



BEYOND LIMITS

Beyond the limits of conventional support

Sexual Harassment Policy

This policy clarifies our approach to tackling sexual harassment in the workplace for all staff.

INTRODUCTION

Our sexual harassment policy sits alongside a wider organisational anti-sexism strategy, as well as our broader bullying and harassment policies that we have in place. We also have an inclusion and diversity policy which addresses other areas of structural inequality and discrimination such as LGBTQ inclusion and anti-racism. Sexual harassment does not often exist in a vacuum, and for this reason we include examples that attempt to illustrate how sexual harassment interacts with different inequalities, and to reflect that harassment affects a diverse range of people.

POLICY STATEMENT

Beyond Limits is committed to providing an inclusive, supportive and safe environment for everyone who works here. This policy applies to all employees, consultants, self-employed contractors, casual workers, agency workers and volunteers.

The aim of the policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- **Educating all staff about sexual harassment and their role in developing a culture free from harassment**
- **Fostering a work environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence**
- **Where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed**
- **Capturing learning from what happened to help create an environment free from harassment**
- **Monitoring our progress in achieving a workplace free from harassment; and**
- **Building continuous improvement into our culture**

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. This policy sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment. It is supported by the senior leadership team within the organisation, and they will be visible champions of this policy.

We will not tolerate any form of sexual harassment in the workplace, we will treat all incidents seriously (including historical) and promptly investigate all allegations of sexual harassment under this policy and our Grievance and Disciplinary Policy and Procedure.

Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, [suspension, compulsory transfers/demotion (without protection of wages or salary)], and dismissal with or without notice in accordance with the staff disciplinary procedure may be taken against any person who violates this policy. There may be circumstances where further training is mandated for individuals, teams or the whole organisation.

No one will be victimised for making a complaint of sexual harassment or for helping another person to make a complaint. This means that anyone who makes such a complaint or who helps someone to make such a complaint, for example by giving evidence or information, will not be treated badly because of their actions. No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld.

While this policy does not form part of any contract of employment or contract to provide services, any may be amended at any time as set out above, all staff will be made aware of this policy and will be expected to comply with it. This policy will be communicated to all staff on a regular basis using a variety of methods including during induction, training, information and briefings, team meetings and senior leadership meetings.

WHAT IS SEXUAL HARASSMENT

Sexual harassment is prohibited under the Equality Act 2010. It occurs when a person is subjected to **unwanted conduct** of a sexual nature which has the purpose or the effect of:

- **Violating the person's dignity, or**
- **Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person**

Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women and girls, but sexual harassment can also be form of violence targeted at men and those with non-binary gender identities.

Under international law, sexual harassment constitutes a breach of a person's human rights.

Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between a manager and a more junior colleague, or a long-standing employee and a new starter. It frequently arises as the result of sexism and power inequalities between women and men. In cases where sexual harassment is found to have occurred, such abuses of power will be taken into account in deciding what disciplinary action to take.

We also recognise that certain vulnerable or minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment.

WHAT IS 'UNWANTED CONDUCT'

Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome.

Types of behaviours which constitute sexual harassment include, but are not limited to:

Physical Conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging
- Fondling, or inappropriate touching
- Physical violence, including sexual assault and rape
- The use of job-related threats or rewards to solicit sexual favours

Verbal Conduct

- Banter
- Mimicry
- Comments on a worker's appearance, age, private life, etc
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting (a form of covert emotional abuse)

Non-verbal Conduct

- Display of sexually explicit or suggestive material or imagery
- Graffiti
- Acts affecting a person's surroundings
- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Leering
- Predatory behaviour

The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the “recipient”).

There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work such as at a work event or walking home). For example, engaging in a consensual sexual act in the workplace. We do not permit sexual contact in the workplace and any such behaviour will be addressed as a breach of this policy.

Under no circumstances should any member of staff engage in any sexual activity with the people we support. By any sexual activity, we mean any physical conduct, verbal conduct and non-verbal conduct. Please see the Safeguarding Adults and Employee and Friendship policies for further reference.

EXAMPLES OF SEXUAL HARASSMENT

The following examples are intended to provide illustration of the types of behaviours that will constitute sexual harassment. These are not exhaustive – there are many more examples of such behaviour. Importantly, sexual harassment can arise in various forms and to different degrees. As part of the review process for this policy, we will ensure that the specific examples given in this policy are updated so as to reflect the specific work environment in which are staff operate taking account of the composition of our workforce and the types of work undertaken.

Some forms of sexual harassment are a clear violation of a person’s dignity.

EXAMPLE ONE

A black female worker overhears two colleagues discussing whether she would be willing to have sex with them. They express the view that she would be “really easy to get into bed” because “black women love sex”.

