

# **Western Riverside Waste Authority**

## **Sexual Harassment Policy**

**25<sup>th</sup> October 2024**

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## Introduction

WRWA is committed to promoting a workplace environment free from all forms of sexual harassment and recognises that it is responsible for protecting all staff members from sexual harassment.

WRWA believes that sexual harassment is not inevitable and can be prevented through practical action to protect and transform workplace cultures, and therefore agrees that appropriate steps should be taken to achieve this as set out in this policy.

## Scope of this Policy

This policy covers all staff members, contractors, consultants as well as temporary or agency contract staff members. Sexual harassment can occur in a work situation, during any situation related to work such as at a social event with colleagues, outside of the workplace such as a site visit, and on social media or any online communication such as emails, video conference calls, phone calls or instant messaging platforms.

Any instances of sexual harassment, including those carried out by clients, customers, contractors or visitors, as well as staff members of WRWA will be dealt with in accordance with this policy.

## 1. What is sexual harassment?

1.1. Sexual harassment is unlawful. It is defined in the Equality Act 2010 as “unwanted conduct of a sexual nature which has the purpose or effect of violating a worker’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them whether the perpetrator intended this or not”.

1.2. Unwanted conduct of a sexual nature covers a range of verbal and physical behaviours and can include:

- sexual comments or jokes
- the display or circulation of pornography

- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- requests or demands for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages, and
- sexual assault including unwelcome touching, hugging, massaging or kissing.

1.3. It should be noted that sexual harassment can have taken place even if:

- The conduct was not sexually motivated, but was only sexual in nature.
- It was not intended to cause offence.
- The complainant had not made it clear they find the conduct unacceptable.
- The conduct is a single comment
- The conduct does not have to be specifically targeted at an individual.
- The conduct takes place outside of the workplace i.e. socialising as a work group.

## 2. What is Victimisation?

2.1. Victimisation is also unlawful under the Equality Act 2010. It is defined as treating a staff member badly because they have reported sexual harassment at work, it is believed they will report a case of sexual harassment in the

future, or they have helped someone else to report a case of sexual harassment.

- 2.2. There is no time limit on when a staff member can experience victimisation, providing that the staff member is subject to bad treatment as a result of the case involving sexual harassment and not some other reason.

### 3. Third Parties

- 3.1. Sexual harassment and victimisation can be perpetrated by other staff members and third parties. Third party means someone who a staff member interacts with as part of their job but who is not employed by WRWA, for example a visitor, consultant or contractor. WRWA does not tolerate sexual harassment by a third party, would encourage all staff members who experience it to report it and takes responsibility for protecting staff members from sexual harassment and victimisation perpetrated by third parties.

### 4. How can sexual harassment be prevented?

- 4.1. WRWA recognises that there are multiple measures that can help prevent all types of sexual harassment. WRWA has taken the following steps:

A risk assessment has been undertaken for sexual harassment, highlighting the areas staff are at risk and the control measures necessary to minimise them. This assessment will be reviewed annually, should there be a report of sexual harassment, or should there be any changes in the workplace. The actions indicated below are in response to that Risk Assessment.

- 4.1.1. Training will be provided to all staff members, on the prevention, culture and reporting procedures in relation to sexual harassment. All staff members should know what to do if they experience sexual harassment, including formal and informal reporting routes, and how to intervene if they experience or witness sexual harassment. Training will be refreshed at interim periods and records kept.
- 4.1.2. All line managers will be trained in implementing this policy and how to respond sensitively to any reports of sexual harassment.

4.1.3. A zero-tolerance attitude to sexual harassment will be clearly communicated to all staff members and any third parties by:

- highlighting the policy in all staff members through inductions and employment contracts
- through regular mandatory anti-sexual harassment training
- by making third parties aware of the Authority's sexual harassment policy, setting out the actions WRWA will take if a third party sexually harasses a staff member
- installing signage in all WRWA locations i.e. WRWA Admin. Office, Meeting Room and Education Room to highlight zero-tolerance policy to all visitors.

