

1.0 POLICY AIMS

- 1.1 This policy aims to:
- 1.2 Capture GWHAs commitment to providing a working environment which is free from harassment, bullying and intimidation of any nature, taking proactive measures to prevent such events occurring. GWA endeavours to provide a safe and respectful workplace based on dignity and trust.
- 1.2 Document and promote GWA policy on what may constitute harassment or bullying and the procedures for tackling any such incidents.
- 1.3 Promote proactive and preventative measures to support positive and respectful working relationships, where employees, volunteers, agency workers and consultants are treated with respect and dignity.
- 1.4 Provide a working environment where all backgrounds, cultures, values and lifestyles are respected and treated with dignity at all times.
- 1.5 Provide a process for complaints to be properly managed; ensuring employees, workers and volunteers are able to report any unacceptable behaviours, and relevant action taken to resolve it.
- 1.6 Confirm unacceptable behaviour and practices will not be tolerated. Behaviours found to be breaching this policy will be regarded as misconduct and will be dealt with appropriately and in accordance with the relevant policies, including code of conduct and disciplinary. Serious cases may be regarded as gross misconduct and may result in dismissal.
- 1.7 Set clear guidelines and standards regarding treatment of employees by third parties.

2.0 CONTEXT

- 2.1 Under legislation there are certain characteristics protected from harassment, GWA will extend protections to all within GWA.
- 2.2 The terms bullying and harassment will be referenced throughout this policy to mean dignity at work.
- 2.3 This policy and procedure is complemented by GWA Equality & Diversity Strategy, Code of Conduct and Discipline & Grievance policies.

3.0 DIGNITY AT WORK

- 3.1 GWA views bullying and harassment, at work and during work-related and social activities, as serious and/or gross misconduct which will be subject to action under the disciplinary procedures.
- 3.2 It is the responsibility of every GWA employee, governing body member, agency worker, contractor, and consultant of GWA to treat all colleagues with dignity and respect, regardless of any personal characteristic. All parties have a responsibility to abide by the principles in this policy and also alert their line manager should any behaviours be witnessed which breach this policy.
- 3.3 GWA will ensure that all new employees, management committee members, agency workers, contractors, and consultants receive an induction on this policy. The policy will be integrated into all policies and procedures within GWA.
- 3.4 Copies of this policy will be communicated to all employees (via the staff handbook, staff intranet and induction process), management committee member (via committee handbook and committee intranet), agency worker, contractor, and consultants (via GWA website), and will be available to all who request it.
- 3.5 Unacceptable behaviour and practices will not be tolerated; and, in the event of a situation arising it will be dealt with immediately. Behaviours found to be breaching this policy will be regarded as misconduct and will be dealt with appropriately and in accordance with the relevant policies, including Code of Conduct and disciplinary.
- 3.6 GWA 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.

4.0 DEFINITIONS

4.1 Harassment, bullying, victimisation or unacceptable behaviours may be physical, verbal or non-verbal conduct. It is not necessarily face to face and may be done by email, phone calls, online or on social media. These may occur at work or outside work.

4.2 **Harassment:** Unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment may occur where someone perceives another person to have a protected characteristic. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic.

Examples of harassment could include but not limited to:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- unwanted physical behaviour, for example, pushing or grabbing.
- excluding someone from a conversation or a social event or marginalising them from the group.
- unwelcome comments about someone's appearance or the way they dress that is or is not related to a protected characteristic.
- revealing someone's sexual orientation against their wishes or threatening to.
- consistently using the wrong names and pronouns following the transition of a person's gender identity.
- displaying images that are offensive.
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

4.3 **Sexual Harassment:** 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; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct. Sexual Harassment is unlawful under the Equality Act 2010.

4.3.1 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

4.3.2 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.

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

4.4 **Bullying:** Offensive, intimidating, malicious or insulting behaviour, an abuse of power through means intended to undermine, humiliate, denigrate or injure. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful

Examples of bullying could include but not limited to:

- Spreading a false rumour
- Consistently giving heavier workloads to one particular individual in a team
- Unjustly cutting off or preventing someone from reasonably expressing their views in a meeting
- Regularly undermining the authority of any other employees.

4.5 **Victimisation:** Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

4.6 **Protected Characteristics:** The legal grounds in which discrimination claims can be made; i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

4.7 **Unacceptable behaviour:** A one-off act, if it is serious, can amount to bullying or harassment. All behaviours will be guided by and in line with GWHAs Code of Conduct.

Examples of unacceptable behaviour could include but not limited to:

- derogatory comments, offensive language, remarks or jokes.
- spreading malicious rumours or insulting someone.
- insulting behaviours or gestures.
- displaying offensive or suggestive literature or remarks.
- intrusion by pestering, spying or stalking.
- embarrassing, threatening, humiliating, patronising or intimidating remarks.
- physical or verbal assault, such as shouting.
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status.

5.0 RESPONSIBILITIES

5.1 GWHAs

5.1.1 To provide a safe and respectful workplace, promoting a working environment based on dignity and trust, and free from discrimination, harassment, bullying or victimisation.

5.2 EMPLOYEES

5.2.1 All employees have a responsibility to act in line, observe and uphold this policy, following GWHAs code of conduct.

