

LINE MANAGER GUIDE – WORKER PROTECTION ACT

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1. WHAT IS HARASSMENT?

The legal definitions of sexual harassment are set out in the Equality Act 2010.

Sex-based harassment is unwanted conduct “related to sex”, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. For example, making derogatory jokes about women in front of a female Employee, or bullying behaviour towards an individual that is based on their sex.

There is also a specific definition of sexual harassment, which is unwanted conduct of a “sexual nature” which has this purpose or effect. For example, touching a colleague without their consent, or sending sexual jokes or pictures in the workplace.

It is also harassment to treat someone badly because they have rejected or submitted to unwanted conduct that is of a sexual nature or related to sex. For example, failing to promote an Employee because they refused a manager’s sexual advances.

Note that a one-off incident can count as harassment. There does not need to be an ongoing course of conduct.

2. WHAT IS UNLAWFUL HARASSMENT?

It is unlawful to sexually harass an Employee or a job applicant. The definition of “Employee” is wide and includes agency workers and self-employed individuals.

It is also unlawful victimisation to treat someone badly for raising reports about sexual harassment or helping others to do so, even if those reports turn out to have been incorrect.

An Employer is liable for sexual harassment carried out by Employees in the workplace unless they can show that they have taken all reasonably practicable steps to prevent this from happening.

In practice this is an incredibly difficult defence to rely on.

It is not enough to simply have an anti-harassment policy. Employers are expected to actively follow their policy, train Line Managers and relevant Employees on it, and react promptly to any indication that an Employee is being harassed.

The individual Employee who committed the harassment is also personally liable.

At this time an Employer is not liable for sexual harassment committed by third parties such as visitors, guests, etc. However, an Employer might be found guilty of subjecting an Employee to harassment themselves if they are aware that an Employee is being sexually harassed by a third party, but they do nothing to protect them.

This might also be direct discrimination (if the Employer protects certain groups but not others), indirect discrimination (if the policy of doing nothing particularly disadvantages women), or grounds for an Employee to resign and claim constructive unfair dismissal.

- Employers should note that the new duty under the [Worker Protection Act 2023](#) to take reasonable steps to prevent sexual harassment also includes harassment by third parties.
- The Equality and Human Rights Commission (EHRC) also has updated guidance on [sexual harassment and harassment at work](#) to support the existing [Code of Practice on Employment](#), which covers all types of harassment.

A failure to follow the Code of Practice will be taken into account by tribunals or courts in harassment cases. The guidance sets out detailed practical steps that Employers ought to take to prevent harassment in the workplace.

3. THE DUTY TO PREVENT SEXUAL HARASSMENT

From 26 October 2024 (under the [Worker Protection Act 2023](#)) a new duty means Employers must take “reasonable steps” to prevent sexual harassment of their Employees in the course of their employment.

This applies to sexual harassment which consists of unwanted conduct of a “sexual nature”. *Although the law has primarily been introduced to protect women, it applies equally to people of any gender.*

In addition to these changes, over the coming years the Employment Rights Bill will bring about legislation to ask Employers to take ‘all reasonable steps’ to prevent sexual harassment. *Such a change will require consultation and further legislation which is not in place yet.*

A claim for breach of the new preventative duty under the act can, in certain circumstances, be made in the Employment Tribunal. If an Employee succeeds in any claim for harassment which involves an element of sexual harassment, and the Employer is found to have breached this preventative duty, the Employment Tribunal will be able to increase

compensation by up to 25%. *The increase can be applied to all of the compensation that has been awarded for any type of harassment, and it is not capped.*

The duty can also be enforced by the EHRC under its existing powers of enforcement which include investigations. As this law is new, it is not clear what an Employment Tribunal will see as 'reasonable steps'. It is wise to assume that the [Equality and Human Rights Commission \(EHRC\) guidance](#) will be taken into account, so Employers should try to follow their practical steps on preventing harassment.

These steps include considering the risks of sexual harassment occurring in the course of employment, what steps can be taken to reduce those risks, considering which of those steps it would be reasonable to take and then implementing them.

