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working world**

## UK Dignity at Work Policy

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## 1. Administrative provisions

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## 2. UK Dignity at Work Policy

The Firm expects its people to behave in a professional and appropriate way towards colleagues or others connected to the Firm including, for example, clients, suppliers, and job candidates. These principles are outlined in our Global Code of Conduct. Harassment, bullying and victimisation will not be tolerated by the Firm and are unlawful.

Such misconduct may lead to disciplinary action up to and including summary dismissal if it is committed:

- in a work situation;
- during any situation related to work, such as social events with colleagues;
- against a colleague or others connected to the Firm outside of a work situation, including, for example, on social media; or
- against anyone outside of a work situation where the Firm believes the incident is relevant to their suitability to carry out their role.

The Dignity at Work policy aims to ensure that when the Firm becomes aware that harassment is taking (or has taken) place that it is dealt with promptly, efficiently and sensitively. To deal effectively with complaints of harassment the Dignity at Work policy outlines:

- **Definitions** - Outlining what is meant by harassment, bullying and victimisation;
- **Third Parties** - Stating that harassment by a third party linked to work (e.g. clients, suppliers or contractors) will not be tolerated, and we encourage our people to report it so we can address it;
- **Witnesses** – Clearly setting the expectation that all our people will proactively ensure that they are knowledgeable and equipped to react appropriately if they witness any inappropriate behaviour and outlining the steps they should take;
- **Procedure**
  - i. Giving practical advice on how to raise a concern or complaint,
  - ii. Where a person can go and who they can speak to if they have a concern they want to discuss or a complaint;
  - iii. Stating that confidentiality is a vital part of effectively managing and dealing with a complaint;
  - iv. Setting out a range of approaches for dealing with harassment, bullying and victimisation, from informal solutions to formal disciplinary processes;
  - v. Setting out brief details of the role of the investigator (see separate Guide for further information);
  - vi. Setting out a range of consequences and sanctions if harassment, bullying or victimisation occurs; and
  - vii. Emphasising that victimisation/retaliation against a complainant will not be tolerated.
- **Contact Details** - Providing contact details for information and support available to the complainant and alleged perpetrator, both within the workplace and externally. Also, outlining support available in cases of abuse, stalking or coercive control which may not be linked to work.
- **Policy monitoring** – cases will be reported and reviewed each quarter by the Managing Partner for Talent.

This UK Dignity at Work policy operates within the [EMEIA Dignity at Work guidelines](#) to provide additional UK specific guidance and information in order to try to remove barriers to reporting harassment.

## **1.1 Definitions and Types of Harassment**

### **1.1.1 Harassment**

'Harassment' has a legal definition as follows: A person (A) harasses another (B) if A engages in unwanted conduct related to age; disability; gender reassignment; race; religion or belief; sex; or sexual orientation and the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

'Unwanted conduct' covers a wide range of behaviour and it can include: spoken words; banter, written words; posts or contact on social media; imagery; graffiti; physical gestures; facial expressions; mimicry and mocking; jokes or pranks; acts affecting a person's surroundings; threatening to out someone as gay; aggression and physical behaviour towards a person or their property.

### **1.1.2 Sexual Harassment**

'Sexual harassment' also has its own legal definition being: A person (A) harasses (B) if A engages in unwanted conduct of a sexual nature and the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

Conduct 'of a sexual nature' includes a wide range of behaviour such as: sexual comments or jokes; displaying sexually graphic pictures, posters or photos; suggestive looks, staring or leering; propositions or sexual advances; making promises in return for sexual favours; sexual gestures; intrusive questions about a person's private or sex life or a person discussing their own sex life; sexual posts or contact on social media; spreading sexual rumours about a person; sending sexually explicit emails or messages; and unwanted touching, hugging, massaging or kissing.

### **1.1.3 Less favourable treatment for rejecting or submitting to unwanted conduct**

A person (A) harasses (B) if A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex; the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B; and because of B's rejection or submission to the conduct, A or another person treats B less favourably than if B had not rejected or submitted to the conduct.

