ZERO TOLERANCE TO SEXUAL HARASSMENT

MODEL SEXUAL HARASSMENT POLICY FOR EMPLOYERS AND UNION REPS

JN0997

unite the UNION

UNITE: FIGHTING FOR JOBS ▪ PAY ▪ CONDITIONS

UNITETHEUNION.ORG

@unitetheunion @unitetheunion1 unitetheunion.org

Model standalone sexual harassment policy

Explanatory note

This is a sample sexual harassment policy intended for use in your workplace.

It includes all the components which make a sexual harassment policy comprehensive. It is not intended to be a collection of clauses which employers can pick and choose. Instead, any effective policy must include most, if not all the content of this sample policy.

Organisations can of course modify certain clauses to meet specific conditions within their organisations. For example, you may wish to adapt the policy for your organisation to take account of the specific context of your workplace and any risks such as the scenario-based examples which can be adapted to align more closely with your workplace.

An effective policy should include robust provisions on the employer's intent and culture, definitions of sexual harassment and victimisation, the steps you will take to prevent sexual harassment as well as safe reporting routes and how reports will be responded to. The policy should also be clear about who is expected to comply with it. You should include employees, casual workers and agency workers, freelancers, and third-parties.

All workplace policies should be developed in consultation with a recognised trade union.

[The employer] sexual harassment policy

[Date of publication]

[Version number of policy]

[The employer] believes that sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals, on the workplace and for the organisation. Sexual harassment is unethical, unprofessional and undermines [the employer's] organisational values and aims of [insert key aims and values]. For these reasons, [the employer] takes a zero-tolerance approach to sexual harassment.

[The employer] is committed to promoting an environment free from all forms of sexual harassment and recognise that it is responsible for protecting all workers from sexual harassment.

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

[The employer] recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Any instances of sexual harassment, including those carried out by clients, customers, casual workers, contractors or visitors, as well as employees of [employer] will be dealt with in accordance with this internal policy.

This policy covers full-time and part-time workers, night staff and those working atypical hours, consultants as well as freelance, temporary or agency contract workers. Sexual harassment can occur in a work situation, during any situation related to work such as at a social event, outside of the workplace such as a site visit or visiting a client's home or place of work, and on social media or any online communication such as emails, video conference calls, phone calls or instant messaging platforms.

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 someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them whether the perpetrator intended this or not.

1.1.1 In Northern Ireland, the relevant legislation is the Sex Discrimination (Northern Ireland) Order 1976 As Amended. Together, these are referred to in this policy as 'equality law'.

1.1.2 Sexual harassment can still be unlawful even if a person may not have intended their conduct to be offensive.

1.1.3 Unwanted conduct of a sexual nature covers a range of 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.

1.1.4 The conduct does not need to be sexually motivated, only sexual in nature.

1.1.5 It is not necessary for someone to object first before conduct can be described as unwanted.

1.1.6 The conduct does not need to be a 'pattern of behaviour' under employment case law (although there is separate criminal legislation, the Protection from

Harassment Act 1997 which does require a "course of conduct"). A series of incidents which taken separately may seem trivial, can together constitute sexual harassment. Equally, one isolated incident can be sexual harassment.

For example,

> A woman attends a job interview, and the interviewer tells her that he is happy to see she has increased her chances of getting the job by showing off her attractive legs. This violates her dignity and creates an offensive environment for her, constituting sexual harassment.

1.1.7 The conduct does not have to be specifically targeted at an individual to amount to sexual harassment. Sexual harassment is not always obvious, repeated or continuous, it can be a one-off incident.

For example,

> An LGBT+ worker may work in an office where people display pornography or make sexual comments about LGBT+ people. This causes an intimidating or hostile working environment for the LGBT+ worker even though no one has made comments about the worker directly or behaved in a sexual way towards them.

1.1.8 Conduct that is directed at one person may constitute sexual harassment of another person because of the environment it creates.

1.1.9 Some forms of sexual harassment are also criminal offences, for example behaviour that would be called exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether someone also reports them to police.

