

Sexual Harassment in the Workplace - Policy

Introduction

Ore Valley Housing Association (OVHA) is committed to providing a positive experience whilst at work for all our employees, agency worker and consultants which includes a zero-tolerance approach to sexual harassment.

This policy sets out OVHA expectations of behaviour by employees, agency workers and consultants and provides information on how we will deal with complaints of sexual harassment.

Equality, Diversity & Inclusion

Ore Valley Housing Association is fully committed to equal opportunities and ensuring equality of treatment for all stakeholders, employees, customers and suppliers without discrimination or prejudice based on an individuals protected characteristics as defined in the Equalities Act as follows :-

- age
- disability
- gender identity¹
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Association will always seek to follow best practice in order to ensure that the above group needs are understood, considered and accommodated wherever possible.

Definitions

The Equality Act 2010 defines sexual harassment as 'conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual Harassment is unlawful under the Equality Act 2010. It is also unlawful to treat someone less favourably because they have submitted a complaint of sexual harassment or have rejected such a behaviour.

Sexual harassment includes a wide range of behaviours including but not limited to:

- Making sexual remarks about a colleague's body, clothing or appearance
- Suggestive looks, staring, or leering.
- Propositions and sexual advances
- Sexual gestures

¹ The inclusion of gender identity as a characteristic goes beyond the confines of the Equalities Act which only recognises gender reassignment as a protected characteristic. This is referred to in our [Equality, Diversity & inclusion Policy](#).

- Emailing, texting or messaging sexual content.
- Unwelcome touching, hugging, massaging or kissing
- Sexual comments or offensive jokes
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment
- Displaying or sharing sexually graphic images, or other sexual content
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

Sexual harassment can be a singular event or something that is an ongoing pattern of behaviour. Sexual harassment may be physical, verbal or non-verbal conduct. It can occur face to face or can be done by email, phone calls, online and on social media.

Sexual harassment may occur at work or outside work.

Sexual conduct that has been welcomed previously can become unwanted, the person in receipt of the behaviour decides whether it is unwanted. An individual can experience sexual harassment from someone of the same or different sex.

Sexual interactions that are invited, mutual and consensual are not considered as sexual harassment.

Behaviour expectations

OVHA expects you to follow the expectations as set out within the Code of Conduct. Any Sexual Harassment by employees towards others in connection with work will be considered under the Disciplinary/Grievance policy and action taken under this policy can include up to and including dismissal. Sexual harassment may constitute gross misconduct and may result in dismissal.

Preventative Duties

The Worker Protection Act (Amendment Equality Act 2010) requires employers to take reasonable steps to prevent sexual harassment. OVHA has taken preventative steps to ensure a workplace free from any sexual harassment. In addition to this policy, a [risk assessment](#) has been developed to assess the risks and preventative steps include:

- **Engage with teams** – 1:1 meeting, staff surveys, exit interviews
- **Training & Development** – specific training for each group based on risk, managers capability, sexual harassment training
- **Dealing with complaints** – Process, managers awareness, confidential, sensitively
- **Third party complaints** – training managers, induction/comms for third parties, clear
- **Reporting** – effective reporting procedure, anonymous complaints process, communication of this process
- **Monitor and evaluate policy and complaints** – learning from incidents, reviewing policy regularly, reviewing trends on complaints and taking action to rectify cultural concerns.

Reporting procedure & dealing with all sexual harassment complaints

Allegations should always be taken seriously, and action taken as quickly as possible to stop any further inappropriate behaviour identified. Where possible, breaches of this policy should be dealt with informally in the first instance. Depending on the serious nature of some complaints together with the risk to the safety of the complainant and others, we may need to take formal action immediately.

Stages

Informal stage

In managing the issue informally employees should:

1. In the first instance alert their line manager to the behaviour.
2. Thereafter the employee should be encouraged by the line manager and with their support approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the line manager should approach the individual and have the same discussion.
3. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

Formal Stage

If the behaviour is of a more serious nature or it continues after the informal approach has been taken, then the issue should be dealt with by mirroring OVHA grievance procedure.

1. The employee must put their concerns in writing and give this to their line manager.
2. The line manager should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the manager should establish what the concerns are, and how the employee would like things resolved.
3. The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee.
4. Once the investigation has been concluded, there could be a variety of outcomes including:
 - There is no evidence to uphold the complaint
 - There is evidence that may involve action against another employee which will be managed through OVHA disciplinary policy.
 - Learning is identified on an organisational basis

If complaint is raised against the CEO, this will be handled by our Board

Where action is required against another employee, agency worker or consultant this will follow the organisation's disciplinary procedures. Where action is taken regarding a member of staff other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

Anonymous complaint

We may receive anonymous allegations of sexual harassment through the "Whistle-blowing procedure". While we recognise that it can be difficult to investigate such complaints, OVHA will conduct a thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them.

Third Party Sexual Harassment

OVHA will also take reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023. A third party can be a customer, consultant, contractor or visitor.

Employees, agency workers and consultants are encouraged to report any sexual harassment, which may involve a third party.

When a complaint is received OVHA will ensure that steps are taken to protect the individual raising the complaint. OVHA will take steps to remedy a complaint and action to prevent this from happening again.

Examples of action OVHA may take, but not limited to are:

- Warning a customer about their behaviour
- Banning a customer
- Reporting any criminal acts to the police
- Sharing information with other part of the business.

Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint relating to sexual harassment, or a breach of this policy may feel anxious or upset and we will do what we can to support you during this period. Rowan Consultancy will be able to support you in this type of situation. Details on request.

Witness to unwanted conduct of sexual nature

Tackling sexual harassment is everybody's responsibility. You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it in line with *'Reporting procedure & dealing with all Sexual harassment complaints'* if you feel able to do so.

Your actions can be important in helping create a culture free from sexual harassment.

Individuals found to be in breach of the principles of this policy

Where individuals are found to be in breach of this policy whether that be employees, agency worker and consultants this will be dealt with in accordance with OVHA [Code of Conduct Policy](#), Disciplinary Policy, Grievance Policy and other relevant policies. This may result in disciplinary action up to and including dismissal.

General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own [GDPR Policy](#) regarding how your data will be used and the basis for processing your data is provided in OVHA employee [privacy notice](#).

Review of Policy

Responsibility for review and monitoring the application of this policy will rest with the Corporate Support Manager.

The policy will be reviewed every 5 years and if necessary, in line with legislative updates.

Reviewed by:	EVH Model/M Elder
Review Date:	October 2024
New Review Date:	October 2029