

Prevention of Sexual Harassment at Work Policy

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Prevention of Sexual Harassment at Work Policy

1 Introduction

- 1.1 The purpose of this policy is to ensure a safe and respectful workplace for all employees. Haringey Council is committed to fostering an inclusive and supportive environment, with a zero-tolerance approach on sexual harassment.
- 1.2 The policy provides a clear outline of the Council's expectations regarding employee behaviour.
- 1.3 This policy applies to all employees and apprentices directly employed by the Council.
- 1.4 Teachers and employees working in schools have their own local management and policies to follow
- 1.5 Although agency workers do not fall under Haringey Council's HR policies regarding grievances, disciplinary actions or leave, they are still entitled to fair treatment and a workplace free from sexual harassment. If an agency worker voices a concern, the manager should consult the Employee Relations Team for guidance.

2 Principles

- 2.1 The aim is to protect all employees from sexual harassment and to foster a working environment that supports the dignity and respect of all workers, free from any form of bullying or harassment.
- 2.2 To enable employees to challenge any unwanted behaviour whether experienced or witnessed in the workplace and outlines how the Council will deal with any complaints of sexual harassment received.
- 2.3 To further enable a safe culture at work, free from sexual harassment, and one that employs an open and non-judgemental approach to disclosures.
- 2.4 The manager, employee and Human Resources have certain responsibilities that they must adhere to as part of a sexual harassment complaint, as outlined in appendix A.

3 Definitions of Sexual Harassment

- 3.1 Sexual harassment, as defined by the Equality Act 2010, occurs when a person engages in unwanted behaviour of a sexual nature, whether verbal, non-verbal or physical, that creates an intimidating, hostile, offensive, degrading or humiliating working environment or violates someone's dignity.

- 3.1.1 For example, an employee's colleague makes sexual comments about their body, getting very close and resting their hand on their arm. It makes them feel very uncomfortable and intimidated. This is sexual harassment.
- 3.2 Harassment related to certain 'protected characteristics' involves treating someone less favourably based on their sex, sexual orientation or gender reassignment.
- 3.2.1 For example, an employee's colleague regularly makes comments about members of the LGBT community that they find insulting. For example, saying their industry should not let them in. This is harassment related to a person's sexual orientation.
- 3.3 It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.
- 3.3.1 For example, an employee tells their manager that their inappropriate behaviour is offensive and must stop, and the manager retaliates by spreading hurtful rumours about the employee's sex life. This is harassment due to the employee's previous action.
- 3.4 To read about examples of other common forms of sexual harassment, please refer to appendix B

4 The Law on Sexual Harassment

- 4.1 The Equality Act 2010 provides protection against:
- sexual harassment,
 - harassment related to 'protected characteristics', for example a person's sex,
 - less favourable treatment because of how someone responded to previous sexual harassment.
- 4.2 With effect from October 2024, employers' now have legal obligations to take reasonable steps to prevent sexual harassment of their workers.

5 Preventative Duty

- 5.1 The Worker Protection Act (Amendment of Equality Act 2010) took effect from October 2024 and introduces a legal duty on employers to anticipate when sexual harassment may occur and take reasonable steps to prevent sexual harassment and create a safe working environment. This includes sexual

harassment by other people at work or by third parties, for example residents and contractors.

5.2 Examples of preventative measures include, but are not limited to:

- making it clear that sexual harassment will not be tolerated
- encouraging employees to report any incidents of sexual harassment
- encouraging employees to report situations where they felt at risk
- including discussions about sexual harassment when undertaking risk assessments, especially for lone working or resident-facing duties
- offering and undertaking relevant training.

6 Who Can Experience Sexual Harassment

6.1 Employees of any gender or sexual orientation can experience sexual harassment and it can be carried out by anyone of the same sex, another sex or anyone of any sexual orientation.

6.2 It may be persistent or an isolated incident. Sexual harassment may be obvious, or it may be subtle and more difficult to recognise.

