



The Highland
Council
Comhairle na
Gàidhealtachd

Human Resources
Goireasan Daonna

Sexual Harassment Policy

Poileasaidh Sàrachadh Gnèitheasachaelic



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Document Control

A: Version History

Version	Date	Author	Change
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1.1	October 2024	Isabel McLellan	Amended to reflect Worker Protection Act 23. Addition of Staff & Manager Responsibilities including Risk Assessment (and RA links)
1.0	October 2023	Caitlin Souter / Isabel McLellan	Amended wording including additional TUC stats. Update of Nominated Senior B&H Officers. Inclusion of ALISS support links.

B: Document Approval

Name	Title	
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
HR Sub Group	TU Representative	Reviewer
Isabel McLellan	HR BP	Author

Introduction

Every day, people across the UK are sexually harassed at work. Our current laws put the onus on individuals to report such incidents but 4 out of 5 don't feel able to talk to their employer.

It should not be down to the individual to prevent and manage their harassment alone. We believe, just like health and safety measures protect us from risks to our wellbeing, employers need to protect us from harassment, whether it comes from a colleague or from a third party such as a client or customer.



1 in 2

Women have been sexually harassed at work



2 in 3

LGBT workers have experienced sexual harassment in the workplace



4 out of 5


Don't report - it can be a confusing, isolating and traumatising experience

- Women are three times more likely than men to experience sexual harassment.
- The perpetrators of sexual harassment are overwhelmingly male. Younger women are more likely to experience sexual harassment and online harassment.
- Tenure, contract type and casualisation is a factor.
- Male-dominated workplaces and occupational segregation are factors.
- An abuse of power is the common feature in sexual harassment.
- Around seven out of ten LGBT workers experienced at least one type of sexual harassment at work (68 per cent) and almost one in eight LGBT women (12 per cent) reported being seriously sexually assaulted or raped at work.

(Source: tuc.org.uk)

As a form of Violence Against Women (VAW), sexual harassment contributes to women's subordinate role in the workplace and to the gender pay gap.

Women's economic inequality reduces their financial independence, restricts their choices in employment and in life and creates a conducive context for VAW.



Financial dependence and poverty are both primary risk factors that diminish women's resilience and options in the face of violence.

(Source: Close the Gap).

The Highland Council is committed to equality of opportunity in employment for all employees, regardless of any of the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation.

In line with our aim to be Ambitious, Sustainable and Connected, we strive to offer an inclusive and supportive environment where everyone is treated with respect.

The Council has a zero-tolerance approach to sexual harassment which is a form of Gender-Based Violence (GBV).

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity. (Source: [acas.org.uk](https://www.acas.org.uk))

Policy Purpose

The Highland Council's Sexual Harassment Policy aims to take all reasonable steps to prevent harassment of a sexual nature, and to provide guidance where problems occur and to prevent any recurrence.

Any complaint will be dealt with seriously, without undue delay and, where practicable, in confidence.

Who is this policy for?

This policy applies to all Highland Council employees and covers sexual harassment in the workplace, in any work-related setting and third-party harassment.

Policy in Practice

Definitions

Sexual Harassment

Sexual Harassment is defined in the Equality Act 2010 as 'unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them'. Conduct that has any one or more of these effects can be harassment even if the effect was not intended.

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

(Source: acas.org.uk)


The Equality Act 2010 enables employees to complain of behaviour that they find offensive even if it is not directed at them. The complainant need not possess the protected characteristic themselves.

Who is protected?

The Equality Act protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants.

Examples of sexual harassment include, but are not limited to:

- 
- sharing sexually inappropriate images or videos, such as pornography
 - sending suggestive letters, notes, or e-mails
 - displaying inappropriate sexual images or posters in the workplace
 - telling lewd jokes or sharing sexual anecdotes
 - making inappropriate sexual gestures
 - abuse of authority or power by those in positions of seniority.

Any sexual action that creates a hostile work environment is considered sexual harassment, and the victim of the harassment may not only be the target of the offence but anyone who is negatively affected by the inappropriate behaviour.

