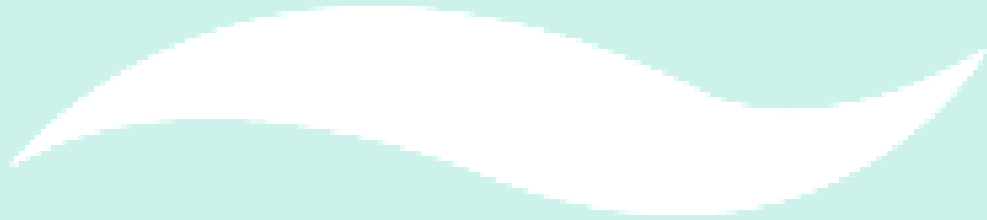




# General Customer Policy



HARBOUR



## ANTI-BRIBERY POLICY

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### PURPOSE AND SCOPE

It is the policy of Harbour Freight International Ltd to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our dealings wherever we operate. We are also committed to implementing and enforcing effective systems to counter bribery.

This policy applies to all individuals working at all levels, including senior managers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, and any other person providing services to us.

### DEFINITIONS

Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical or a breach of trust.

Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.

It is an offence in the UK (and you can be held personally liable for such offences) to:

- offer, promise or give a financial or other advantage to another person (i.e. bribe a person), whether within the UK or abroad, with the intention of inducing or rewarding improper conduct;
- request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct; or
- bribe a foreign public official.

It is also an offence in the UK for an employee or an associated person to bribe another person in the course of doing business intending either to obtain or retain business, or to obtain or retain an advantage in the conduct of business, for the Company. The Company can be liable for this offence where it has failed to prevent such bribery by associated persons. As well as an unlimited fine, it could also suffer substantial reputational damage in connection with this offence.



## **POLICY**

All employees and associated persons are required to:

- comply with any anti-bribery and anti-corruption legislation;
- act honestly, responsibly and with integrity; and
- safeguard and uphold the Company's standards by operating in an ethical, professional and lawful manner at all times.

Bribery of any kind is strictly prohibited.

Under no circumstances should any provision be made, money set aside or accounts created for the purposes of facilitating the payment or receipt of a bribe.

## **GIFTS AND HOSPITALITY**

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

The giving or receipt of gifts is not prohibited, if the following requirements are met: it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;

- it complies with local law;
- it is given in our name, not in your name;
- it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- it is given openly, not secretly; and
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of Steve Swinburn.

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

Clients may, on occasion, express appreciation with a gift of flowers, chocolate or wine. This policy does not prohibit the receipt of such gifts provided that you are satisfied that they are proportionate and reasonable in the circumstances. Any concern should be discussed with Steve Swinburn.

**Gifts of a value in excess of £100 must always be disclosed to a Manager.**



It is not acceptable for you (or someone on your behalf) to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy

### **RESPONSIBILITIES & RAISING OF CONCERNS**

It is the contractual duty and responsibility of all employees and associated persons to take whatever reasonable steps are necessary to ensure compliance with this Policy and to prevent, detect and report any suspected bribery or corruption in accordance with the procedure set out in the Company's Whistleblowing Policy.

You must immediately disclose to the Company any knowledge or suspicion you may have that you, or any other employee or associated person, has plans to offer, promise or give a bribe or to request, agree to receive or accept a bribe in connection with the business of the Company. For the avoidance of doubt, this includes reporting your own wrongdoing. The duty to prevent, detect and report any incident of bribery and any potential risks rests not only with the Directors of the Company but applies equally to all employees and associated persons.

Confidentiality will be maintained during any investigation of alleged wrongdoing to the extent that this is practical and appropriate in the circumstances.

The Company is committed to taking appropriate action against bribery and corruption. This could include either reporting the matter to an appropriate external government department, regulatory agency or the police and/or taking internal disciplinary action against relevant employees and/or terminating contracts with associated persons.

The Company will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. It is also committed to ensuring nobody suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or corruption offence has taken place or may take place in the future.



## **RECORD KEEPING**

We will keep financial records and have appropriate internal controls in place which will evidence the business reason for making any payments to third parties.

All expense claims relating to hospitality, gifts or expenses incurred to third parties must be submitted in accordance with our expenses policy and specifically record the reason for the expenditure.