What the EHRC guidance does makes clear is that what is 'reasonable' will vary from Employer to Employer and that whether or not reasonable steps have been taken is an objective test that depends on the facts and circumstances of each situation.

The key point to note about the new preventative duty is that it is intended to be anticipatory – so employers should take action to stop sexual harassment before it happens and, if it does happen, should take action to stop it from happening again.

4. TAKE A PROACTIVE APPROACH TO PREVENTING SEXUAL HARASSMENT

Compliance with any legal protections relating to sexual harassment is vital, but Employers need to go further if they are to take a prevention-based approach.

Preventing sexual harassment requires more than a robust policy and training, it needs a culture centred on ethical values, modelled by its leaders implemented by Line Managers.

Mitigating risks

Employers should assess risks relating to sexual harassment. Factors to consider when conducting such risk assessments could include:

- out of hours working
- remote working
- the presence of alcohol
- whether sections of the employed/voluntary/trusteeship areas of the Employer are dominated by a particular gender
- power imbalances between Employees
- attendance at events outside of the usual working environment, for example, training, conferences or work-related social events
- social media contact between workers.

Leaders acting as role models

Preventing sexual harassment relies on leaders modelling professional, inclusive and respectful behaviour. Leaders should:

- set the tone for the climate and culture and, behaviourally, must lead by example. *In doing so they set the standard within the Employer's business.*
- be central to communicating that any form of unfair treatment such as sexual harassment will not be tolerated, and consequences will be applied.
- have and maintain oversight of relevant policies and monitor their impact.
- commit to and take active steps to tackle gender inequality. *It is of significant importance that any action should empower, rather than limit, opportunities for those potentially vulnerable to sexual harassment.*

Promoting positive values of dignity, respect and inclusion

Preventing sexual harassment means placing people at the centre of a culture built on the principles of dignity and respect. *We must all act on ethical values and ensure that they are reflected in our systems and processes.*

Fostering an inclusive and psychologically safe climate

The working climate is one of the most important factors for helping to prevent sexual harassment and encouraging people to speak up if they experience or witness it.

Environments that are male-dominated, or with a more overt power imbalance between the sexes, as well as those that reinforce competition or traditional gender norms have a higher prevalence of sexual harassment.

Although dealing firmly with alleged individual perpetrators is key, this needs to be based on a culture of treating everyone with respect, dignity and fairness. By bringing together and listening to voices that might be diverse in opinion we can ensure effective and inclusive culture change.

Ensuring Line Managers are capable and confident

Line Managers play a pivotal role in fostering a working climate that prevents sexual harassment and challenges any form of unfair treatment.

As well as acting as role models for fair and inclusive treatment, they are key to spotting and addressing inappropriate behaviours or exchanges between Employees.

To do this they need to have the knowledge to recognise sexual harassment when they see it and the confidence to intervene early. *This means understanding the appropriate routes for resolution and when informal or formal methods can be used to best effect.*

Training and educating the workforce

Training and education for Employees and Line Managers will increase knowledge of what constitutes sexual harassment, as well as how to spot and report alleged incidents. *We should remember though that whilst training is important it does not necessarily influence behavioural change.*

Therefore, training should be implemented as part of a broader prevention strategy that provides ongoing reinforcement of the Employer's values.

Active policy development

An anti-sexual harassment policy should clearly outline the Employer's approach for preventing and managing sexual harassment for all stakeholders and include the following:

- A definition of sexual harassment and examples of unacceptable behaviour.
- The responsibilities of Employee groups such as Line Managers to tackle sexual harassment.
- A clear and confidential procedure for reporting incidents and how these will be dealt with fairly and promptly.
- What support will be provided to victims, alleged perpetrators and bystanders, or witnesses, of sexual harassment.
- A process for reporting statistics on policy use and impact to the District on a regular basis to monitor the workplace climate and incidents of sexual harassment, and to encourage a continuous improvement approach.

It is encouraged to consult with all stakeholders during the development of policy and process, affording everybody the opportunity to provide feedback.

