



## BURGESS FARMS

### DIGNITY AT WORK POLICY AND PROCEDURE

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<b>For use by:</b>	All employees of Burgess Farms and its subsidiary Companies		
<b>Purpose:</b>	To ensure as far as possible that bullying and harassment does not occur in the workplace. To provide guidance and to assist in the resolution of any problems should they occur and to prevent further recurrence.		
<b>This document supports:</b> <i>Standards and legislation</i>	Equality Act 2010 and previous equal opportunities legislation Employment Rights Act 1996 Data Protection Act 1998 ACAS Code of Practice 1		
<b>Key related documents:</b>	Grievance and Dispute Policy and Procedure Disciplinary Policy and Procedure Equal Opportunities Policy and Procedure Data Protection Policy		
<b>Review date:</b>	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

The Company seeks to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment and bullying based upon age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation. In this policy, these are known as the ‘protected characteristics’.

Employees have a duty to co-operate with the Company to make sure that this policy is effective in preventing harassment or bullying. Employees must not harass, bully or intimidate other employees for reasons related to one or more of the protected characteristics. Such harassment not only contravenes the Company's policy, but it may also constitute unlawful discrimination. Such behaviour will be treated as potential gross misconduct under the Company's disciplinary procedure and could render the employee liable to summary dismissal. Employees should bear in mind that they can be held personally liable for any act of unlawful harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

All employees are responsible for conducting themselves in accordance with this policy and the Company will not condone or tolerate any form of harassment, bullying or intimidation, whether engaged in by employees or by outside third parties who do business with the Company, such as clients, customers, contractors and suppliers. The Company will take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.

Employees should draw the attention of their line manager to suspected cases of harassment, bullying or intimidation. Employees must not victimise or retaliate against an employee who has made allegations or complaints of harassment or who has provided information about such harassment. Such behaviour will be treated as potential gross misconduct under the Company's disciplinary procedure. Employees should support colleagues who suffer such treatment and are making a complaint.

This policy covers bullying and harassment both in the workplace and in 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 bullying or 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 bullying and harassment from employees or workers or any other third parties taking place and to take steps to deal with alleged bullying and harassment, including, where necessary, swift and effective investigation action.

To provide employees and workers with both advice on how to deal with bullying and harassment and a procedure by which they can seek a resolution.

To ensure that all parties are treated fairly and equitably and, wherever possible, to seek a constructive resolution mutually acceptable to both parties.

### **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. Bullying and Harassment**

Bullying is any behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. There is no need to demonstrate a connection with a protected characteristic to establish a bullying allegation.

Harassment relates to behavior connected to what is termed a 'protected characteristic' (please see our Equal Opportunities Policy for the definition of this phrase). We define harassment as any situation where a worker is subject to uninvited conduct that – as an intended or unintended consequence – violates their dignity in connection with a protected characteristic. We also define harassment as behavior that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic.

The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a joke or as office banter may offend another person. This is because different employees find different levels of behaviour acceptable, and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With

other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or by their conduct, that such behaviour is unacceptable to them. A single incident can amount to harassment if it is sufficiently serious.

## 5. Examples of Bullying or Harassment

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour covered by this policy include, but are not limited to, the following:

- **Unwanted physical conduct**  
Such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behaviour or obscene gestures, physical threats and assault.
- **Unwanted verbal conduct**  
Such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, slogans or songs, jokes, banter or abusive/offensive language and insensitive jokes.
- **Unwanted non-verbal conduct**  
Such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures, videos or remarks through any means.
- **Bullying**  
Includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments, comments intended to undermine, belittle, embarrass or humiliate the recipient, persistent criticism or trivial fault-finding, and personal abuse, either in public or private, which humiliates or demeans the individual involved.
- **Virtual bullying**  
includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing Company technological facilities to contact the employee in an intimidating or malicious manner.
- **Coercion**  
Making threats of dismissal or loss of promotion etc. for refusal of sexual favours (or promises made in return for sexual favours), pressure to participate in political or religious groups, pressure to undermine others in the workplace.
- **Isolation or non-co-operation at work**  
Deliberate exclusion from conversations or social activities.

All employees and workers are urged to report immediately any instances of bullying and harassment including without limitation, any of the above, whether from other employees or workers or from any third parties.

## 6. Reporting and Investigation of Complaints

All allegations of harassment or bullying will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of harassment from employees.