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, must be prepared and maintained with strict accuracy and completeness. No accounts must be kept “off-book” to facilitate or conceal improper payments.

## **MONITORING AND REVIEW**

The Management will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible.

Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

All employees are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Directors.

## **BREACHES OF POLICY**

Breach of any of the provisions of this Policy will constitute a disciplinary offence and will be dealt with in accordance with the Company’s disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the employee liable to summary dismissal.

As far as associated persons are concerned, breach of this Policy could lead to the suspension or termination of any relevant contract, sub-contract or other agreement with the associated person.



## BULLYING & HARASSMENT POLICY

### PURPOSE AND SCOPE

Harbour Freight International Ltd is committed to developing a working environment in which bullying and harassment are known to be unacceptable and are not tolerated at any level of the business. The Company seeks to ensure that you can work effectively in comfort and dignity. If you suffer bullying or harassment, we will provide you with an appropriate form of redress, guaranteeing that if you complain, you will not encounter any form of reprisal or victimisation as a result of your complaint.

The increased use of Social Media sites presents an alternative platform for inappropriate comment and behaviour. Bullying or harassment via any of the Social Media internet sites (this includes the inappropriate use of all forms of social media, including Facebook, LinkedIn, Twitter, Wikipedia, all other social networking sites, and all other internet postings, including blogs) will not be tolerated and could lead to disciplinary action up to and including dismissal.

### DEFINITIONS

#### Harassment

Harassment is defined as unreciprocated and unwelcome comments or actions, which are considered objectionable by the recipient. The policy encompasses harassment with regard to gender, race, sexuality, disability, religion or political views. The main forms of harassment are sexual, racial, disability, religious, sexual orientation and age. This policy also encompasses harassment as defined under the Protection from Harassment Act 1997. This imposes a duty on individuals not to harass others. Types of behaviour the policy seeks to prevent include:

- unwelcome remarks, jokes or verbal abuse, either face to face or via email/internet;
- unwanted physical contact;
- the display of pornographic pictures;
- behaviour which ridicules an individual because of their sexuality;
- racially derogatory remarks or racist jokes; or
- the display of racially offensive material.

#### Bullying

Bullying is defined as persistent actions, criticism or personal abuse, which humiliates, intimidates or undermines the individual involved. Bullying can involve a person in authority abusing their power and bullying subordinates or an individual bullying a peer, or a group of people picking on one individual. Bullying can take varying forms including:

- severe verbal abuse;
- intimidating or aggressive behaviour;
- excessive teasing or humiliation;
- imposing unrealistic targets;



- unfair and excessive criticism, possibly in front of colleagues;
- isolating or openly ignoring someone;
- physical assault;
- taking credit for others' initiatives and achievements; or
- sending abusive or intimidating messages by email.

As with harassment, bullying is defined largely by the impact of the behaviour on the recipient not its intention.

### **POLICY**

The objectives of this policy are to:

- create a supportive working environment for you, free from all forms of bullying and harassment;
- prevent any harassment and victimisation of you in the workplace;
- make explicit those behaviours which will not be tolerated;
- provide practical guidance to you on how to deal with harassment and bullying;
- deal with any allegation of harassment seriously, confidentially and with the utmost discretion;
- encourage you to behave in an appropriate manner at all times; and
- communicate the procedures relating to harassment and ensure they are implemented.

### **RESPONSIBILITIES**

You are responsible for complying with the terms of this policy and for the development of a working environment in which the dignity of all is respected.

If you are responsible for managing or supervising one or more employees, you have a duty to ensure that harassment or bullying does not occur in work areas for which you are responsible. You have a further responsibility to explain the Company's policy and to take steps to positively promote the policy. You must be responsive and supportive to any member of staff for whom you are responsible who complains about harassment or bullying; provide advice on the procedure to be adopted and maintain confidentiality.

It is the responsibility of the Management to review regularly complaints of harassment and bullying and how they have been resolved in order to ensure that the Company's policy is working effectively.

### **BULLYING AND HARASSMENT COMPLAINTS PROCEDURE**

If you are subjected to bullying or harassment you have two options to seek a resolution: an informal and a formal approach. (These options are not mutually exclusive.)



### **INFORMAL APPROACH**

You can seek confidential informal advice and support from someone more senior to you.

