



SEXUAL HARASSMENT AT WORK POLICY

WRITTEN BY:

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INTRODUCTION

1.1 From 26 October 2024 new legislation (s40A Equality Act 2010) will create additional legal requirements for Councils, along with all Employers, to take proactive steps to prevent Sexual Harassment at Work. The Worker Protection Act introduces a new legal duty on employers to take reasonable steps to prevent sexual harassment of their workers (the 'preventative duty'), including by third parties. Previously there was no proactive legal obligation on employers to take steps to prevent sexual harassment at work.

The Act also includes the ability for compensation in sexual harassment claims to be increased. If an employment tribunal finds a worker has been sexually harassed, it must consider whether the preventative duty has been met. If not, the employer can be ordered to pay an additional 25% (maximum) compensation.

1.2 Although the Government has not yet issued a step-by-step guide as to what proactive steps are, Town/Parish Council specific guidance notes have been developed from the Equality and Human Rights Commissions as recommendations for all Employers.

- 1.3 Biddulph Town Council is committed to providing a workplace that is free from sexual harassment, bullying or victimisation. We encourage the highest possible standards of conduct from all those that represent the Town Council.
- 1.4 Equally, it is the obligation and responsibility of every councillor, employee and volunteer to ensure that the workplace is free from sexual harassment.
- 1.5 Sexual harassment in the workplace is against the law and will not be tolerated. The Town Council will take all complaints of this nature extremely seriously and when it determines that an allegation of sexual harassment is credible, will take prompt and appropriate corrective action, which could include dismissal for gross misconduct.

OBJECTIVES OF THE POLICY

2.1 This policy focuses specifically on the issue of sexual harassment. The aim of this policy is to:

- Advise what constitutes sexual harassment.
- Make clear the professional behaviour the Town Council expects.
- Support those affected by sexual harassment.
- Make clear the responsibility on the Town Council to remove sexual harassment from the workplace.
- Make clear the expectation of all Members to challenge sexual harassment if observed or otherwise believed to be happening in the workplace.

2.2 This policy applies not only to behaviour in the workplace but outside the workplace, for example business trips, training courses, work related social activities as well as comments made via social media such as Facebook, etc.

2.3 This policy will be communicated using a variety of methods, including training, information, and ongoing publicity.

PROVISIONS

What is sexual harassment?

3.1 Sexual harassment takes place when someone is subjected to unwelcome and unwanted sexual behaviour or other such conduct related to their gender.

3.2 Sexual harassment is defined in law in the Equality Act 2020 as 'unwanted conduct (related to a person's sex) which has the purpose or effect of violating an individual's dignity, whether it was intended or not, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.'

3.3 Behaviour that constitutes sexual harassment includes:

- Unwelcome advances – physical, written and verbal.
- Inappropriate, lewd or suggestive remarks.
- Indecent comments, sexist or lewd jokes or innuendos relating to a person's physical appearance or private life.
- Unwanted physical contact such as hugging, kissing or touching.
- Requests for sexual favours.
- Pestering someone for a relationship (for example, repeatedly asking a person to socialise outside work when the person has said no or indicated they are not interested) or following them around (stalking).
- Sharing personal information about your sex life.
- Giving gifts or leaving objects that are sexually suggestive.
- Sharing sexually inappropriate images or videos, such as pornography with colleagues.
- Making or displaying inappropriate sexual images or posters in the workplace.
- Making inappropriate sexual gestures.
- Leering or staring in a sexually suggestive or offensive manner, or 'wolf whistling'.
- Making sexual or suggestive comments about appearance, clothing or body parts.
- Inappropriate touching including pinching, patting, rubbing, or purposefully brushing up against another person.
- Asking sexual questions, such as questions about someone's sexual history or their sexual orientation.
- Making offensive comments about someone's gender identity.
- Predatory behaviour.
- Coercion.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

A victim of sexual harassment can be a man or woman. The victim can be the same sex as the harasser.

Often this kind of behaviour may be brushed off by the harasser as 'banter', harmless flirting and not intending to cause offence. However, it is important to remember that it is the impact on others that matters most and whether offence is caused to them by such conduct.

THE COUNCIL'S RESPONSIBILITIES

4.1 If the Town Council receives an allegation of sexual harassment or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure the matter is promptly investigated and addressed. The Council's focus will be to understand what has happened and address that proportionately, including where this involves acknowledging failing and accepting fault and blame where appropriate.

4.2 If an allegation is determined to be credible, the Council will take immediate and effective measures to end the unwelcome behaviour and/or take action against the perpetrator.

4.3 The Council is committed to take action if it learns of possible sexual harassment, even if the individual does not wish to make a formal complaint. This will also apply to retrospective or historic allegations.

4.4 Concerns expressed anonymously will be considered by the Council taking account of the following criteria:

- The seriousness of the issues raised.
- The likelihood of confirming the allegation from attributable sources.
- The protection of the Council's staff and Members.

4.5 The Chief Officer has responsibility for investigating or overseeing investigations of alleged sexual harassment or other breaches of the Codes of Conduct and for ensuring these are conducted in a prompt, thorough and impartial manner, and carried out with sensitivity and due respect for the rights of all parties concerned.

4.6 In the case of the Chief Officer being the individual against who there is an allegation, the matter will be handed by the Chairman of the Council (i.e Mayor) and Chairman of the Finance Strategy and Management Committee.

4.7 The Council will always seek to protect the identities of the alleged victim and alleged harasser. Where allegations are made in confidence the alleged victim's name will not be disclosed until the reasons for any disclosure has been fully explained to them. Allegations may be raised anonymously and that anonymity will be respected. It is acknowledged that maintaining the anonymity of the alleged victim will make it more difficult to investigate the allegations of sexual harassment that are made.

4.8 Anyone who makes a complaint or who participates in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action (acts of sexual harassment would be gross misconduct) under the Council's disciplinary procedure.

4.9 Anyone who has found to have been sexually harassed may be given paid time off to get help with any resulting physical or mental health problems.

RAISING CONCERNS

5.1 Anyone who believes they have been the target of sexual harassment is encouraged to raise the problem informally with the person responsible, explaining clearly to them that their behaviour is not welcome, is offensive, makes you uncomfortable and must stop immediately. If this is too difficult or embarrassing, you should speak to The Chief Officer, who can provide confidential advice and assistance in resolving the issue formally or informally. If informal steps are not appropriate, or have not been successful, the matter should be raised formally under the Council's 'Disciplinary and Grievance Policy.'

5.2 All colleagues should challenge inappropriate behaviour, if appropriate and it can be done safely, and report it.

RIGHTS AND RESPONSIBILITIES

6.1 Elected Members who are accused of sexual harassment may have breached the Integrity Standard of the Code of Conduct. In these circumstances, Biddulph Town Council will report the situation to the District Monitoring Officer, asking for the matter to be addressed promptly and without undue delay.

6.2 We all have a responsibility to take all appropriate measures to prevent or stop sexual harassment by others.

RELEVANT LEGISLATION

7.1 Equality Act 2020, Health and Safety at Work Act 1974, the Sex Discrimination Act 1975 and the Worker Protection (Amendment of Equality Act 2010) Act.

RELATED POLICIES

8.1 This policy should be read alongside the Town Council's:

- Health and Safety and Wellbeing at Work Policy
- Harassment and Bullying Policy
- Code of Conduct for Members
- Employee Code of Conduct
- Disciplinary and Grievance Policy
- Whistleblowing Policy