

Preventing Sexual Harassment Policy

January 2025

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR SEXUAL HARASSMENT POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Preventing Sexual Harassment Policy
Current status – i.e. first draft, version 2 or final version	Final
Policy author (post title only)	HR Business Partner
Location of policy (whilst in development)	Eric/S-Drive HR & Payroll Public Folder
Relevant Cabinet Member (if applicable)	Councillor Clive Moesby
Equality Impact Assessment approval date	TBD
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council	
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public)	

Preventing Sexual Harassment at Work Policy

Policy Statement

Bolsover District Council is committed to providing an inclusive and supportive working environment for everyone who works here. This includes a zero-tolerance approach to sexual harassment and recognises the appropriate steps that should be taken to achieve this.

The aim of the policy is to set out expectations of behaviour by the Council's staff, protect all staff from sexual harassment and foster a working environment that supports the dignity and respect of all workers and is free from any form of bullying or harassment.

The Council will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

This policy is part of the Council's commitment to ensuring the health and safety and wellbeing of all the workforce.

This policy is part of Bolsover District Council's commitment to equality and diversity. We are committed to creating a workplace that respects and values each other's differences, that promotes dignity and combats prejudice, discrimination and harassment.

This policy seeks to benefit the welfare of individual members of staff; retain valued workers; improve morale and performance and enhance the reputation of the Council as an employer of choice.

All workers will be made aware of the Council's policy forbidding the sexual harassment of any worker by another worker and will be expected to comply with this policy. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, compulsory transfers (without protection of wages or salary), and dismissal for serious offences, may be taken against any worker who violates this policy. Abuse of power over another worker will be taken into account when deciding what disciplinary action to take.

The Council also recognises that it has a responsibility to protect workers from sexual harassment at work by members of the public and contractors. All staff have the right to be treated with respect by the public they provide services to or work with. The sexual harassment of staff by members of the public and contractors will not be tolerated and workers are encouraged to report it to their line manager.

All workers have a clear role to play in helping to create a work environment in which all forms of bullying or harassing behaviour are unacceptable. In particular,

workers should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaints procedure.

Scope of Policy

This policy applies to all employees who are employed by the Council on and off the premises, including those working away from their main office or normal place of work, and those on temporary contracts.

This policy is supported by and developed with the trade unions representing the employees. It will be communicated to all staff using a variety of methods including awareness training, information and publicity, team briefings, departmental team meetings and in-house publications.

Definition of Sexual Harassment

The definition should be unambiguous and include examples of sexual harassment that may be relevant to your particular working environment and the circumstances where it might occur.

Sexual harassment is unlawful. As defined by the Equality Act 2010, it is 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.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. What is important is not necessarily the action, but how the recipient feels about what has been done and whether or not it is unwanted.

An individual can experience sexual harassment from someone of the same or different sex. It may be persistent or an isolated incident. Sexual harassment may be obvious or it may be subtle and more difficult to recognise. It can take place at any level and within any workplace relationship and can also be carried out by third parties, such as service users, visitors or contractors.

It can happen anywhere in the workplace such as out on the district, the canteen, toilets, communal areas or in the office. It can also occur away from the workplace such as at a service users home or office, at conferences, training courses, staff parties and other social events related to work. It may be face to face or in written communications, while using social media and any other form of online interaction including email communication in or outside of a work situation. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual.

The list below shows some examples of common forms of sexual harassment but is by no means exhaustive:

- unwelcome sexual advances, propositions and demands for sexual favours
 - unwanted or derogatory comments or nicknames about clothing or appearance
 - leering and suggestive gestures and remarks or jokes
 - 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
 - comments of a sexual nature about your or a colleague's sexual orientation
 - comments of a sexual nature about your or a colleague's gender identity
 - 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
 - 'upskirting' that typically involves someone taking a picture under another person's clothing without their knowledge
 - predatory behaviour
 - coercion
 - physical contact such as the invasion of personal space and unnecessary touching, hugging or kissing through to sexual assault, indecent exposure, stalking and rape (although rape is defined as a separate criminal offence).
- Prevention measures

The Council recognises that there are many organisational measures that can help prevent sexual harassment in the workplace. These include:

- good management practice, including competent, respectful people management, recognition of sexual harassment and appropriate intervention
- undertaking risk assessments that include consideration of power imbalances, job insecurity, lone working, customer-facing, service user-facing duties, lack of diversity in the workforce
- appropriate induction and awareness training on sexual harassment and about this policy for all staff, including supervisors, managers and new staff. This will include information on what constitutes harassment and, for managers and supervisors, on what their responsibilities are. The training will reference the Council's recognised Trade unions for employees to source support as required.
- ensuring workers have somewhere to go for a confidential discussion of their situation and signposting ways of taking further action
- look to improve diversity and inclusion at all levels of the organisation refer to the equality policy.

Responsibilities of Managers and Supervisors

Managers and supervisors should ensure that all employees are aware of this policy and understand their own and the employer's responsibilities. Awareness Training on sexual harassment will be provided to all managers.

Managers and supervisors have a particular responsibility to ensure that within their area of control, everyone has the right to be treated with dignity and respect. They should:

- always challenge any unacceptable behaviour in the workplace
- respond to complaints of sexual harassment swiftly, sensitively and objectively and be aware of behaviour that would cause offence, if necessary reminding workers of expected standards
- deal explicitly with third party perpetrators (such as service users, clients, visitors or contractors) with a view to withdrawing service or ending a contract or banning from the premises if behaviour is not moderated
- ensure that this policy is followed and that there are thorough investigations if required. HR & Payroll will assist any line manager in dealing with complaints of sexual harassment. All complaints of sexual harassment must be dealt with confidentially using the agreed procedures and in accordance with the data protection policy.

Managers and supervisors have an additional responsibility to be exemplars of acceptable behaviour. They should be aware that an abuse of their positional power will send mixed messages about what is acceptable behaviour, and will only serve to condone harassment.

A line manager's failure to actively implement this policy within their area of responsibility or to fail to deal with sexual harassment when they become aware of it could constitute a breach of the policy and disciplinary action may be taken.

Sexual harassment is a workplace issue:

The Council recognises that there can be difficulties in raising the issue of sexual harassment and bullying, particularly if:

- the immediate manager is doing the harassing
- the worker is reluctant or too embarrassed to raise the matter with their manager, or feels the manager may lack the skills, knowledge or sensitivity to deal with complaints of harassment
- the worker finds the prospect of using the formal procedure intimidating.

The Council is committed to ensuring that such potential difficulties are overcome so that allegations of sexual harassment are raised and can be acted

upon. To help ensure this, the Council's HR team have members who have received specialist training to help them deal with complaints of sexual harassment and to offer advice to workers who believe that they or their colleagues have experienced sexual harassment.

The main role of the Contact Officer(s) is to:

- provide sympathetic assistance to workers with complaints of sexual harassment
- explain to them how the procedures for making a complaint operate
- establish the main details of any complaint
- channel the complaint to the appropriate manager for action if the worker decides to take the matter further.

Designated HR & Payroll Officers will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the worker.

An employee who comes to HR & Payroll to talk about sexual harassment is under no obligation to take further action. HR & Payroll are there to help workers decide what they want to do. Employees who have been sexually harassed are not obliged to refer their complaints to HR & Payroll. It is entirely up to them whether they do so. However, having HR & Payroll as a neutral contact is a means of ensuring that such workers are not discouraged from bringing forward complaints.

Responsibilities of Employees

All staff have a responsibility to contribute to a respectful and productive working environment. They have a duty to assist in the creation of a safe working environment, where unacceptable sexual behaviour is not tolerated. Every worker has a personal responsibility to:

- ensure they understand the nature of sexual harassment
- be aware of how their behaviour may affect others and to uphold the standards of behaviour set within the team
- work within the policy guidelines including co-operating fully in any investigation undertaken
- be aware of sexual harassment and challenge unacceptable behaviour where appropriate if it is safe to intervene. Possible ways of intervening include telling the harasser that their behaviour is unacceptable; distracting either the harasser or the target to defuse the situation and also checking in with the target of the behaviour after it has taken place. It is validating for them to know that another person believes what has happened is not acceptable
- reporting incidents of sexual harassment when witnessed, or supporting targets of sexual harassment in reporting it, and co-operating in an investigation into alleged sexual harassment.