In certain circumstances, it may be appropriate for you to approach the alleged perpetrator personally indicating that a particular action is regarded as offensive. You should warn them that should the behaviour continue, a formal complaint will be made. Alternatively, you can request a colleague or someone in authority to speak to them informally.

If the informal approach has proved to be ineffective or the alleged offence is of a serious nature it may be necessary to adopt a formal approach.

### **FORMAL APPROACH**

At all times, whether or not informal steps have been taken, if you feel that you have been harassed or bullied you may make a formal complaint using the Grievance Procedure.

### **INVESTIGATION PROCEDURE**

The procedure will be that used for the Grievance Procedure except that the complainant and the person against whom the allegations are made will be interviewed separately and the proceedings will be confidential.

Any witnesses will be interviewed and will be required to respect the need for confidentiality. Any breach of this confidentiality may itself result in disciplinary action.

An accurate record will be made of the investigation and its conclusion. Both the complainant and the person against whom the allegations are made will be informed in writing of the findings of the investigation and the action to be taken within five working days after the conclusion of the investigation.

### **OUTCOME**

If, following the investigation, it is found that bullying/harassment has taken place, appropriate disciplinary action may be taken within the Disciplinary Procedure.

Retaliation against an employee for complaining about harassment or bullying is a disciplinary offence.

Equally, if you raise a complaint, which upon investigation is proven to be deliberately vexatious, then you may become the subject of disciplinary proceedings.





## CAPABILITY POLICY

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### INTRODUCTION

The Company recognises the difference between:

- a deliberate failure on the part of the employee to perform to the standards of which they are capable, in which case the Company will use its disciplinary procedure; and
- a case of incapability, where an employee is lacking in knowledge, skill or ability and so cannot carry out their duties to the standard required, in which case the Company will operate its Capability Procedure in an attempt to improve performance.

### PROCEDURE

If it becomes clear that you are not performing your duties to the required standard due to a lack of knowledge, skill or ability, the Company will arrange an informal meeting with you to discuss the matter. The Company will:

- make you aware that you are not performing to the required standard;
- give you a reasonable period to improve and undertake any training that is deemed necessary; and
- offer you closer supervision by your Manager.

At the end of this period, another meeting will be arranged to review your progress and decide whether or not any further action is required.

If your performance has still not improved to an acceptable standard, a more formal meeting will be held. You will be given a warning about your performance, given a further chance to improve, and offered closer supervision.

If you are unable to improve to the required standard, the Company will consider whether or not you can be moved to alternative work more suited to your abilities.

Once the Company has exhausted all attempts to improve your performance and find you alternative duties within the organisation, it may as a last resort become necessary to dismiss.



## DATA PROTECTION (GDPR) POLICY

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### INTRODUCTION

This policy sets out how (insert Company name) (“we”, “our”, “us”, “the Company”) handles the personal data of our employees, workers and other third parties.

This policy applies to all personal data we process regardless of the media on which that data is stored or whether it relates to past or present employees, workers, other individuals who work for us and those who apply to work for us (known technically as Data Subjects but for ease of reference we refer to them as “employees” in this policy).

Personal data means any information identifying a Data Subject (employee) or information relating to a Data Subject (employee) that we can identify (directly or indirectly) from that data. Examples are someone’s salary details, working hours, work location, bank details, and emails about them or relating to them.

Processing means any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties

This policy applies to all Company staff including its employees, workers, contractors, agency workers, consultants, directors, and others.

You must read, understand and comply with this policy and attend any training offered on its requirements. Any breach of this policy may result in disciplinary action.

### SCOPE

The Company is committed to complying with data protection law including the principles set out in the General Data Protection Regulation (GDPR). We are exposed to large fines, and other legal liabilities if we breach of these principles.

The Directors are responsible for ensuring all staff comply with this policy.

The Directors of the Company are responsible for developing this policy and for general compliance with data protection principles. (See ‘Accountability’ section of this policy.)

The General Manager is responsible for overseeing this policy.

Please contact the General Manager with any questions about the operation of this policy or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the General Manager in the following circumstances:



- If you believe we may not have (or no longer have) a legal basis on which to process the personal data of an employee;
- if you are unsure about the retention period for the personal data being processed
- if you are unsure about what security or other measures you need to implement to protect personal data;
- if there has been a personal data breach;
- if there are any queries or issues raised about someone's personal data.
- If you receive a request for copies of personal data (see 'Subject Access Requests' section).

