

SAMPLE POLICY

Global Anti-Discrimination, Anti-Harassment, Anti-Bullying & Anti-Retaliation

GENERAL GUIDANCE NOTE

This sample policy is not legal advice or a substitute for consultation with qualified legal counsel. Anti-discrimination, anti-harassment, anti-retaliation and anti-bullying laws vary from country to country. The types of behaviors that are deemed illegal discrimination, harassment, retaliation or bullying can differ substantially, even when laws use similar terms. In addition, policies may not restrict other fundamental rights, such as the right to privacy or the right to association with others.

Some countries view discrimination, harassment, bullying and retaliation issues as a workplace safety issue; some countries impose criminal sanctions on violators; and some countries explicitly require that employers have a program to prevent discrimination, harassment, bullying and retaliation. A well-written policy and training are key components of a prevention program. This Policy sample is written to generally work globally. Because the types of protected categories, definitions or examples of prohibited conduct, reporting channels, remedies and other processes may differ depending upon the country or even states/provinces/municipalities, it is generally advisable to also provide a local supplemental policy to address these local nuances that are not universally applicable.

In most countries, employers may have an obligation to consult with a local works council, trade union or other employee representative before implementing new work rules. This is particularly important when the employer adopts a policy that exceeds the legal minimum. The policy should be made available in the languages used in the workplace. By law, the policy may have to be included in a handbook, set of rules for the workplace, or equality plan to be enforceable against employees as a cause for discipline or termination. (Most countries do not have employment at will.)

Generally, it is best practice to make sure, following applicable consultation requirements, that all employees receive a copy of the policy and that it is made easily available to employees on the Company's intranet or bulletin boards. Policies should have effective dates noted on the face of the policy and the Company should retain an archive of earlier versions.

THIS SAMPLE POLICY SHOULD NOT BE IMPLEMENTED OR EXECUTED EXCEPT ON THE ADVICE OF COUNSEL.

OVERVIEW

The purpose of this policy is to enforce the Company's policy that all employees are treated with dignity and respect and that employees treat others with dignity and respect, free from discrimination, harassment and bullying. All employees are required to take the time to ensure they understand their obligations under this policy. This policy has been [insert as appropriate] developed in consultation with [the works council, trade union, occupational safety committee or other employee representative]. This policy may be amended as appropriate. While the policy itself is not a contract, its terms are incorporated into individual employment contracts with the Company and collective agreements, where applicable.

We respect employment laws wherever in the world our businesses operate. We are committed to providing a work environment free from discrimination, harassment, bullying and retaliation (victimization), and providing equal employment opportunities for all employees, applicants and trainees.

This policy covers discrimination, harassment, bullying and retaliation which occurs both in and out of the workplace, such as on business trips, or at work-related events or social functions. It covers discrimination, harassment, retaliation and bullying by employees, including supervisors and managers, of other employees, contractors and members of the public, such as vendors and customers. It also covers discrimination, harassment, bullying and retaliation by third parties such as customers, suppliers or visitors to our premises. The core principle is that employees must treat others with dignity and respect and should, themselves, be treated with dignity and respect. Employees should always consider whether their words or conduct could be offensive. Whether conduct violates this policy does not turn on the intent of the person who engages in the conduct. What matters is how the conduct is received and whether a reasonable person would find the conduct offensive, and compromising of their dignity.

We take all allegations of discrimination, harassment, bullying and retaliation seriously and address them promptly. Any investigation will be conducted with the greatest degree of confidentiality permitted under applicable law, consistent with completing a fair and thorough investigation.

Discrimination, harassment, bullying or retaliation by an employee will be treated as a disciplinary matter, and may result in dismissal, consistent with applicable law.

