



# Sexual Harassment policy

January 2023

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## INTRODUCTION

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Dorset 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 what appropriate steps should be taken to achieve this.

All workplaces should be free from any form of harassment and Dorset Council is no exception. We will treat such matters very seriously, and this policy sets out how all our employees can seek support and report any unwanted behaviours.

This policy focuses specifically on the issue of sexual harassment. The policy aims to enable employees to challenge any unwanted behaviour in the workplace, and to outline how we will deal with any complaints of sexual harassment that we receive. The policy aims to further enable a safe culture at work, free from sexual harassment, and one in which employs an open and non-judgemental approach to disclosures.

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

The policy aims to make clear the standards of behaviour we expect from all who work here, consistent with the council's core behaviours (<https://www.dorsetcouncil.gov.uk/jobs-and-careers/recruitment/our-behaviours>). We do not tolerate sexual harassment at Dorset Council, and we will always investigate and take appropriate action.

## SCOPE

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This policy applies to all Dorset Council employees, excluding school-based employees. This policy is supported by and has been developed with the recognised trade unions, The Employee Networks and Sexual Trauma and Recovery Services (STARS).

It will be communicated to employees using a variety of methods, including training, information, and ongoing publicity.

This policy should be read in conjunction with the council's Dignity at Work Policy, Grievance Policy and our Modern-Day Slavery statement.

## AIMS

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- to reinforce Dorset Council's commitment to take prompt and appropriate action in response to any allegation of sexual harassment
- ensure everyone understands what sexual harassment is, can openly and confidently discuss concerns about inappropriate behaviour in the workplace, and are clear on Dorset Council's policy and practices.
- educate and inform managers about the potential signs of and impact of sexual harassment in the workplace, and how they can support individuals at work.

- to reinforce the council's role in setting a wider example to our communities, aiming to set a structural example as part of wider change in the community regarding sexual harassment and assault

## **What is sexual harassment?**

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Sexual harassment is unwanted behaviour of a sexual nature.

The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees
- agency workers and contractors
- self-employed people hired to personally work for the council
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

It can be carried out or experienced by anyone of the same gender or different gender.

You could experience sexual harassment from anyone you encounter because of your job, including someone you work with, a manager, supervisor, or someone else in a position of authority or someone high profile or influential. You can also experience sexual harassment from a customer, client or member of the public.

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.

### **A key element of sexual harassment is that it is unwelcome.**

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

It can happen anywhere in the workplace, such as the canteen, toilets, staff room or office. It can also occur away from the workplace, such as client's homes, at conferences, training courses, staff parties and other social events related to work. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual.

It is possible that a person does not object to inappropriate behaviour at the time due to reasons such as, feeling of shame, powerlessness, embarrassment, lack of confidence and inability to feel as though they can challenge a colleague or superior.

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- insinuate, propose or demand sexual favours of any kind.
- invade another person's personal space (e.g., inappropriate touching.)

- stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- send or display sexually explicit objects or messages.
- online sexual harassment, where digital technologies are used to facilitate both virtual and face to face harassment, for example the sharing of unsolicited sexual images, videos, messages, the non-consensual creation and/or distribution of sexual images, or sexual coercion, threats and intimidation online
- comment on someone's looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- make obscene comments, jokes or gestures that humiliate or offend someone.
- pursue or flirt with another person persistently without the other person's willing participation. Also, flirting with someone at an inappropriate time (e.g., in a team meeting) is considered sexual harassment, even when these advances may have been welcome in a different setting.

The most extreme form of sexual harassment is sexual assault. This is a serious crime and Dorset Council will support employees who want to press charges against offenders.

## **The Law on Harassment**

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The Equality Act 2010 protects people against sexual harassment and harassment related to 'protected characteristics', for example a person's sex.

Someone could experience both types of harassment at the same time, or separately.

### **Example 1**

Employee A is the only person of their sex in the team.

Their supervisor regularly makes comments about their gender that they find insulting. This is harassment related to a person's sex.

The Manager starts making sexual comments about Employee A's body, getting very close to them, and resting their hand on their arm. It makes Employee A feel very uncomfortable and intimidated. This is sexual harassment.

Employee A makes a complaint that includes both types of harassment.<sup>1</sup>

### **Example 2**

During a training session the trainer directs a number of remarks of a sexist nature to the group as a whole. Employee B finds the comments offensive and humiliating. They would be able to make a claim for harassment related to sex, even though the remarks were not specifically directed at them.<sup>2</sup>

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<sup>1</sup> Case study taken from the ACAS website guidance on sexual harassment.

<sup>2</sup> Case study taken from the EHRC guidance on sexual harassment.

