



## **SEXUAL HARASSMENT POLICY**

### **Statement**

voestalpine Metsec plc ("Metsec") is committed to providing a safe and respectful workplace for all employees that is free of any discrimination, victimisation and harassment, including sexual harassment. We uphold a zero-tolerance policy towards sexual harassment or victimisation in any form, aligning with the Equality Act 2010 and ACAS guidelines and will treat all incidents seriously. We will investigate all allegations promptly and respectfully and will endeavour to treat them in confidence.

This policy applies to all employees, temporary workers, contractors, clients, officers, apprentices, volunteers and interns (collectively referred to as staff within this policy). It will also apply in respect of job applicants and former employees. It provides a framework to deal with sexual harassment or victimisation by staff and also by customers, suppliers and other visitors to our premises.

We recognise that sexual harassment can occur both in and outside the workplace. This policy applies, regardless of position, gender, sexual orientation or any other characteristic, in relation to work-related activities, including social events, business trips, training sessions or conferences, in relation to use of social media or in any other situation where the incident may be relevant to your suitability to carry out your role.

Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work is unlawful and will not be tolerated. Any such conduct can result in legal liability for both the business and the perpetrator, whether they work for the Company or are a third-party outside of our control.

We will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy to ensure that we can take appropriate action and provide support. Sexual harassment and victimisation may result in disciplinary action up to and including dismissal.

This policy does not form part of any contract of employment or contract to provide services and may be amended at any time.

### **Definition**

Sexual harassment is defined as any unwanted behaviour of a sexual nature that has the purpose or effect of violating a person's dignity or otherwise creating a hostile, intimidating, degrading, humiliating or offensive environment for them. This includes 'quid pro quo' harassment, such as where a person is asked to engage in a sexual activity as a condition of their employment.

Sexual harassment will also include treating someone less favourably because they have refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual Harassment can involve single or multiple incidents. Actions constituting harassment may be physical, verbal or non-verbal. Examples of these types of behaviour include, but are not limited to:

<b>Physical conduct</b>	<b>Verbal conduct</b>	<b>Non-verbal conduct</b>
Unwelcome physical contact including pinching, inappropriate touching, patting, stroking, kissing, hugging & fondling.	Sending sexually explicit or offensive messages, such as by phone, email or via social media.	Displaying sexually explicit, suggestive or erotic material.
Physical violence, such as sexual assault.	Sexual comments, stories & inappropriate jokes.	Sexually suggestive signals or gestures.
The use of job-related rewards or threats to solicit sexual favours.	Repeated & unwanted invitations for physical intimacy or dates.	Whistling.
	Sexual advances.	Leering.
	Comments on an employee's appearance, age, private life etc.	
	Insults based on sex.	
	Intrusive questions about someone's private life.	

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or in connection with the Equality Act 2010;
- Alleging that a person has contravened the Equality Act 2010.

Victimisation may include, but is not limited to:

- Denying someone an opportunity because it is suspected they intend to make a complaint about sexual harassment;
- Excluding someone because they have raised a grievance about sexual harassment;
- Failing to promote someone because they accompanied another staff member to a grievance meeting;
- Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

Anybody can be a victim of sexual harassment, regardless of their sex and the sex of the harasser, or whether they were the intended target. Sexual harassment can also occur between people of the same sex. Similarly, we recognise that sexual harassment can occur between peers or through power disparities, such as a manager and an employee.

### **Third-party harassment**

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for the Company, but with whom they have come into contact during the course of their employment. The examples set out above apply equally to third-party harassment, and could arise from a client, customer or supplier visiting the Company's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

Third-party harassment can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment that they are a victim of, or witness to, in accordance with this policy.

We will take active steps to try to prevent third-party sexual harassment of staff. If any such sexual harassment occurs, we will take steps to remedy any complaints and to prevent it from happening again. This may include warning the harasser about their behaviour, banning them from our premises and reporting any criminal acts to the police.

Any sexual harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

### **Making a complaint**

If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. This may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

Whilst any decision to progress a complaint is up to the individual, we would encourage all staff to report any instances of sexual harassment or victimisation that they are subjected to or have witnessed.

You should in the first instance make it clear to the harasser that their behaviour is unwelcome and ask them to stop. If you feel unable to take this action alone, you may request assistance from a fellow colleague or WCC representative or take the matter directly to your manager. Where you consider your manager to be the harasser, you should bring your concerns immediately to a more senior manager or to the HR Department or the H&S Department.