DISCRIMINATION AND HARASSMENT

Unlawful discrimination and harassment (based on a characteristic protected by applicable law), will not be tolerated. As a general rule, "discrimination" includes treating someone differently because of a characteristic protected by applicable law. In some cases, it may also arise when a facially neutral criteria has an adverse impact on a protected group. As a general rule, "harassment" is serious, severe or pervasive conduct, based on a characteristic protected by applicable law, that is unwanted or offensive that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating, hostile or offensive environment. Harassment can occur because an employee is required to be submitted to or refuses to submit to such offensive behavior as a condition of employment.

Examples of potential harassment:

- Unwanted and inappropriate physical contact or horseplay, including touching, pinching, pushing, grabbing, unnecessary brushing against someone, invading personal space and physical or sexual assault
- Unwelcome sexual advances or suggestive behavior, and suggestions that sexual favors may further a career or that a refusal may hinder it
- stalking or persecuting a person with unwanted attentions, gifts or messages
- Continued suggestions for dating, romance or social activity after it has been made clear that the suggestions are unwelcome
- Sending or displaying material that is pornographic or that reasonable people find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of the person

- Mocking, mimicking or belittling a person's disability or age
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender
- Outing or threatening to out someone as gay or lesbian
- Shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity

Persons may be harassed even if they are not the intended target. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him or her.

BULLYING

"Bullying" (i.e., abusive conduct) is offensive, intimidating, malicious or insulting behavior involving the misuse of power that would make a reasonable 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. Bullying can take the form of physical, verbal and non-verbal conduct.

Examples of potential bullying / abusive conduct:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Acts of physical or psychological violence
- Creation of arbitrary standards for one person, imposing unrealistic demands, micromanaging work or using supervision to intimidate a person
- Inappropriate, exaggerated or untrue derogatory remarks about someone's performance, particularly in front of others
- Sabotage of work
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from meetings or communications without good reason, or encouraging others to do so
- Stealing credit for another's work

Legitimate, reasonable and constructive criticism of a worker's performance or behavior, or reasonable instructions given to workers in the course of their employment, will not amount to bullying or abusive conduct on their own. In many jurisdictions, a malicious motive is required.

REPORTING A BREACH OF THIS POLICY

Everyone has a responsibility to help protect the Company's reputation and to prevent unethical or unlawful actions from happening. We realize that it is difficult to raise a sensitive issue, especially if it involves a supervisor or manager, a coworker or a situation in your work area.

However, if you have any information about activities or behavior that conflict with or could be perceived to conflict with this policy or a law or regulation, you should let the Company know.

You should report incidents of discrimination, harassment, bullying or retaliation to your local management or human resource department in the first instance. If you are not comfortable doing so, however, there may be alternative reporting channels available for you, depending upon your country. In most countries you may also report incidences of actual or suspect discrimination, harassment or retaliation to:

- The Legal Department
- An employee helpline

The Company maintains the greatest degree of confidentiality consistent with its legal obligations to follow up on complaints, including investigation, remedial action, and if required, reporting to appropriate enforcement agencies.

The Company prohibits retaliation or victimization of persons who seek to enforce their legal rights or the provisions of this policy. The Company will not take any action against you if you report violations in good faith. If a violation is found, the Company will take appropriate remedial action, which may include discipline consistent with the applicable collective bargaining agreement or organizational policies and procedures. Disciplinary actions are proportional, so they may vary from a verbal warning to dismissal or referral for criminal prosecution, depending on the country involved. Disciplinary actions are customarily private. If you think that you or someone else has been retaliated against or victimized for raising an issue under this policy, please contact your local manager or Human Resources Department. You also have the option to report a potential violation or retaliation/victimization to a local governmental agency. Please consult your local policies.

RESPONSIBILITY FOR THIS POLICY

All managers have a specific responsibility to operate within the boundaries of this policy, take effective steps so that all employees understand the standards of behavior expected of them, and to take action when behavior falls below its requirements. Managers will be given training in order that they may do so.

Effective Date: June 4, 2021

ABOUT NAVEX GLOBAL

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