6.3 Sexual Harassment can be carried out by anyone that an employee may come into contact with as part of their job such as a colleague, manager, agency worker, consultant or someone in a position of authority or a third party, for example residents and external organisations who work with the Council.

7 Reporting Procedures

7.1 There are both informal and formal ways to manage a complaint of sexual harassment. The appropriate route depends on the circumstances, but the choice ultimately lies with the employee who experienced the harassment.

7.2 Informal

7.3 If an employee wishes to make an informal complaint, they should promptly raise this with their line manager except that if the complaint is against that person it should be addressed to a more senior manager within the service.

7.4 Line managers should document the details of the complaint, including what happened, when, where, and who was involved. Due to the nature of the complaint and duties on the employer, it will be necessary for this information to be shared with the Employee Relations team, this can be done without naming the employee to begin with, but it may not be possible to protect anonymity in order to resolve the issue.

- 7.5 An informal conversation can be arranged with the alleged harasser to make them aware of the behaviour and its impact and to seek a resolution. If at this stage, the complainant still wishes to remain anonymous, this will be considered and assessed, depending on the work environment, it sometimes is not possible to do this, but appropriate support will be provided.
- 7.6 Line managers should regularly check in with the employee to ensure they feel safe and supported and to determine if further action is needed.
- 7.7 The Employee Relations Team must be made aware of an informal complaint via HALO at the earliest stage, so they can support and monitor the process.
- 7.8 **Formal**
- 7.9 If an informal resolution is not possible, or if the seriousness of the action warrants formal action, or if the employee feel this is the preferred option, the employee may pursue the formal complaints route.
- 7.10 In this case, employees are encouraged to raise a formal grievance under the [Grievance Policy](#) for the complaint to be investigated. As a result of the grievance investigation and outcome, disciplinary action may be considered in line with the [Disciplinary Policy](#).
- 7.11 An employee may choose not to file a formal complaint, for instance, due to the potential distress involved. However, in such cases, the manager, in consultation with HR, may still initiate disciplinary action against the alleged individual, in line with the legal duty for employers to prevent sexual harassment and failure to act appropriately may place others at risk.
- 7.12 Where an allegation has been made against a Person in a Position of Trust (PIPOT) the manager is required to refer to and follow the [protocol and practice guidance](#) on the internet.
- 7.13 If a Newly Qualified Social Worker is dismissed during their ASYE period or whose professional practice is of a significant concern the Council has a duty to notify Social Work England. In this instance, the Principal Social Worker should liaise with the Employee Relations team.
- 7.14 Given the nature of the services the Council provides, employees may be at risk of violence from individuals such as dissatisfied parents, clients or evicted persons. This exposes employees to potential threats of violent or aggressive behaviour. Haringey Council acknowledges its responsibility as an employer to

safeguard health and safety by identifying foreseeable risks, assessing their scope, and implementing appropriate control measures. Further details on the 'Person of Concern' (PoC) process are available [here](#).

8 Supporting someone who has made a complaint

8.1 Haringey Council is committed to providing comprehensive support for employees who have experienced sexual harassment. This support includes but not limited to:

8.1.1 Counselling Services: Employees affected by sexual harassment can access counselling services through our Employee Assistance Programme (EAP). These services are provided by independent and trained counsellors and are strictly confidential between the counsellor and the member of staff.

8.1.2 Legal Assistance: Our Employee Assistance Programme offers free and confidential legal advice to employees who need guidance on their rights and options following an incident of sexual harassment.

8.1.3 Special Leave: It may be appropriate for the individual affected to take time off under the special leave policy if necessary. This should be discussed with the line manager and a member from the HR Employee Relations Team to ensure appropriate arrangements are made. Further information can be found in the [Annual Leave and Time Off Policy](#).