1.1.4 In all types of harassment 'unwanted' means unwanted by B and should be considered from their point of view. Therefore, just because A might not consider it falls within the definition of harassment, it does not stop B having a different view. It is not necessary for B to say they object to the conduct for it to be unwanted and in some cases, it will be obvious that the conduct is unwanted because it would plainly violate B's dignity. Note that even a one-off incident can amount to harassment and also harassment can occur even where the impacted individual was not the intended target.

1.1.5 In deciding whether conduct has the effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B each of the following will be taken into account: a). the perception of B; b). the other circumstances of the case (see below); c). whether it is reasonable for the conduct to have that effect.

1.1.6 Circumstances of the case that may be relevant include: the personal circumstances of B (e.g. health, mental capacity or previous experience of harassment); whether the harasser is in a position of trust or seniority to B, or holds any other form of power or influence over B; the race or cultural background of those involved e.g. a particular term may be offensive to people of one race because historically it has been used as a derogatory term; and the environment in which the conduct takes place.

## 1.2 Bullying

Bullying is behaviour from a person or group that is unwanted but may not be related to age; disability; gender reassignment; race; religion or belief; sex; or sexual orientation (which may be harassment, see above) and makes a person feel uncomfortable, including feeling: frightened or intimidated; less respected, put down or degraded; made fun of, uncomfortable or humiliated; and/or upset, insulted or offended.

Examples of bullying at work may include: shouting, offensive or abusive language, threats, malicious gossip; derogatory comments, keeping back information, giving wrong information, deliberately sabotaging someone's work, overbearing supervision, displaying or circulating offensive material, deliberately ignoring or excluding someone; pranks, practical jokes, unnecessary physical contact, or physical assault.

In deciding whether bullying has occurred the following will be considered: a). whether the behaviour is targeted and persistent; b). the perception of the complainant and the intention of the person responsible for the behaviour; c). the other circumstances of the case; and d). whether it is reasonable for the behaviour to have that effect.

Bullying can take place when a person with supervisory responsibilities for others misuses their position. Partners, managers, counsellors or others in a position of trust or seniority are expected to: issue instructions; set objectives and standards and, monitor performance; and address poor performance or misconduct using the Capability or Disciplinary policies as appropriate. Legitimate, reasonable and constructive criticism of an individual's performance or behaviour and the giving of reasonable instructions in the course of employment do not constitute bullying.

## 1.3 Victimisation

Victimisation means treating a person badly (subjecting them to detriment) because they have: made a complaint e.g. of harassment; or helped someone else to make a complaint by giving evidence or information; or someone believes that they have.

### 2.1 Third parties – work related

If a third party (e.g. a client, supplier or contractor) harasses or bullies our people during their employment they should raise the matter as soon as possible with either their counselling manager, EY Help HR 0141 226 9555, another trusted person or the Ethics Hotline. Third-party harassment can result in legal liability, will not be tolerated so the Firm encourages our people to report it and we will take reasonable practical steps to protect our people from such behaviour.

### 2.2 Third parties – non-work related

The Firm is committed to helping people who experience harassment, bullying or other forms of abuse outside of work-related situations. This may include support through our [D&I networks](#), our [Employee Assistance Programme](#) or our domestic abuse support through our [Health EY Programme page](#).

### 3.1 Witnessing or Hearing about Harassment, Bullying or Victimisation

EY expects all its people to proactively ensure that they are knowledgeable and equipped to react appropriately if they witness or hear of any acts of harassment, bullying or victimisation. If you are unsure as to whether an incident or series of actions amounts to bullying and harassment or what you should do, then contact the EY Help HR 0141 226 9555 for some guidance.