## 4.2. Roles and responsibilities

### Duties of the Authority

4.2.1. WRWA recognise that we have a legal duty to provide a safe working environment for all staff and will ensure swift and effective action in recording and responding to a report of sexual harassment.

4.2.2. We will ensure those who are approached with a report of sexual harassment know how to respond and record information and understand the need to support staff in making complaints.

4.2.3. The Authority will ensure the investigation is handled in a way that is fair and sensitive to the staff member who made the complaint, any witnesses and someone who is accused of sexual harassment.

As well as the Authority's duty, all staff will have their own responsibilities under this policy.

### Duties of line managers

4.2.4. All line managers have responsibility for:

- 4.2.4.1. creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are proactively challenged and tackled;

- 4.2.4.2. treating informal and formal complaints seriously, with sensitivity to the feelings, perceptions and need for confidentiality of the individual raising the report;
- 4.2.4.3. ensuring that staff who report sexual harassment, or support others to do so, are not treated less favourably than others because of this (victimisation)
- 4.2.4.4. assessing and managing risk arising from disclosures, reports and disciplinary processes
- 4.2.4.5. deal swiftly and explicitly with third party perpetrators with the view to banning individuals from premises or ending contracts
- 4.2.4.6. ensuring that they and their team participate in regular sexual harassment training and are aware of the procedure for making a complaint of sexual harassment
- 4.2.4.7. reporting any complaint they receive, or any harassment that they observe or become aware of to the General Manager.

#### Duties of individuals

- 4.2.5. All staff members have a clear role to play in creating a work environment in which sexual harassment is not acceptable, and to regulate their behaviour in the workplace. All staff members should:
  - 4.2.5.1. ensure they understand this policy and act in accordance with it;
  - 4.2.5.2. fully cooperate with any investigation and take seriously requests to cease or amend behaviour;
  - 4.2.5.3. not participate in, encourage or condone sexual harassment or victimisation of others;
  - 4.2.5.4. promote an inclusive culture in which colleagues or peers are not subjected to sexual harassment or victimisation by challenging and/or reporting these forms of behaviour to the appropriate staff member;
  - 4.2.5.5. treat all staff members and those they encounter through work with dignity and respect
  - 4.2.5.6. think about their own behaviour and whether it might amount to sexual harassment and change their behaviour
  - 4.2.5.7. report any harassment or behaviours that violate this policy.

## 5. Procedure for receiving and responding to complaints of sexual harassment

- 5.1. WRWA commits to dealing with cases of sexual harassment promptly, efficiently and sensitively when they become aware of them.
- 5.2. WRWA will keep the investigation confidential, to the extent possible.
- 5.3. The WRWA recognises that false allegations of sexual harassment are rare, that victim-blaming is common and that victims are often worried they will not be believed, or that they will be punished if an investigation does not conclude there was sufficient evidence to make a finding. The WRWA confirms that:
  - 5.3.1. it will always assume that reports have been made in good faith unless there is evidence to the contrary;
  - 5.3.2. Staff members will not be subject to disciplinary action simply because their complaint is not upheld and
  - 5.3.3. Staff members will only face disciplinary action if it is found both that the allegation is false and made knowing it is false.

### Informal process

- 5.4. If any staff member feels confident and able to do so, they can raise their experience directly with the harasser. They can explain why their behaviour was unacceptable, how their behaviour made them feel and that they would like them to stop it. This can be done verbally or in writing.
- 5.5. WRWA recognises that sexual harassment may occur in unequal relationships (i.e. between a line manager and their staff member) and that it may not be possible for the victim to inform the alleged harasser. If the staff member feels unable to approach the harasser, they can ask a third party i.e. trade union rep (if appropriate), line manager or colleague to support them.
- 5.6. If the staff member feels able to, they can also approach the line manager of the alleged harasser.
- 5.7. Staff members are able to report sexual harassment on behalf of another staff member.