Sexual harassment does not have to be targeted at one individual:

EXAMPLE TWO

A music promoter adds a link to their email signature to a promotional video for a rock band. In the video, scenes of a sexual nature are portrayed by actors. Every time they send an email to their colleagues and to their contacts outside the organisation, this link is received.

Sexual harassment does not have to be intentional:

EXAMPLE THREE

A worker believes that her male colleague uses the fact she is in a wheelchair as an excuse to make physical contact with her. She feels the situation is complicated by the practicalities and power dynamics of needing support from others with certain tasks. She wants to report the issue but thinks he may not realise he has been doing this.

It is not necessary for the recipient to say that they object to the behaviour for it be unwanted:

EXAMPLE FOUR

A young woman's body is repeatedly referred to by two of her colleagues. These comments are in front of her over several months. She does not voice any objection to the comments, sometimes laughing at them, and on one occasion, she responds by making equally offensive comments about one of her colleagues.

There may be some circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted

EXAMPLE FIVE

Two work colleagues become friendly, often working the same shifts and occasionally meeting up outside of work. One Friday evening after a few drinks at the pub, they kiss and agree to meet again the following weekend. On the Monday, one takes the other to one side and explains that they regret what happened and would like to keep their relationship professional. The employee who wishes to keep the relationship going texts and emails the other employee several times a day over the next week, expressing their affection and upset at the 'change of heart' and repeatedly keeps asking to meet up outside of work despite this request being repeatedly refused.

There may be circumstances where behaviour feels appropriate to those involved but causes concerns for others who may see or overhear it, even if nothing is targeted at them. This could still amount to sexual harassment in breach of this policy.

EXAMPLE SIX

A group of employees are chatting in the office about the finale of a TV show that they have all been watching. The TV show is popular though it is renowned for being sexist and sexually explicit at times. Those engaged in the conversation are all comfortable talking about the show and the sexual content, focussing on scenes depicting lesbian activity. However, others who sit in the open plan office feel uncomfortable. They are worried that the group may try to involve them in the conversation as they do not want to talk about a show that they find misogynist, homophobic and degrading to women. They do not think anyone needs to be discussing it at work. They are also worried that if they voice their view, they will be judged by the group who like the show.

WHEN DOES THIS POLICY APPLY?

This policy will apply to any unwanted conduct that occurs in the course of a person's work and which takes place at their place of work, including in their home while working from home, on their commute, or at/while travelling to a place which is not their place of work if they are there for any reason related to their work, including for a work-related social event, business trip, training session or conference.

We are clear that the sexual harassment of staff will not be tolerated, whether caused by those that work directly for the organisation or third parties including suppliers, volunteers or visitors to our premises. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is. We act in accordance with the EHRC's Guidance on third party sexual harassment and employer's liability available here: [Sexual Harassment and Harassment at Work](#).

PREVENTING SEXUAL HARASSMENT

This section should be read in conjunction with the bullying and harassment policy, and this should be consulted when alleged misconduct may incorporate intersectional discrimination.

Sexual harassment can be more prevalent in certain environments, including where there are disparities in power between different groups of staff. This is often linked to women and men working at different levels of seniority within organisations, and includes power disparities as a result of disability, sexual orientation, gender identity, race and age. Women are the overwhelming majority of those who are sexually harassed at work. Disabled women, young women, and LGBT workers experience even greater rates of sexual harassment. Women of colour also frequently experience racialised sexual harassment.

High levels of workplace stress can be a contributory factor in creating a working environment in which sexual harassment is more likely to occur. Stress occurs where there is either excessive demand on staff and/or reduced resources. It can arise due to excessive working hours and limited recovery time, work precarity, high levels of staff absence/sickness and turnover that leave remaining workers to have to pick up additional tasks. In these contexts, workers' ability to self-regulate can be overwhelmed to create 'hot spots' of more pervasive workplace incivility, including raised levels of bullying, harassment verbal and physical incivility of which sexual harassment is an extreme outcome.

