



Member Report

Sexual Harassment Policy

Report to:	Employment Health and Safety Committee
Report from:	Managing Director
Portfolio:	Resources
Report Date:	18 December 2024
Decision Type:	Committee
Council Priority	A Strong and Sustainable Council

HEADLINE POSITION

1.0 Summary of report

1.1 The purpose of the report is to seek approval for the implementation of the Sexual Harassment Policy

2.0 Recommendation

2.0 It is recommended that the Employment Health and Safety Committee approves the Sexual Harassment Policy.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

3.1 With effect from 26 October 2024, the Worker Protection (Amendment of Equality Act 2010) Act 2023 strengthened existing protection for workers against sexual harassment. The new law places a new duty on employers to take 'reasonable steps' to prevent sexual harassment. Separately, where an employment tribunal finds that an employer is liable for sexual harassment against an employee, it will consider whether the preventative duty has also been breached. If it has, they have the power to increase compensation awarded to the employee by up to 25 per cent.

3.2 The new duty is proactive; the Equality and Human Right Commission (EHRC) describes it as 'anticipatory.' Its guidance makes clear that employers will have to take reasonable steps to prevent sexual harassment in the workplace among their own employees and also by third parties. It remains the position that employers are not liable for sexual harassment by third parties against their staff. However, they will breach the new duty if they do not take proactive steps to prevent sexual harassment by third parties.

3.3 Employers are expected to take 'reasonable steps' to prevent sexual harassment, the EHRC guidance recommends that the first step for employers is to undertake a risk assessment, their guidance also indicates that organisation that fails to undertake a risk assessment is not likely to comply with the preventative duty.

3.4 To comply with the legislation and the guidance the Council are taking the following steps:

- Undertaking Sexual Harassment Risk Assessments in each service areas, where necessary a plan will be developed to deal with any issues identified.
- Implementing a Sexual Harassment Policy
- Implementing guidance leaflets for managers and employees
- Implementing a programme of mandatory training for managers and employees on Sexual Harassment in the Workplace
- Displaying zero tolerance posters in all our premises
- Liaising with our Procurement Team to implement appropriate actions in terms of contractors / suppliers.

3.5 A copy of the Sexual Harassment Policy is attached as Appendix 1.

4.0 What options have been considered.

4.1 The implementation of the Sexual Harassment Policy will help to ensure that the Council is compliant with new employment legislation and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

There are no direct implications arising from approving the policy itself. However, managers will be required to complete a Sexual Harassment Risk Assessment and review this on an annual basis.

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

The Sexual Harassment Policy will help to ensure that the Council complies with Worker Protection (Amendment of Equality Act 2010) and the EHRC Guidance.

5.5 Financial

The policy itself does not create any additional resource implications. However, should we breach the prevent duty there is a risk that an employment tribunal could increase the compensation awarded to the employee by up to 25 per cent.

5.6 Human Resources

Having a Sexual Harassment Policy will ensure any cases are dealt with in fair and consistent manner. All managers and employee will be required to undertake mandatory training in relation to the new legislation.

5.7 Equality and Diversity

The policy is designed to be compliant with Equality and Diversity requirements.

6 Implementation Plan

6.1 Timetable for Implementing Decision:

If approved, the Sexual Harassment Policy will be implemented with effect from January 2025.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the Sexual Harassment Policy was circulated to the recognised Trade Unions. The Trade Unions have made the following comments which members may wish to discuss further during the meeting:

Comment	Response
It might be helpful if this introduction stated the policy also sets out the steps RCBC has in place to prevent sexual harassment.	The introduction has been amended
Policy states 'It will be communicated to employees using a variety of methods, including training, information, and ongoing publicity.' - Will this be part of existing training or additional training?	We are developing a new sexual harassment e-learning module for managers, elected members, and employees. We will communicate information on the new policy and training via SMT's, BBB, Toolbox Talks and HR Insight. A copy of the policy and supporting guides will be available on the intranet.
To educate and inform managers about the potential signs and impact of sexual harassment in the workplace, and how they can support individuals at work. – UNISON suggests this is best achieved through in person training	We are developing a new sexual harassment e-learning module for all managers and employees. At present we do not have the resources to delivery in person training to 2000+ employees but will review the situation should the financial position change. However, in person sessions will be arranged where necessary/appropriate - for example, for front-line workers. Should any issues be identified from the Risk Assessments, bespoke training will be arranged and delivered in person.

<p>The most extreme form of sexual harassment is sexual assault. This is a serious crime, and the Council will support employees who want to press charges against offenders. – Only the police can charge an alleged offender, so this needs rewording</p>	<p>This has been reworded to read ‘the most extreme form of sexual harassment is sexual assault. This is a serious crime, and the Council will support employees who wish to report the assault to the Police’.</p>
<p>Where a person is treated less favourably where they submit to or reject unwanted conduct of a sexual nature or that is related to gender reassignment or sex. Please see s.26(3) Equality Act 2010</p>	<p>This change has been accepted.</p>
<p>Monitor the workplace environment to ensure as far as practicable standards of conduct are always maintained, and that sexual harassment is not tolerated. – How is this to be achieved? Is this data going to be collated? Who will it be reported to and monitored by? Can this be reported at the Corporate TU meetings?</p>	<p>We are implementing a Sexual Harassment Risk Assessment which managers will be required to update annually. The completed risk assessments will be returned to the Health, Safety and Wellbeing Team to enable us to monitor compliance.</p> <p>Going forward will be able to provide updates at the Corporate Trade Union Meetings in relation to relevant data e.g. disciplinary, grievance cases and confidential whistleblowing compliant.</p>
<p>Do you have a risk assessment approach and template for this? Please can we see this?</p>	<p>A copy has been circulated to the trade unions. No additional comments have been received.</p>
<p>In addition to monitoring the policy, what does RCBC propose in terms of regularly monitoring the steps taken in complying with this duty by reviewing complaints data for trends, anonymously surveying staff on their experiences of sexual harassment in the workplace and holding lessons-learned sessions after complaints are resolved?</p>	<p>See above</p>
<p>The ECHR 8 step guidance states that “employers should consider using an anonymous reporting platform that allows workers to raise issues. Such a platform may already be in place through an employer’s whistleblowing channels.” Is this something the RCBC has in place? Please can you clarify.</p>	<p>Employees can use the Whistleblowing Procedure if necessary.</p>

<p>The policy states ‘you are encouraged to report any allegations of sexual harassment by using the internal complaints processes.’ – Is it sufficiently clear what these are and is there a proforma or other required format which it would be useful to flag here?</p>	<p>If the matter cannot be resolved informally the employee needs to put their concerns in writing in accordance with the Dignity at Work (Harassment and Bullying) Policy. The employee guide to sexual harassment provides further information.</p>
<p>What measures are in place to protect the complainant from ongoing harassment, as per the ECHR’s 8 step guidance?</p>	<p>Appropriate measures will be implemented on a case by case basis and could include temporary deployment to another team/locations or suspension, as set out in the policy.</p>
<p>The consequences if a complaint is upheld may include an apology, undertaking training, or disciplinary action which may include termination of employment. - This sanction would benefit from being clearly outlined in the introduction, not just under the section ‘making a complaint.’</p>	<p>The introduction has been amended.</p>

8.0 Appendices and Background Papers

8.1 Appendix 1 Sexual Harassment Policy

9.0 Contact Officer

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