### **Example 3**

Employee C has a relationship with their manager. On seeing them with another colleague, the manager suspects they are having an affair. As a result, the manager makes their working life difficult by continually criticising them at work in an offensive manner. The behaviour is not because of the sex of the Employee C, but because of the suspected affair which is related to their sex. This could amount to harassment related to sex.<sup>3</sup>

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<sup>3</sup> Case study taken from the EHRC guidance on sexual harassment.

## ROLES AND RESPONSIBILITIES

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### **Employees:**

All employees are responsible for:

- modelling appropriate behaviour
- taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised with an appropriate manager or a Dignity at Work Adviser
- contributing to a respectful and productive working environment
- being willing to help and support their colleagues
- treating any allegations or complaints of sexual harassment with appropriate confidentiality
- ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment



### **Line Managers**

All line managers will:

- model appropriate behaviour
- undertake training to ensure they understand what sexual harassment is and their responsibilities for eliminating this in the workplace
- monitor the workplace environment to ensure as far as practicable standards of conduct are always maintained, and that sexual harassment is not tolerated
- promote awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in this Policy
- treat complaints and behaviour which may constitute sexual harassment seriously and taking immediate action
- treat complaints of sexual harassment with appropriate sensitivity and confidentiality
- ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment



### **Human Resources Service**

The Human Resources Service will be responsible for:

- ensuring that there are clear processes in place for raising complaints
- promoting positive working relationships in the council
- clearly communicating and promoting these processes amongst employees
- identifying potential risk factors and taking prompt, reasonable action to minimise those risks
- ensuring information and training to support the effective implementation of this Policy is accessible
- monitoring and evaluating the effectiveness of this policy
- offer guidance to employees and managers on the interpretation of this policy and guidance.



# Sexual Harassment manager guidance

Manager guidance

## **PREVENTION IS BETTER THAN CURE**

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When dealing with harassment at work, prevention is better than cure. Engaging with employees on the issue and raising awareness of Dorset Council's stance on unacceptable behaviour are key to avoiding incidences of sexual harassment occurring in the first place. A workplace environment which values difference, is free from hostility and based on tolerance, will enable people to contribute more effectively and achieve higher levels of job satisfaction. People cannot make their best contribution if they are working in fear of harassment. As a manager you should promote the importance of respect between employees at every level of the council, encouraging a supportive and inclusive culture so that people's behaviour reflects the council's values and behaviours.

You have a defining influence on the working culture and set the tone for expectations around dignity and respect. You need to take a visible lead on the issue and set the tone for fostering a working environment where people feel empowered to speak up. The role-modelling of respectful behaviour will be instrumental in setting the right expectations for everyone.

## **HANDLING A SEXUAL HARASSMENT COMPLAINT**

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As a manager, you should:

- take any complaint of sexual harassment very seriously
- think very carefully about the way you handle a complaint, to make sure you do it fairly and sensitively and follow the right procedures
- report the incident to the HR Service and seek advice
- tell everyone involved in the complaint what the process will be. Each person involved should be informed separately
- handle the complaint as quickly as possible
- ensure the matter is dealt with confidentially, only sharing information where absolutely necessary

## **HOW SOMEONE MIGHT MAKE A COMPLAINT**

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The employee or worker making the complaint may talk to you to try and resolve the problem informally. They may wish to raise this formally through the council's Dignity at Work policy and procedure instead if they feel that either:

- raising it informally will not or has not resolved the issue
- it does not seem appropriate in the circumstances to raise it informally

The complaint might come from:

- the person who's experienced sexual harassment
- someone who's witnessed it.

## **TALKING TO THE PERSON WHO HAS MADE THE COMPLAINT**

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When you're talking to someone about their sexual harassment complaint, think carefully about what you say to them. Listen carefully to what they say, thank them for coming to you to share their experience and acknowledge that it's not an easy thing to do. Make it clear that you don't consider their reaction to be over-sensitive nor the incident to be trivial, and that you are prepared to help.

Make a specific appointment in a confidential space, allowing enough time for a full conversation.

Explain the process at the start of the conversation, including explaining the process, what remains confidential and what will be shared

Be sure to check out if anyone else is involved or potentially at risk.

Some things will not be appropriate or acceptable.

For example:

- do not tell someone it could be a long and difficult process, or ask them if they're sure they want to go ahead – this could imply you think they should not carry on with the complaint
- do not say their complaint does not seem that serious – you should treat all complaints very seriously

## **KEEP AN OPEN MIND**

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It's important to remember that sexual harassment is unwanted behaviour of a sexual nature.