5. HOW TO DEAL WITH ALLEGATIONS

The priority when dealing with reports of sexual harassment is ensuring Employees, and others, are not at risk of harm.

However, it's important to remember that in the interests of fairness and natural justice, alleged perpetrators should also be treated fairly throughout an investigation.

All reports, whether received formally or informally, should be treated seriously. Those involved should be reassured that the matter will be dealt with fairly, sensitively and as quickly as possible. Reluctance to report can be a significant barrier therefore reports should be welcomed as opportunities to protect Employees and improve culture, rather than attempting to cover up the issue.

6. APPROACH FOR DEALING WITH REPORTS

All reports should be taken seriously and dealt with promptly, fairly and as confidentially as possible. However, there may be instances where the disclose of information to others is necessary, such as the police, for the purpose of protecting individuals.

This should be undertaken in consultation with the complainant as far as possible.

Sexual harassment should be recognised as a particularly complex and sensitive issue, and it might be most effective for an Employer to cover it in a standalone policy. Others might

determine that the most effective approach is to include it as part of a general bullying and harassment policy.

What is clear is that there is not a one-size-fits-all approach and what works best for the individual Employer should be implemented. If neither of these options are in place at the point of receiving a report, [Acas guidance on discipline and grievance](#) should be followed.

Step 1: Receiving the report

You should make the reporting process clear and straightforward.

As well as a formal reporting procedure, given the sensitive nature of sexual harassment issues and the courage that it is likely to take for someone to come forward, it is good to have more than one reporting channel available.

This might include making it clear who an individual can approach informally, via a named and recognised person who has perhaps undertaken relevant training.

You could make available a confidential reporting channel, such as through a contact form on your website which assures anonymity.

It is wise to provide more than one reporting route to avoid situations in which someone implicated in sexual harassment is a default part of the reporting process.

Step 2: Assessing the report

A trained and impartial person should make an initial assessment of the report, such as a manager not involved in the situation.

This should focus on the alleged incident and consider the reported behaviour in the context of the anti-sexual harassment policy. This assessment should be made regardless of whether it is believed that the issue could be resolved informally.

Although reports usually focus on the individuals involved, they are often symptomatic of broader cultural issues.

Awareness through reporting should lead to action that supports the prevention of future incidents. Specialist advice could be obtained at this stage, if necessary, especially if the issue is particularly serious and potentially criminal.

The person making the report should be protected from further instances of sexual harassment or reprisal and any action taken should not have a detrimental impact on the individual making the report.

If the risk to others means that immediate action needs to be taken against the person(s) implicated in the report, this should be in line with procedure and not pre-empt the outcome of the following steps.

You must remember that we are governed by law and Employers must think carefully before suspending someone accused of sexual harassment. Acas offer relevant [guidance on handling complaints of sexual harassment](#).

There should be no presumption of guilt on the part of the alleged perpetrator until the investigation and any formal procedures conclude, and they should also be treated fairly and given support where needed.

Step 3: Investigating the report

At all stages, any relevant parties (including the person making the report and the alleged perpetrator) should be kept informed of how the investigation is progressing.

Although dealing with sexual harassment should be distinct from the normal discipline and grievance processes, it should *on every occasion* follow Acas guidance on fairly [conducting an investigation](#).

It may be possible to resolve the issue informally, such as through mediation. Acas advises that this is suitable in cases of minor misconduct. With the support of people professionals and accredited mediators, managers can deal with this sensitively by separately consulting each person involved and reaching an agreeable solution.

However, nobody involved should be pressured to take this option.

If the facts established via the investigation determine that there is a disciplinary case to answer then a formal meeting should be arranged as soon as possible, adhering *on every occasion* to Acas guidance on [disciplinary and grievances](#).

Evidence relevant to the case should be gathered and presented to the Employee at the formal disciplinary meeting.

The Employee facing the disciplinary hearing should also be supported in exercising their rights in relation to the meeting. This includes allowing them to be accompanied, enabling them to call their own witnesses or provide witness statements and providing a right of appeal.