Where considered appropriate the matter will be dealt with informally, however should you wish to raise a formal grievance, the following information should be provided in writing:

- the name of the alleged harasser;
- the nature of the alleged harassment or incident;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses; and
- any action already taken to stop the alleged harassment.

On receipt of a formal grievance, action will be taken, where possible, to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with full pay until the matter has been resolved. Your grievance will then be dealt with in accordance with the Company's Grievance Procedure.

As part of the Company's Grievance Procedure, a thorough investigation will be conducted by a manager who is more senior than the person being accused of harassment and where possible independent of the area of work as well as, if appropriate, with another person who may have particular knowledge or skill to bring to the investigation. Those involved in the investigation will be expected to act in confidence.

The harasser(s) will be advised in writing of any action that the Company intends to take, based on the findings of the investigation. Where appropriate, disciplinary action may be taken and where the actions of the harasser(s) are considered to be an act of gross misconduct, summary dismissal may result.

Where a manager becomes aware of an allegation of harassment of an employee or of a member of the public in connection with Metsec's activities, they must (whether or not a formal complaint has been made) discuss it with the employee (against whom the allegation is made). In addition, and again whether or not a formal complaint has been made, it is the manager's responsibility to discuss the unacceptable behaviour with the employee (against whom the allegation is made). If the person making the allegation refuses to have their identity made known to the employee (against whom the allegation is made), the manager will proceed on an anonymous basis.

### **Roles and responsibilities**

Directors, Managers, Supervisors and Team Leaders should:

- Monitor workplace behaviour and promptly address inappropriate conduct;
- Inform the HR Department of any harassment complaints as soon as possible;
- Provide support and protection to any witnesses or those raising allegations of sexual harassment or victimisation;
- Support any investigation process;
- Maintain confidentiality where possible; and
- Complete training on the topic of sexual harassment.

Employees should:

- Report witnessed or experienced sexual harassment or victimisation – see section [making a complaint above](#);
- Take appropriate steps to address any witnessed sexual harassment or victimisation, which may include: intervening (where able to do so); supporting the victim or reporting it on their behalf; and reporting the incident where they feel there may be a continuing risk if they do not report it.
- Co-operate with any investigation(s);
- Complete training on the topic of sexual harassment if asked to do so; and
- Maintain professional behaviour in all work contexts.

HR Department will:

- Assist in processing and investigating formal complaints;
- Arrange training on the topic if asked to do so;
- Maintain documentation; and
- Regularly review this policy.

### **Anti-Retaliation provisions**

- Metsec strictly prohibits retaliation against anyone who:
  - Is subject to sexual harassment or victimisation;
  - Witnesses and reports incidents;
  - Participates in investigations; and
  - Supports colleagues who have complained.
- Examples of retaliation include:
  - Negative performance reviews;
  - Exclusion from opportunities; and
  - Hostile treatment.
- Anyone who believes they have been subjected to such treatment should inform their manager/HR. If the matter is not remedied, it should be raised formally using the Company's Grievance Procedure or this procedure if appropriate.

## **Investigations**

- Complaints will be investigated in a timely, respectful and confidential manner.
- Individuals not involved in a complaint, or the investigation should not be told about it.
- An investigation meeting will be arranged as soon as possible.
- We may suspend (with pay) or make temporary changes to the working arrangements of an alleged harasser, pending the outcome of an investigation.
- We may take additional actions to protect the complainant and other staff pending the outcome of an investigation (whether a complaint relates to an employee or third-party).
- The alleged harasser will have the right to be told of the allegations against them and given the opportunity to respond.
- Where a complaint relates to a third-party, we will attempt to discuss the matter with them.
- Where necessary, we will consider any request that staff may make for changes to their own working arrangements during an investigation (such as changes to duties or working hours to avoid or minimise contact with an alleged harasser).
- The importance of confidentiality will be emphasised to anyone involved in the investigation, including any witnesses who need to be spoken to.

## **Formal disciplinary action**

- Where it is considered there is a case to answer in respect of a staff member, the matter will be dealt with as possible misconduct or gross misconduct in accordance with the Company's Disciplinary Procedure (for employees) or such other procedure as may be applicable.
- Proven violations of sexual harassment may result in:
  - Mandatory training;
  - Demotion;
  - Transfer;
  - a Written Warning or Final Written Warning;
  - Dismissal with payment in lieu of notice;
  - Summary dismissal without notice; and/or
  - Legal action where appropriate.
- Where any sexual harassment or victimisation is found to have occurred, we will consider whether any additional measures need to be taken to prevent future sexual harassment or victimisation of staff.
- Whether or not a complaint is upheld, we will consider how best to manage the ongoing working relationship which may include mediation, counselling, change to duties, working location or reporting lines.
- Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under the Company's Disciplinary Procedure.
- However, a staff member will not be disciplined or treated detrimentally simply because their complaint has not been upheld.