8.1.4 Trade Union Support: Trade Unions can provide advice and support to employees during formal proceedings related to sexual harassment complaints. Employees are encouraged to seek assistance from their Trade Union representatives. Further information can be found [here](#).

8.1.5 Staff Networks: These are groups of colleagues who can become a source of peer support. These networks offer a safe space for employees to share their experiences and receive support from their peers. Further information can be found [here](#).

9 Supporting someone who has been accused

9.1 Being accused of sexual harassment can be very distressing. It is essential that the situation is handled sensitively, and any informal or formal proceedings are carried out in a fair and thorough way without presuming the accusation is either true or false.

9.2 Employees accused should be signposted to the same wellbeing and support resources, such as the Employee Assistance Programme.

10 Confidentiality

- 10.1 Haringey Council is committed to protecting the privacy and confidentiality of all individuals involved in a sexual harassment complaint or investigation.
- 10.2 All complaints, reports, and investigations of sexual harassment will be handled with discretion. Information will only be shared with individuals who need to know in order to carry out their responsibilities under this policy, such as Human Resources, Investigators, decision-makers, and legal counsel where appropriate.
- 10.3 Employees, witnesses, and parties involved in a complaint are expected to respect the privacy of all individuals concerned and are prohibited from discussing the matter outside of the investigation process. Breach of confidentiality by any party involved may result in disciplinary action.
- 10.4 Confidentiality does not guarantee anonymity but information will only be shared where necessary and the individual will be advised.

11 Further Resources

11.1 Equality Advisory and Support Service (EASS)

Advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.

www.equalityadvisoryservice.com

11.2 Protect advice line

Free, confidential and expert advice to whistleblowers, helping you to decide how best to raise your concern.

<https://protect-advice.org.uk/contact-protect-advice-line/>

11.3 Rights of Women – Sexual harassment at work advice

Free employment legal advice to women in England and Wales experiencing sexual harassment at work

www.rightsofwomen.org.uk/get-advice/sexual-harassment-at-work-law

11.4 Victim Support

Free independent confidential advice and provides specialist help to support people to cope and move on to the point where they feel they are back on track with their lives.

<https://www.victimsupport.org.uk/>

Appendix A - Manager and Employee Responsibilities

No.	Manager Responsibility	Employee Responsibility
1	To model appropriate behaviour at work as set out in this policy. Further information can be found in the Code of Conduct Policy .	To model appropriate behaviour at work as set out in this policy.

2	Monitor the workplace environment to ensure, as far as practicable, that standards of conduct are always maintained, and that sexual harassment is not tolerated.	Take personal responsibility to raise concerns about any sexual harassment in the workplace, whether experienced personally or witnessed.
3	Treat complaints and behaviour which may constitute sexual harassment seriously and take immediate action.	Treat any allegations or complaints of sexual harassment with appropriate confidentiality.
4	Contribute to a respectful and productive working environment.	Contribute to a respectful and productive working environment.

Appendix B - Examples of Sexual Harassment

The list below provides examples of other common forms of sexual harassment, though it is not exhaustive:

- unwelcome sexual advances, propositions and demands for sexual favours
- derogatory comments or nicknames about clothing or appearance
- leering and suggestive gestures and remarks or jokes of a sexual nature

- intrusive questioning or suggestions about your sex life or a colleague's sex life, and discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- sexual comments about a colleague's sexual orientation or any other protected characteristic
- displaying offensive material, such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media
- Any unwanted physical contact

Document Control

Key Information	
Title	Prevention of Sexual Harassment at Work Policy
Document Type	Policy
Document Status	New
Author	Wellbeing & Engagement Coordinator
Owner	Head of Employee Relations, Business Partners &

	Reward
Contact	Employment Practice Manager
Approval Body	General Purpose Committee
Date of Publication	
Review Date	

Revision History			
Version	Date	Summary of Changes	Name
V 1.0	May 2025	New policy, using agreed process for policy revision.	BS