To be sexual harassment, the unwanted behaviour must have either:

- violated the person's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person, whether it was intended or not

You should not let your own views influence a situation or dismiss a concern. For example:

- if you get on well with the person accused of sexual harassment, or think they're a decent person, this should not influence how you handle the situation
- behaviour you personally do not find offensive or unwanted might have a very different effect on someone else

You should not doubt a sexual harassment complaint simply because it happened away from other people or nobody else witnessed it.

You must not ignore or cover up a sexual harassment complaint. If you do this disciplinary action may be taken.

## **MANAGING THE COMPLAINT**

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Any complaints should be managed in accordance with the council's Dignity at Work Policy and Procedure.

The Dignity at Work Policy and Procedure encourages issues to be resolved informally (Stage 1) but also provides scope for any complaint to be dealt with formally (Stage 4).

In some cases, you may only have the word of the person making the complaint against the word of the person they're accusing. For example, if the incident happened away from other people or nobody saw it.

After hearing the evidence from both sides in a fair process, you can still decide the case is valid if you believe the person who made the complaint. It is important that you seek advice from the HR Service when making a decision.

## **WHEN IT'S A CRIME**

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If someone tells you they have been sexually assaulted or raped at work, they may want to report it to the police.

You should talk to them about whether they want to tell the police and you should support them if they choose to report it. This should be done in a sensitive and non-judgemental way and provide reassurance that reporting any incident to the police will not result in penalisation at work.

Before doing this, you should seek advice from the HR Service and/or the council's Local Authority Designated Officer (LADO).

You should not put any pressure on them to make any particular decision. If they do not want to tell the police, they do not have to. In most cases, you should go along with their decision. However, you might decide you have to tell the police yourself in some circumstances.

For example, this might include if you or the person who's made the complaint think there's likely to be:

- an ongoing risk to their safety or the safety of others
- an increased risk to their safety because they're a vulnerable person, for example they have a mental health condition

Before telling the police, you should talk about it with the person who's made the complaint. You should also let them know once you've told the police.

If you're not sure what to do, you should make sure you speak to a colleague in the HR Service or the council's Local Authority Designated Officer (LADO)

If it's been reported to the police or it's going through a court, it's unlikely you'll have to wait for the criminal process to finish to:

- investigate the complaint
- carry out a workplace disciplinary procedure

But you should check with the police before doing either of these things, and speak to a colleague in the HR Service, to make sure there is no risk of prejudicing the criminal process.

You should give information to the police if they ask for it.

If you wait for the criminal process to end and it does not result in a conviction, you may still be able to take disciplinary action.

This is because the level of evidence needed to prove a crime is higher for a conviction than for an employer's disciplinary process to decide that a workplace disciplinary offence has been committed.

## **SUPPORTING SOMONE WHO'S MADE A COMPLAINT**

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Being sexually harassed is extremely distressing and can be life-changing.

The person making the complaint may be very worried that:

- they will not be taken seriously
- you will try to make them confront the person they say sexually harassed them
- they might be quizzed about their personal life
- other people will find out
- personal information about them they will be victimised for making a complaint

You must make sure none of those things happen.

You should make sure that:

- reporting sexual harassment is as easy as possible
- the person who's experienced it or witnessed it feels safe and protected. Often people will not feel safe, so you should have a discussion with the person to understand what would make them/help them to feel safer.
- you encourage the person to access the council's Employee Wellbeing offer, ensuring they get the right support to help them with the impact of their experience on their mental health and wellbeing
- you talk to them privately and allow plenty of time
- the person investigating the complaint is impartial and trained for the role

## **SUPPORTING SOMONE WHO'S BEEN ACCUSED**

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It's likely to be very distressing for an employee to be accused of sexual harassment. It's a very serious matter for them too.

You must:

- carry out a fair and thorough investigation and handle it very carefully
- not presume the accusation is either true or false

It's important to offer support and sensitivity to the person accused so your handling of the complaint is balanced.

They may be very worried that:

- what they say will not be taken seriously
- you may try to make them confront the person who accused them of sexual harassment
- they might be quizzed about their personal life other people will find out personal information about them
- they will experience discrimination at work as a result of coming forward, and of how they may be treated by management and other colleagues

You must make sure none of those things happen.

You should make sure that you offer the same kind of support that you would for someone who's made the complaint.

For example:

- talk to them privately and allow plenty of time
- you encourage the person to access the council's Employee Wellbeing offer, ensuring they get the right support to help them with the impact of their experience on their mental health and wellbeing
- assure them that the person investigating the complaint is impartial and trained for the role

## **Training**

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Training will be provided to managers as part of the Leadership and Management Development Academy, to ensure all managers have a clear awareness of their roles and responsibilities with regards to sexual harassment. You should ensure that you undertake all training available to you.