Step 4: Taking action

After the meeting it should be determined what action should be taken. This may include a disciplinary warning or dismissal in accordance with Acas guidance, noting that the Employer considers sexual harassment to be an instance of gross misconduct.

Even if an Employee is found, after a fair and thorough investigation, to have sexually harassed someone, the Employer still has a duty of care to that individual.

The impact of suspension and/or dismissal on their wellbeing needs to be considered even if dismissal is the right course of action.

Where an Employer was unaware that their behaviour constituted sexual harassment – for example, a sexist joke or banter, the Employer should determine if further training is appropriate as part of the follow up action.

Note that NDAs and all and any associated settlement agreements should never be used or suggested to be used as a solution to silence victims or to cover up sexual harassment.

The Employer should continue to support the Employee who made the sexual harassment complaint and ensure that any people management policies such as performance management take account of any impacts experienced because of the harassment.

Depending on the specific situation and the involvement and/or knowledge of the Employee's Line Manager, HR will need to ensure that the Employee continues to receive the necessary ongoing support and understanding of their Line Manager.

Step 5: Preventing future incidents

All reports are opportunities for the Employer to learn from and strengthen their approach to preventing sexual harassment.

The leadership team and trustees of the Employer need to take responsibility for preventing sexual harassment and embed an inclusive and psychologically safe climate.

This means monitoring any incidence of complaints and their outcome. Bearing confidentiality in mind, communicating how sexual harassment cases have been addressed increases trust in the reporting procedure and demonstrates that the Employer takes issues seriously.

Improving the Employer's approach to preventing sexual harassment following a report may include:

- reviewing strategy and policy
- providing additional training
- gaining feedback from internal and external stakeholders
- reiterating the Employer's values and the consequences of misconduct
- regularly monitoring and reviewing reporting to ensure effectiveness.

7. EXAMPLE ANTI-HARASSMENT AND ANTI-BULLYING POLICY

Employing Body Name:	(Name)
First Issued:	(Date)
Last Review:	(Date)
Next Review:	(Date)

1 Introduction

We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the environment we wish to protect.

We do a lot to support our inclusive culture and you can read more about this through our [Strategy for Justice, Dignity and Solidarity](#).

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work.

This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2 Scope

This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns and apprentices.

The policy also relates to job applicants and is relevant to all stages of the employment relationship.

The policy also applies to bullying or harassment by third parties.

3 Our commitment to you

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, by:

- ensuring all new starters attend equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme;
- requiring all employees to attend equality, diversity and inclusion training and anti-bullying and anti-harassment training on at least a biennial basis;
- providing additional training for Line Managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace and by third parties that you may have contact with;

- encouraging individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment, initiatives by attending events and workshops organised by the Learning Network to educate themselves on the challenges faced by others and how to help alleviate these in the workplace;
- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations and return-to-work meetings to identify and address issues;
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties that we may have contact with; and
- ensuring our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties we have contact with.

We believe that a culture of equality, diversity and inclusion not only benefits our organisation it supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to providing a safe and respectful workplace and promoting a working environment based on dignity and trust, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment. This includes all forms of sexual harassment.

4 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. *Whatever your job is, this is part of your role.*

Any dealings you have with third parties must be free from discrimination, harassment, victimisation or bullying.

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary Procedure, up to and including dismissal.

There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support.

5 Who is protected from harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are disability; sex; gender reassignment; marital or civil partnership status; race; religion or belief; sexual orientation; and age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

6 Meaning of harassment

Harassment is unwanted conduct related to a protected characteristics that has the purpose or effect of:

violating someone else's dignity; or
creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

7 Meaning of sexual harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment;
- and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

Microaggressions

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority.

They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- Micro-assaults:
Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying, "It's just a joke".
- Micro-insults:
Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled" to me.
- Micro-invalidations:
Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying, "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

What to do if you are being bullied or harassed

Informal route

Bully/harasser is a colleague

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your Line Manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation.

Bully/harasser is a third party

Bullying and harassment by third parties will not be tolerated.

If you are experiencing bullying or harassment by a third party, we encourage you to report this to your Line Manager or HR without delay so that they can advise and support you on the best course of action.