5.8. Reports of sexual harassment may be made verbally or in writing.

5.9. If a staff member does not wish to pursue an informal route, the informal route has been tried and not worked, it is felt the alleged harasser will not respond to an informal process or the case is too serious for an informal process to be appropriate, a formal process is also available and set out below.

#### Formal process

5.10. A staff member or staff members who wish to make a formal complaint should do so in writing. They can ask a representative from their trade union (if appropriate), line manager or other senior manager to help with this formal process, including putting it in writing.

5.11. The trade union representative, line manager or other senior manager will refer the matter to the General Manager to instigate a formal investigation. The General Manager, with support from the Wandsworth HR advisor (if required), will deal with the matter in accordance with 5.14 to 5.22 below.

5.12. Should the Deputy General Manager or the Assistant General Manager be the aggrieved staff member then the written request should be transmitted to the Clerk to the Authority. Should the General Manager be the aggrieved staff member then the written request should be transmitted to the Members of the Authority.

5.13. The General Manager shall as soon as possible, and in any case within five working days from the date of the request, call separate meetings with the staff member, the alleged harasser and any relevant third parties. The staff member and alleged harasser should be informed that they may be accompanied by a trade union or other representative.

5.14. The General Manager should establish the facts of the case, making a decision on whether the incident(s) of sexual harassment took place and producing a report detailing the investigation, findings and any recommendations.

5.15. Wherever possible, WRWA will try to ensure the staff member and the alleged harasser are not required to work together while the report is under investigation. Any perception that a staff member is being punished, or

victimised, by being moved or otherwise inconvenienced during the investigation, will be guarded against. In a serious case, the alleged harasser may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible and will be on full pay.

5.16. If the decision is that the harassment took place, the General Manager will decide what the appropriate action, follow up to ensure that the recommendations are implemented and that the behaviour has stopped.

5.17. The action taken will depend on the gravity and extent of the harassment. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following:

- written warning
- final written warning
- behaviour agreement
- apology to those affected
- compulsory training
- suspension
- dismissal

5.18. As soon as possible after this meeting, and in any case within five working days, the General Manager (or Clerk or Chair, if appropriate) shall notify the decision to the staff member in writing and notify the staff member of the right to appeal against that decision if they are not satisfied with it.

## Appeals

5.19. An appeal can be made in writing to the Clerk within 10 working days of receiving a letter of confirmation of the outcome. The request should state the reason for the Appeal request. In exceptional circumstances, this time limit may be extended upon request to the Clerk stating the reason. In the case of the aggrieved staff member being the General Manager, the grievance should be heard and determined by the Members of the Authority.

5.20. The Appeal shall be called as soon as possible, but within twenty working days of the request being made at the latest. The staff member shall be notified in writing, giving at least five clear working days' notice, of the

date, time and place of hearing and provision for representation. The letter shall be sent by recorded delivery post or by hand to the residence of the staff member.

- 5.21. The decision of the Clerk (or Members) shall be final.

### **Appeal Hearing**

- 5.22. The General Manager, the staff member and alleged harasser and their representatives shall be present during the hearing before withdrawing, if necessary, to enable the Clerk (or Members) to reach a decision on the grievance and on such further action as appropriate on behalf of the Authority, as employer. (The hearing procedure is set out in Appendix 1).

## 6. Post Employment Grievances

- 6.1. Separate arrangements will apply to the consideration of sexual harassment complaints which are lodged after employment has ended. Any such grievances should be addressed to the Clerk, Western Riverside Waste Authority, c/o Western Riverside Administration Office, Smugglers Way, SW18 1JS, and the former employee must set out in writing the grievance and the basis for it. In these cases, the Clerk will agree the appropriate arrangements for considering the complaint, and respond to the complainant concerning these arrangements within five working days of receipt of the complaint. Where the grievance is lodged before the employee's last day of service but the procedure has not been started or completed before employment has ended, the General Manager will consult the Clerk as to the arrangements to be used.