5.2.2 All employees have a responsibility to participate in relevant mandatory training

5.3 MANAGERS

5.3.1 Anyone responsible for leading, managing or supervising GWHAs employees have responsibilities to ensure they:

5.3.2 Understand their own responsibilities.

5.3.3 Understand the organisational responsibilities.

5.3.4 Are familiar with the contents of this policy.

5.3.5 Role model behaviours expected and encourage a positive workplace culture.

5.3.6 Challenge unacceptable or questionable behaviour they become aware of.

5.3.7 Ensure any breaches or complaints relating to this policy are responded to quickly, sensitively, confidentially and investigated in line with policy.

6.0 PREVENTATIVE DUTIES

6.1 The Worker Preventative Act (Amendment Equality Act 2010) requires employers to take reasonable steps to prevent sexual harassment.

- 6.2 GWHA has taken preventative steps to ensure a workplace free from any sexual harassment including the development of this policy which aims to set the standards expected and provides details on how to raise concerns/complaints, regular staff training and annual signing of the Code of Conduct. In addition to this policy, a risk assessment has been completed to assess the risks and ensure preventive steps are taken. This will be reviewed annually.

7.0 CONFIDENTIALITY

- 7.1 GWHA will treat personal data in line with our obligations under the current data protection regulations and GWHA Data Protection Policy. Information regarding how employee data will be used and the basis for processing that data is provided in GWHA's Privacy Notice.

8.0 DELEGATED AUTHORITY

- 8.1 Delegated authority is granted by the Management Committee to the SSC to monitor and review this policy and associated procedures.
- 8.2 Delegated authority is granted by the SSC to the Chief Executive and employees to implement this policy and associated procedures (Appendix 1).

1.0 PROCEDURE

- 1.1 Where an employee perceives that they have not been treated with dignity and respect at work, there are a number of ways in which this can be addressed.
- 1.2 Allegations should always be taken seriously, action taken as quickly as possible to stop any further inappropriate behaviour identified.
- 1.3 Dependent on the serious nature of some complaints together with the risk to the safety of the complainant and others, GWHA may need to take formal action immediately.

2.0 Informal stage

- 2.1 Where possible, breaches of this policy should be dealt with informally in the first instance. In many cases inappropriate behaviours are unintentional and are capable of being resolved once the behaviour has been highlighted. This is often the most efficient and appropriate way of maintaining positive working relations.
- 2.2 In managing the issue informally, employees should in the first instance seek to address this directly themselves. Employees are actively encouraged to challenge inappropriate remarks or behaviour immediately.
- 2.3 Where further support or guidance is required, employees should alert their line manager or HR to the behaviour, thereafter the employee should be encouraged to approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the line manager may approach the individual and have the same discussion. A record of the discussion should be kept and expectations reinforced immediately.
- 2.4 Where an issue lies with an employee's line manager, the same principles above should apply in challenging offensive behaviours immediately and directly however where an employee requires further support, they should contact the next line manager and HR.

3.0 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 GWHA's grievance procedure.

- 3.1 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 manager should establish what the concerns are, and how the employee would like things resolved.
- 3.2 The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee. Once the investigation has been concluded, there could be a variety of outcomes including:
 1. There is no evidence to uphold the complaint
 2. There is evidence that may involve action against another employee which will be managed through GWHA's disciplinary policy
 3. Action and/or learning is required on an organisational basis
- 3.3 Where action is required against another employee this will follow GWHA'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.

4.0 Anonymous Complaint

- 4.1 GWHA may receive anonymous allegations of sexual harassment through the Whistleblowing Procedure. While GWHA recognise it can be difficult to investigate such complaints, GWHA 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.

5.0 Third Party Sexual Harassment

- 5.1 GWHA will also take reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023, which includes details as per the Unacceptable Actions Policy, Tenancy Agreements, Contractor Code of Conduct, CCTV at the reception area, a panic alarm. A third party can be a customer, consultant, contractor visitor.
- 5.2 Employees, agency workers and consultants are encouraged to report any sexual harassment, which may involve a third party.
- 5.3 GWHA will follow the process as detailed above.
- 5.4 When a complaint is received GWHA will ensure that steps are taken to protect the individual raising the complaint. GWHA will take steps to remedy a complaint and action to prevent this from happening again.
- 5.5 Examples of action GWHA 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.

6.0 Support for those affected or involved

- 6.1 GWHA understand that anyone affected by or involved with a complaint relating to a breach of this policy may feel anxious or upset and will do as much as possible to support any employee affected.
- 6.2 Employees are reminded of the Rowan Counselling Service available to them. Details are available on the staff intranet.

7.0 Witness to unwanted conduct of sexual nature

- 7.1 Tackling sexual harassment is everybody's responsibility. A person does not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If someone sees it happening or becomes aware of it, it should be reported in line with the procedure above if the person feels able to do so.
- 7.2 Everyone's actions can be important in helping create a culture free from sexual harassment.

8.0 Management Committee Members, Agency Workers, Contractors and Consultants or members of the public

- 8.1 Where Management Committee member, agency worker, contractor, consultants and/or members of the public perceives that behaviours towards them have breached the principles of this policy, they are encouraged to inform a service manager, or HR as soon as reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

9.0 Individuals found to be in Breach of the principles of this Policy

- 9.1 Where individuals are found to be in breach of this policy whether that be employees, management committee member, agency worker, contractor, and/or consultants this will be dealt with in accordance with GWHA Code of Conduct and other relevant policies. This may therefore result in termination of the individual's contract, or engagement within GWHA.

10.0 Malicious Allegations

- 10.1 Fictitious or malicious allegations will be addressed through GWHA's disciplinary procedure which may result in dismissal.