Formal route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your Line Manager. If your complaint is about your Line Manager, you should raise this with HR.

You can raise a formal complaint of bullying or harassment under our Grievance Procedure if it applies to you. However, you may prefer to do so under this policy because it is specifically aimed at dealing with such issues.

You should be aware that you cannot raise a complaint under this policy if you have raised a complaint about the same issue already under the Grievance Procedure.

Under the formal procedure within this policy, we will usually:

- ask you to set out your complaint in writing and include as much detail as possible, for example the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far;
- hold a meeting with the alleged bully/harasser to ascertain their response to the allegations;
- carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
- invite you to a meeting to discuss your complaint in full and where you will have the right to be accompanied by a colleague or trade union representative;
- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- consider all the evidence in full and make a decision; and
- inform you of our decision and, if we uphold the complaint, instigate disciplinary action up to and including dismissal against the bully/harasser.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible. Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations, and we will discuss this with you.

Appeals

If you are not satisfied with the outcome of the formal investigation, you have the right to appeal. Should you wish to appeal, you should write to the District Chair setting out what aspects of the decision you are unhappy with and the reasons why.

Appeals should be submitted without unreasonable delay and usually no longer than five working days after we inform you of the decision.

We will arrange a meeting with you to discuss your appeal in full and to try and reach a satisfactory solution. You must take all reasonable steps to attend this meeting, and you may be accompanied by a colleague or trade union representative.

Following the meeting we will write to you to confirm the outcome of the appeal, which will be final.

Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your Line Manager or HR as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned, including any third party.

For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person.

Alternatively, we may decide workplace mediation or counselling is appropriate.

Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal or other appropriate action for non-employees.

Consequences of breaching this policy

If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal or other appropriate action for non-employees. You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal, or other appropriate action for non-employees.

If you are an employee, please refer to our Disciplinary Procedure for further information.

Record-keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data in accordance with our Data Protection Policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

Monitoring and review

This policy may be reviewed at any time at the request of a staff member, but it will be automatically reviewed 1-year after initial approval and thereafter on a biennial basis unless organisational change, legislation, guidance, or non-compliance prompt an earlier review.

Document control box

Policy Title:	
Date Approved:	
Version:	
Supersedes:	
Review Date:	
Lead Contact:	

8. EXAMPLE SEXUAL HARASSMENT POLICY

Employing Body Name:	(Name)
First Issued:	(Date)
Last Review:	(Date)
Next Review:	(Date)

Policy Statement

Employers Name is committed to providing all employees with a safe working environment that is free of any discrimination and harassment, including sexual harassment. We operate a zero-tolerance approach for any form of sexual harassment in the workplace and will treat all incidents seriously. We will investigate all allegations promptly and respectfully and will endeavour to treat them in confidence.

Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal. Nobody will be victimised for making a complaint.

Definition of sexual harassment

Sexual harassment is any unwelcome conduct of a sexual nature which makes a person feel offended, uncomfortable, humiliated and/or intimidated. This includes ‘quid pro quo’ harassment, in which a person is asked to engage in a sexual activity as a condition of their employment, and situations that create an environment which is considered hostile, intimidating and humiliating for the recipient.

Sexual harassment can involve single or multiple incidents. Actions constituting harassment may be physical, verbal or non-verbal. Examples of these types of behaviour include, but are not limited to:

Physical conduct	Verbal conduct	Non-verbal conduct
Unwelcome physical contact including pinching, inappropriate touching, patting, stroking, kissing, hugging and fondling.	Intrusive questions about someone’s private life.	Displaying sexually explicit, suggestive or erotic material.
Physical violence, such as sexual assault.	Sexual comments, stories and inappropriate jokes. Sexual advances.	Sexually suggestive signals or gestures.
The use of job-related rewards or threats to solicit sexual favours.	Repeated and unwanted invitations for physical intimacy or dates.	Whistling.
	Comments on an employee’s appearance, age, private life etc.	Leering.

