

POSITIVE WORK ENVIRONMENT POLICY & GUIDELINES

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Document Change Control

All changes are to be agreed and authorised by the CEO.

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1. ABOUT THIS POLICY

- 1.1 Brockwell Energy Limited (the Company), together with its subsidiaries, is committed to providing a positive working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to the Company's premises.
- 1.3 This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.
- 1.4 This policy does not form part of any employee's contract of employment and the Company may amend it at any time.

2. WHO IS RESPONSIBLE FOR THIS POLICY?

- 2.1 The Company's Board of Directors (the Board) has overall responsibility for the effective operation of this policy.
- 2.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- 2.3 Staff should disclose any instances of harassment or bullying of which they become aware to the Company.
- 2.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Company.
- 2.5 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Company.

3. WHAT IS HARASSMENT?

- 3.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 3.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 3.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 3.4 Harassment may include, for example:
 - a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - b) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

- c) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - e) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - f) outing or threatening to out someone as gay or lesbian;
 - g) offensive e-mails, text messages or social media content; or
 - h) mocking, mimicking or belittling a person's disability.
- 3.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

4. WHAT IS BULLYING?

- 4.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a 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.
- 4.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- a) physical or psychological threats;
 - b) overbearing and intimidating levels of supervision;
 - c) inappropriate derogatory remarks about someone's performance.
- 4.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

5. IF YOU ARE BEING HARASSED OR BULLIED - INFORMAL STEPS

- 5.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to the Company, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 5.2 If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should contact the Company for confidential advice.
- 5.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to the Company's Grievance Procedure.

6. RAISING A FORMAL COMPLAINT

- 6.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Company.
- 6.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 6.3 As a general principle, the decision whether to progress a complaint is up to you. However, the Company has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it considers it appropriate to do so.

7. FORMAL INVESTIGATIONS

- 7.1 The Company will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 7.2 The Company will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 7.3 Where your complaint is about an employee, the Company may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 7.4 Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, the Company will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the Company will attempt to discuss the matter with the third party.
- 7.5 The Company will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- 7.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 7.7 At the end of the investigation, the investigator will submit a report to an individual nominated to consider the complaint (the Chair). This chair will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Chair's findings will be given to you and to the alleged harasser.

8. ACTION FOLLOWING THE INVESTIGATION

- 8.1 If the Chair considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 8.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under the Company's Disciplinary Procedure. If the harasser or bully is a third party such as a customer or other visitor, the Company will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, the Company will consider how best to manage any ongoing working relationship between you and the person concerned.
- 8.3 Whether or not your complaint is upheld, the Company will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 8.4 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the Company's Disciplinary Procedure.

9. APPEALS

- 9.1 If you are not satisfied with the outcome you may appeal in writing to the Company, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 9.2 The Company will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by someone who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 9.3 The Company will confirm its final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. PROTECTION AND SUPPORT FOR THOSE INVOLVED

- 10.1 Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Company's Disciplinary Procedure.
- 10.2 If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using the Company's Grievance Procedure or this procedure if appropriate.

11. CONFIDENTIALITY AND RECORD-KEEPING

- 11.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under the Company's Disciplinary Procedure.
- 11.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the Company's GDPR Policy.

