



# Human Resources

SEXUAL HARASSMENT POLICY

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## 1. INTRODUCTION

Redcar & Cleveland Borough Council is committed to providing an inclusive and supportive working environment for everyone who works here. This includes a zero-tolerance approach to sexual harassment and the appropriate steps that should be taken to achieve this.

All workplaces should be free from any form of harassment and Redcar & Cleveland Borough Council is no exception. We will treat such matters very seriously, and this policy sets out how all of our employees can seek support and report any unwanted behaviours<sup>1</sup>.

This policy focuses specifically on the issue of sexual harassment, enabling employees to challenge any unwanted behaviour in the workplace, and outlines how we will deal with any complaints of sexual harassment that we receive. The policy aims to reinforce a safe culture at work, free from sexual harassment, with an open and non-judgemental approach to disclosures.

The policy is part of the Council's commitment to equality and diversity. We are committed to creating a workplace that respects and values differences, that promotes dignity and combats prejudice, discrimination, and harassment.

The policy aims to make clear the standards of behaviour we expect from all who work here. We do not tolerate sexual harassment, and we will always investigate and take appropriate action. The consequences if a complaint is upheld may include an apology, undertaking training, or disciplinary action which may include termination of employment.

## 2. SCOPE

This policy applies to all Redcar & Cleveland Borough Council employees, officers, councillors, consultants, self-employed contractors, casual workers, and volunteers.

It will be communicated to employees using a variety of methods, including training, information, and ongoing publicity.

This policy should be read in conjunction with the Council's Dignity at Work Policy and Grievance Procedures.

## 3. AIMS

- to reinforce the Council's commitment to take prompt and appropriate action in response to any allegation of sexual harassment.
- to ensure everyone understands what sexual harassment is, can openly and confidently discuss concerns about inappropriate behaviour in the workplace, and is aware of the Council's policy and practices.
- 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.
- to reinforce the Council's role in setting a wider example to our communities, aiming to set a structural example as part of wider change in the community regarding sexual harassment and assault.

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<sup>1</sup> For further information employees should refer to the Sexual Harassment Guide for Employees

#### 4. WHAT IS SEXUAL HARASSMENT

Sexual harassment is unwanted behaviour of a sexual nature.

The Equality Act 2010 protects the following people against sexual harassment at work:

- employees
- agency workers and contractors
- self-employed people hired to personally work for the Council.
- job applicants

To constitute sexual harassment, the unwanted behaviour must be unwanted and have either:

- violated someone's dignity, whether it was intended or not; or
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

It can be carried out or experienced by anyone of the same gender or different gender.

You could experience sexual harassment from anyone you encounter because of your job, including someone you work with, a manager, supervisor, someone else in a position of authority or someone high profile or influential. You can also experience sexual harassment from a customer, client, or member of the public.

The person engaging in unwelcome behaviour does not have to intend to be sexually harass the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time, it should not be assumed that they are giving their consent to the same or similar treatment/conduct in future.

It can happen anywhere in the workplace, such as the canteen, toilets, staff room or office. It can also occur away from the workplace, such as at client's homes, at conferences, training courses, staff parties and other social events related to work. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual.

It is possible that a person does not object to inappropriate behaviour at the time due to feelings of shame, powerlessness, embarrassment, lack of confidence or an inability to feel as though they can challenge a colleague or superior.

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- insinuate, propose or demand sexual favours of any kind.
- invade another person's personal space (e.g., inappropriate touching.)
- stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- send or display sexually explicit objects or messages.
- engage in online sexual harassment, where digital technologies (including social media) are used to facilitate both virtual and face to face harassment, for example the sharing of unsolicited sexual images, videos, messages, the non-consensual creation and/or distribution of sexual images, or sexual coercion, threats, and intimidation online.
- comment on someone's looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.

- make obscene comments, jokes or gestures that humiliate or offend someone
- pursue or flirt with another person persistently without the other person's willing participation. Also, flirting with someone at an inappropriate time (e.g. in a team meeting) is considered sexual harassment, even when these advances may have been welcome in a different setting
- display inappropriate images in the workplace.

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.

### Third-party harassment

Third party harassment will not be tolerated.

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and is not an agent of, the Council, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a service user, customer, or supplier visiting the Council's premises, or where a person is visiting a service user, customer or supplier's premises or other location in the course of their employment.