Anybody can be a victim of sexual harassment, regardless of their sex and the sex of the harasser. Sexual harassment can also occur between people of the same sex. Similarly, we recognise that sexual harassment can occur between peers or through power disparities, such as a manager and an employee.

Anybody, including employees, clients, customers, casual workers, cleaners, contractors or visitors who sexually harass another will be reprimanded as set out in this policy.

All forms of sexual harassment are prohibited whether they take place on our work premises or off site, including at social events, business trips, training sessions or conferences.

Complaints Procedure

Anybody subject to sexual harassment should, if possible, inform the harasser that the conduct is unwanted and unwelcome. However, we realise that sexual harassment may occur in unequal power relationships (such as between an employee and a supervisor) so it may not be possible for the victim to inform the harasser.

If this is the case, he/she can approach one of the designated staff members responsible for handling complaints of sexual harassment.

When the designated person receives a complaint of sexual harassment, they will:

- Record the dates and times of the incident(s).
- Record the facts of the incident(s).
- Ask the victim what outcome they want from the complaint.
- Ensure the victim is aware of the complaint procedure and how the company will handle it.
- Discuss and agree the next steps.
- Keep a confidential record of all discussions.
- Respect the choice of the victim and not push them to act differently.
- Explain to the victim that they can take the complaint outside the company, such as to an employment tribunal, if they wish.

Employees are entitled to receive counselling services to discuss the emotional impact of sexual harassment if they wish to do so.

Informal complaints

If the victim wishes for the matter to be dealt with more informally, the designated person will:

- Speak to the alleged harasser and give them the opportunity to respond to the complaint.
- Ensure that the alleged harasser understands the complaints procedure.
- Facilitate discussion between both parties to achieve an informal resolution that the complainant is happy with or refer the issue to a mediator.

- Keep a confidential record of the events and what happens.
- Follow up after the achieved resolution to ensure the behaviour has stopped.
- Ensure that the complaint is handled within *Number of Days* of being made.

Formal complaints

If the victim wishes to make a formal complaint, or if the informal complaint procedure has not given them a satisfactory outcome, then a formal complaint procedure should be followed. If the latter is the reason for the formal complaint, then the designated person who handled the first complaint should be different to who handles the second.

The person carrying out the investigation should:

- Interview the victim and harasser separately.
- Interview other relevant third parties separately.
- Find out the details of what took place.
- Produce a report detailing the investigations and findings.
- Decide the appropriate outcome for the harasser and liaise with the victim to do so.
- Follow up after the procedure to ensure the behaviour has stopped and the victim is happy with the outcome.
- Keep a record of all actions taken and ensure these remain confidential.
- Make sure that the complaint is addressed in a fair and timely manner and within *Number of Days* of the complaint being made.

External complaints

A person subjected to sexual harassment can also make a complaint outside a company. This can be done through an employment tribunal, ombudsman, etc.

Sanctions and disciplinary measures

Anybody found guilty to have sexually harassed another person, as outlined in the definitions section of this policy, may be subjected to any of the following sanctions:

- A verbal or written warning.
- Performance evaluation.
- Demotion.
- Transfer.
- Suspension.
- Dismissal.

The disciplinary measure taken will depend on the extent and seriousness of the harassment. Our zero-tolerance policy means that issues such as these are not trivial. Certain cases, such as sexual assault, will be reported to the police.

Implementation of the policy

Employers Name will ensure that this policy is circulated to everyone in the company as well as included in the staff handbook. All new employees must be trained on this policy as part of their induction in the company.

Every year *Employers Name* will require all employees to undertake refresher training on sexual harassment. It is the responsibility of all managers to ensure that their employees are aware of this policy.

Monitoring of the policy

We recognise the importance of monitoring this sexual harassment policy and evaluating its effectiveness. As a result, we will ensure that we continuously check the effectiveness of the policy by anonymously gathering data, such as through questionnaires.

Supervisors, managers and those who are responsible for dealing with sexual harassment cases will report on staff compliance with this policy. They will also report on the number of incidents, how they were dealt with and any recommendations made by victims.