## 7. Third Party Sexual Harassment

- 7.1. A finding that a staff member has been sexually harassed by a third party will result in WRWA taking action to reduce or eliminate the harasser's opportunity to interact with the staff members and or other staff members, such as by banning them from activities or premises. This action would include a formal notification being made to that person and kept on record. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

## 8. Legal action

8.1. If an act of sexual harassment may also amount to a criminal offence WRWA will consider raising the possibility of reporting the matter to the police with the complainant and provide them with the support to do so. Wherever possible, WRWA will follow the wishes of the staff member.

## 9. Support for staff who have experienced sexual harassment

9.1. WRWA commits to making sure that reasonable adjustments are made for the staff member making the complaint, in terms of an individual risk and needs assessment.

9.2. Staff members can contact the following organisations for free and confidential support and advice:

- Employee Assistance Programme - **0800 015 7284**
- Your trade union (if appropriate)
- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Galop – LGBT+ sexual violence support - [galop.org.uk](http://galop.org.uk)
- Victim Support - [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

## 10. Awareness of this policy

10.1. WRWA will ensure that this policy is effectively communicated to all staff members by:

- Publishing this policy on the Authority's website, and thereby ensuring it can be accessed by all staff members and others at all times
- Referencing the policy in contracts of employment, or when an agency staff member or self-employed contractor is engaged.
- Verbally communicating the policy during the staff member induction process and where it can be found
- Sharing the policy with other organisations that supply staff members and services to ensure they understand the expectation of them
- Ensuring any update to this policy is communicated to all staff members via staff meetings and follow up communications.

## Appendix 1

### **Procedure for Appeals hearing**

1. A hearing shall be called within twenty working days from the date of receipt of a request from the staff member. The staff member and the alleged harasser shall be notified in writing, giving at least five clear working days' notice of the date, time and place of hearing and provision for representation. The letter shall be sent by recorded delivery post or by hand to the residence of the staff member and alleged harasser.
2. The grievance shall be heard with a personnel advisor appointed by the Clerk for this purpose (and any other advisory officers deemed appropriate) present to give the Clerk such advice as may be necessary as to procedure, the requirements of employment law, conditions of service and codes of practice.
3. All present shall have before them a written statement prepared by the General Manager stating the nature of the grievance and the decision taken at the earlier Formal meeting.
4. The staff member or the representative and the alleged harasser or their representative shall then be asked to state and explain the nature of the grievance and may also produce a written statement and call other staff members.
5. The General Manager, who may be accompanied by officers who have had direct involvement in the case, may then question the staff member and alleged harasser, any representative and any witnesses called by the staff member.
6. The Clerk may then question the staff member, any representative and any witnesses.
7. The General Manager shall then be asked to respond, by reference to the written statement, explaining the circumstances which have been heard at the earlier formal meetings and the reasoning behind the decision on the grievance which was taken at that stage.
8. The staff member or their representative and the alleged harasser or their representative may then question the General Manager and/or other officers present.

9. The Clerk may then question the General Manager and/or other officers present.
10. The General Manager will then be given the opportunity to sum up.
11. The staff member or the representative will then be given the opportunity to sum up.
12. Discussion may follow with the object of achieving agreement to settle the grievance if possible but it may be necessary, having tried for that agreement, for the parties to withdraw so that the Clerk may formulate his decision.
13. If that occurs, the parties shall be recalled and informed of the Clerk's decision on the grievance and such further action as the Clerk may determine on behalf of the Authority.
14. The decision shall be confirmed in writing by letter sent by recorded delivery post or by hand to the residence or workplace of the staff member within five working days of the hearing.

**Note:**

**In those cases where the Authority's Members hear a case, the above procedure shall be followed except those references to the Clerk shall be replaced by reference to the Members and references to General Manager, shall be replaced by reference to the Clerk**