## **Appeals**

If not satisfied with the outcome of a complaint, there will be the opportunity to appeal. An employee wishing to appeal should do so to the appropriate person. Appeals should be lodged in writing, setting out the grounds on which the appeal is based and signed and dated. The appeal must be sent to the appropriate person within 5 working days of receiving the outcome of a complaint. Appeals will usually be heard within 10 working days of receiving the employee's grounds for appeal by the appropriate person. An appeal meeting will take place at which the employee will have the opportunity to explain their grounds of appeal.

The employee will be informed in advance of the date, time and location of the meeting and must take all reasonable steps to attend. Where reasonably practicable the appeal meeting will be heard by an appropriate person who was not previously involved in the grievance meeting. The format of the appeal meeting will be at the discretion of the appropriate person hearing the appeal and will depend on the grievance which is the subject of the appeal. The person holding the appeal meeting will have authority to confirm or overturn the original decision, or to decide on a different outcome. The employee may be accompanied.

The result of the appeal will be communicated in writing as soon as possible and a copy will be placed on the employee's personnel file. The appeal decision will be final and cannot be further appealed. Until the outcome of the appeal has been decided, the original decision will stand.

## **Whistle blowing**

Employees have the right to raise, in confidence, issues of malpractice relating to the Company and be protected from any victimisation that may result. If you believe that any of the following has taken place, you should immediately notify your manager that:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with a legal obligation to which they are subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the H&S of an individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged; and/or
- any employee has made a deliberate attempt to conceal any of the above.

If the nature of the matter is such that you cannot raise it with your manager, then you should raise it directly with a Board Director. If the nature of the matter is such that you cannot raise it with a Board Director, then you should raise it directly with the compliance department of the voestalpine group, details of which are set out in the voestalpine group of companies' Code of Conduct (available from the intranet). It is important that all concerns are raised in the public interest. Anyone who abuses the procedure (for example by maliciously or mischievously raising a concern) may be subject to disciplinary action and anyone who raises a concern other than via the procedures set out in this policy may be subject to disciplinary action. The Company will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for doing so will be subject to disciplinary action.

You may decide that you want to raise a concern in confidence. If you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity (for instance because your evidence is needed in court), there will be a discussion with you as to whether and how to proceed. This policy is not a substitute for the Grievance Procedure or the Harassment and Bullying Policy, nor is it a channel for employees to raise matters in relation to their terms and conditions of employment.

All matters raised in terms of this policy will be fully investigated. Once an investigation has been completed, appropriate action will be agreed with you as the person who reported the matter. If the Company decides not to take further action on a matter you have raised, you will be advised of that decision and the reasons for the decision. If your concerns would more appropriately be dealt with via another procedure, you will be advised of that and be provided with a copy of the relevant procedure/policy (e.g., the Grievance Procedure or the Harassment and Bullying Policy).

## **Support and advice**

- Available support and advice includes:
  - Employee Assistance Programme (EAP) which offers counselling;
  - Onsite trained Mental Health First Aiders; and
  - Paid leave to attend hospital/other medical appointments.
- Advice may also be obtained from the following external services:
  - The Equality Advisory and Support Service (<https://www.equalityadvisoryservice.com>);
  - Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk));
  - Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk));
  - Rape Crisis ([www.rapecrisis.org.uk](http://www.rapecrisis.org.uk));
  - Rights of women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)).

## **Preventative measures**

- We will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation to ensure that they are properly investigated and resolved.
- We will ensure those reporting or acting as witnesses are not victimised, repeat offenders are dealt with appropriately and workforce training is targeted where needed.
- Training Requirements
  - Manager-specific training;
  - Employee-specific training, if asked to do so; and
  - Updates in response to any policy changes.

## **Consensual relationships**

- Must be disclosed to the HR Department;
- May require management adjustments to work arrangements;
- Cannot involve direct reporting relationships; and
- May be subject to a conflict-of-interest review.

### **Policy Review**

The policy will be reviewed annually/as the need arises by HR in consultation with our Directors and the WCC, where considered necessary. We will continue to monitor its effectiveness and implement any changes that may be required.