# Sexual Harassment employee guidance

Manager guidance

## **IF YOU'VE BEEN SEXUALLY HARASSED AT WORK**

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If you've experienced sexual harassment at work, you can make a complaint.

Dorset Council will:

- take your complaint very seriously
- handle it fairly and sensitively

## **MAKE A NOTE OF WHAT HAPPENED**

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It's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

If you're thinking about recording what's happened you should be aware of the risks of recording, or secretly recording, what's happened – for example on your phone. This is a complicated area of the law. It is advised that you follow guidance provided by Dorset Police or the Sexual Trauma and Recovery Service (STARS).

## **GETTING ADVICE ON YOUR OPTIONS**

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You might want to talk to someone to get advice and support before deciding whether to make a sexual harassment complaint.

This could be:

- someone you trust at work, for example a colleague or manager
- A Dignity at Work Adviser
- a trade union representative if you're a trade union member
- a colleague in the HR Service

## **WITNESSING SEXUAL HARASSMENT IN THE WORKPLACE**

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If you see someone being sexually harassed at work, you could step in and try to stop it happening, if you feel it's safe to do so.

After it's happened, you can:

- support a complaint made by the person who experienced the sexual harassment
- report what you've seen
- give evidence as a witness, for example at a hearing
- make a sexual harassment complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you

If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

You must not be victimised if you make or support a complaint, or act as a witness. This means you must not be:

- stopped from giving evidence
- treated unfairly because you've made a complaint, given evidence or supported a complaint

Ways you could support someone else's complaint include things like:

- making a statement, which may or may not mean you appear as a witness at a hearing
- giving evidence that the person accused of sexual harassment had also sexually harassed you in another incident
- comforting or supporting someone who's experienced sexual harassment

## **BYSTANDER INTERVENTION**

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Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

When safe to do so, bystanders that are aware of sexual harassment are encouraged to:

- provide support to the colleague who is being subjected to sexual harassment,
- challenge concerning behaviour, and
- report sexual harassment

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential.

In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.

If you are witness to a problematic or potentially problematic situation you should:

- Notice: pay attention to what is going on around you
- See it as a problem: recognise the situation as a problem
- Assume personal responsibility: do not assume someone else will do something]
- Know how to help: make sure you can keep yourself safe
- Implement the help: act in one of the following ways:
  - Direct – this involves direct intervention, for example, going and talking in a calm way to the people involved
  - Distract – point out something else, distract the instigator, for example with re-directing them with a work issue
  - Delegate – if there is someone else with more power available, make the aware
  - Delay – always make sure that the person who experienced harassment is ok afterwards and check in on them

## **REPORTING OR MAKING A COMPLAINT**

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You can report or make a complaint about any instance of sexual harassment to your manager, Head of Service or Corporate Director, or to the council's HR Service.

Dorset Council takes any allegations of sexual harassment seriously.

The procedures for dealing with allegations of sexual harassment and possible consequences regarding any breach of this Policy are managed and investigated in accordance with the council's Dignity at Work Policy.

You are encouraged to report any allegations of sexual harassment by using the internal complaints processes.

If you make a complaint of sexual harassment, or sexual harassment is observed or brought to the attention of your manager, it will be acted upon immediately and managed in a sensitive and confidential manner.

Where a complaint of sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on the circumstances.

The consequences may include an apology, undertaking training, or disciplinary action which may include termination of employment.

You may also wish to contact your union for representation and support.

## CONFIDENTIALITY

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Disclosures of sexual harassment will be treated in confidence to protect an employee's privacy. However, in some instances, a matter may need to be escalated or referred without agreement from the employee, particularly in circumstances that may:

- constitute a criminal offence,
- constitute an occupational health and safety risk, or
- require disciplinary action

If a matter needs to be escalated or referred, the person handling the matter will notify the person who made the disclosure of who has been informed of the disclosure.

## HELP AFTER SEXUAL ASSAULT OR RAPE

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You can get help and information from:

- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis England and Wales](#)
- [the Survivors Trust](#)
- [SurvivorsUK](#) – male rape and sexual abuse support
- [Victim Support](#)
- STARS [Sexual Trauma and Recovery Services \(STARS\) \(starsdorset.org\)](#)

Find out about other help after rape and sexual assault on the [NHS website](#).

To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- [Police.uk](#) for England and Wales

When you're reporting a crime, you can ask to speak to a specialist officer who's trained to deal with sexual violence.

Related content

[/supporting-mental-health-workplace](#)

## EXTERNAL LINKS

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Equality and Human Rights Commission. [Sexual Harassment in the Workplace.](#)

ACAS. [What Sexual harassment is](#)