Support

There are many external support agencies that can offer you help and support if you are a victim of sexual harassment and you need someone to talk to. Some examples include:

- Visit a Citizens Advice Bureau.
- Contact the ACAS helpline: 0845 747 4747.

If you have been the victim of sexual assault or rape, you can contact:

- NHS direct helpline on 0845 46 47.
- Victim Support line: 0845 30 30 900.

9. WHAT NEXT?

Step 1 – Decide on whether to develop and implement a stand-alone Sexual Harassment Policy or a wider Anti-Harassment Policy.

Your policy should:

- specify who is protected
- state that sexual harassment will not be tolerated and is unlawful
- state the law requires employers to take reasonable steps to prevent sexual harassment and that harassment or victimisation may lead to disciplinary action up to and including dismissal
- define sexual harassment and provide clear examples of it: *these should be relevant to your environment and reflect the diversity of people that harassment may affect*
- include an effective procedure for receiving and responding to complaints of harassment (including how you propose to deal with third-party harassment)

The section addressing third party harassment should explain clearly:

- that the law requires employers to take reasonable steps to prevent sexual harassment by third parties
- that while an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim
- that it will not be tolerated
- that Employees are encouraged to report it
- what steps will be taken to prevent it
- what steps will be taken to remedy a complaint and prevent it from happening again for example, warning a visitor about their behaviour or reporting any criminal acts to the police or sharing information with the wider leadership team

Step 2 - Engage with your Employees and hold meaningful conversations.

As necessary and appropriate for your setting and environment look to hold 1-2-1 and group meetings – listen to people’s voices and use these conversations to help you understand and identify where any potential issues may be and whether the steps that you are taking now are enough.

Make sure that Employees are aware of how they can report sexual harassment and the consequences of breaching the policy.

Step 3 - Assess and take steps to reduce risk in your workplace

Undertaking a risk assessment will help you comply with the preventative duty.

When doing a risk assessment, consider factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them. Examples may include:

- Where are the power imbalances?

- Is there a lack of diversity in your workforce?
- Is there job insecurity for a particular group or role?
- Are Employees working alone or at night?
- Do your Employees have customer-facing duties?
- Are clients, visitors or Employees drinking alcohol?
- Are Employees expected to attend external events, conferences or training?
- Do Employees socialise outside of work?
- Do Employees engage in crude or disrespectful behaviour at work?

Step 4- Establish training needs.

Employees, including Line Managers, should receive training on:

- what sexual harassment in the workplace looks like
- what to do if they experience or witness it
- how to handle any complaints of harassment

In environments where third-party harassment from visitors is more likely, Employees and Line Managers should also be trained on how to address these issues.

Third party external training (provided through High Speed Training) is accessible here:

Sexual Harassment Training For Employees	(£25 + VAT)
Sexual Harassment Training Course For Managers and Supervisors	(£25 + VAT)
Workplace Bullying and Harassment Training	(£25 + VAT)

Step 5: Confirm what you will do when a harassment complaint comes in.

You must:

- act immediately.
- respect the confidentiality of all parties.
- protect the complainant from ongoing harassment or from being victimised during an investigation or complaint.

Complaints of harassment may be criminal offences, and you should speak to the individual about whether they want to report the matter to the police. Should they decide to do so, you should support them with this, so far as is appropriate.

If the harassment is by a third party it should be treated as seriously as if it was from an Employee and you should take steps to prevent it. This may include:

- a mechanism to assess the need for lone working.
- an assessment of the need to put people in the company of people who are a potential risk.

Step 6: Monitor your actions, continuously evaluating their effectiveness.

To maintain the effectiveness of any process or procedure that you put in place you will need to evaluate the steps taken on a regular basis. You could do this by:

- Reviewing the complaints that you have received (both formal and informal) to see if there are any trends or consistencies that can be acted on.
- Undertaking conversations with Employees to ask about their experiences of being subjected to or witnessing harassment and whether they would or would not usually report it and, if not, why not and what further steps could we take to encourage this.
- Having regular feedback sessions on the working environment as a whole.

Remember to include your Employees in any conversations that you have around workplace culture, and, in particular, when discussing the subject of harassment.