

Auxo Group Sexual Harassment Policy

This document is approved and authorised for application within The MCG Group Holdings Ltd and all associated subsidiary companies.

Signed  Ford Garrard, CEO

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Policy

Auxo Group is committed to ensuring that all its staff and applicants are treated with dignity and respect and treat others in the same way. We believe that all staff and applicants have the right to work in an environment which is free from any form of harassment, including sexual harassment.

Auxo Group has a zero-tolerance approach to sexual harassment.

Auxo Group understands and makes it clear to all employees:

- sexual harassment is against the law
- what sexual harassment is and what behaviours are unacceptable at work
- we will never cover up or ignore a sexual harassment complaint
- we will not tolerate misuse of power in workplace relationships, for example through seniority or influence
- how we will handle a sexual harassment complaint
- that staff are encouraged to report sexual harassment immediately
- if someone carries out proven sexual harassment, it may lead to them losing their job
- a member of staff who makes a complaint that's not upheld will not face any disciplinary action, as long as their complaint was not malicious

Auxo Group is committed to ensuring that reasonable steps are taken to prevent sexual harassment to all employees, workers, and applicants. This policy will be reviewed at least annually and updated where necessary to ensure Auxo compliance with its duties under the Equality Act 2010 as amended by the Worker Protection (Amendment of Equality Act 2010) Act 2023 to ensure that reasonable steps are taken to prevent sexual harassment.

This policy should be read in conjunction with:

- Bullying and Harassment Policy
- Complaints Policy
- Equal opportunities policy
- Behaviour at work related social events policy

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Scope

This policy is applicable to the Auxo Group and all subsidiaries.

Harassment

Harassment is a discriminatory act and employees can be personally liable for harassment claims. The protected characteristics relevant to harassment are

- age
- disability
- gender reassignment
- race
- religion or belief
- sex and sexual orientation

Under the Act, harassment is defined as unwanted conduct that relates to a protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual, including conduct of a sexual nature. Victims may not have the relevant protected characteristic but may have witnessed the harassing behaviour and has still created a hostile environment for them.

The following are types of harassing behaviours:

- Derogatory comments about someone’s clothing related to a protected characteristic, for example in relation to religious clothing
- “Jokes” or “banter” against a protected characteristic for example racist “jokes”
- Consistently using the wrong names or pronouns following a gender identity transition
- Mimicking or making fun of someone’s disability
- Marginalizing someone because they are of a particular race

The Equality Act

The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

Sexual Harassment

In accordance with the Worker Protection (Amendment of Equality Act 2010) Act 2023, Auxo Group is committed to providing a work environment free from unlawful sexual harassment.

Sexual harassment is unwanted behaviour of a sexual nature which has the purpose or the effect of:

- violating the victim's dignity; or
- creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.

The conduct need not be sexually motivated, only sexual in nature.

An individual of any gender may be the victim of sexual harassment.

Whilst not an exhaustive list, forms of sexual harassment can include:

- Unwanted sexual invitations or pressure to meet up socially on a date
- Slurs, unwanted sexual advances or propositions
- Visual conduct such as derogatory or sexually oriented posters
- Displaying sexual material
- Sending pornographic material
- Physical conduct such as assault, unwanted touching, or any interference because of sex, race, or any other protected characteristic basis
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits or promises in return for sexual favours
- Sexual comments or jokes
- Unwelcome touching, hugging, massaging, or kissing
- Sexual posts or contact on social media and sending sexually explicit emails/instant messages or text messages
- Suggestive looks, staring or leering
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Spreading sexual rumours about a person

Victimisation

Victimisation is treating someone badly because they have done, or are suspected of doing or intending to do any of the following protected acts:

- Bringing up proceedings under the Equality Act 2010
- Giving evidence or information in connection with the Equality Act 2010
- Alleging a person has breached the Equality Act 2010

An example of victimisation may include a manager bringing false disciplinary proceedings against an employee because they have complained they were being sexually harassed.

Temporary workers

Where an incident/complaint of sexual harassment relates to a temporary agency worker, the Auxo Group will not carry out instructions from a hirer/and/or intermediary which it considers will amount to sexual harassment and victimisation.

Where a temporary worker wishes to raise a complaint of sexual harassment, where possible, this must be raised with their Auxo Group consultant who will escalate to Legal and Business Assurance team and HR department to investigate.

Auxo Group will take reasonable steps to safeguard temporary workers it supplies and internal members of staff from harassment.

Auxo Group will endeavour to ensure that the hirer has a sexual harassment policy in place and that this is given to the employee or worker upon request.

Training

Auxo Group will ensure that all staff are given training on sexual harassment, and this is monitored and completed at least annually.

Third Parties and Supply Chain

Auxo Group will carry out due diligence checks on hirers/intermediaries who we engage in the supply of temporary agency workers to ensure that they are taking reasonable steps to carry out their duties as employers under the Equality 2010. This could apply to employment businesses and intermediaries that supply their own workers to a client/hirer.

All employees and workers will be expected to comply with Auxo Group's policy on sexual harassment in the workplace. Any breach of such a policy will lead to appropriate disciplinary action.

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Employees who Auxo Group finds to be responsible for sexual harassment will be subject to disciplinary procedures and the sanction may include termination.

Temporary workers who Auxo Group finds to be responsible for sexual harassment will be subject to Auxo Group's complaints procedure (add link) even where such sexual harassment involves individuals who are not engaged by Auxo Group.

