

A - SEXUAL HARASSMENT POLICY

A.1. Introduction

- 1.1 This Policy should be read with the Equal Opportunities Policy and the Bullying and Harassment Policy.
- 1.2 Every employee is expected to share the responsibility with the Town Council to maintain a working environment free of sexual harassment. Consequently every employee, whether a victim or not of sexual harassment, is encouraged to report such harassment to their line manager immediately.

A.2. What is Sexual Harassment?

2.1 Sexual harassment is defined as :

- a) unwanted conduct of a sexual nature that has the purpose and effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another.
- b) unwanted conduct of a sexual nature or conduct related to gender reassignment or sex that has the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment and because of the victim's rejection or submission to that conduct, the harasser treats the victim less favourably than they would have treated that person had he or she not rejected or submitted to the conduct.

2.2 Sexual harassment in the workplace covers behaviour such as:

- a) Comments about the way in which a person looks.
- b) Lewd remarks or glances.
- c) Questions about a person's sex life.
- d) Request for sexual favours.
- e) Intimate physical contact.
- f) Sexual assault.

A.3. Third Party Harassment

- 3.1 All employees are encouraged to bring any unwanted conduct of a sexual nature or that is related to gender reassignment or sex to the attention of the Town Council immediately in order that the Town Council can take all appropriate and reasonable steps to protect all employees from such behaviour.

A.4. What an Employer must do

- 4.1 As an employer, the Town Council has a responsibility to ensure that sexual harassment is prevented and, if this is not possible, to respond effectively when a complaint is raised.
- 4.2 The Town Council has developed a Sexual Harassment Policy covering all our employees regardless of sexual orientation which stipulates that sexual harassment is not acceptable behaviour.
- 4.3 As an employer the Town Council has:
 - a) a policy condemning sexual harassment. This Policy has:
 - i) Defined unacceptable behaviour.

- ii) Made it clear that sexual harassment can be treated as a disciplinary offence where the harasser is an employee of the Town Council.
 - iii) Pointed out that both sexes can be subjected to harassment.
 - iv) Explained that it is for the person on the receiving end of any behaviour to decide whether or not they find it unacceptable.
- b) The procedure:
- i) Specifies to whom a complaint should be made and provides an alternative in the event that the person would normally hear grievances made by the person accused of harassment.
 - ii) Ensures that complaints are treated seriously and sympathetically.
 - iii) Wherever possible provides for an employee of the same sex as the complainant to hear the complaint.
 - iv) Ensures that any complaint is dealt with promptly and with due care. The investigation of a complaint should be carried out objectively and independently and by someone of sufficient authority to be able to handle the matter objectively. Full records should be kept. If a complaint is upheld, the harasser should be dealt with under the normal disciplinary procedure where they are an employee of the Town Council. If dismissal is a possible outcome, it is important that the usual procedure be followed i.e an investigation and a proper hearing at which the alleged harasser can comment on the case against them.
 - v) Provides that the Town Council will take all appropriate and reasonable steps to ensure that there is not a repeat of such harassment in the event that the harasser is a third party.
 - vi) Ensures that the procedure sets out a time frame for the investigation. The complainant and the alleged harasser (if an employee of the Town Council) should be told at the outset how long the investigation is likely to take and who will be communicating with them. Complainants should be kept well informed at every stage.
 - vii) Ensures that the harassed person is not victimised for making a complaint.

4.4 What employees must do

- a) If you feel you are being sexually harassed at work, there are several things that you can do. We are under a responsibility to all employees to take steps to prevent sexual harassment and to respond effectively to any allegation that is raised. You have the right not to be sexually harassed.
- b) In the event that the harasser is an employee of the Town Council, make it clear to the harasser that you object to his or her behaviour:
 - i) You should ask the harasser to stop what they are doing. You may want to take a colleague with you. The colleague will give you moral support. If you are too embarrassed to confront the harasser yourself, you could ask someone else to do it. For example a trusted colleague might be willing to speak informally to the person on your behalf.
 - ii) If you do not want to face the harasser you might feel able to write to them. Write a letter or memo explaining what it is about their behaviour that is upsetting you and ask them to stop. You could also say that you regard their behaviour as a form of sexual harassment and that if it does not stop you will take further action. If you decide to tackle the problem by writing to the harasser, you should keep a copy of the letter or memo as you may need

this as a record at a later time.

- iii) You should ask the harasser to stop what they are doing even if you are the only person who objects to their behaviour. Whatever other people's reactions may be, you have the right to ask them to stop.
- c) In the event that the harasser is a third party, you should discuss the situation with your line manager, in order that consideration of whether or not the above points (i) – (iii) regarding an employee harasser should also be followed. Such steps may not always be appropriate in the event of sexual harassment by a third party. Therefore, it is very important to ensure that you seek the advice of your line manager before responding to any behaviour. However, you should make even a third party harasser aware that you object to their behaviour if it is appropriate in the circumstances before discussing this with your line manager. If this is the case, you must still tell your line manager that the harassment has occurred and what steps you have taken to address this.
- d) Keep a record of the incidents. This is important. You will need to recall what has happened to you. Make a note of the date and the time of any incidents and of the name of anyone who was around at the time and might have seen what happened.
- e) Report the harasser to someone in authority:
 - i) You should do this even though you have made it clear to the harasser that their behaviour is unacceptable. You should do this at the earliest opportunity. You may not be the only person being harassed but, in any event, if we do not know what is going on we cannot deal with the problem.
- f) If a colleague or third party is harassing you, go to your line manager.
- g) Follow up the complaint:
 - i) Whoever you have reported the problem to should make sure that your complaint is investigated quickly, that it is treated confidentially and that appropriate action is taken. Make a note of the reaction to your complaint and of any meetings or hearings that you have to go to. Remember that both you and your harasser (where they are an employee of the Town Council) will want to be represented at these meetings, so find someone to come with you.
- h) Make a further report if necessary:
 - i) If the sexual harassment stops and you are satisfied with this outcome you do not need to do anything else. However, if matters continue or if the harasser then begins a campaign against you such as ignoring you, passing your work to others or by picking on you for minor mistakes then this must be reported as well.
- i) If you are penalised because of the complaint this should be reported.
- j) Seek help from colleagues:
 - i) Discuss the problem discreetly with colleagues who you can trust. Some of them may have experienced a similar problem. You will feel better if you know you are not alone.
- k) Ensuring that all matters are dealt with fairly:
 - i) Remember that the person harassing you also has a right to a fair hearing. The Town Council will want to talk to the harasser where possible and other people who might have

been around at the time. The Town Council will treat your complaint as confidential.

- ii) If it is decided that your complaint is well founded the harasser will be disciplined. If so, this will be done in accordance with the existing disciplinary procedures. Depending on the nature of the harassment, this may result in the harasser receiving a disciplinary warning or even being dismissed.