Dignity at The Gym Group Policy

1. Introduction

Whatever you want from a gym, we want you to find it at The Gym Group. We are committed to creating a safe, inclusive, and welcoming work and work-out environment which is free from discrimination. An environment where everyone who visits, works for, or does business with The Gym Group is able to further their goals and is treated with dignity and respect. Put simply, The Gym Group is a place to be you.

We consider any act of harassment, sexual harassment or bullying to be in direct conflict with our Company purpose, aims, culture and values as outlined in our Diversity, Inclusion and Equality Manifesto as well as a breach of our Member Rules and Code of Conduct and Ethics. Not only is it unlawful but bullying and harassment can have serious negative consequences for health and wellbeing. We will not tolerate harassment or bullying of any kind. All allegations of bullying and harassment, whoever it is reported by or about, will be promptly and impartially investigated and, where it is determined that harassment or bullying has occurred, appropriate corrective action will be taken in line with the relevant internal procedures.

Any concerns raised under this policy will be treated with discretion and confidentiality to the extent that a fair and robust investigation process will allow. Furthermore, we will also not tolerate victimisation of a person for making allegations of harassment or bullying in good faith or when supporting someone to make such a complaint.

We like to keep things simple at The Gym Group, as a result, we have one policy to cover bullying and harassment of and by members, employees, self-employed PTs, contractors, agency staff and anyone else engaged to work at The Gym Group, whether by direct contract or otherwise. Furthermore, this policy covers bullying and harassment both within our gyms and events related to The Gym Group as well as some settings outside of The Gym Group, for example, work-related social events, home working or actions on social media.

If you have any questions about this policy, please speak with your manager/ gym manager in the first instance.

2. Preventing and Managing Third-Party Harassment

Third-party harassment occurs when one an employee is subjected to unwanted conduct by someone who is not part of our workforce, but whom they encounter in connection with work. We will take all reasonable steps to prevent sexual harassment and other forms of harassment carried out by third parties such as members, self-employed PTs, contractors, agency workers, suppliers, or visitors towards our employees.

We expect all third parties who interact with our teams or operate within our gyms to adhere to this policy and always treat our employees with dignity and respect.

Any allegations of third-party harassment will be managed in line with this policy.

3. Definitions: Bullying, Harassment & Victimisation

3.1 **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate, or injure the person on the receiving end.

3.2 **Harassment** is a form of unlawful discrimination. It is unwanted conduct related to a protected characteristic which includes sex, gender reassignment (or transgender status), race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, and age.

This also includes **sexual harassment**, whether that is unwanted physical, verbal or non-verbal conduct of a sexual nature or treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature. This differs from harassment relating to the protected characteristic 'sex'.

This unwanted conduct either has the purpose of, or is reasonably considered by the person on the receiving end to have the effect of **violating their dignity or otherwise creating an intimidating, hostile, degrading, humiliating or offensive environment**.

3.3 **Victimisation** is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

When considering the above definitions, it is important to note:

- Conduct may be harassment whether the person behaving in that way intends to offend. Different people find different things acceptable, and everyone has the right to decide what behaviour is acceptable and to have their feelings respected by others. A single incident can be harassment where behaviour that any reasonable person would realise it would be likely to offend without you having to make it clear in advance that behaviour of that type is not accepted, for example, sexual touching.
- Where it may not be so clear that behaviour would be unwelcome to, or could offend someone, for example some jokes, flirting or asking someone out for a date, it may not be harassment in the first instance. If, however the behaviour continues after you have made it clear, that the behaviour is unacceptable it will likely constitute harassment.
- Harassment may also occur where a person engages in unwanted conduct towards another because they perceive someone to have a protected characteristic (for example, a perception that they are gay or have a disability), when they actually don't. Similarly, harassment could take place where someone is bullied or harassed because of someone else they have an association with, for example if their partner is pregnant.
- You may feel harassed even if the unwanted conduct is not directed towards you. For example, an employee is offended after they have overheard colleagues speaking about a member in a very derogatory or objectified manner.

- Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment. The Gym Group will take appropriate action to deal with any alleged victimisation, which may include disciplinary or other remedial action against anyone found to have victimised you. Please be aware that making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary or other appropriate remedial action being taken against you.
- Serious bullying or harassment may amount to civil or criminal offences, e.g., a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

4. Examples of bullying and harassment

Sometimes it is hard to know whether someone's behaviour is inappropriate and our view of what is appropriate can depend on the place, context, the people involved and can change over time. Bullying and harassment could be physical, verbal, or non-verbal and can include a wide range of behaviour including through email, text message or social media. We have included a number of examples of behaviours that could constitute bullying or harassment but please note that the below list is illustrative and not exhaustive:

4.1 Physical

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or other inappropriate touching.
- Physical violence, including sexual assault.
- Stalk, threaten, intimidate, or coerce someone.