Third Party Harassment

Third-party sexual harassment occurs when a person who is not associated with the Council sexually harasses a Council employee.

Any instances of third-party harassment can be reported through the dedicated phone line - 01349 886622. All calls will be answered by trained Customer Services staff. Incidents will be investigated by your line manager.


Please see the [Violent Incident by third party Reporting flowchart](#) for more information.


Roles & Responsibilities

The Worker Protection (amendment of Equality Act 2010) Act 2023 introduced new duties for employers to take reasonable proactive steps to prevent sexual harassment in the workplace.

The Council will meet requirements of the amendment by regularly reviewing and refreshing harassment policy and reporting procedures; ensuring training is undertaken and, continuing to take any complaints of sexual harassment seriously.

The likelihood of employees experiencing sexual harassment should be assessed via a Risk Assessment. The following factors should be considered:

- nature of the employee role
 - working environment e.g. where employees may be working alone and/or
- 



come into contact with service users who may be under the influence of drugs/alcohol

- power imbalances between staff
- travelling for work, including overnight stays
- work-related social events.

Please visit the [Risk Assessment Guidance](#) and [Risk Assessment \(form\)](#) to complete this.

The Council will:

- promote a workplace culture where sexual harassment is not tolerated and where employees are treated and treat each other, with dignity and respect.
- take reasonable steps to prevent sexual harassment in the workplace
- put in place and regularly review and refresh policy and guidance to inform and support employees to deal with unwanted and unacceptable behaviour of a sexual nature
- take any concerns raised by employees seriously, investigate any complaint and take prompt and appropriate action
- regularly promote awareness of the policy and guidance to all staff to ensure staff understand that unacceptable behaviour can result in disciplinary action.
- ensure employees are aware of their responsibility to treat colleagues with dignity and respect and ensure appropriate training is undertaken
- regularly review the effectiveness of the policy with employees and trade unions.

Employees must:

- model respective behaviour to all staff and others they come into contact with in the course of their duties
- complete mandatory training in relation to Sexual Harassment. (training tbc)
- bring any behaviour perceived as sexual harassment to their manager's attention at the earliest opportunity and seek support (as outlined under Employee Action below)
- bring any sexual harassment behaviour they have witnessed to their manager's attention at the earliest opportunity
- work with managers where required, to undertake meaningful sexual harassment risk assessments.

Managers must:

- model respectful behaviour and reinforce the Council's values and zero tolerance approach to sexual harassment
- complete mandatory Sexual Harassment training
- promote staff training and ensure this is undertaken
- be aware of potential for sexual harassment and carry out risk assessment(s) where appropriate, considering staff role, working environment etc.
- encourage staff to speak out and create an environment where staff feel comfortable to raise issues
- take any complaints of sexual harassment seriously and provide support to the complainant to either resolve the matter informally (where possible and appropriate) or submit a formal complaint via the Council's grievance procedure
- support members of staff to report sexual harassment to external services i.e., Police (where this is appropriate)
- deal with any complaints of sexual harassment at the earliest opportunity and ensure these are dealt with sensitively.


Context

Experiencing sexual harassment can cause a loss of confidence at work and can cause someone to avoid work situations to avoid the perpetrator. This often diminishes their performance at work and their propensity to apply for and be appointed to promoted posts.

Staff experiences of sexual harassment are often minimised by colleagues and dismissed as 'banter.' This type of harassment includes any unwelcome verbal or physical behaviour that creates a hostile work environment. Sexual harassment is not limited to face-to-face interactions, but may also be experienced via email, text, and online platforms.

The effects of sexual harassment can have a significant impact on morale and productivity. The impact of harassment can be significant and may result in undesirable consequences such as:

- significant detriment to mental health
- diminished performance at work
- loss of self-esteem and confidence both in the workplace and in real-life
- feelings of embarrassment, shame, and humiliation

- 
- a sense of being undermined professionally
 - avoiding certain work situations including meetings, training courses or shifts
 - leaving a role or job.