Workers should report any instances of harassment, victimisation or discrimination experienced whether they are the target of the behaviour or they have witnessed it. Reporting is necessary in order to address the issue both for the worker's own well-being and that of their colleagues. However the Council recognises that there may be many reasons that someone who has experienced sexual harassment may not complain immediately.

If a worker is found to have sexually harassed, victimised or discriminated against another worker, then they will be seen as having committed a disciplinary offence.

Trade Union Involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this policy. Because of their role in potentially representing an alleged harasser and a complainant, trade union representatives will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

Trade union representatives are able to assist their members who have been the targets of harassment, including supporting them in making complaints. The Council encourages all members who are concerned about harassment to speak to their trade union representatives.

The Council will allow trade union representatives time off to attend union provided training courses on sexual harassment at work. The Council will support the union's activities on raising awareness and tackling the issue of sexual harassment amongst their members.

The Council recognises that women are more likely to experience sexual harassment than men and gender inequality can contribute to workplace sexual harassment, and that it may also intersect with other forms of discrimination and harassment.

The Council is committed to jointly agreeing with the trade union ways of tackling all forms of discrimination including the gender pay-gap and improving equality and diversity within all aspects of the workplace.

Procedures

An individual can deal with sexual harassment in various ways, ranging from asking the person to stop the behaviour, to informal discussions with the HR & Payroll representatives or to making a formal complaint.

You do not have to be the recipient or target to make a complaint about sexual harassment. If you see it happening or become aware of the problem you have the

right to complain about it. Tackling sexual harassment is everybody's responsibility.

Some people are unaware that their behaviour in some circumstances is sexual harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of sexual harassment.

Informal action

1. If possible, an employee who believes that they have been the subject of sexual harassment or has witnessed it should, in the first instance, ask the person to stop the behaviour and make it clear what aspect of their behaviour is offensive and unacceptable, and the effect it is having. This can be done either verbally or in writing. If the sexually harassed person or witness feels unable to approach the person responsible directly, a member of the HR & Payroll team, work colleague or trade union representative can make this initial approach.

2. If an employee is approached informally about stopping their unwelcome or upsetting behaviour, they should not consider the reaction to be over sensitive nor the incident to be too trivial but should remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An apology and assurance that the behaviour will not be repeated may be enough to end the matter.

3. If a worker who believes that he or she has been the subject of sexual harassment or has witnessed it is unable to adopt the above approach, or the sexual harassment is of a very serious nature, they can approach a Contact Officer who will provide informal advice in confidence. No further action will be taken without the consent of the worker making the complaint. Confidential advice is also available to other workers who themselves may not be the subject of sexual harassment but are concerned about the sexual harassment of others.

4. If an employee complains of sexual harassment but does not want to take the matter any further, the Council will periodically check in with the employee to find out if the situation has improved. The employer will respect the wishes of the complainant but there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high immediate risk to the safety of the complainant, their colleagues or someone else the harasser may come into contact with. In such situations, the employer will put in place appropriate safeguards to prevent further harassment, or victimisation of the complainant.

Formal action

If informal action does not stop the sexual harassment, or a formal complaint is made from the outset, the complaints procedure should be initiated and a formal report should be made. Throughout this procedure, the complainant and the person against whom the complaint is made has the right to be accompanied by a trade union representative or by a colleague, and to seek informal advice from the HR & Payroll team.

1. A worker who believes that they have been the subject of sexual harassment should formally report the alleged act or acts to their line manager, or if the person doing the harassment is the line manager, a more senior manager. Where possible, the worker should set out details of the complaint in writing with specifics as to dates and times and an account of what the sexual harassment is alleged to consist of.

2. All complaints will be handled and investigated in a timely and confidential manner. The complainant will wherever possible be invited to a meeting to the manager within 5 working days of reporting the alleged act or acts. The worker has the right to be accompanied by a trade union representative or a work colleague at this meeting.

3. Confidentiality will be maintained at all times including by witnesses spoken to as part of the investigation, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the complainant, or to others. Workers shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. Breach of confidentiality may be a disciplinary offence.