THE EMPLOYERS' DUTY OF CARE

The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of their staff and others who might be affected. In discharging this legal duty, we recognise that there are certain measures that can help to prevent sexual harassment in the workplace including ensuring that adequate measures are in place to tackle sexism and address inequality between women and men and people with non-binary identities, as well as other forms of discrimination including racism, ableism, homophobia, transphobia and ageism, and to prevent the conditions which cause and exacerbate high levels of stress. We are committed to the adoption and operation of such measures, including:

- Improving the gender balance at all levels of the organisation
- Improving diversity and inclusion at all levels of the organisation
- Staff survey (ascertaining how working conditions impact on all staff)
- Data Monitoring (staff data related to sickness absence rates and turnover)
- Good management practices (anti-discrimination management practices)
- Safety assessments (consideration of factors that can increase the risk of sexual harassment, including work-place stress and power imbalances)
- Continuous awareness raising (about the nature and impacts of sexual harassment)
- Senior leadership champions
- Appropriate and targeted training
- Monitoring progress

RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

All those with line management responsibility must ensure that all workers are aware of this policy and understand their own, and the organisation's responsibilities. Targeted training on sexual harassment will be provided to all managers

All managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected
- Be aware of behaviour and language that can cause offence including jokes and banter, and, if necessary, remind staff of the expected standards
- Respond to complaints of sexual harassment swiftly, sensitively and objectively. For guidance, please see [Handling a complaint - Sexual harassment - Acas](#)
- The focus in dealing with complaints should be to understand what has happened and address that proportionately, including where this involves the organisation acknowledging failing and accepting fault and blame where appropriate
- Deal directly with third party perpetrators (such as visitors, volunteers, apprentices and contractors) outlining actions which may include withdrawing service, terminating a contract etc.
- Ensure this policy is followed

A member of HR will assist any line manager in dealing with complaints of sexual harassment.

All complaints of sexual harassment must be dealt with in accordance with the organisation's data protection policy.

In terms of their own behaviour, managers and supervisors are expected to be exemplars to others. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach of this policy and be managed under the Disciplinary Policy.

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 this policy and their employment contract, and disciplinary action may be taken,

RESPONSIBILITIES OF WORKERS

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues and the people we support. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

To discharge this duty, individual members of staff must:

- **Ensure they understand what sexual harassment is**
- **Be aware of their behaviour may affect others**
- **Challenge unacceptable behaviour wherever possible as long as it is safe to do so. Forms of intervention include: calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately, taking steps to defuse the situation/redirect those involved; checking in with the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.**
- **Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment**
- **Co-operate in investigations into alleged sexual harassment**

WHAT TO DO IF YOU ARE THE RECIPIENT OF UNWANTED CONDUCT OF A SEXUAL NATURE

You can report any concerns to your line manager, HR or any senior manager. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with a colleague or the organisations Mental Health First Aider (Esther Coules) can be a useful way of talking through what has happened and deciding what further action you wish to take. Such discussions will be dealt with in confidence.

Recipients of sexual harassment are encouraged to report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support. However, we recognise that there are many reasons that someone who has experienced sexual harassment may not report it and are committed to making it easier and less stressful to do so.

WHAT SHOULD I DO IF I HAVE WITNESSED UNWANTED CONDUCT OF A SEXUAL NATURE?

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 provided it is safe to do so, and you feel able to do so. We recognise that past experience of sexual harassment may make this difficult. Your actions can be important in helping create a culture free from sexual harassment and ensuring that there are no bystanders. Tackling sexual harassment is everybody's responsibility.

It is important that any concerns are reported as you may be the first to formally raise something that has been occurring for some time.

We retain the right to investigate concerns that we become aware of even if these are based on anonymous reporting or complaints are withdrawn. Our ability to investigate and take action may be restricted in these circumstances, and we will act with respect and empathy towards any person who has raised a concern but no longer wishes to be involved in the process. As an employer, we may still pursue matters if it is appropriate to do so. This is important to ensure that we can tackle concerns about potential sexual harassment within the organisation.

THE INVESTIGATION

At the outset of the investigation the position concerning confidentiality will be explained to participants before they take part. In practice, there will be a requirement for those giving evidence (including complainant and alleged perpetrators) to the investigation to keep what they have said in the process confidential. It will also be explained how the information they provide in the process may be used and shared in the future. While the sensitive nature of information will be respected and it will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process. For example, it could form part of a disciplinary investigation in which case the information would be shared with the alleged perpetrator. We may at times need to involve external agencies where a criminal offence may have been committed, or if maintaining a confidence would pose a risk to the complainant or to others. In all other circumstances, breach of confidentiality may be a disciplinary offence.

Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

As a first stage in investigating the complaint, a manager (“the investigator”) will arrange to interview separately the complainant, and the alleged perpetrator, both of whom may be accompanied by a trade union representative or work colleague. We recognise that the complainant may prefer to talk to an investigator of the same sex, and this will be facilitated wherever possible.

Managing a complaint under this policy will mirror the structure of the organisation’s Grievance policy while also recognising the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint.