### **PERSONAL DATA PROTECTION PRINCIPLES**

We adhere to the principles relating to processing of personal data set out in the GDPR which require personal data to be:

- Processed lawfully, fairly and in a transparent manner;
- Collected only for specified, explicit and legitimate purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- Accurate and where necessary kept up to date;
- Not kept in a form which permits identification of employees for longer than is necessary for the purposes for which the data is processed;
- Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage;
- Not transferred to another country without appropriate safeguards being in place; and
- Made available to employees and employees allowed to exercise certain rights in relation to their personal data.

We are responsible for and must be able to demonstrate compliance with the data protection principles listed above (see 'Accountability section below).

### **LAWFULNESS, FAIRNESS, TRANSPARENCY**

Personal data must be processed lawfully, fairly and in a transparent manner and only for specified purposes. These include where processing is necessary for the performance of the employment contract or to meet our legal compliance obligations or where we have a legitimate interest. We have formulated areas where we consider that we are entitled to process personal data relating to our staff and this information is set out in our privacy notices.

The Directors are responsible for satisfying themselves that there is a proper legal basis for us to process personal data and to ensure that an appropriate privacy notice has been provided to all the employees they are responsible for. Any queries in this regard must be raised with the General Manager.



The GDPR requires the Company to provide detailed, specific information through appropriate privacy notices which must be concise, transparent, intelligible, easily accessible, and in clear and plain language so that an employee can easily understand them. This includes the identity of the data controller (i.e. the Company) and, how and why we will use, process, disclose, protect and retain that personal data. The privacy notice must be provided when the employee first provides the personal data. This will usually mean both at the job application stage (in relation to the data necessary for that process) and at the time an employment contract is entered into.

When personal data is collected indirectly (for example, from a third party or publicly available source), we must provide the employee with all the information required by the GDPR as soon as possible after collecting/receiving the data. We must also check that the personal data was collected by the third party in accordance with the GDPR and on a basis which contemplates our proposed processing of that personal data.

#### **PURPOSE LIMITATION**

Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes for example bank details collected for the purposes of paying staff should not be passed to our pension provider without the consent of the employee.

You cannot use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless you have informed the employee of the new purposes and they have consented where necessary.

#### **DATA RETENTION**

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

You may only process personal data when performing your job duties actually requires it. You cannot process personal data for any reason unrelated to your job duties.

Do not collect excessive data. Ensure any personal data collected is adequate and relevant for the intended purposes. If in doubt seek guidance from the Managing Director.

The Company will retain employee records for the entire period of employment and after employment ends for a period of no longer than 6 years.

#### **ACCURACY**

Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.



You will ensure that the personal data we use and hold is accurate, complete, kept up to date and relevant to the purpose for which we collected it. All managers are responsible for checking the accuracy of any personal data at the point of collection and at regular intervals afterwards.

### **SECURITY, CONFIDENTIALITY & DATA BREACHES**

Personal data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

The Company will develop and maintain appropriate safeguards and will regularly test the effectiveness of those safeguards to ensure security of our processing. However, all staff have their part to play in helping to ensure that personal data is kept secure and that there are no data breaches. For example:

- Be careful when responding to any requests from outside of the Company for any information about staff – always think is there a legitimate basis to respond to the request and is it covered by our privacy notice;
- Ensure that personal information is not left on desks or where it can be seen by others;
- Always use screensavers and passwords on PCs so that information on your screen cannot be seen by others;
- Staff information should always be kept on a personnel file – and when information is removed from the file it should be returned promptly. Copies of information removed should be deleted as soon as it is no longer needed;
- Personnel files should be kept locked in a filing cabinet and only accessed by an appropriate Manager;
- Emails containing personal information about staff should be deleted once they have been actioned unless it is necessary to keep the information on the personnel file – seek guidance if you are unsure;
- Always check carefully when staff information is to be passed to a third party for example an occupational health provider, insurer, doctor, benefits provider, pension provider, security company – is this activity covered by the privacy notice and would such passing of information be allowed? If in doubt discuss with the General Manager.

