

# **NORTH VIEW Housing Association**

*North View is a registered Scottish charity – charity registration number SC032963*

## **POLICY**

## **DIGNITY AT WORK**

## **APPENDIX 1: SEXUAL HARASSMENT**

### **1.0 Introduction**

- 1.1 North View is committed to providing a positive experience whilst at work for all employees, agency worker and consultants and contractors which includes a zero-tolerance approach to sexual harassment.

This Appendix sets out North View's expectations of behaviour by employees, agency workers and consultants and contractors and provides information on how it will deal with complaints of sexual harassment.

### **2.0 Definitions**

- 2.1 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.
- 2.2 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;
  - 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.
- 2.3 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.
- 2.4 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.

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

### 3.0 Behaviour Expectations of Employees

- 3.1 North View expects its employees to follow the expectations as set out within the North View Code of Conduct. Any Sexual Harassment by employees towards others in connection with work will be considered under the disciplinary and grievance procedures and action taken under this policy can include up to and including dismissal. Sexual harassment may constitute gross misconduct and may result in dismissal.

### 4.0 North View's Preventative Duties

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

#### ***Lone Working:***

- procedures for late night closing of office, identify situations where two person visit is, office check in/check out system, communicate to tenants that staff should be treated with courtesy and respect.

#### ***Customer Facing Duties:***

- panic buttons at reception/interview rooms, screens in interview rooms, raise awareness of unacceptable behaviour, highlight the Association's zero tolerance approach to harassment, discrimination and other unacceptable actions, by and towards, staff, committee members and contractors, use of CCTV in office.

#### ***Power Imbalance/Risk of Exploitation:***

- Code of Conducts signed annually (all staff and Management Committee members) setting out expected behaviours, zero tolerance approach to harassment, discrimination and any other in appropriate actions on any grounds is emphasised during new staff inductions and new committee member inductions.

#### ***Support for External Contractors:***

- Highlight the Association's zero tolerance approach to harassment, discrimination and other unacceptable actions, by and towards, contractors to tenants and other customers, ensure contractors are aware that they should

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report any harassment or other unacceptable behaviour towards them by tenants or others.

### ***Social Events:***

- Code of Conducts signed annually (all staff and Management Committee members) setting out expected behaviours, reminders of expected behaviours to staff and committee members in advance of social events, staff should report any harassment or other unacceptable experience they are subjected to by third parties (i.e. staff, committee members, etc. from other associations) at external events (i.e. conferences).

## **5.0 Reporting procedure & dealing with all sexual harassment complaints**

- 5.1 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. Dependant 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.

### ***Informal Stage***

- 5.2 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***

- 5.3
- 1) 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 North View's grievance procedure.
  - 2) The employee must put their concerns in writing and give this to their line manager. The line manager should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the line manager should establish what the concerns are, and how the employee would like things resolved.
  - 3) The line 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:

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- There is no evidence to uphold the complaint
- There is evidence that may involve action against another employee which will be managed through North View's disciplinary procedure.
- Learning is identified on an organisational basis

5.4 Where action is required against another employee, agency worker or consultant or contractor then this will follow North View's disciplinary procedures. Where action is taken regarding an employee other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals

### 6.0 Anonymous Complaint

6.1 North View may receive anonymous allegations of sexual harassment through the "Whistleblowing Procedure". While it recognises that it can be difficult to investigate such complaints, North View will conduct a thorough investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them.

### 7.0 Third Party Sexual Harassment

7.1 North View 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, or contractor.

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

7.3 North View will follow the process as detailed within 'Reporting procedure for dealing with all sexual harassment complaints'.

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

7.5 Examples of action North View 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.

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### **8.0 Support for those affected or involved**

- 8.1 North View 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 will do what it can to offer support during this period.
- 8.2 Acas can offer free and confidential support and advice on 0300 123 1100.

### **9.0 Witness to unwanted conduct of sexual nature**

- 9.1 Tackling sexual harassment is everybody's responsibility. It does not have to be the recipient or target of sexual harassment that raises a concern or makes a complaint. If someone sees it happening or becomes aware of it, they should report it in line with 'Reporting procedure & dealing with all sexual harassment complaints' if they feel able to do so. Reporting sexual harassment can be important in helping create a culture free from it.

### **10.0 Individuals found to be in breach of the principles of this policy**

- 10.1 Where individuals are found to be in breach of this policy whether that be employees, agency worker and consultants and contractors this will be dealt with in accordance with North View's Code of Conduct, disciplinary procedure, and grievance procedure. This may result in disciplinary action up to and including dismissal

### **11.0 UK General Data Protection Regulation (UK GDPR)**

- 11.1 North View will treat employees personal data in line with its obligations under the current data protection regulations and its own Data Protection Policy. Information regarding how employee data will be used and the basis for processing it is provided in the Fair Processing Notice for Employees.

***End of Appendix 1***