



HOLYWELL TOWN COUNCIL

SEXUAL HARASSMENT POLICY

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We are committed to providing a positive working environment which is free from any form of harassment (please refer to our Dignity at Work Policy), however the focus of this policy is sexual harassment. In taking a zero-tolerance approach to sexual harassment, we aim to create and maintain a safe, inclusive, and respectful working environment where all employees can thrive.

The key purposes of our policy are to:

- Define sexual harassment and ensure all employees at all levels understand what constitutes unacceptable behaviour
- Establish a proactive, preventative approach to sexual harassment
- Provide clear procedures for reporting, investigating, and resolving complaints
- Promote a workplace culture of dignity, respect, and equality.

Sexual harassment is unlawful and will not be tolerated. We will take active steps to help prevent the sexual harassment of all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

Sexual harassment can occur both in and outside of the workplace, such as at work-related events or social functions, or online via social media.

If you are subjected to, or witness sexual harassment, you are encouraged to report it in accordance with this policy. By doing so, you will allow us to comply with one of our key objectives, which is helping to tackle and prevent sexual harassment. It will also enable us to take appropriate action and provide individual support.

We want to use this policy as an opportunity to emphasise that you will not be victimised for making a complaint of sexual harassment or for helping someone else make a complaint. Where you make a complaint or help someone to make a complaint, for example by giving evidence or information, you will not be treated unfairly because of your actions. You should also note that you will not be subject to disciplinary action or to any other detriment even if the complaint is not upheld.

The policy also helps set out a framework for which line managers can deal with any incidents of sexual harassment.

Everybody, whether an employee or third party, has a crucial part to play in being aware of, preventing and dealing with sexual harassment. This policy sets out our expectations of your behaviour when interacting with others as well as what we can do to protect you from sexual harassment.

Although this policy is non-contractual, you are expected to comply with it at all times. We reserve the right to amend it at any time.

We will communicate this policy on a regular basis using different forms of methods such as during the induction/ onboarding process, training, information and publicity, team briefings, departmental meetings and in-house publications.

Responsibilities and Accountabilities

The Council have overall responsibility for the effective operation of this policy but have delegated responsibility for overseeing its implementation to the Resources Committee.

The Clerk has day-to-day responsibility for this policy, and you should refer any questions about this policy to them in the first instance.

Definition of Sexual Harassment

Sexual harassment is defined as unwanted conduct of a sexual nature that has the purpose or effect of:

- Violating a person's dignity.
- Creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Sexual harassment is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside a relationship. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved have given willing consent to the behaviours.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment can result in legal liability for both the Organisation and the perpetrator, whether they work for us or are a third party outside of our control.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation; including touching or hugging someone against their will
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media)
- lifting or removing clothing without consent
- display or distribution of sexually explicit material
- stalking
- sexual insults, jokes, teasing or songs
- sexually explicit remarks, innuendos or banter, including unwanted flirting or asking about somebody's sex life
- leering, whistling or making sexually suggestive gestures; and
- offensive comments about someone's dress, appearance or private life, including their sexuality or gender identity.

Sexual Harassment in the Workplace

Sexual harassment in the workplace can occur for any number of reasons, and according to the EHRC can include such factors as an imbalance of power or culture of sexism. Examples of this include unwanted conduct of a sexual nature by senior managers, line managers or supervisors towards employees/ workers or third parties whom they have authority over.

Harassment may also occur between colleagues, or peers.

We take a zero-tolerance approach to any such behaviour towards our employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

Third Party Harassment

In complying with our duties to prevent harassment, we also recognise that harassment by third parties, such as service users, customers, suppliers or contractors may also occur during the course of your employment.

Third-party harassment may happen where you are harassed or sexually harassed by someone who does not work for us, but with whom you have encountered during the course of your employment. Third-party harassment could include, for example, unwelcome sexual advances from a customer or supplier visiting our premises, or where you may be visiting a supplier's premises or other location in the course of your employment, or online during a remote discussion/ meeting.

Third-party sexual harassment will not be tolerated.

You are encouraged to report any harassment you are subjected to, or witness, whether by an employee or any other third party, in accordance with this policy.

Any sexual harassment by an employee against a third party may lead to disciplinary action up to and including dismissal. Any sexual harassment by a consultant, self-employed contractor, casual worker, agency worker, volunteer or intern against a third party may result in termination of the relationship.

We will take all necessary steps to prevent and protect employees from third-party sexual harassment. We will give consideration to where you may be exposed to sexual harassment during the course of your work and where appropriate we will minimise lone contact.

We will take steps to try and remedy any complaints of third-party harassment to prevent it happening again. This may include warning them about their behaviour, banning them from our premises, terminating contracts, reporting any criminal acts to the police, and sharing information with other branches of the business.

You should report any complaints of third-party harassment in line with this policy.

Raising a Complaint

You have a right to complain if you have been treated or are being treated in a manner that you believe constitutes sexual harassment and we strongly encourage you to make such a complaint.