You must comply at all times with the requirements of our Internet & Emails Policies.

You may only transfer personal data to third-party service providers who agree to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

The GDPR requires the Company to notify any personal data breach to the applicable regulator and, in certain instances, to the employee concerned.

We have put in place procedures to deal with any suspected personal data breach and will notify employees or any applicable regulator where we are legally required to do so.



If you know or suspect that a personal data breach has occurred, contact the Managing Director immediately. If you are unsure, please seek guidance and do not ignore such a situation.

### **EMPLOYEES DATA RIGHTS AND REQUESTS**

Employees have rights when it comes to how we handle their personal data. These include rights to:

- withdraw consent to processing at any time;
- request access to their personal data that we hold by way of a Subject Access Request;
- ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- object to decisions based solely on automated processing, including profiling, for example an entirely online job application process; and
- make a complaint to the supervisory authority (the Information Commissioner, [www.ico.org.uk](http://www.ico.org.uk)).

You must verify the identity of an individual requesting data under any of the rights listed above. Do not allow third parties to persuade you into disclosing personal data without proper authorisation.

You must immediately forward any Subject Access Request you receive to the General Manager.

### **ACCOUNTABILITY**

The Company must implement appropriate measures to ensure compliance with data protection principles. To do this it has appointed the Managing Director who is responsible for compliance.

The GDPR requires us to keep full and accurate records of all our data processing activities and a suitable log will be maintained by the General Manager.

The Company is committed to providing appropriate training to its managers and all its staff in relation to its data protection obligations including those under GDPR.

Generally, we are not allowed to share personal data with third parties unless certain safeguards and contractual arrangements have been put in place.

You may only share the personal data we hold with another employee, agent or representative of our group (which includes our subsidiaries and our ultimate holding company along with its subsidiaries) if the recipient has a job-related need to know the information and the transfer complies with any applicable cross-border transfer restrictions.



You may only share the personal data we hold with third parties, such as our service providers if:

- they have a need to know the information for the purposes of providing the contracted services;
- sharing the personal data complies with the privacy notice provided to the employee and, if required, the employee's consent has been obtained;
- the third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place.

If you consider that an email received by you contains material, which should be referred to the police, the material may be printed and passed to your Manager, who will be responsible for notifying the police that such an email has been received. In any other circumstances, any emails that contain indecent, obscene, pornographic, sexist, racist or otherwise illegal material should not be printed, but should be deleted immediately.

The following activities are expressly forbidden:

- the deliberate introduction of any form of computer virus;
- seeking to gain access to restricted areas of the email systems or other hacking activities; and
- forgery or attempts to read other users mail without express permission.

Email messages that have been deleted from the system can be traced. Therefore all persons having a part in or forwarding any offending email can be identified. Emails, both in hard copy and electronic form are admissible in a court of law.

### **MONITORING**

All the Company's resources, including computers and email are provided mainly for business purposes. At any time and without notice, we maintain the right and ability to examine any systems and inspect and review any and all data recorded in those systems. Any information stored on a computer, whether the information is contained on a hard drive, computer disk or in any other manner may be subject to scrutiny by the Company. This examination helps ensure compliance with internal policies and the law. It supports the performance of internal investigations and assists the management of information systems.

In order to ensure compliance with this policy, the Company may employ monitoring software to check on the use and content of email to ensure that there are no serious breaches of this policy. We specifically reserve the right for authorised personnel to access, retrieve, read and delete any communication that is created on, received through or sent in the email systems, to ensure compliance with all our policies. Such monitoring will be used for legitimate purposes only.





## EQUAL OPPORTUNITIES AND DIGNITY AT WORK POLICY

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### INTRODUCTION

Harbour Freight International Ltd is an Equal Opportunity Employer. This means that the Company's established Policy is to ensure that no unlawful discrimination occurs, either directly or indirectly, against any person associated with any aspect of their treatment or employment including: recruitment and selection, promotion, transfer opportunities for training, pay and benefits, other terms of employment, grievance handling, discipline, selection for redundancy and dismissal.

The Company will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to age, disability, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity. Within the Equality Act and in this Policy, these are known as 'protected characteristics'.