While the Company encourages employees, who believe they are being harassed or bullied to notify the offender (by words or by conduct) that their behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

In the event that such informal, direct communication is either ineffective or impractical or the situation is too serious to be dealt with informally, the following steps should be followed in reporting a complaint of harassment or bullying, whether that complaint is against a fellow employee or against a third party such as a client, customer, contractor or supplier:

- Any employee who believes they have been or are being harassed or bullied in violation of this policy, or who wishes to report an incident of harassment or bullying, should report the situation to their line manager. If the employee does not wish to speak to their line manager, they can instead speak to an alternative manager or to a member of the Human Resources (HR) Department.
- Such reports should be made promptly so that investigation may proceed, and any action taken expeditiously.
- All allegations of harassment or bullying will be taken seriously. The allegation will be promptly investigated, and, as part of the investigatory process, the employee will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged bully or harasser so that they are able to fairly respond to the allegations. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the employee raised the matter.
- Once the investigation has been completed, the employee will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all complaints of harassment or bullying which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged bully or harasser (see below).
- If an employee's complaint is upheld and the bully or harasser remains in the Company's employment, the Company will take all reasonable steps to ensure that the employee does not have to continue to work alongside the bully or harasser if they do not wish to do so. The Company will discuss the options with the employee.
- If an employee's complaint is not upheld or partially upheld, arrangements will be made for the employee and the alleged bully or harasser to continue or resume

working and to repair working relationships.

- The manager may explore alternative solutions to address any issues identified, such as through supervisory mechanisms such as counselling, advice/instruction, or training and/or support. If the person receiving support to address any concerns fails to meet the required standards, the Company may decide to move to a formal approach via its Disciplinary Policy and Procedure.
- Employees will not be penalised or victimised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith.

Alternatively, the employee may opt to use the Company's grievance procedure to make a complaint of harassment or bullying.

## **7. Dealing with Malicious Complaints**

Complaints of harassment and/or bullying are treated seriously, and harassment/bullying can have serious and far fetching effects on both the careers and lives of individuals. False accusations can also have a serious impact on individuals. Any employees found to be making mischievous, false, or malicious complaints will be liable to the appropriate disciplinary action.

## **8. Protection from Victimisation**

Any incident of victimisation arising from a complaint having been made by an employee or group in accordance with this policy will be treated as a disciplinary issue. Victimisation is when an individual is subjected to a detriment because they have complained about bullying or harassment or supported another individual who has.

## **9. Disciplinary Action**

Any employee of the Company who is found to have bullied or harassed another employee in violation of this policy may be subject to appropriate disciplinary action under the Company's Disciplinary Procedure. Such behaviour may be treated as potential gross misconduct and could render the employee liable to summary dismissal.

In addition, line managers who had knowledge that such harassment had occurred in their departments but who had taken no action to eliminate it may also be subject to disciplinary action under the Company's Disciplinary Procedure.

## **10. Training**

The Company will take such measures as may be necessary to ensure the proper training, supervision and instruction to enable line managers to deal more effectively with complaints of bullying and harassment. Line managers will be responsible for ensuring they promote dignity at work within the departments for which they are responsible in line with the Company values.

The Company will also provide training to all employees to help them understand their

rights and responsibilities under this policy and what they can do to create a work environment that is free of bullying and harassment.

## 11. Data Protection

The Company may periodically conduct confidential staff surveys and other forms of monitoring, in order to assess, how well the dignity at work policy has become part of the workplace culture. When carrying out any monitoring, the Company will ensure that personal data is handled in accordance with its data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of personal data will constitute a data breach and should be reported immediately to the Company's Data Protection Champion in accordance with the Company's Data Protection Policy. Reported data breaches will be investigated and may lead to sanctions under the Company's Disciplinary Procedure.

## 12. Document Control

Version	Revision	Action	Author	Date
001	0.1	<ul style="list-style-type: none"> <li><input type="checkbox"/> Amended Contents page to ensure consistency with other policies.</li> <li><input type="checkbox"/> Added 'harasser/bully' where applicable</li> <li><input type="checkbox"/> Section 8 Appeal Process – amended appeal process to ensure it follows the same process as other PWG policies. Increased appeal in writing from 5 to 7 working days and the letter should be submitted to the Chairperson of the Disciplinary meeting.</li> </ul>	MK	25/11/2014
001	0.2	<ul style="list-style-type: none"> <li><input type="checkbox"/> Section 5 Examples of Bullying and Harassment – amended bold text to remove the repetitiveness of the word discrimination</li> <li><input type="checkbox"/> Section 12 Breach of Policy – amended paragraph to ensure all of the Company's 'Breach of Policy' wording is consistent</li> </ul>	MK	22/12/2014
001	0.3	<ul style="list-style-type: none"> <li><input type="checkbox"/> First Page re-formatted</li> <li><input type="checkbox"/> Policy name changed from Bullying and Harassment to Dignity at Work.</li> </ul>	AS	28/04/2020
001	0.4	<ul style="list-style-type: none"> <li><input type="checkbox"/> Format of document</li> <li><input type="checkbox"/> Corrected spelling mistake</li> <li><input type="checkbox"/> Added written communication as form of B&amp;H</li> <li><input type="checkbox"/> Added definitions of B&amp;H</li> <li><input type="checkbox"/> Added examples of B&amp;H</li> </ul>	AM	29/06/2021