All member of staff are aware that can cease phone calls, online communication and unsafe work.

Risk Assessment

Auxo group has carried out detailed sexual harassment risk assessments covering any relevant activity carried out as recruitment business.

These are available for internal employees on the internal SharePoint site, Auxosphere and upon request for temporary workers.

Complaints and monitoring process

Auxo Group has procedures for monitoring compliance with this policy and for dealing with complaints of sexual harassment in place. Auxo Group's complaints policy for third parties and Auxo Group disciplinary and grievance policy or internal staff is available on our company SharePoint site, Auxosphere for internal employees, on our website for external employees and will be made available immediately upon request.

Procedure for Complaints

Auxo Group takes any allegation of sexual harassment very seriously, promptly and is treated in strictest confidence. Employees who feel they have been subject to harassment or victimisation must not hesitate in using this procedure, including if they have a complaint of third-party harassment. No employee will be victimised for raising a complaint of sexual harassment.

If following a full investigation, the company finds that the complaint is not upheld and in addition has grounds to believe that the complaint was brought in bad faith, disciplinary action may be taken in line with Auxo Groups disciplinary and grievance policies.

Allegations of sexual harassment in a work situation (which includes work social events, and interactions on social media between colleagues) are likely to be classed as allegations of gross misconduct which if proven will lead to disciplinary action up to and including dismissal (or ending their engagement in the case of a worker).

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If an employee sexually harasses or victimises anyone outside of a work situation, but where the incident is relevant to that employee's suitability to carry out their role at the company, then this would be classed as an allegation of gross misconduct. When considering allegations of sexual harassment or victimisation, aggravating factors such as an abuse of power over a more junior colleague will be taken into account when deciding on appropriate action.

In less serious cases, other potential outcomes could include formal warnings, all-party meetings, informal mediation, learning and development/awareness and informal warnings.

In the case of third-party harassment, potential actions to remedy a complaint or prevent it happening again could include warning the third-party about their behaviour, banning the third party from the workplace, reporting any criminal acts to the police or sharing information with the third-party employer if appropriate.

If an employee encounters any incident of sexual harassment or victimisation, including third part harassment, they are advised to raise their concerns with their line manager or the HR Department as soon as possible.

When an issue is raised, the individual will be spoken to about how they would like it dealt with and resolved.

Internal Complaints Process

If an individual believes that they have been sexually harassed, they should make an immediate report to the Line Manager or HR Department as soon as reasonably practicable.

Employees can raise a complaint informally and/or formally. They should contact their line manager or the HR Department in the absence of that manager or where the complaint is against that specific manager.

Informal Procedure

If preferable an employee can raise the matter informally. Auxo Group will deal with an informal complaint as seriously as a formal complaint.

Where an employee does not wish for the Line Manager or HR to speak to the individual on their behalf, where possible this is respected. However, if the welfare or safety of the employee or others is at risk or where it is necessary given the nature of the allegations,

Auxo Group may have no choice but to approach the individual and potentially instigate a formal investigation. In any such case this will be discussed with the employee raising the complaint, wherever possible, first.

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Any employee may prefer to raise the matter directly with the individual themselves, to make it clear that their behaviour is upsetting or offending. This is entirely the employee's choice, and they should not feel obliged to tackle the matter directly. However, if an employee chooses to deal with the matter directly, Auxo Group ask that they flag their concerns with their line manager or the HR Department for support and in order to notify us of the concerning behaviour.

If the employee is not the direct victim but are instead a witness, we would also ask they raise this with their Line Manager or HR Department as soon as possible, in order for the concern to be actioned appropriately.

It is also advisable that the employee keep an 'incident diary' of any offending behaviour if it reoccurs.

Where the informal procedure has not resolved an employee's complaint, a formal grievance can be raised by the employee.

Formal Procedure

Any employee who feels that they have been subjected to sexual harassment, they may at any time decide to deal with the issue through formal procedures (using The Auxo Group's grievance procedure), regardless of whether informal steps have been taken or not.

A written complaint should be sent to the HR department as soon as possible after the incident. The details of the complaint should include:

- Details of the incident
- Name(s) of the individual(s) involved.
- Name(s) of any witness(es)

Auxo Group will undertake a thorough investigation of the allegations. If it is concluded that harassment has occurred, remedial action will be taken.

An employee accused of Sexual Harassment will be informed of the exact nature of the complaint against them and given a full opportunity to give their version of events.

Again if an employee is not the direct victim but instead a witness of sexual harassment or victimisation they are still able to address this formally by raising their concerns in writing or submitting a grievance through the formal grievance procedure if they prefer.

External

The full complaints policy is available upon request.

Sensitivity and Confidentiality

Anyone involved in an informal or formal complaint about sexual harassment or victimisation, including witnesses must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If it is found an individual involved has breached confidentiality or acted without due care or sensitivity Auxo Group may take disciplinary action against the individual under Auxo's Disciplinary and Grievance Procedures which could be up to and including dismissal.

In all cases Auxo Group will consider our duty of confidentiality that we owe to all employees, for example we may not be able to share details about all actions taken against the alleged harasser with the complainant.

Consequences of Breach

Sexual Harassment is a disciplinary offence and will be dealt with according to The Auxo Group's Disciplinary Procedure.

Sexual Harassment and victimisation may constitute gross misconduct, punishable by summary dismissal without notice.

Employees should bear in mind that Sexual Harassment or bullying may also constitute a criminal offence punishable by a fine and / or imprisonment

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