- 3.1.1 We encourage anyone who witnesses or even hears of an act of harassment, bullying or victimisation to report it as soon as possible. Everyone should have a good understanding of the definitions (see section 1.1 above), be clear on what constitutes harassment, bullying or victimisation and as a minimum taking the mandatory 'Leading with our Values' online training available (search for Leading with our Values' in LEAD, Success Factors, My Learning).
- 3.1.2 Where there is an investigation into harassment, bullying or victimisation, the investigator will interview witnesses suggested by the complainant and the alleged perpetrator and actively seek evidence for and against the allegations to ensure that no evidence is missed (please see 'The Role of the Investigator' guide for further information).
- 3.1.3 EY will ensure that any witnesses they speak to about the complaint are:
- Treated fairly and with empathy and respect;
  - Made aware the matter is confidential, and a breach of confidentiality will be a potential disciplinary matter;
  - Informed that if they experience any negative treatment as a result of being a witness, they should report the matter immediately; and
  - Encouraged to take up relevant support e.g. our [Employee Assistance Programme](#) or other wellbeing support available through our [Health EY Programme](#).

## 4.0 Procedure

### 4.1 How to make a complaint

The Firm encourages its people to speak up at any point that they feel uncomfortable, to whomever they feel they can trust within the Firm. The complainant does not need to have all the details to hand when raising their concerns for the first time, however it is useful to try and be prepared and have as many of the following details as possible:

- the name of the person to whom the complaint relates;
- the nature of the harassment, bullying or victimisation;
- dates and times and places when it occurred;
- copies of any relevant emails, text messages etc; and
- names of possible witnesses, if any.

The Firm takes all concerns raised, whether formally or informally, seriously and will take reasonable and practicable steps to ensure that the matter is properly investigated and resolved in line with this policy. People can raise concerns at any time. However, ideally, concerns should be raised as soon as reasonably practicable, in order to ensure that investigations are prompt and any evidence is more readily available. That said, all matters will be fully investigated (as far as practicable) whenever they are brought to the Firm's attention.

### 4.2 Reporting Channels

To report or discuss the matter, people are encouraged to contact EY Help HR on 0141 226 9555. Our EY Help HR team are experienced and qualified to advise, guide and support our people through the process to resolution of their concern or complaint and will ensure it is escalated to the correct person.

Alternatively the [EY/Ethics hotline](#) is available to anyone inside or outside of EY, to confidentially and anonymously report a matter specifically, if they believe the matter may involve conduct that is unethical, illegal, in violation of professional standards, or is otherwise inconsistent with EY's established policies and Code of Conduct. This includes inappropriate conduct by third parties such as clients, suppliers or external contractors. The hotline can be accessed via the EY/Ethics website at [www.eyethics.com](http://www.eyethics.com). The website is open to the public and, those with any concerns about making a

report through the EY network may choose to access the site and make a report from an external source.

If people do not wish to contact EY Help HR or EY Ethics, they should ensure they speak to someone they trust who can help. This may be a Counselling Manager/Partner, HR Manager or another trusted person who will, with the person's agreement, take the responsibility to pass the information on to the correct person so the matter can be investigated.

### **4.3 Confidentiality**

During an investigation of a complaint, and whether the process is informal or formal, the Firm will do everything possible to ensure that the complaint is kept confidential. This will protect the complainant (and the subject of the complaint) from any disadvantage, such as gossip among colleagues about the harassment.

The Firm will ensure that anyone informed of the complaint is made aware that: the matter is confidential (subject to any personal legal or regulatory obligations or rights), and breach of confidentiality will likely lead to disciplinary action.

Confidentiality may not always necessarily continue once the process has been concluded and an outcome reached. The Firm wishes to promote a culture of transparency, where our people feel empowered to speak up about harassment, victimisation or bullying and see that action to positively and robustly deal with it is taken. This means that wherever appropriate and possible (in line with GDPR regulations), if a complaint is upheld then the complainant should be told what action has been taken to address the specific complaint and any measures taken to prevent a similar event happening again in the future.

### **4.4 Approaches for dealing with harassment**

#### **4.4.1 Informal**

If a complainant considers the issue to be minor or that the individual may be unaware that their behaviour is regarded as inappropriate, they may wish to try and resolve their complaint through an informal approach directly with the subject of that complaint. There is no requirement for anyone to try to resolve the issue personally, but it may resolve the matter quickly and efficiently as it is hoped that once they become aware, that they would apologise for any offence and stop the behaviour immediately. We therefore encourage people, where they feel comfortable to do, to try and resolve such matters privately and swiftly.

