

PREVENTING SEXUAL HARASSMENT AT WORK POLICY

Policy Statement

Swindon Dance will not tolerate any sexual harassment within the work environment. We recognise that we have a duty to take all reasonable steps to prevent sexual harassment and are committed to the implementation of this policy as well as enforcing compliance from our employees with it.

Equality

In putting the procedure into practice, no aspect of the policy or procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability, politics, caste and/or union membership or any other grounds likely to place any employee at a disadvantage.

Introduction

We as an employer have a positive legal duty to take all reasonable steps to prevent sexual harassment of our workers. We recognise that sexual harassment and victimisation is unlawful and not fitting within the culture and behaviours we display within our people.

Sexual harassment takes many forms but whatever form it takes, it is always taken seriously and is totally unacceptable. We recognise that Sexual harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating, and unpleasant working environment.

We deplore all forms of sexual harassment and seek to ensure that the working environment is sympathetic to all our employees.

The aim of this policy is to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

Sexual harassment definition

In the broadest term, sexual harassment is unwanted behaviour of a sexual nature. In England and Wales, the legal definition of sexual harassment is when someone carries out unwanted sexual behaviour towards another person that makes them feel upset, scared, offended, or humiliated.

The Equality Act 2010 defines sexual harassment 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.

The Equality Act 2010 says someone sexually harasses another person if they:

- Engage in unwanted conduct of a sexual nature and
- The conduct has the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- This unwanted sexual conduct can happen in person, on the phone, by text or email, or online. Both the harasser and the victim or survivor can be of any gender.
- Sexual harassment includes a really wide range of behaviours, such as:
- Sexual comments or noises – for example, catcalling or wolf-whistling.
- Sexual gestures.
- Leering, staring or suggestive looks. This can include looking someone up and down.
- Sexual 'jokes'.
- Sexual innuendos or suggestive comments.
- Unwanted sexual advances or flirting.
- Sexual requests or asking for sexual favours.
- Sending emails or texts with sexual content, e.g. unwanted 'sexts'.
- Sexual posts or contact on social media.
- Intrusive questions about a person's private or sex life.
- Someone discussing their own sex life.
- Commenting on someone's body, appearance or what they're wearing.
- Spreading sexual rumours.
- Standing close to someone.
- Displaying images of a sexual nature.
- Unwanted physical contact of a sexual nature – for example, brushing up against someone or hugging, kissing, or massaging them.
- Stalking.
- Indecent exposure.
- Taking a photo or video under another person's clothing – what is known as 'upskirting'.

Some important things to know about sexual harassment and the law:

- It is the person receiving the sexual behaviour who decides if it's unwanted – NOT the person doing the behaviour.
- It doesn't matter if other people think the unwanted sexual behaviour is okay. Or if it's common in the place it's happened in.
- It can be a one-off incident or repeated.
- Just because certain sexual behaviour was welcomed or not objected to in the past doesn't mean that it can't become unwanted.

Specific policy on preventing sexual harassment in the workplace

As well as a more generalised Anti-Harassment and Bullying Policy Swindon Dance has developed this policy specifically around preventing sexual harassment.

All employees employed by Swindon Dance will be protected by this policy. Any kind of sexual

harassment will not be tolerated and is unlawful. Any reports of sexual harassment will be investigated and dealt with as early as possible. If following investigation it is found that harassment or victimisation has occurred, the accused may be subject to disciplinary action up to and including dismissal. Where applicable, aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

Preventative duty

The preventative duty is designed to improve workplace cultures by requiring employers to anticipate how sexual harassment might happen in their workplace and take proactive reasonable steps to prevent it happening.

The preventative duty includes worker-on-worker harassment and harassment by third parties such as customers, clients, or patients.

Everyone has a right to feel safe and supported at work. Swindon Dance has taken the following steps to prevent and deal with sexual harassment in the workplace.

Reporting sexual harassment

If an employee feels they have been subject to any form of sexual harassment the company encourages them to report it. The employee can choose to report it to their direct line manager, another senior manager, or directly to HR. All complaints or concerns will be dealt with confidentially, sensitively, and promptly.

After an initial discussion the employee can decide how they would like to proceed, for example informally, for example asking their manager to have a word with the accused; or the employee can raise a formal grievance. If the allegation is serious whoever the employee has reported it, should encourage the employee to raise a formal grievance.

All details obtained during any investigation will be kept strictly confidential.

If relevant, action may be taken to prevent the complainant from ongoing harassment or being victimised during an investigation or complaint. For example, they could be moved the alleged harasser to another team or site. It may also be necessary to protect witnesses to the sexual harassment.

If a worker makes a complaint of harassment that may be a criminal offence, they should be spoken to about whether they want to report the matter to the police. They will be supported with this if they go ahead. If complaints result in disciplinary action of the accused, the complainant will be informed.

Sexual harassment from third parties

This policy relates to sexual harassment from third party associates(e.g. customers, clients, suppliers, contractors, service users etc) clients as well as colleagues. Employees are encouraged to report all sexual harassment, even if it is coming from clients of other third parties connected with work. These complaints will be taken equally seriously and will be investigated thoroughly, and appropriate action taken.

Examples of possible steps that could be taken if complaints about third parties could include:

- warning a customer about their behaviour
- banning a customer
- no longer using a contractor or supplier
- reporting any criminal acts to the police or sharing information other parts of the business

Review of policy

Swindon Dance are commitment to reviewing the policy at regular intervals, monitor its effectiveness and implement any changes that may be required.

Some steps that may be taken to evaluate the effectiveness of the policy and preventative steps may include:

- reviewing informal and formal complaints data to see if there are any trends or particular issues and appropriate actions
- surveying staff anonymously on their experiences of sexual harassment, including whether they have witnessed or been subjected to harassment, whether they have or would in the future report it (and if not, why not) and what further steps they think we could take
- comparing reported complaints with survey feedback to ensure you have an accurate reflection of the level of sexual harassment in your workplace, and take appropriate actions
- hold lessons-learned sessions after any complaints of sexual harassment are resolved

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