4.2 Verbal

- The offer of rewards for going along with sexual advances, e.g., a job promotion or additional benefits/ services.
- Making threats or comments about someone's job security or gym membership without a fair or reasonable rationale.
- Intrusive questions about an individual's sex life, gender identity or transition.
- Comments regarding someone's appearance, or weight, dress, sexuality, age, gender identity or transition, relationship status that are derogatory or objectifying or otherwise would make someone feel uncomfortable.
- Jokes, comments, or stories of a sexual nature or about an individual's age, race, gender, gender identity or transition, disability, sexual orientation, religion, or marital status.
- Repeated and unwanted flirting or social invitations for dates or physical intimacy.
- Flirting with someone at a time that is considered inappropriate due to the context, setting, time or place.
- Unwanted or derogatory nicknames.
- Refusal to use the appropriate pronoun or calling someone who has transitioned their previous name.
- Starting or sharing malicious rumours or insulting/ ridiculing someone.

4.3 Non-verbal

- The use of obscene or suggestive gestures.

- Whistling, staring or leering.
- The exclusion of an individual because they have or are perceived to have, or are associated or connected with someone with a protected characteristic.
- The display or sharing of pictures, objects, or literature with sexual or racial overtones, are transphobic or derogatory even if not directed at any person.
- Taking unsolicited videos or photographs of someone
- Isolation or non-cooperation with an individual or those that are close to them.
- Oppressive levels of supervision.
- Deliberately setting up someone to fail.

4.4 Serious crimes

Acts of bullying and harassment which can also constitute a serious crime could also include:

- Threats of violence.
- Physical attack and sexual assault.
- Hate crimes i.e., racist, homophobic, or transphobic hostility.
- The sharing of private or sexual videos or imagery of another person without their consent.
- Sharing the previous name, gender history or trans identity of an individual without their consent, if the individual has a GRC.

Whilst we would hope that such instances would not occur at The Gym Group and consider that we have taken all reasonable actions to prevent such occurrences, in the instance that another's actions could constitute a serious crime, we would always encourage you to report the matter to the police and will cooperate with any police enquiries should you wish to press charges.

5. What should I do if I think I am being bullied or harassed?

We would encourage anyone who believes that they have been bullied, harassed, or victimised to take the first step and share their experiences and concerns with us. We know this can be difficult but to facilitate this, we have robust procedures designed to support open conversations, dispute resolution and, where appropriate, we will take remedial action.

In some cases, you may be able to sort out matters yourself, informally. For example, where the person may not be aware that their behaviour is unwelcome or upsetting to you or where your feelings about what you consider acceptable have changed over time. Whilst this doesn't mean that the behaviour is accepted, if you suspect that the individual doesn't realise the impact of their behaviours, we encourage you to raise this with them. During your discussion we would recommend that you highlight the impacts of their behaviour and ask them to stop in order to help them to understand the impact of their actions and agree to change it.

If you are not sure how to approach this discussion informally yourself:

- For employees, your line manager or the People Team can help you in doing this.
- If you are a member, self-employed PT, or contractor, it may be appropriate to contact The Gym Group Manager or your main The Gym Group contact for further support.

If, however, an informal approach does not resolve matters, or the situation is too serious to be dealt with yourself, informally, you can make a formal complaint in one of the following ways.

- Employees – please see the Company's internal grievance procedure.
- Members – please see The Gym Groups complaints process.
- Self-employed PTs/ Contractors / agency staff – please raise your concerns with your main Company contact or, if contracted by a third party, please refer to their own internal procedures.

We will also ensure that where possible, you are able to outline your complaint to someone that you feel comfortable to, for example if you would prefer to discuss an incident of sexual harassment with someone of your own sex. Further arrangements may need to be made to facilitate this, but we will discuss this with you.

6. How we will manage your complaint

Further details can be found in the appropriate policy but when managing formal complaints regarding bullying or harassment we will ensure:

- It is investigated promptly and thoroughly.
- To outline expected timelines of any process and keep you updated on the general progress of the investigation. Subject to data protection requirements we will confirm our findings and any further recommendations.
- That discretion and confidentiality is maintained as much as a fair and thorough investigation will allow. Limited disclosures will need to be made on a need-to-know basis to facilitate a fair and robust investigation and to implement remedial action or manage any associated risks.
- To implement reasonable safeguards whilst matters are investigated and in line with any investigation findings.

We do understand that you may wish to remain anonymous and that the subject of your complaint is not made aware that concerns have been raised by you, however, it is unlikely that we will be able to conduct a robust and fair investigation without some limited disclosures and without putting the allegations to the individual concerned. Please do however talk to us about your concerns and we will work with you to agree an approach.