If anyone does not feel able to resolve an issue directly, they can access support from someone else to help resolve it informally. This should be a member of the Talent team or their Counsellor who will listen and work out how best to help resolve the issue informally and in a way the person is most comfortable with having considered the different options. This may include: providing advice on how the person could approach the issue directly with the alleged harasser; support the person in raising the issue with the alleged harasser by accompanying them (if appropriate) in any discussion or helping the person set out their thoughts in writing; raising the matter informally with the alleged harasser on their behalf; arranging mediation; obtaining advice on how best to resolve the issue from other sources e.g. within the Talent team; helping to obtain advice in dealing with matters related to particular issues e.g. a particular disability from disability adjustment experts.

#### **4.4.2 Formal**

There may be occasions when it is not appropriate for a person to attempt to resolve the complaint informally. Examples are:

- Where the harassment or bullying is serious in nature;
- The person does not feel it is appropriate to attempt to do this.

- Potential (either immediate or later) risk to the person, their colleagues or other third parties that the behaviour may continue, worsen or affect others.
- If the person does not believe the individual would consider that they have done anything wrong.
- Previous informal attempts have failed to bring about the necessary change in behaviour.

Where matters are raised formally (please refer to the Firm's Grievance Policy), the Firm will appoint an investigator, who will be supported by a member of the Talent team. Guidance on how to conduct an investigation is published alongside this policy. The investigator will be at Manager rank or above, and where practicable, more senior than the alleged harasser. The investigator will also be independent of the incident and generally from a different part of the Firm e.g. a different team or sub-service line with no or less knowledge of the people involved. They will also have completed the Firm's Leading with our Values online training or other similar training. Where possible the investigator will take account of any sensitivities of the case for example, a woman who has been sexually assaulted may prefer to speak to a female investigator.

#### **4.5 The Investigator's role**

The role of the investigator will include, but is not limited to:

- Meeting with the complainant;
- Meeting with all individuals involved in the complaint, either as part of the complaint or as a potential witness;
- Gathering all pertinent evidence via interviews, or documentation gathering; and
- Ensuring all individuals involved feel supported and updated through the process.

Full details of the role and what is expected through the investigation for everyone involved can be found in the [UK Role of the Investigator Guide](#).

#### **4.6 Outcomes**

If anyone is found to have harassed, bullied or victimised another person, disciplinary action may be taken in accordance with the Firm's Disciplinary policy and could result in dismissal. Sanctions short of dismissal may include, for example, first or final written warnings, demotion, transfer to another team, and/or loss of bonus. Serious or repeated cases may constitute gross misconduct, and this could result in summary dismissal.

Where a complaint is not upheld, that will not necessarily be the end of the matter. We will look at whether any action is needed to, for example, ensure the relationship between the complainant and the subject of the complaint gets back on track. Please be assured that no-one will be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld. Disciplinary action would only ever be considered if it is found that the allegations are false and are made in bad faith (that is without an honest belief in its truth).

#### **4.7 Victimisation**

All our people will be protected from intimidation and victimisation as a result of bringing a complaint or supporting someone who has brought a complaint. Any retaliation against a complainant or witness, whether their complaint is upheld or not, will be regarded as victimisation. This is a serious disciplinary offence and disciplinary action may be taken in accordance with the Firm's Disciplinary policy and this could result in summary dismissal.

#### **5.0 External Organisations**

External sources of support that our people may wish to access include: [The Equality and Human Rights Commission](#), [ACAS](#), [Citizens Advice](#), [The National Stalking Helpline](#), [The National Bullying Helpline](#), or [Stonewall](#).

### **3. Amendments**

Our policies do not form part of your contract of employment and are subject to change at any time at the Firm's absolute discretion.

This policy will be reviewed annually and monitored for its effectiveness.