



**Somerset
Council**

Sexual Harassment Policy

Organisation	Somerset Council
Title	Sexual Harassment Policy
Owner	HR Policy Team
Primary Legislation	Equality Act 2010 Worker Protection (Amendment of Equality Act 2010) Act 2023 Employment Rights Act 1996

1. Policy Statement

- 1.1 The Worker Protection (Amendment of Equality Act 2010) Act 2023 inserts a new duty on employers to take reasonable steps to prevent sexual harassment in the workplace into the Equality Act 2010. Somerset Council is committed to providing a safe and respectful environment for everyone. As such, any form of sexual harassment will not be tolerated and will be addressed promptly and effectively. For further information on the expected standards of behaviour in the workplace please see the [Dignity at Work Code of Practice](#).
- 1.2 This policy:
- Describes what sexual harassment is and how to report it.
 - Outlines responsibilities of the Council, its managers and employees.
 - Outlines preventative measures that Somerset Council will take to prevent sexual harassment in the workplace.
 - Advises how Somerset Council will manage complaints of sexual harassment.
 - Provides a summary of support available to those impacted by allegations of sexual harassment, including links to more detailed information and guidance.
- 1.3 Proven allegations of sexual harassment (including victimisation) by employees may result in disciplinary action up to and including dismissal for gross misconduct.
- 1.4 This policy applies to all employees of Somerset Council with the exception of employees employed in Local Authority maintained schools where alternative HR policies, which have been subject to consultation and agreement with recognised professional associations and trade unions, are recommended for adoption by the individual school's Governance Board.

- 1.5 It is recognised that, as this new duty is being introduced by way of an amendment to the Equality Act 2010, “employees” and “employment” in this context will have the wider meaning included under that Act and so would include workers. Therefore, complaints raised by workers that are not employees, for example complaints from contractors or casual workers will need to be considered and responded to appropriately – please seek HR advice to determine the appropriate course of action in this situation.
- 1.6 This policy does not form part of the Somerset Council contract of employment Terms and Conditions or contract to provide services and may be subject to change.

2. Sexual Harassment

- 2.1 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.
- 2.2 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.
- 2.3 Some examples of sexual harassment include (this is not an exhaustive list):
- unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing,
 - persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions,
 - telling / sharing sexually offensive jokes,
 - sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet),
 - unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults (which the harasser may perceive as harmless),
 - offensive comments about appearance or dress, innuendo or lewd comments,
 - leering, whistling or making sexually suggestive gestures,
 - gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours,
 - offensive emails, text messages or social media content.

- 2.4 The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.
- 2.5 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.
- 2.6 Sexual harassment within the scope of this policy can take place at any time and anywhere. It can happen at any location, including outside of the workplace or work time. It could include interactions with colleagues at social events or via personal social media accounts. There may also be occasions where incidents outside of a work situation bring into question an employee's suitability to carry out their role.
- 2.7 Some forms of sexual harassment may also constitute criminal offences under a range of legislation including but not limited to the Sexual Offences Act 2003 and the Protection from Harassment Act 1997.
- 2.8 In some instances where sexual harassment is alleged Somerset Council reserves the right and may be obliged to report an employee holding a professional registration of any description to their relevant statutory regulator in accordance with their relevant professional codes of conduct (for example, Health Care & Professions Council, Nursing and Midwifery Council, Social Work England and the Solicitors Regulation Authority). The relevant statutory regulator should be contacted for further advice where the manager is unsure whether it is necessary to report an employee, and this cannot be determined internally within the Council.
- 2.9 In addition, Somerset Council will consider the necessity of escalation to relevant authorities. For example, the police where there is concern that the allegations may constitute a criminal act, and the Local Authority Designated Officer or Safeguarding Team where appropriate.

Victimisation

- 2.10 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following:
- Bringing proceedings under the Equality Act 2010.
 - Giving evidence or information in connection with proceedings under the

Equality Act 2010.

- Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- Alleging that a person has contravened the Equality Act 2010.

2.11 Examples of victimisation include:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
- Excluding someone because they have raised a grievance about sexual harassment.
- Failing to promote someone because they accompanied another staff member to a grievance meeting.
- Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

Third Party Sexual Harassment

2.12 Third-party sexual harassment occurs where a person is sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

2.13 Third party harassment can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although an employee cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All employees are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

2.14 The Council will take active steps to try to prevent third party sexual harassment of employees. This may include warning notices to customers or recorded messages at the beginning of telephone calls.

