

<b>Procedure</b>	Bullying and Harassment Procedure	
<b>Business/ Location</b>	B&W Group Limited (UK Operations)	
<b>Primary Function</b>	Department	
	<input checked="" type="checkbox"/> Manufacturing	<input checked="" type="checkbox"/> Production <input checked="" type="checkbox"/> Production Engineering <input checked="" type="checkbox"/> Development Engineering
	<input checked="" type="checkbox"/> Supply Management	<input checked="" type="checkbox"/> Global Procurement
<b>Supporting Function</b>	<input checked="" type="checkbox"/> Operations	<input checked="" type="checkbox"/> Quality Assurance <input checked="" type="checkbox"/> Customer Support <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/> Spares <input checked="" type="checkbox"/> Dealer Support <input checked="" type="checkbox"/> Warehouse
	Department	
	<input checked="" type="checkbox"/> Operations	<input checked="" type="checkbox"/> Human Resources <input checked="" type="checkbox"/> Information Technology <input checked="" type="checkbox"/> Business Systems <input checked="" type="checkbox"/> Facilities <input checked="" type="checkbox"/> Finance

### 1.0 Purpose

We have a zero-tolerance approach to bullying and harassment. The purpose of this Procedure is to ensure that it is the right of every associate, contractor, supplier and customer to be treated with respect and dignity and we seek to create a work climate that values diversity and where harassment, intimidation or offensive behaviour is unacceptable.

The Company also seeks to create an environment where an individual who is the victim of harassment has the right to complain and will be protected against retaliation or victimisation. Every effort will be made to investigate all claims promptly, fully and confidentially, irrespective of status.

### 2.0 Scope

The scope of this Procedure covers all associates and external persons.

### 3.0 Records & Resources

Evidence of records and recorded outputs as well as any other relevant Information resources used as part of this activity.

No.	Document Title	Reference or Location
3.1	N/A	N/A

### 4.0 Associated Documents

Relevant Management System Instruction documents referred to as part of Procedure.

No.	Document Title	Reference or Location
4.1	Grievance Procedure	10000195631
4.2	Disciplinary Procedure	10000195629

## 5.0 Definitions

This Procedure uses the following terms.

<b>Associate</b>	means our associates and workers, also referred to throughout as “you” and “your”
<b>Company</b>	Masimo Consumer LLC and its’ subsidiaries in the UK, also referred to throughout as “we”, “us”, and “our”
<b>External persons</b>	Means customer, dealer, supplier or any other person not in the Company’s employ

## 6.0 Responsibility

### HR

- It is the responsibility of the Human Resources Department to ensure this Procedure is maintained and adhered to.
- Support line managers and associates with the bullying and harassment procedure where required and encourage associates to resolve issues informally, where possible.

### All Associates

- It is the duty of all associates to ensure that they comply with this Procedure in all interactions with work colleagues, suppliers, customers and anyone else doing business with the Company.
- Attempt to resolve any workplace grievances informally where possible.

### Line Managers

- All Managers must ensure they communicate and implement this Procedure and take corrective action to ensure compliance.
- Promptly deal with bullying and harassment raised and encourage them to be resolved informally, where possible.

## 7.0 Instructions

### 7.1 What is Bullying and Harassment?

#### What type of treatment amounts to harassment?

“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 that person. Harassment also includes situations where someone is treated less favourably because they have submitted to or refused to submit to such harassing behaviour in the past.

Harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to another protected characteristic such as 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. Our stance is that harassment is unacceptable even if it does not fall within any of these categories.

