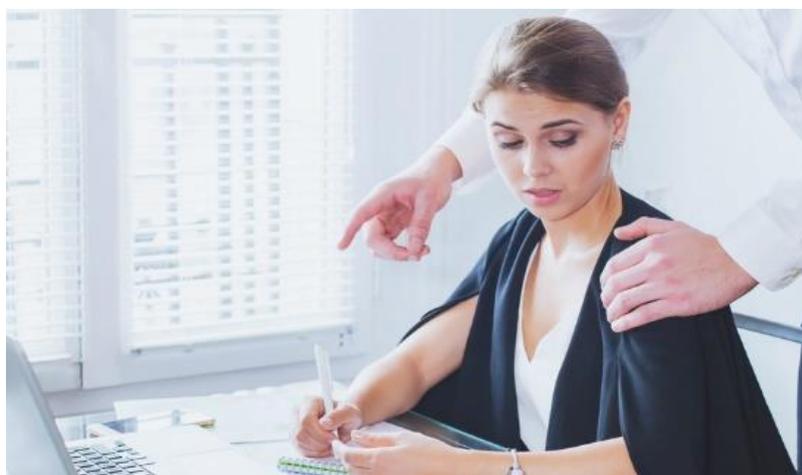


SEXUAL HARASSMENT

| | | |
|------------------------|-------------------|---|
| VERSION No | 1 |  |
| REVIEWED BY | Mariana Philipova | |
| NUMBER OF PAGES | 3 | |



Sexual harassment. This policy and procedure covers:

- 📌 What is sexual harassment?
- 📌 How does sexual harassment happen?
- 📌 Sexual assault and physical threats
- 📌 Who can it happen to?
- 📌 Historical allegations
- 📌 Making a complaint of sexual harassment
- 📌 Handling a complaint of sexual harassment
- 📌 Getting support

What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of a worker, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

Experiencing sexual harassment is one of the most difficult situations a worker can face. All workers are protected from sexual harassment in the workplace. This applies to one-off incidents and ongoing incidents. This protection comes from both employment law and criminal law, depending on the circumstances involved.

How does sexual harassment happen?

Sexual harassment can happen in any number of ways, including:

- ✗ written or verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- ✗ displaying pornographic or explicit images
- ✗ emails with content of a sexual nature
- ✗ unwanted physical contact and touching
- ✗ sexual assault.

An employer should make clear to workers what sort of behaviour would be considered sexual harassment and that it is unacceptable.

Sexual assault and physical threats

Some types of sexual harassment, such as sexual assault and other physical threats, are a criminal matter as well as an employment matter. Criminal matters should be reported to the police.



Call 999 if you or someone else is in immediate danger, or if the crime is in progress.



Call 101 to contact the police if the crime is not an emergency.

If a complaint is reported to police, or criminal court proceedings are being pursued, an employer must still investigate the complaint as an employment matter. An employer may then follow its disciplinary procedure, without awaiting the outcome of criminal proceedings, provided this can be done fairly.

Who can it happen to?

Sexual harassment can happen to anyone at any time, in any place. This includes the workplace. However, there are many things an employer and its workers can do to minimise the risk. Sexual harassment can happen to men or women. Workers can be sexually harassed by people of the same sex or the opposite sex. Sexual harassment can come from anyone, including:



someone on the same team



a supervisor or manager



another member of staff



someone else that a worker comes into contact with while they are working.

Sexual harassment can come from the owner or someone in a position of power or influence. This might limit the ability of an organisation to deal with the problem internally. In these circumstances, a worker should raise their complaint outside the organisation.

Historic allegations

Complaints of sexual harassment will usually only be considered at an employment tribunal if the worker makes a claim within three months of when the incident took place. Sometimes a complaint of sexual harassment will be reported much later than this. An employer should always take such a complaint very seriously. They should handle things in a way that is sensitive and fair to the worker who has made the complaint, anybody who has witnessed it and anybody who is being accused of sexual harassment. **It is usually helpful for the staff member and the manager to discuss what outcome is desired in these circumstances: sometimes it might be that the staff member now feels confident enough to speak out and wants to make sure nobody else in their workplace experiences what they went through.**

Where complaints of sexual harassment include sexual assault or physical threats, they could be considered under criminal law and this can involve different time limits. Workers are advised to seek further advice and support here.

Making a complaint of sexual harassment

Any worker who feels they have been sexually harassed, or any worker who feels they have seen sexual harassment take place, can make a complaint of sexual harassment. A worker should check any policies their organisation might have on sexual harassment to see who they should make their complaint to. A complaint can be made by writing a grievance letter to the manager.

Before speaking to someone, it is often useful for the worker to make notes about the incident involved, especially if recalling the incident is particularly upsetting. Workers are usually expected to try and resolve the problem in the workplace first. If that doesn't work, they need to contact the

ACAS Helpline on Tel: 0300 123 1150

Handling a complaint of sexual harassment

All complaints of sexual harassment should be taken very seriously and handled fairly and sensitively by the manager. Experiencing sexual harassment is often extremely emotional and distressing for the worker involved. The manager will make reporting such a matter as stress-free as possible. In most cases this involves simple things like making sure there is plenty of time to discuss the matter and finding a private space to meet. The manager must allow the worker to be accompanied by a work colleague or other representative at a grievance meeting involving

allegations of sexual harassment. Sometimes it can help to allow the worker to be accompanied by a friend or family member.

It is also likely to be very distressing for a worker to be accused of sexual harassment. Whilst a fair and thorough investigation will need to be carried out, accused workers should also be offered support and sensitivity.

All complaints should be handled consistently in line with existing grievance policy and procedure. ACAS can assist employees and managers with more complex sexual harassment matters.

Getting support

Samaritans: A charity who can provide emotional support for workers who are struggling to cope and need somebody to listen to them. They can be found at www.samaritans.org.

Police: Call 999 if you or someone else is in immediate danger, or if the crime is in progress. Call 101 to contact the police if the crime is not an emergency. For the England, Wales and Northern Ireland police visit www.police.uk or Scotland at www.scotland.police.uk.