2.15 If any third-party harassment of staff occurs, the Council will take steps to remedy any complaints and to prevent it happening again. These may include

warning the harasser about their behaviour, banning them from Council premises, reporting any criminal acts to the police, and sharing information with other teams/services of the Council.

- 2.16 Proven allegations of sexual harassment (including victimisation) against third parties by employees may result in disciplinary action up to and including dismissal for gross misconduct.

3. Responsibilities

- 3.1 Somerset Council is committed to providing a safe and respectful environment for all employees through adherence to the [Values and Behaviours](#) - work as one team, build belonging, and strive for excellence.

- 3.2 As such, Somerset Council will:

- Implement preventative measures such as regular training and clear communication of this policy.
- Build a culture of respect and inclusion.
- Ensure that there are clear processes in place for raising complaints.
- Take proactive steps to identify and mitigate risks of sexual harassment.
- Consider complaints received promptly and appropriately, being aware of the sensitive nature of such reports.
- Monitor and learn from the outcomes of any complaints of sexual harassment or victimisation to ensure that:
 - those who report concerns or act as witnesses are not victimised,
 - repeat offenders are dealt with appropriately,
 - cultural clashes are identified and resolved,
 - appropriate mitigations are implemented as required
 - training is targeted where needed.

Line Managers will:

- Monitor the workplace environment to ensure that sexual harassment is not tolerated.
- Promote awareness of the complaints procedures and support available with respect to sexual harassment as set out in this policy.
- Be proactive in putting into place any reasonable adjustments as necessary.
- Support the creation of a culture where employees feel safe to work, raise concerns, and feel listened to.
- Be a role model for promoting appropriate and professional behaviours in the workplace.

- Manage complaints and behaviour which may constitute sexual harassment seriously, taking immediate and appropriate action.
- Ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment.

Employees will:

- Take personal responsibility to raise concerns about any sexual harassment or victimisation in the workplace, whether this was experienced personally or witnessed.
- Support a colleague in reporting a complaint of sexual harassment or victimisation in the workplace.
- Intervene where they feel able to do so, if they witness sexual harassment or victimisation.
- Co-operate in any investigation as required.
- Contribute to a respectful and productive working environment through role modelling the Council's values and behaviours.

4. Reporting Process

- 4.1 Concerns and complaints regarding sexual harassment may be reported by either:
- An employee who alleges that they have been sexually harassed.
 - An employee who alleges they have witnessed sexual harassment.
- 4.2 The employee raising the concern should report this to their line manager. If it is not appropriate to report directly to the line manager, the line manager's manager / more senior manager or an HR colleague should be contacted.
- 4.3 The line manager (or contacted person where this is not the line manager) will consider the concerns and take any immediate action required to ensure the safety of the individuals involved. HR and/or Health and Safety advice should be sought as required.
- 4.4 They will then need to establish whether the alleged sexual harassment is between employees or involves a third party (for example, a member of the public, service user, or a partner organisation employee) as this determines the process to be followed.
- 4.5 The employee raising the concern may not wish to undertake a process against the accused but if the manager deems that the welfare or safety of that employee or others (including third parties) are at risk or where allegations are

sufficiently serious, they will have to escalate their concerns.

Allegations of Sexual Harassment - Employees

- 4.6 The [Grievance Policy](#) is to be followed in cases of alleged sexual harassment where the allegation is between employees.

Allegations of Sexual Harassment - Third Party Individuals

- 4.7 Cases of alleged sexual harassment from a third party towards an employee must be reported using the [Safety Portal](#). The line manager should assist the employee in doing this, as part of the support provided.
- 4.8 Cases where a third party alleges sexual harassment by an employee should be made as a [complaint](#).
- 4.9 All reports of sexual harassment where an employee is the alleged harasser must be shared with the HR Advisory Team (HRAdvisoryMailbox@Somerset.gov.uk).

5. Support Mechanisms

- 5.1 Employees requiring support may wish to contact the Employee Assistance Provider, [Care First](#), which offers free confidential counselling services. Links to specialist external support services can be found on the [Sexual Harassment page in the HR A-Z](#). Trade unions and professional associations can also play an important role in supporting employees.
- 5.2 Additional guidance and support for managers on how to deal with complaints of sexual harassment in the workplace is also available [here](#).

Version History

Revision Date	Author	Version	Description of Revision
		1	New Somerset Policy