

# Sexual Harassment Policy

APPROVED BY HHP BOARD:  
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hebridean housing  
partnership

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## POLICY STATEMENT

- 1.1 We expect our employees, agency staff, consultants, contractors and volunteers to behave in a professional and appropriate way towards each other and to others connected with HHP. Our expected standard of behaviour is outlined in the Code of Conduct.
- 1.2 Our workplace should be a thriving environment where staff come together as professionals, colleagues and friends. It is and always should be an enjoyable space for everyone but we need to put protections in place so that we all know what behaviours are not acceptable.
- 1.3 All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise.
- 1.4 We will take action to prevent sexual harassment from occurring and have clear reporting procedures for all staff to make a complaint about sexual harassment.

## LEGAL FRAMEWORK

- 2.1 The law requires employers to take reasonable steps to prevent sexual harassment of their workers. There are a number of legal principles contained in the following legal documents that will apply:
  - **The Equality Act 2010 (EqA) as amended**-protects the rights of individuals and advances equality of opportunity for all.
  - **Worker Protection Act 2023**-An amendment to the Equality Act 2010 aims to better protect employees from sexual harassment, prioritising prevention.
  - **Public Interest Disclosure Act 1998**-provides protection to employees who have been victimised at work or they have lost their job due to a disclosure they raised.
  - **Health & Safety at Work Act 1974**-sets out the framework for managing workplace health and safety in the UK.

## DEFINITIONS

### Sexual Harassment

- 3.1 Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- 3.2 It covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.
- 3.3 Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:
  - sexual comments or jokes, which may be referred to as "banter"

- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return 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 in online communications, including on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

### Victimisation

3.4 Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

3.5 The protected acts are:

- making a claim or complaint under the EqA (eg for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the EqA
- making an allegation that someone has breached the EqA
- doing anything else in connection with the EqA

3.6 Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made a sexual harassment complaint
- dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

## CIRCUMSTANCES WHICH ARE COVERED

4.1 This policy covers behaviour which occurs in the following situations:

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, eg a working lunch, a business trip or social functions
- outside of a work situation but involving a colleague or other person connected to the Organisation, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

## WHAT TO DO IF YOU ARE SUBJECT TO SEXUAL HARASSMENT OR VICTIMISATION

5.1 We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available in our Employment Handbook or from your Line Manager.

### Informal Complaint

- 5.2 We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.
- 5.3 If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.
- 5.4 In addition, you may also choose to raise concerns during your regular communication with your manager, eg in a one-to-one meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below. If you don't have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

### Formal Complaint

- 5.5 Where the informal approach fails or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of your Director as a formal written complaint and again your confidential helper can assist you in this.

- 5.6 If possible, you should keep notes of what happened so that the written complaint can include:
- the name of the alleged harasser
  - the nature of the alleged harassment
  - the dates and times when the alleged harassment occurred
  - the names of any witnesses
  - any action already taken by you to stop the alleged harassment
- 5.7 On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.
- 5.8 The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.
- 5.9 On conclusion of the investigation, which will normally be within 10 working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.
- 5.10 You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the Chief Executive within five working days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, HHP will be represented by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting).
- 5.11 Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will be confirmed in writing.
- 5.12 Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.
- 5.13 You will not be victimised for having brought a complaint.

## WHAT TO DO IF YOU WITNESS SEXUAL HARASSMENT OR VICTIMISATION

- 6.1 If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.
- 6.2 If reporting the incident, you should bring the matter to the attention of your Director or Line Manager in writing. Alternatively, you can report instances of sexual harassment by emailing [hr@hebrideanhousing.co.uk](mailto:hr@hebrideanhousing.co.uk)
- 6.3 Your concerns will be handled by your Line Manager or Director who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

## THIRD PARTY SEXUAL HARASSMENT

- 7.1 Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, friends and family of colleagues, delegates at a conference and audiences.
- 7.2 Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.
- 7.3 The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.
- 7.4 In order to prevent third-party sexual harassment from occurring, we will:
  - attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our staff is not acceptable
  - inform third parties (ie suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation
- 7.5 If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to your Line Manager.
- 7.6 Should a customer sexually harass a member of our workforce, we will follow the steps in our Engagement Policy but in the first instance warn the client or customer about their behaviour. Any criminal acts will be reported to the police.

- 7.7 We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

## DISCIPLINARY ACTION

- 8.1 If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.
- 8.2 When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.
- 8.3 If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

## TRAINING

- 9.1 We provide training to all our staff on sexual harassment to ensure there is a clear understanding of:
- what sexual harassment is, how it may occur and that it will not be tolerated
  - expected levels of behaviour
  - how they can report any incidents of having been sexually harassed or having witnessed it
  - how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.
- 9.2 We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.
- 9.3 We will regularly review the effectiveness of our training and provide refresher training as appropriate.

## GENERAL DATA PROTECTION REGULATIONS

- 10.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own *[Insert name of policy or procedure]*. Information regarding how your data will be used and the basis for processing your data is provided in HHP's employee privacy notice.

## REVIEW OF POLICY

- 11.1 Responsibility for review and monitoring the application of this policy will rest with Chief Executive.
- 11.2 The policy will be reviewed every three years and if necessary, in line with legislative updates.

## INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

| WORD                                                                                                          | INTERPRETATION                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>HHP or Partnership</i>                                                                                     | Hebridean Housing Partnership                                                                                                                                                        |
| <i>Board</i>                                                                                                  | Means the Board of the Hebridean Housing Partnership                                                                                                                                 |
| <i>Board Members</i>                                                                                          | All Members of the Board including Co-opted Members and Area Committee Members                                                                                                       |
| <i>Consultants</i>                                                                                            |                                                                                                                                                                                      |
| <i>Employees</i>                                                                                              |                                                                                                                                                                                      |
| <i>Agency staff</i>                                                                                           |                                                                                                                                                                                      |
| <i>Mediation</i>                                                                                              | A voluntary confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator. |
| All references to the masculine gender in this policy shall read as equally applicable to the feminine gender |                                                                                                                                                                                      |

If there is a conflict between this Policy and any statutory provision or regulation, the latter shall prevail.



HHP is a registered society under the Co-operative and Community Benefit Societies Act 2014, Registered Number: 2644R(S), Registered Office: Creed Court, Gleann Seileach Business Park, Willowglen Road, Stornoway, Isle of Lewis HS1 2QP. It is a charity registered in Scotland, Charity Number: SC035767, registered as Registered Social Landlord with the Scottish Housing Regulator, Registration Number: 359 and registered as a Property Factor, Registration Number PF000183

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