Anti-Bullying and Harassment Policy

Union Bancaire Privée (UK) Limited

UBP

UNION BANCAIRE PRIVÉE

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1. GENERAL

You are entitled to enjoy a work environment free from any form of bullying or harassment. One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy sets out the steps we aim to avoid bullying and harassment as well as how we investigate and deal with complaints of bullying or harassment, and how we support those affected. We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect. All Staff should take the time to ensure that they understand what types of behaviour are unacceptable under this policy. This policy covers bullying, harassment and sexual harassment which occurs both in and out of the workplace, such as during business trips, at events or work-related social functions. 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 as they can be themselves and feel that they belong. We are committed to providing a safe and respectful workplace by promoting a working environment based on dignity and trust. This means an environment 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. We therefore adopt a zero-tolerance approach to instances of bullying or harassment. This includes all forms of sexual harassment.

1.1 SCOPE

This policy applies to anyone working for the UBP UK Limited in all jurisdictions ("UBP UK). This includes employees, workers, contractors, volunteers, interns, and apprentices (collectively referred to as "Staff" within this Policy. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties such as customers, clients, suppliers and/or contractors

1.2 UBP UK UK'S COMMITMENT

- We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:
- ensuring all new starters attend provided anti-bullying and anti-harassment training, as part of their onboarding programme;
- ensuring all new starters attend provided whistleblowing training, as part of their onboarding programme;
- requiring all employees to attend provided anti-bullying and anti-harassment training on a regular basis; ensuring all employees attend whistleblowing training on a regular basis;
- providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace and by third parties that you may have contact with;
- encouraging individuals to be supportive of our equality, diversity and inclusion, antibullying and anti-harassment initiatives by attending any events or workshops and to be open to learning about the challenges faced by others as well as how to help alleviate these in the workplace;
- monitoring our workplace culture through feedback, exit interviews, one-to-one conversations, return-to-work meetings and employee resource groups to identify and address any issues;
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties that staff may have contact with; and
- ensuring that our zero-tolerance approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with where feasible.

2. WHAT IS EXPECTED OF UBP UK STAFF

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. 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. If anyone working for UBP UK, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary procedure, up to and including summary dismissal. Furthermore, you should be aware that you can be held personally liable for harassment.

2.1 PROTECTED CHARACTERISTICS

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- pregnancy and maternity;
- sexual orientation; and
- age.

3. HARASSMENT, ITS MEANING AND EXAMPLES

This next section looks at different types of harassment, what it means and some examples of what constitutes harassment.

3.1 MEANING OF HARASSMENT

Harassment is unwanted conduct related to a protected characteristic 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.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is homosexual even if they are not. Additionally, harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

3.2 EXAMPLES OF HARASSMENT

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

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;

- excluding someone from a conversation or a social event or marginalising them 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 that is related to a protected characteristic; • "outing" (i.e. revealing their sexual orientation 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 a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

3.3 MEANING OF SEXUAL HARASSMENT

Harassment may be sexual in nature. The law defines sexual harassment as:

- 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 or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct. Employers are legally obliged to take all reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

3.4 EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. 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 (e.g. 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 status, including spreading malicious rumours.

4. BULLYING

There is no legal definition of bullying. However, we regard it as 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 person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

4.1 EXAMPLES OF BULLYING

While this is not an exhaustive list, 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.

4.2 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 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.

5. APPLICATION

5.1 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 8 behaviour is offending you. Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your 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.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you.

- Bully/harasser is a third party

Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.

If you are experiencing bullying or harassment by a third party, 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.

5.2 FORMAL ROUTE

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

In order to report a protected disclosure relating to sexual harassment, you should do so under UBP UK's Whistleblowing Policy, and the report will be investigated following the procedures set out in the policy. Anyone who makes a disclosure relating to sexual harassment will be protected from detrimental treatment because of that disclosure.

To make a formal complaint which is not a protected disclosure relating to sexual harassment, you should discuss this first with your line manager, or Human Resources. If your complaint is about your line manager, you should raise this with Human Resources directly.

You can raise a formal complaint of bullying or harassment under our Grievance procedure if it applies to you. However, 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.

5.2.1 APPEALS

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 do so by 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.

An appeal meeting will be arranged with you to discuss your reasons of 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.

You will then receive a formal written outcome of the appeal, which will be final.

5.2.2 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 EAP by calling 0345 072 051.

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 or Human Resources 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, including any third party. 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.

5.2.3 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 non-employees).

6. CONSEQUENCES OF BREACHING THIS POLICY

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 non-employees). You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be considered in deciding what disciplinary action to take.

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 we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

If you are an employee, please refer to our Disciplinary procedure for further information.

7. RECORD-KEEPING

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. 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.

8. MONITORING AND REVIEW

This policy is reviewed annually and, if necessary, amended to ensure that it remains effective. We analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis to assess the impact of this policy and our wider equality, diversity, and inclusion strategy.

9. ADHERENCE

UBP UK will adhere at all times to the principles set under this policy.

10. WAIVERS

There are no waivers granted under this policy.

11. DISPENSATIONS

There are no dispensations granted under this policy.