Harassment can take many forms. Non-exhaustive examples of harassment include:

- verbal abuse, offensive comments, jokes or pranks, whether or not related to a protected characteristic;
- unwelcome sexual advances or suggestive behaviour (even if the harasser perceives the conduct as harmless, or the conduct has not been unwelcome in the past);
- lewd or suggestive comments;
- sending or displaying material that is pornographic, inflammatory, abusive, or that some people might find offensive (including “pin-ups”, graffiti, emails, text messages, video clips and/or images sent electronically or posted online);
- disclosing or threatening to disclose someone’s sexual orientation or transgender status;
- unwanted physical conduct or “horseplay” such as touching, pinching, grabbing, hitting, pushing, or jostling;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- suggestions or threats by managers or supervisors that sexual favours or racial origins could affect someone’s job security or prospects;
- disrespecting a person’s gender identity, name and pronouns. This may include ‘misgendering’ a person (i.e. deliberately or repeatedly referring to the person using a pronoun that does not correctly reflect the gender with which they identify), or using a trans person’s ‘dead name’ (i.e. the trans person’s name before they transitioned).

A single incident can amount to harassment.

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.

It is the impact of the conduct and not the intent of the action that determines whether harassment has taken place.

### **What type of treatment amounts to bullying?**

“Bullying” is behaviour (aimed at an individual or group of individuals) which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient. In some cases, the bully misuses the power they hold from being in a position of authority; other times the power may be the bully’s personal strength or the power to coerce through fear or intimidation.

Bullying conduct may be physical, verbal and/or non-verbal. Non-exhaustive examples of bullying include:

- physical or psychological threats;
- verbal abuse, such as shouting or swearing at colleagues;
- rifling through, hiding, or damaging personal property;
- practical jokes, initiation ceremonies, or inappropriate birthday rituals;
- supervision which is overbearing or intimidating;
- deliberate exclusion from work activities or conversations at work;
- making inappropriate derogatory remarks about someone’s performance in front of others;
- withholding information a person needs in order to do their job;

- cyberbullying, i.e. using information and communications technology (particularly mobile phones, the internet and social media) to upset or humiliate someone.

It is important to recognise that conduct which one person may find acceptable, another may find unacceptable. We expect all staff to be treated with due respect and appropriate sensitivity.

Associates can be bullied or harassed by colleagues, subordinates, Managers and by third parties e.g. customers, suppliers and visitors.

Any behaviour, which is unwelcome, unreciprocated or offensive to the recipient, constitutes bullying or harassment, even though it may be unintentional on the part of the perpetrator.

## **7.2 Consequences**

Bullying and harassment can cause stress, anxiety, sickness, absenteeism, demotivation, demoralisation, poor performance and even resignation.

An individual as well as the Company may face legal proceedings if bullying or harassment occurs or is allowed to continue and, in the cases of sexual and racial harassment, the conduct may also be unlawful and constitute a criminal offence.

Where a complaint of bullying or harassment is upheld, the harasser will be dealt with in accordance with the Disciplinary procedure.

## **7.3 Bullying and Harassment Procedure execution**

The purpose of this procedure is to provide a framework to ensure complaints of bullying or harassment are actioned without fear of ridicule or victimisation.

### **7.3.1 Dealing with complaints**

Should an associate wish to make a complaint of bullying or harassment, this initially will be made via their Line Manager or via the Human Resources Department.

All complaints will be resolved as swiftly, confidentially and effectively as possible.

In many cases, matters can be handled informally with no recourse to a formal procedure.

It is envisaged that any complaint would be dealt with and completed with a ten-week time frame.

### **7.3.2 Advice and Counselling**

The Human Resources Department can provide sympathetic, informed advice and counselling to any associate who has complained or wishes to complain of bullying or harassment, should they wish to do so.

### **7.3.3 Informal Procedures**

It is preferable for all concerned that complaints of bullying or harassment are dealt with internally and informally wherever possible. However, there may well be some instances where the seriousness of the complaint warrants formal action and possibly criminal proceedings.

In general, the decision to progress a complaint rests with the individual and all reasonable efforts should be made to bring this matter into a forum where it can be investigated and satisfactorily resolved.

In many cases of bullying or harassment it is sufficient for the recipient to raise the problem informally with the person who is creating the problem, pointing out that their conduct is unwelcome, offensive or interfering with work.

Alternatively, an informal complaint may be raised with the Line Manager or Human Resources Department. If the matter concerns the associates line manager, the associate should raise this with their line managers manager.