An investigator will be appointed. Their remit will be to:

- Investigate the complaint
- Provide an outcome to the complainant; and
- Where appropriate make a recommendation as to whether the matter should be referred to a disciplinary process centred around the alleged perpetrator

We will ensure that the complainant, and the alleged perpetrator, are not required to work together while the complaint is under investigation. In a serious case, as a precautionary measure for the protection of the complainant or to prevent interference in the investigation, the alleged perpetrator may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible, will be on full pay and will not amount to a disciplinary sanction.

At the end of the investigation, the investigator will provide a detailed response in writing to the complainant specifying the outcomes wherever appropriate. If the complaint is upheld, this will include details of the action taken to address the specific complaint and of any preventative or structural measures taken to safeguard against future incidents of a similar nature.

If the outcome of the complaint is that the matter will proceed to a disciplinary process, the complainant will have a right to know that this will be pursued under the organisation's disciplinary procedure. However, they will not have the right to know what the outcome of that procedure was or if any sanction has been imposed. We recognise that this can be incredibly frustrating. Some sanctions (for example, an exit from the organisation or apology) will be visible and this can help to reassure the complainant that action has been taken. Other sanctions are "invisible" to others in the organisation (for example, a disciplinary warning or training requirement) and this can lead to concern that no action has been taken. In other situations, processes can be delayed (for example, to accommodate illness or hurdles in the investigation process). We wish to reassure all involved that just because action cannot be seen does not mean steps are not being taken. As an employer we have a duty towards all employees and must respect the confidentiality expectations of staff who are the subject of disciplinary proceedings.

Where the complaint is not upheld or proceeds to a disciplinary process under which the outcome involves the alleged perpetrator remaining with the organisation, the disciplinary outcome will include the *option* of a facilitated reconciliation meeting, at which the perpetrator will be required to attend, and the complainer will have the option to attend at their discretion. Support will be made available to all parties involved. The aim will be to understand and re-build professional relationships where possible, failing which to provide closure as far as possible and enable the organisation to learn and move forward. Mediation and/or an offer of redeployment may also be offered to affected parties.

RIGHT OF APPEAL

The complainant has the right to appeal against the decision following the investigation within seven days of receiving the decision from the investigator.

Any appeal must be made in writing, stating the reasons for the appeal.

On receipt of an appeal, a meeting will be arranged with a more senior manager who has not previously been involved in the procedure, to consider the appeal. The complainant 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.

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

If disciplinary action is taken against an individual as a result of sexual harassment then they will have a right of appeal as set out in the disciplinary policy.

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

REVIEW AND EVALUATION OF THIS POLICY

We are committed to ensuring that this policy and all related procedures are effective in preventing sexual harassment and in dealing with incidents where they do occur. Essential to achieving this aim is adequate investment, and continuous review and evaluation.

If staff have concerns that this policy is not being followed this should be raised with their line manager.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on the number of incidents, how they were dealt with, and any recommendations made. This will be done on an annual basis and will be shared with the wider workforce.

The policy will be reviewed as a minimum on an annual basis.

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

SUPPORT FOR THOSE AFFECTED BY SEXUAL HARASSMENT

We recognise that sexual harassment can cause stress, anxiety or other mental health as well as physical health problems. Deterioration in job performance which results from sexual harassment will be dealt with as a health-related issue and the person will be encouraged to seek help and support under the terms of this policy.

There will be no discrimination against individuals suffering from stress caused by sexual harassment.

We also recognise that those who may be accused of sexual harassment, witnesses to incidents or otherwise affected such as by being a by-stander, can experience stress, anxiety or other mental or physical health problems. We have a duty of care to support all staff affected by these issues.

Confidential support, practical information and advice is available for individual employees via SmartHealth [3.-Smart-Health-Leaflet.pdf \(beyondlimits-uk.org\)](#). We may, where appropriate refer the individual to an occupational health provider and advise they seek support from their GP.

If you are struggling to cope and need someone to talk to, you can contact:

- Samaritans [Contact Us | Samaritans](#)
- LGBT Foundation [Home - LGBT Foundation](#)
- Andy's Man Club [Andy's Man Club | #ITSOKAYTOTALK | Andy's Man Club \(andysmanclub.co.uk\)](#)

To contact the police

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

USE OF LANGUAGE

Language used when discussing sexual harassment is important. We recognise that this is a sensitive subject individuals may have different reactions to certain words and terminology. While we have used the terms “alleged perpetrator” and “complainer” in this policy, when managing any complaint of sexual harassment, we will be mindful of the language used. We will therefore seek to use neutral terms such as individual names, initials or “Employee A” for example, rather than referring to people as “the complainer” or the “alleged perpetrator/accused”. We will not use the term “victim” to describe a person who raises a complaint about sexual harassment.

If at any time during your involvement in a sexual harassment matter you have concerns about the terminology used, please raise this promptly so that agreed language can be identified and used in the process going forward

