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Sexual Harassment Policy

Overview and Scope of this policy

ABHI is committed to providing an inclusive and supportive working environment for everyone who works here. This includes a zero-tolerance approach to sexual harassment. Sexual harassment takes many forms and can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity but whatever form it takes it is unlawful under the Equality Act 2010.

Instances of sexual harassment or victimisation may lead to disciplinary action up to, and including, termination of employment.

This policy applies to all persons working for, with or on behalf of ABHI, in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, suppliers, customers, stakeholders, officials, distributors third-party representatives and business partners, sponsors, or any other person associated with us, wherever located. This policy does not form part of any employee's contract of employment and may be amended at any time.

In this policy, **third party** means any individual or organisation you come into contact with during the course of your work with us or for us who does not work for us, this could include actual and potential clients, customers, suppliers, distributors, business contacts, self-employed contractors, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties. Also members of the public, friends and family of colleagues.

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness.

About this policy

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

- educating all employees about sexual harassment and their role in developing a culture free from harassment;
- fostering a working 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

What is Sexual Harassment and what are the definitions and examples

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. It also 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.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It can occur in person or via digital means, including social media sites or channels (e.g. WhatsApp).

Conduct 'of a sexual nature' include a wide range of behaviours 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 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.

The protected acts are:

- making a claim or complaint under the Equality Act 2010 (eg for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- making an allegation that someone has breached the Equality Act 2010
- doing anything else in connection with the Equality Act 2010

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.

The Preventative Duty

The Worker Protection (Amendment of Equality Act 2010) Act introduced a legal duty on employers to take reasonable steps to prevent sexual harassment of their workers. This covers sexual harassment by other people at work or by third parties.

All employees are expected to promote a positive and inclusive workplace culture where sexual harassment is not tolerated and where complaints are dealt with promptly, efficiently and sensitively.

Our managers will maintain an open-door policy and we encourage all employees to come forward with any concerns in relation to sexual harassment.

ABHI will conduct regular risk assessments to anticipate scenarios where employees may be subject to sexual harassment, identify any risk factors and put preventive measures in place.

Risk factors include, but are not limited to:

- meeting workers, contractors, clients, customers alone
- an environment where people are drinking alcohol
- work-related social events, business lunches
- work events either in the UK or overseas such as Conferences, Events or Exhibitions or other business trips and meetings
- social media contact between employees
- power imbalances between employees
- travelling for work, including overnight stays
- 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.

Examples of preventative measures include, but are not limited to:

- making it clear that sexual harassment will not be tolerated
- encouraging employees to report any incidents of sexual harassment
- encouraging employees to report situations where they felt at risk, even if nothing happened
- setting standards of behaviour for work social events
- Continual learning and improvement through staff surveys, exit interviews and 121's, induction training

Reporting and making a complaint

All employees are encouraged to formally report cases of sexual harassment whether they are the recipient of the behaviour or are witness to it as soon as reasonably practicable.

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 procedure.

Informal complaint

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 either with HR or with a senior manager 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.

Formal complaint

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

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.

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.

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.

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.

Appeals

You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the HR team within five working days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, ABHI will be represented by a more senior manager than the manager who attended the first meeting (unless the most senior manager attended that meeting).

Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will be confirmed in writing.

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. You will not be victimised for having brought a complaint.

Third Party Sexual Harassment

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.

In order to prevent third-party sexual harassment from occurring, we will:

- inform third parties of our zero-tolerance sexual harassment policy within our commercial terms or supplier documentation
- undertake risk assessment so that as far as possible we will put preventive measures in place

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to HR or with a senior manager of your choice (whether or not that person has a direct supervisory responsibility for you).

Should a third party sexually harass a member of our workforce, we will warn the third party (wherever we are able to) about their behaviour. Any criminal acts will be reported to the police.

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

In the case of one of our employees including you commits an act of sexual harassment, 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.

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.

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 and Support

Training

We provide training to all our employees 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.

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.

We will regularly review the effectiveness of our training. We provide refresher training as appropriate.

Support and Advice for Employees

We would like to remind you that further support is available through our HR Department or through our Employees assistance programmes provided for through your staff benefits.