4. As a first stage in a thorough investigation of the complaint, a senior manager will arrange to interview separately both the complainant, and the person against whom the complaint has been made, with a representative if requested. The investigator will not be the same person who hears the complaint nor any subsequent appeal, in order to help ensure independence and objectivity. Because of any particular sensitivities of the case, it is recognised that the complainant may prefer to talk to an investigator of the same sex.

5. A target timescale for completion of the investigation will be set and communicated to the complainant, along with updates on progress. Should the target timescale not be met, a clear explanation should be given to the complainant by the employer.

6. Wherever possible, the Council will try to ensure that both the complainant, and the person against whom the complaint has been made are not required to work together while the complaint is under investigation. In a serious case, the person against whom the complaint has been made may be suspended while investigation

and any subsequent disciplinary policy are undertaken as a precaution for the protection of the complainant or to prevent interference in the investigation. Such suspension will be for as short a time as possible and will be on full pay.

7. Following the investigation, the senior manager will give a detailed response in writing to the complainant including outcomes wherever appropriate or possible, including action taken to address the specific complaint if it is upheld, and any measures taken to prevent a similar event happening again in the future.

8. If the investigation reveals that the complaint is upheld, prompt action designed to stop the sexual harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged harasser and not the complainant will be relocated unless the person complaining requests otherwise.

9. Disciplinary action up to and including dismissal may be taken in accordance with the staff disciplinary procedure if a complaint of sexual harassment is upheld. Appropriate adjustments will be made to enable the complainant to participate in the disciplinary process without fear of victimisation.

10. If the sexual harassment is believed to be a criminal offence, such as a sexual assault, indecent exposure, stalking and offensive communications, the senior manager should advise the complainant to report the matter to the police as soon as possible and give them appropriate support. In cases where the police are involved, the Council will liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

11. If it is believed that there is an ongoing risk of serious harm to an individual, the senior manager will contact the police themselves and inform the complainant that they have done so.

12. Workers shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

13. Any decisions taken under this procedure do not preclude any worker from pursuing a grievance in the usual way under the staff grievance procedures and/or reporting the matter to the police should they believe that a criminal offence may have been committed.

14. The complainant has the right to appeal against the decision following the investigation within 10 working days of receiving the decision from the senior manager. Any appeal must be made in writing, stating the reasons for the appeal.

15. An appeal meeting will be arranged with a more senior manager not previously involved in the procedure who will consider the appeal. The worker will be given the opportunity to put forward their case and explain why they are not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal, if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible.

16. The decision of the person hearing the appeal shall be final.

Review and Monitoring

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in Council's offices and through the staff intranet (Eric).

This policy will be reviewed as a minimum every 3 years. The initial review of effectiveness will take place 12 months after this policy comes into effect.

The Council will also periodically monitor how successful it is in creating a workplace free of sexual harassment by other means which may include confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

Support for Workers who have Experienced Sexual Harassment

The Council recognises that sexual harassment can affect job performance and cause stress, anxiety or other mental health as well as physical health problems. Where sexual harassment causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by sexual harassment.

Access to independent and trained counsellors will be available to all staff. This service as with all counselling will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned. Employees who have been sexually harassed will be offered the opportunity to attend counselling sessions.

Confidential support, practical information and advice is also available for individual employees from the Council's Employee Assistance Programme (Currently via 'Viv Up'). Access is available via the Council's intranet or via the Viv Up app.

Where the workers' complaint is not upheld, or it is upheld but the disciplinary action falls short of the dismissal of the harasser, mediation and/or an offer of redeployment may be offered to the affected parties.

Further information:

HR and Payroll Service at the Arc

Contact your local Trade union Representative at Unison and Unite
Equality Advisory and Support Service (EASS)

www.equalityadvisoryservice.com

For advice on discrimination issues.

0808 800 0082

Protect

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

Confidential advice for individuals who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns.

020 3117 2520

Rights of Women – Sexual harassment at work advice line

<https://rightsofwomen.org.uk>

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

Call: 020 7490 0152, Mondays 6pm to 8pm, Tuesdays 5pm to 7pm,

Wednesdays 5pm to 6:30pm.

Signatories

This Policy is made in agreement between Bolsover District Council, UNISON and Unite. The Council's recognised Trade Union.