The Company appreciates that, throughout the organisation, treating staff fairly and recognising individual talents, needs and contributions is not only the right thing to achieve, but also makes sound business sense. We recognise that having a mixed workforce confers benefits which include flexibility and a wider pool of skills and experience upon which to draw. What matters is the individual's ability to do their job. We firmly believe that a diverse workforce constitutes a major business asset.

The Company will do all in its power by means of publicising issues, education and training of employees, supervisors and managers; counselling and, if necessary, by the implementation of disciplinary sanctions to prevent any incidences of unlawful direct or indirect discrimination, harassment, bullying, intimidation or victimisation associated with any protected characteristics.

All employees are urged to be vigilant and to report any instances of observed or suspected unlawful discrimination incidents or practices within or associated with the workplace, which apply to themselves or anyone else, by using the Company's Grievance Procedure.

The Company will not condone or tolerate any form of unlawful discrimination, 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 also take appropriate action against any third parties who are concluded to have committed any such improper or unlawful acts against its employees.





## **DEFINITIONS**

### **Direct discrimination**

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of another person with whom the job applicant or employee is associated and not on the job applicant's or employee's own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.

### **Indirect discrimination**

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or employees but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criterion or practice which is discriminatory in relation to a protected characteristic of the job applicant or employee and it cannot be shown by the Company to be a proportionate means of achieving a legitimate aim.

### **Bullying**

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

### **Harassment**

An employee or third party (e.g. a client or supplier) harasses another employee if they engage in unwanted conduct related to an anti-harassment protected characteristic (sex, age, disability, gender reassignment, race, religion or belief or sexual orientation) or unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee (or another person with whom the employee is associated).

In some cases, behaviour (such as banter or jokes) will constitute harassment if it continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

### **Disability**

Under the terms of the Equality Act, a person is defined as being disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.



## **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## **COMPANY POLICIES**

### **Recruitment advertising and selection**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Company is committed to applying this Equal Opportunities and Diversity at Work policy statement at all stages of recruitment and selection.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. Managers responsible for short-listing, interviewing and selecting candidates will use clearly defined selection criteria and apply them consistently. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job.

With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage during the recruitment process in comparison with persons who are not disabled.

### **Equal pay**

The Company is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, we shall endeavour to maintain a pay system that is free from bias and based on objective criteria.

### **Flexible working**

All eligible employees have the right to request flexible working.

### **Disabled Persons**

The Company will not treat anyone who is disabled less favourably, for something which relates to the disabled person's disability, and will always endeavour to make reasonable adjustments where in the alternative the disabled person concerned will be at a substantial disadvantage in comparison with persons who are not disabled.



## **Training**

The Company's policy on equal opportunities is to help all Managers to identify and deal effectively with unlawful discrimination or practices or acts of harassment or bullying. Managers are responsible for ensuring they actively promote equal opportunities and dignity at work within the Company.

During the induction training will be provided to all new starters and each new employee will be made fully aware of this Equal Opportunities and Dignity at Work Policy, our related rules and disciplinary sanctions and our adopted Grievance Procedure.

## **BREACHES OF THIS POLICY – DISCIPLINARY SANCTIONS**

Employees have a duty to co-operate with the Company to make sure that this policy is effective in ensuring equal opportunities and in preventing any instances of unlawful discrimination, harassment, bullying or intimidation. Action will be taken under the Company's disciplinary procedure against any employee who is suspected of having committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this Equal Opportunities and Dignity at Work Policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

The Company has adopted and will enforce the following disciplinary rule:

“Age, disability, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity are defined within the Equality Act as ‘protected characteristics’.

Any employee concluded to have been guilty in or related to the workplace of any act of unlawful discrimination, harassment, bullying or victimisation towards anyone due to or associated with a protected characteristic is liable to serious disciplinary action which could involve dismissal.

Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination or harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Employees should draw the attention of their Manager to any suspected discriminatory acts or practices or suspected cases of harassment or bullying. Employees must not victimise or retaliate against an employee who has made allegations or complaints of unlawful discrimination, harassment or bullying or who has provided information about such behaviour. Such behaviour will be treated as potential gross misconduct in accordance with the Company's disciplinary procedure. Employees are urged to support any colleague who alleges that they have suffered such treatment and who is making a complaint using the Grievance Procedure.



