

SEXUAL HARASSMENT POLICY AND PROCEDURE

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For use by:	All employees of Burgess Farms and its subsidiary Companies		
Purpose:	To ensure that the business takes all reasonable steps to prevent sexual harassment of our employees. To provide guidance on the reporting of sexual harassment.		
This document supports: <i>Standards and legislation</i>	Equality Act 2010 Employment Rights Act 1996 Data Protection Act 1998 ACAS Code of Practice 1		
Key related documents:	Grievance and Dispute Policy and Procedure Disciplinary Policy and Procedure Equal Opportunities Policy and Procedure Dignity at Work Policy and Procedure Data Protection Policy		
Review date:	Changes to legislation / Changes to Company policy		



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Definitions

“**Company**” means Burgess Farms

“**Subsidiary Companies**” means all Companies owned by Burgess Farms

1. Policy Statement

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 as amended.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our employees to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

The Chief Operating Officer has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making to Divisional Managing Directors and the Human Resources team. Our managers will maintain an open-door policy and we encourage all employees to come forward with any concerns in relation to sexual harassment. All our employees have a responsibility to behave in line with the requirements of this policy

Instances of sexual harassment or victimisation may lead to disciplinary action up to, and including, termination of employment.

This policy covers both the workplace and any work-related setting outside the workplace, for example, during business trips, at external training events and at work-related social events. This policy also covers any means of written communication, either by email, texts or social media for example.

2. Key Principles

To ensure that all employees and workers understand their responsibilities to avoid conduct and behaviour that constitutes sexual harassment of other employees and workers, clients, customers, suppliers or any other individuals they may come into contact within the course of their duties.

To ensure that managers and supervisors understand their responsibilities to take measures to prevent sexual harassment from employees or workers or any other third parties taking place and to take steps to deal with alleged sexual harassment, including, where necessary, swift and effective investigation action.

To provide employees and workers with advice on how to deal with sexual harassment and a procedure by which they can report concerns.

3. Scope

This policy and procedure apply to all employees and workers employed by and/or working for Burgess Farms (Produce World Group Ltd) and its subsidiary companies.

4. Definition

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour.

Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as "banter"
- displaying sexual pictures, posters or photos
- suggestive looks, staring or leering
- propositions and 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 in online communications, including on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing
- unwelcome persistent electronic messaging of a romantic or sexual nature

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- making a claim or complaint under the Equality Act 2010 (eg for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- making an allegation that someone has breached the Equality Act 2010
- doing anything else in connection with the Equality Act 2010
- reporting of an allegation under the Whistleblowing Policy

Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made a sexual harassment complaint

- dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

4.1 Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, eg a working lunch, a business trip or social functions
- outside of a work situation but involving a colleague or other person connected to the Organisation, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

5. Reporting and Investigation of Complaints

We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available from Human Resources.

5.1 Informal complaint

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

In addition, you may also choose to raise concerns during your regular communication with your manager, eg in a one-to-one meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below. If you don't have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

5.2 Formal Complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of your HR Representative as a formal written complaint and again your confidential helper can assist you in this.

If possible, you should keep notes of what happened so that the written complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

On conclusion of the investigation, which will normally be within 10 working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the HR team within seven calendar days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, the appeal meeting will be held by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting).

Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will be confirmed in writing.

Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought a complaint.

6. Witnessing Sexual Harassment or Victimisation

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of your HR representative or in writing.

Your concerns will be handled by an appropriate manager or HR representative and an appropriate manager who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

7. Third-party Sexual Harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, clients, friends and family of colleagues, self-employed contractors, etc.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.

In order to prevent third-party sexual harassment from occurring, we will:

- attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our employees is not acceptable
- inform third parties (ie suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to an appropriate manager or HR representative.

Should a customer sexually harass a member of our workforce, we will take appropriate action that could include warning the client or customer about their behaviour, banning the individual from attending site or contacting the individual, sharing information relating to the incident with the individual's superior. Any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

8. Disciplinary Action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

If, due to the investigation, it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against the complainant.

9. Training

We provide training to all our employees on sexual harassment to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour
- how they can report any incidents of having been sexually harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported. We will regularly review the effectiveness of our training and provide refresher training as appropriate.

10. Employee Assistance Programme

We would like to remind you that further support is available by contacting our Employee Assistance Programme (EAP), a confidential 24-hour telephone counselling service, which can be accessed on through the Yulife app or by calling 0800 243 458 or 020 3499 0167.

11. Document Control

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	0.1	Formatting	GT	18/02/26