Third-party sexual harassment can also result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

We will take active steps to try to prevent third-party sexual harassment of staff. If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from Council premises, reporting any criminal acts to the police, and sharing information with other Council departments.

Any sexual harassment by a member of staff against a third party may lead to disciplinary action which may result in a sanction up to and including dismissal.

## **5. THE LAW ON SEXUAL HARASSMENT**

The Equality Act 2010 protects people against harassment in three circumstances

- sexual harassment
- harassment related to 'protected characteristics', for example a person's sex, and
- 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.

From 26 October 2024, employers need to comply with a new duty to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

Someone could experience the above types of harassment at the same time, or separately.

### Example 1

Employee A is the only person of their sex in the team.<sup>2</sup>

Their supervisor regularly makes comments about their gender that they find insulting. This is harassment related to a person's sex.

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<sup>2</sup> Case study taken from the ACAS website guidance on sexual harassment.

The Manager starts making sexual comments about Employee A's body, getting very close to them and resting their hand on their arm. It makes Employee A feel very uncomfortable and intimidated. This is sexual harassment.

Employee A makes a complaint that includes both types of harassment.

#### Example 2

During a training session the trainer directs a number of remarks of a sexist nature to the group as a whole. Employee B finds the comments offensive and humiliating. They would be able to make a claim for harassment related to sex, even though the remarks were not specifically directed at them<sup>3</sup>.

#### Example 3

Employee C has a relationship with their manager. On seeing them with another colleague, the manager suspects they are having an affair.

As a result, the manager makes their working life difficult by continually criticising them at work in an offensive manner. The behaviour is not because of the sex of the Employee C, but because of the suspected affair which is related to their sex. This could amount to harassment related to sex.

## **6. ROLES AND RESPONSIBILITIES**

### Employees

All employees are responsible for:

- modelling appropriate behaviour
- taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised with an appropriate manager.
- contributing to a respectful and productive working environment
- being willing to help and support their colleagues.
- treating any allegations or complaints of sexual harassment with appropriate confidentiality
- ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment.

### Line Managers

All line managers will:

- model appropriate behaviour.
- undertake training to ensure they understand what sexual harassment is and their responsibilities for eliminating this in the workplace.
- monitor the workplace environment to ensure as far as practicable standards of conduct are always maintained, and that sexual harassment is not tolerated.
- promote awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in this policy.
- treat complaints and behaviour which may constitute sexual harassment seriously and take appropriate, immediate action.
- treat complaints of sexual harassment with appropriate sensitivity and confidentiality
- ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment.

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<sup>3</sup> Examples case studies 2 & 3 are taken from the EHRC guidance on sexual harassment

## Human Resources

Human Resources will be responsible for:

- ensuring that there are clear processes in place for raising complaints.
- promoting positive working relationships in the council
- clearly communicating and promoting these processes amongst employees
- identifying potential risk factors and taking prompt, reasonable action to minimise those risks
- ensuring information and training to support the effective implementation of this policy is accessible.
- monitoring and evaluating the effectiveness of this policy and implementing any changes that may be required.
- offering guidance to employees and managers on the interpretation of this policy and guidance
- reviewing this policy annually.

### **7. PROCEDURE FOR MAKING A COMPLAINT**

You can report or make a complaint about any instance of sexual harassment to your Manager, Service Lead, or Assistant Director, or to your Directorate HR Advisory Manager.

The Council takes any allegations of sexual harassment seriously.

The procedures for dealing with allegations of sexual harassment and possible consequences regarding any breach of this policy are managed and investigated in accordance with the Council's Dignity at Work (Harassment and Bullying) Policy.

You are encouraged to report any allegations of sexual harassment by using the internal complaints processes.

If you make a complaint of sexual harassment, or sexual harassment is observed or brought to the attention of your manager, it will be acted upon immediately and managed in a sensitive and confidential manner.

Where a complaint of sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on the circumstances. The consequences if a complaint is upheld may include an apology, undertaking training, or disciplinary action which may include termination of employment.

If you are a member of a trade union, you may also wish to contact your union for representation and support.

### **8. OTHER HR POLICIES AND PROCEDURES**

- Dignity at Work (Harassment and Bullying) Policy
- Grievance Procedure
- Sexual Harassment – Manager Guidance
- Sexual Harassment – Employee Guidance
- Whistleblowing Policy