## WHISTLEBLOWING POLICY

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### INTRODUCTION

The Public Interest Disclosure Act 1998 came into force in July 1999. It is applicable in England, Scotland & Wales and gives statutory protection against victimisation and dismissal to employees and workers who voice their concerns about wrongdoings in the workplace. This statutory protection relates to “qualifying disclosures” of information by a worker concerning specified types of wrongdoing or malpractice:

- A criminal offence;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of an individual;
- Any damage to the environment;
- A bribe or act of corruption; or
- Any attempt to conceal information about any of the above.

A “qualifying disclosure of information that the employee reasonably believes tends to show that one or more of the above is occurring, has occurred or is likely to occur.

This policy is designed to assure any employee of Harbour Freight International Ltd who has a genuine concern about a malpractice or wrongdoing at work that, providing they make their disclosure in good faith, they need not fear dismissal or any other form of victimisation, recrimination or disadvantage.

### PROCEDURE

This organisation is committed to the highest standards of conduct, honesty and accountability. Accordingly, malpractice and wrongdoing in the workplace will not be tolerated and any such bona fide claims will be treated seriously.

To enable us to maintain this commitment, any employee who has a genuine belief that there is evidence of malpractice, a danger to the health and safety of anyone associated with this undertaking, or wrongdoing in the organisation, is assured that they may raise genuine concerns without fear of dismissal or any other form of victimisation, recrimination or disadvantage.

This policy is applicable to all our employees.

Any concern raised will be treated in confidence and if you so wish we will endeavour to protect, so far as it is possible, your identity. You are encouraged to raise such a concern



through our internal procedures rather than externally. This will ensure that the matter is dealt with speedily and at a level appropriate to the nature and seriousness of the allegation.

All allegations of malpractice and wrongdoing, together with the responses to them, will be properly recorded and the employee who raised the concern will be informed as to the outcome of any investigation.

Where your allegation has been discredited no action will be taken against you providing the allegation was made in good faith. Any allegations you make maliciously or for personal gain may result in disciplinary action being taken against you.

This procedure for raising a “whistle blowing” concern internally is separate from our Grievance Procedure which exists to allow an employee to raise an internal query, grievance, complaint or problem which specifically relates to them as an individual, or to them as a group of colleagues.

A disclosure may be made verbally or in writing and should include as much factual information relating to the concern as possible, e.g. background information, relevant dates and a statement of who is believed to be involved.

### **INTERNAL PROCEDURE FOR MAKING A DISCLOSURE**

You should normally first raise your concern with your Manager stating clearly, verbally or in writing, that you are lodging an official disclosure under the Company “Whistle Blowing” Procedure.

That any such disclosure has been made must immediately be communicated to Steve Swinburn.

You will be written to: Acknowledging receipt of your concern and Steve Swinburns’ decision as to whether or not the matter will proceed any further.

Your concern will only be actioned if it is concluded that the grounds for raising your concerns are reasonable and your disclosure is made in good faith.

Assuming that it is concluded that: the disclosure is made in good faith, and there are sufficient grounds or apprehensions for the matter to be taken further, Steve Swinburn will immediately appoint an individual to be responsible for investigating the disclosure. Steve Swinburn will then decide on the appropriate course of action to be followed.

Assuming that further investigations are undertaken you will be given an indication of the date by which the Company expects to conclude its investigation.



You will then be advised of the findings, subject to any legal constraints. You will not be advised of the detail of any disciplinary steps that the Company sees fit to invoke against any employee as a result of its findings as such matters are necessarily confidential.

Any employee lodging a disclosure under this procedure may be accompanied at any associated investigative meetings by a colleague of their choosing, subject to it being accepted by all parties that the components of any internal investigative meeting must be regarded and treated as being strictly confidential.

Exceptionally, you may wish to raise the matter externally. If you choose to make a disclosure to a “prescribed person”, e.g. the Health & Safety Executive or the police, you should ensure that you:

- make the disclosure in good faith;
- reasonably believe that your concern falls within the description of the issues which the “prescribed person” is authorised to investigate; and
- believe that the information disclosed, and any allegation contained within it, are substantially true.

#### **EXTERNAL ORGANISATIONS**

Harbour Freight International Ltd recognises that there may be matters which cannot be dealt with satisfactorily on an internal basis only and that external authorities may need to become involved.



# HARBOUR