Procedure

Employee Action

Employees who feel they are affected by sexual harassment must seek support and advice.

Employees may wish to seek informal advice from their Line Manager, Bullying and Harassment Contact, Trade Union Representative or a colleague. Where a concern is raised directly to a manager, this should be addressed promptly and informally where possible and the relevant Service HR Business Partner should be informed.


[Bullying and Harassment \(B&H\) Contacts](#) have been trained to be an initial point of contact for anyone who feels they are a victim of sexual harassment or any other form of bullying and harassment. They will listen, offer reassurance, and discuss incidents and allegations, outlining options and support available as appropriate in a confidential manner.

In addition, internal support can be sought from Line Managers and [HR](#). Alternatively, employees may prefer to discuss with a friend or colleague in the first instance for support before bringing it to their manager's or HR's attention.

Where possible, The Highland Council encourages employees to try to resolve any problems informally in the first instance, but this may not be appropriate in all cases.

Informal Procedures

If a person believes they are being subjected to behaviour that constitutes sexual harassment, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. However, this should not discourage use of the formal procedures where this is considered appropriate. In certain circumstances it may be possible for the complaint to be resolved quickly by the employee explaining directly to the harasser the following:

- what behaviour they consider to be sexual harassment
 - the effect their behaviour is having
- 

- asking them to stop.

The employee can make it clear that if the behaviour continues a formal complaint will be made.

Where possible the employee should keep a diary of all incidents including details of dates, times, any witnesses and how they were personally affected. Copies of any documents that may be relevant, for example reports, emails, notes of any meetings that relate to the issue should also be kept.

Formal Procedures

Where it has not been possible to resolve the matter informally, the decision whether to progress a complaint rests with the employee.

Formal complaints of sexual harassment should be made in writing using the [Grievance Procedure](#) and addressed to one of the nominated B&H Senior Officers and copied to [HR](#).

Nominated Bullying and Harassment Senior Officers:

- Colette Macklin - colette.macklin@highland.gov.uk
- Tracey Urry - tracey.urry@highland.gov.uk
- Fiona Malcolm - fiona.malcolm@highland.gov.uk
- Donna Sutherland - donna.sutherland@highland.gov.uk
- Allan McKinnie – allan.mckinnie@highland.gov.uk

For those employees on Agenda for Change terms and conditions, the appropriate policy is [NHS Scotland Bullying and Harassment Policy Overview | NHS Scotland](#) and not the Highland Council grievance procedure.

Disciplinary Action

Instances of sexual harassment may lead to disciplinary action up to and including dismissal:

- in a work situation
- during any situations related to work such as a social event with colleagues.
- against a colleague or other person connected to the employer outside of a work situation, including social media.

- against anyone outside of work where their behaviour calls into question their suitability to carry out their work role.

Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see Quick Links below.

Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Health and Safety at Work Act 1974
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Worker Protection (amendment to Equality Act 2010) Act 2023.

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Bullying & Harassment Policy	Click Here
Equalities in Employment	Click Here
Trainees > Equality & Diversity > Sexual Harassment Training	Click Here
Equally Safe at Work – Line Managers Guidance on Sexual Harassment	Click Here
Equality and Human Rights Commission - Sexual Harassment and Harassment at Work: Technical Guidance	Click Here
ACAS – Sexual Harassment	Click Here
Employee Assistance Programme	Click Here
Grievance & Resolution Policy	Click Here
Bullying & Harassment Contacts	Click Here
Abused Men in Scotland Helpline (AMIS)	Click Here
LGBT Helpline Scotland	Click Here
Rape Crisis Scotland Helpline	Click Here
OHS&W - Risk Assessment guidance	Click Here
OHS&W – Risk Assessment (form)	Click Here
Domestic Abuse Helpline	Click Here
Survivors UK Online Help (for men, boys & non-binary people)	Click Here
PIN Policies / NHS Scotland Workforce Policies	Click Here



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