### **Formal Procedures**

If informal resolution is unsuccessful or inappropriate, an associate can make a formal written complaint about the harassment or bullying to the Line Manager with a copy addressed to Human Resources. If the matter concerns the associates line manager, the associate should raise this with their line managers manager. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

Formal written complaints should include the following details: the name of the alleged perpetrator(s); the nature of the harassment or bullying; the dates and times the harassment or bullying occurred; the names of any witnesses; and any action taken by associates to resolve the matter informally.

In procedural terms, bullying or harassment will be conducted as per the Grievance procedure and any resultant action will be treated as per the Disciplinary procedure. Any investigation will be made with due consideration reflecting sensitivity, confidentiality and impartiality, with due regard to the rights of both the complainant and the alleged harasser.

The Line Manager will carry out investigations with support from the Human Resources Department.

Both the complainant and alleged perpetrator have the right to be accompanied by a fellow worker or a trade union official, who must also respect the confidential nature of the meeting.

Any information, which is given during the investigation process, will be treated on a confidential basis.

A record will be kept of complaints and witness statements, which will include names, dates, nature and frequency of incidents, and any action taken.

Should it transpire during the investigation process that a complaint is malicious, it will be dealt with as a serious disciplinary matter. There may be other situations resulting from the investigation process following which disciplinary action may be taken.

#### **7.3.4 After the Procedure**

Once the investigation process has been conducted, the decision to involve any disciplinary action will be communicated to the alleged perpetrator and progressed via the normal Disciplinary procedure. Any subsequent appeal against the decision should be made in writing to the Human Resources Manager within 5 days of receiving written confirmation.

The appeals procedure will be treated as per the Disciplinary procedure.

Such action may include written warnings or dismissal in the case of serious acts of bullying or harassment.

Careful monitoring will be required by Line Managers to ensure victimisation does not occur after any action taken.

#### **7.4 Bullying or Harassment by External Persons**

Bullying or harassment by a customer, dealer, supplier or any other person not in the Company's employ will not be condoned. Any associate who experiences bullying or harassment from such a source should try to deal with the situation informally in the first instance. However, if the complaint is of a serious nature or the behaviour persists, the matter should be reported to the associate's Line Manager. This person will be responsible for ensuring appropriate action is taken to deal with the problem and prevent it re-occurring.

#### **7.5 Bullying or Harassment of External Persons**

Bullying or harassment of external persons by our associates will not be tolerated. Any complaint received from a customer, supplier, agency associate or any other person not employed directly by the Company will be thoroughly investigated.

If the complaint is well founded, action will be taken under the Disciplinary procedure and could lead to dismissal.

#### **7.7 Confidentiality, data protection and record keeping**

We aim to deal with complaints of bullying and harassment sensitively and with due respect for the privacy of the individuals involved. All associates must treat as confidential any information communicated to them in connection with a complaint under this procedure.

Conducting investigations and formal meetings under this procedure involves processing the personal data of the associates concerned. This personal data is used in order to investigate and deal with complaints of bullying and harassment. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our associates; to ensure a safe working environment under health and safety laws)
- for the performance of the employment contract (i.e. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our associates)
- in our legitimate interest to deal effectively with bullying and harassment complaints, whether they are the subject of them or are otherwise connected to the issues raised.

Special category data and data relating to criminal convictions or offences may occasionally need to be processed under this procedure – for example, where an associate asserts that they are being bullied or harassed because of their race or sexual orientation, or where an associate requires a reasonable adjustment to the procedure to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Where we take witness statements from associates with information about the complaint being investigated under this procedure, such statements will be treated confidentially and will only be

shared with individuals who need to be involved in the process. This will ordinarily be: HR; the person/people conducting investigations; and the managers conducting any formal meeting or appeal. In addition, if in the course of the procedure it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this procedure may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the associate whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

We will ordinarily keep records of complaints dealt with under this procedure for 6-12 months from the date of completion of the procedure. However, there may also be circumstances in which it is appropriate for us to keep particular records under this procedure for a longer period. In such circumstances, we will decide how long records should be retained in accordance with the criteria set out in our main associate privacy notice.