If you raise a complaint, you are automatically protected and under no circumstances, will you be subjected to any unfavourable treatment or victimisation as a result of making a complaint. However, if it is established that you have made a knowingly false or malicious complaint against another person about sexual harassment, serious disciplinary action will be taken against you which may result in your dismissal.

If you witness an incident that you believe to be sexual harassment of another member of staff, you should report the incident in confidence to the Clerk, Mayor or Chair of the Resources Committee. We will consider all such reports seriously and will treat the information in strict confidence, as far as it is reasonably possible to do so.

Reporting a Complaint

Before raising a formal complaint, you may want to consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable, and request that it stops immediately.

However, we appreciate this may be difficult and if so, you should speak to the Clerk, who can provide confidential advice and support in resolving the issue formally or informally. If you feel unable to speak to the Clerk because the complaint concerns them, you should speak informally to a member of the Council. If this does not resolve the issue, you may decide to raise a formal complaint under our Grievance policy, which details the procedure to follow.

If you are not an employee and wish to make a formal complaint, you should put the complaint in writing to a member of senior management.

If you are not sure whether an incident or series of incidents amounts to sexual harassment, you should initially contact the Clerk informally for confidential advice.

When lodging your complaint of sexual harassment, you should state:

- the name of the person whose behaviour you believe amounts to sexual harassment;
- the nature of the sexual harassment;
- dates and times when it occurred, and where it occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of sexual harassment by the same person; and
- any action that you have already taken to try to deal with the sexual harassment.

Ultimately the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

Witnessing Sexual Harassment

If you witness sexual harassment you are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- a) Intervening where you feel able to do so.
- b) Supporting the victim to report it or reporting it on their behalf.
- c) Reporting the incident where you feel there may be a continuing risk if you do not report it.
- d) Co-operating in any investigation into the incident.

Any witness will be provided with appropriate support and will be protected from victimisation.

Support

It is recognised that sexual harassment can cause stress, anxiety or trigger other mental health issues as well as physical health issues. It is also recognised that those who may be accused of sexual harassment, or are witnesses to incidents or otherwise affected, can experience stress, anxiety or other mental or physical health issues. We have a duty of care to support all employees affected by these issues.

You will be offered support, such as access to counselling services, flexible work arrangements, or time off, if needed, during the investigation process.

Support and guidance can also be obtained from the following external services:

- The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
- Protect (www.protect-advice.org.uk).
- Victim support (www.victimsupport.org.uk).
- Rape crisis (www.rapecrisis.org.uk).
- Rights of women (England and Wales) (www.rightsofwomen.org.uk).
- Scottish Women's Rights Centre (Scotland) (www.scottishwomensrightscentre.org.uk).

Management Responsibility

When we receive a complaint, we will investigate the matter thoroughly in a timely, respectful and confidential manner in order to ensure compliance with this policy.

We will be responsive and supportive towards anyone who raises a complaint.

If you are accused of sexual harassment, we reserve the right, at our discretion, to suspend you from duty pending investigation for sexual harassment for a temporary period whilst investigations are carried out. Such suspension will be for as short a time as possible and will be on full pay.

You will be informed of the exact nature of the complaint against you and afforded a full opportunity to challenge the allegations and put forward an explanation for your alleged behaviour in a confidential interview, with a companion present if you choose. It will not be presumed that following an allegation you are guilty.

We regard sexual harassment as serious misconduct, and if you are found to have sexually harassed a colleague you will be liable to serious disciplinary action up to and including summary dismissal.

Although not always necessary, if a complaint against you is not upheld, a voluntary transfer of either of the parties may be offered. Such transfers will be consensual.

If it is agreed neither party will move, we will monitor and check the situation in terms of our duty of care to determine whether there has been any form of victimisation or retaliation.

Alternatively, where a complaint is upheld, it may be necessary, if practicable to relocate or transfer one of the parties to another department or function.

Training and Awareness

All employees, including managers may receive training on sexual harassment, appropriate workplace behaviour, and how to report harassment.

We may provide regular refresher training where we feel necessary to ensure ongoing awareness of this policy and any evolving legal obligations.

Monitoring and Risk Assessments

The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

We will monitor and maintain records of investigations and / or grievances into alleged incidents of sexual harassment, the outcome of the investigations/grievances and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the General Data Protection Regulations

We may conduct regular risk assessments to identify potential areas where sexual harassment may occur and take steps to mitigate these risks.

We will continuously monitor the effectiveness of this policy and its implementation. We will conduct regular reviews, to ensure this policy remains effective and responsive to any emerging issues.

Suggestions for change are encouraged and can also be reported to the Clerk.

Please read in conjunction with the following policies and procedures:

- Dignity At Work Policy
- Equality, Diversity and Inclusion Policy
- Grievance Procedure

All Holywell Town Council Policies are approved by full council and subject to an annual review.

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Town Mayor & Chair of the Council