7. What happens if i am accused of bullying or harassment?

If someone approaches you informally, please do not dismiss their concerns because you were only joking, or you think the individual is being too sensitive. Different people find different situations and conversations acceptable, and everyone has the right to have their feelings respected by others. If you have offended someone without intending to, the person concerned may be satisfied with an explanation, an apology, and an assurance that you will be careful in future not to behave in a way that you now know may cause them distress.

If a formal complaint is made about your own behaviour, the matter will be fully investigated and dealt with in accordance with the appropriate Company procedure. We appreciate that it can be distressing to have a complaint levelled against you and no conclusions will be drawn, or permanent corrective action taken until an investigation has been conducted. We may however need to take steps to

limit contact between you and the person raising the complaint and in more serious cases suspend access to our sites until a conclusion can be drawn, but this does not constitute remedial action. Such short-term action would be in line with our commitment to implement reasonable safeguards.

Depending on the findings of the investigation and in the event that we have a reasonable belief that bullying, or harassment has occurred, remedial action will be taken. This action will vary depend on the perceived seriousness of your actions, any aggravating factors such as abuse of power over someone more junior, and your relationship with The Gym Group, but could include:

- Employees – disciplinary action which may include dismissal or in more serious cases dismissal without notice.
- Members – membership warnings or the termination of your membership.
- Self-employed PTs / Contractors / agency staff – changes to your contract or the termination of your contract with the Company.

In more serious cases, where bullying or harassment may constitute unlawful discrimination and allegations may give rise to other civil claims or criminal proceedings against you, these would proceed independently of any action taken by The Gym Group.

It is also extremely important that you do not subject an individual who has made a complaint against you or supported an individual in making a complaint or given evidence in relation to such a complaint to acts of victimisation. Where it is determined that an individual has been subject to victimisation this will likely result in further remedial action.

In the event the complaint is not upheld we will provide further support, as appropriate, to ensure that both parties can continue or resume working and working-out at The Gym Group.

8. Responsibilities

The Gym Group will:

- Conduct regular reviews of our policies, processes and working methods to ensure they are free from unlawful discrimination and support a welcoming work and work our environment.
- Maintain clear records of all harassment-related reports, training completion, risk assessments and preventative measures.
- Review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and implement changes in response to our learning and where we can continue to improve our preventative approach.
- Periodically monitor our success in ensuring that The Gym Group remains a safe and inclusive environment, where everyone can be themselves such as through the use of confidential surveys.
- Review and update annually and where necessary our high-level Dignity at The Gym Group Risk Assessment.
- Commit to taking all reasonable steps to prevent sexual harassment.

We will however only be able to ensure everyone has dignity at The Gym Group with your help which you can give by ensuring you:

- Treat everyone at The Gym Group with dignity and respect; whether that's employees, members, standalone PTs, contractors, or visitors to site.
- Act in accordance with our member rules, The Gym Group policies, and any reasonable request from a The Gym Group employee.
- Complete the annual mandatory 'Gymclusive', anti-harassment and bullying compliance training (TGG employees only).
- Consider how your own behaviour may affect others and rectifying that if necessary. Everyone will have their personal reasons for coming to The Gym Group and we want to ensure that everyone can get the most out of their work out or working day.
- Are clear with others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case
- Be considerate and do not dismiss others if they raise concerns about your behaviour informally to you
- Intervene if appropriate and it safe to do so, to stop or prevent harassment or bullying and give support to recipients.
- Report harassment or bullying in line with the appropriate procedure and provide support to The Gym Group in the investigation of any complaint
- If a complaint of harassment or bullying is made, please don't pre-judge or victimise the complainant or alleged harasser.

Managers at The Gym Group have a particular responsibility to:

- Set the right example by their own behaviour.
- Support the maintenance of a safe and supportive working and work-out environment in line with Company values and Equality, Diversity, and Inclusion Manifesto.
- Make sure that all members, employees, contractors, and visitors know what standards of behaviour that are expected of them and take corrective action as appropriate and in line with The Gym Group policies and procedures where conduct is unsatisfactory.
- Take all concerns raised seriously and assume every claim of bullying, harassment or other inappropriate behaviour is legitimate and escalated appropriately.
- Ensure employees, members, self-employed PTs, and other contractors know how they can raise any concerns they have and never conceal or discourage someone from raising a legitimate concern.
- Ensure employees know what further support is available for them if they have been a victim or accused of, bullying or harassment and speak to the People Team if you need further advice.

9. Related polices

- Disciplinary Policy (internal document)
- Grievance Policy (internal document)
- Social Media Policy
- Transgender Inclusion Policy
- Sexual Harassment Policy Statement (internal document)

- Complaints procedure
- Safeguarding Policy
- Criminal Convictions Disclosure Policy