexual orientation is regarded as private by the employee; segregating a person from others on the basis of Protected Grounds; failing to promote someone or disciplining them on account of Protected Grounds.

- c. Bullying:

In addition to and along with forms of Harassment above, physical, verbal or non-verbal contact which intimidates, offends or degrades including shouting at, being sarcastic towards, ridiculing or demeaning others; 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.

Please note that in determining whether or not conduct is offensive, the issue is whether the recipient of the conduct perceives it to be an act of harassment (e.g. offensive or intimidating). You should consider in advance how the other person may feel about the conduct in question and if you are in any doubt as to whether or not the conduct will be perceived as an act of Harassment (e.g. unwanted or unwelcome and offensive or humiliating etc), you should not act in the manner concerned. Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given to an individual in the course of their employment, however, will not amount to harassment or bullying on their own.

1.6 COMPLAINTS PROCEDURE

Informal Procedure

- a. Unless serious Harassment is perceived to have taken place, it will often be reasonable for you to inform the person harassing you that you find the conduct inappropriate, that the conduct is unwelcome or unwanted and that it must therefore stop immediately.
- b. If this informal approach is unsuccessful in addressing the unwanted conduct, if you feel that serious Harassment has taken place or if you feel that a direct request to stop would be difficult, sensitive and/or awkward, you should raise your concerns with your line producer, Production Manager, Producer or Executive Producer as relevant (**Relevant Person**).
- c. Any meeting you have with the Relevant Person will be treated with discretion so far as reasonably practicable. However, you must note that the Company has a duty to protect the dignity at work of its employees. Human Resources will discuss with you whether any further action should be taken. However, you should note that the Company reserves the right to investigate all allegations and to take disciplinary action against all perpetrators of Harassment, even if you do not wish to raise a formal complaint.
- d. If it is decided not to take matters any further, the Relevant Person will make a note of the meeting. You should, however, approach the Relevant Person again if the unwanted conduct continues.
- e. If it is decided to take the matter further, the formal complaints procedure set out below will be utilised.

Formal Procedure

You should raise a formal grievance in writing, which will be dealt with in accordance the Grievance Procedure. However, the Company recognises that complaints about Harassment can raise some sensitive issues and so certain modifications will apply to the usual Grievance Procedure, as follows:

- a. A Relevant Person (or an HR professional of the Company) will interview you, the person about whose conduct you have complained and all relevant witnesses and may take

written statements from those interviewed. All interviews and statements will be conducted in private and all matters will be handled with discretion, except that all statements, documents and interview records may be used during the grievance process, during any disciplinary process and in any legal proceedings.

- b. During the course of the investigation, the Company reserves the right to suspend the alleged harasser, on full pay, pending the outcome of the complaint.
- c. The Company will give consideration to permitting (as far as reasonably practicable) you to cease or reduce the amount of contact you have at work with the alleged harasser, pending the completion of the investigation and the resolution of the complaint.
- d. Both you and the alleged harasser will be given a fair and impartial hearing and will be given the opportunity to state your respective cases in full, to call any witnesses and/or other evidence if necessary. You will have the right to be accompanied during the grievance process.
- e. If the complaint is substantiated, disciplinary proceedings will be commenced against the harasser, which will be in accordance with the Disciplinary Procedure. All statements, records, minutes, documents and evidence arising from the complaint of Harassment will automatically form part of the results of the disciplinary investigation.
- f. If you are dissatisfied with the outcome of this formal procedure, you have the right to appeal within 5 working days of the decision being communicated to you. Any appeal should ideally be submitted in writing. The appeal will be conducted by a senior employee appointed by the Company. The appeal takes the form of an appeal against a decision made under the Grievance Procedure.
- g. In circumstances where the allegation of Harassment is upheld, but the Company does not intend to take any further disciplinary action against the perpetrator of the Harassment, the Company will allow the alleged harasser the right of appeal against its decision. The alleged harasser will have 5 working days from being informed of the Company's decision to submit their appeal (including full grounds for that appeal) in writing. The appeal will be conducted by a senior employee appointed by the Company. The appeal takes the form of an appeal against a decision made under the Disciplinary Procedure and any decision made by the Company after the appeal hearing shall be final.

You have the right to complain about Harassment and to act as a witness in relation to any Harassment aimed at other employees without fear of intimidation, victimisation, discrimination or any other adverse behaviour from the alleged perpetrator of the Harassment. Any such conduct by other employees against you will be treated as a disciplinary offence and disciplinary action will be taken.

Please note that all genuine complaints of Harassment are taken seriously. You will not be prejudiced or victimised for having brought a genuine complaint and appropriate action will be taken where the complaint is upheld.

It is, however, a disciplinary offence to knowingly bring false allegations of Harassment against another employee in bad faith and the Company will take disciplinary action (up to and including summary dismissal) if any such allegations are made.

1.7 CONFLICTS OF INTEREST

If, at any stage of the above policy, the person who would normally be appointed to investigate or determine the outcome of an investigation is the alleged harasser, that person shall not be permitted to participate in this manner and the Company will appoint another suitable employee to act in this capacity.

1.8 WHAT ARE THE DUTIES OF ALL RELEVANT PERSONS?

It is the general duty of all Relevant Persons to ensure that incidents of Harassment do not occur within the Company and, where such incidents come to a Relevant Person's attention, they should always be reported to the [most senior Production Executive].

Failure to take appropriate action upon receipt of a complaint of Harassment and/or bullying may be regarded as misconduct, as will any unauthorised disclosure or breach of confidentiality regarding the details of any complaint received or the identity of the person making the complaint.

1.9 WHAT ARE THE DUTIES OF ALL EMPLOYEES?

It is your responsibility not to harass any other employee, consultant, contractor, customer or supplier of the Company in any way whatsoever. Disciplinary measures (including dismissal in appropriate cases) will be taken against any employee found guilty of Harassment.

You should bear in mind that acts of Harassment can lead to legal proceedings being brought against the alleged harasser and/or against the Company.

It is the duty and responsibility of each and every employee of the Company to ensure that he/she complies with this policy in full and to take appropriate steps if it comes to his/her attention that acts of Harassment are taking place.

1.10 CRIMINAL LIABILITY

The Company would like to remind you that it may be a criminal offence to harass another employee. For this purpose, harassing a person includes causing them alarm or distress.