1.1.10 It is also unlawful to treat a worker worse because of sexual harassment that happened to them.

For example:

> A supervisor stops a woman in his team from being promoted, because she had told the supervisor's best friend to stop asking her out and that she wasn't interested in a relationship

1.2 **Victimisation** is also unlawful under the Equality Act 2010. It is defined as treating a worker 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. Treating a worker badly can include, but is not limited to:

- dismissing a worker
- denying a worker a promotion or development opportunity
- denying a worker shift hours or blacklisting a contractor.
- excluding a worker from tasks, projects, meetings or day to day work
- telling other companies to not hire someone due to their reporting of sexual harassment.

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

For example,

A line manager hears a rumour that one of his team may raise a formal grievance of sexual harassment against a colleague who frequently touches her without permission. As the worker is employed on a temporary contract, the manager does not renew the contract to avoid dealing with the grievance. The worker, in fact, had no intention of raising a grievance. Nevertheless, the manager has subjected her to a detriment because he believed that she would, and as such her dismissal is an act of victimisation.

1.2.2 A worker must not be subjected to a detriment because they have raised a concern, made a complaint, supported another person, participated in an investigation or otherwise exercised a legal right in relation to sexual harassment. Protection may also arise under whistleblowing legislation where the relevant statutory conditions are met.

In the context of these definitions [the employer] recognises that:

1.3.1 Anyone can experience sexual harassment and an individual can experience sexual harassment from someone of the same sex or a different sex.

1.3.2 Sexism at work often goes hand in hand with sexual harassment. Where there has been harassment related to sex, but the harassment is not sexual in nature, action should be taken under the Bullying and Harassment policy and the relevant disciplinary/grievance procedures which also cover harassment related to other protected characteristics. This policy concerns itself only with behaviour that constitutes sexual harassment, that is behaviour that is 'sexual in nature'.

For example:

A manager deliberately allocates specific low-status tasks to the two female members of his staff team, even though they have the same job description as the men in the team. This is harassment related to the protected characteristic of sex under the Equality Act 2010. It would be covered by the bullying and harassment policy and procedures, not the sexual harassment policy.

1.3.3 Sexual harassment can *at the same time* be harassment related to a protected characteristic in which case it is covered under this policy. Some forms of sexual harassment are specifically related to a person's combination of characteristics, such as many experiences of racialised sexual harassment directed at Black and Ethnic Minority (BAEM) women workers.

For example:

A worker who identifies as a trans woman is asked frequent and inappropriate questions about her sex life and sexual acts in the context of her gender reassignment surgery by her colleagues. This is sexual harassment as they are asking intrusive questions about a person's sex life and it is also harassment related to the protected characteristic of gender reassignment under the Equality Act 2010.

1.3.4 This policy focuses explicitly on sexual harassment and victimisation. An individual can be sexually harassed and also experience unlawful harassment related to one or more of the protected characteristics in the Equality Act 2010, which are:

- Sex: both men and women are protected under the Act.
- Race: for the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
- Disability: under the Act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.
- Sexual orientation: the Act protects bisexual, gay, heterosexual and lesbian people.
- Age: the Act protects people of all ages.
- Religion or belief: the Act covers all religion and also includes lack of religion. Belief means any religious or philosophical belief or a lack of such belief.

- Gender reassignment: the Act provides protection for trans people. The legal protection in the Equality Act covers anyone who "intends to undergo, is undergoing or has undergone gender reassignment", including people preparing for medical treatment. It is important to remember that gender reassignment means "a personal process" of moving away from one's sex at birth to the preferred gender. It is not to do with undergoing a surgical process, which many trans people choose not to undertake, nor does it require a person to have received medical treatment, including hormone treatment.
- Marriage and civil partnership: the Act protects employees who are married or in civil partnership. Single people are not protected.
- Pregnancy and maternity: the Act protects a woman on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

1.3.3 These forms of unlawful harassment and victimisation are dealt with in [insert link to bullying and harassment policy]

1.3.4 Sexual harassment and victimisation can happen in a work situation, during any situation related to work such as at a social event or site visit, and on social media or any online communication.

For example:

A male worker alters a pornographic image by pasting an image of his male colleague's face on to it. He then sends it to their other colleagues on their personal email addresses, causing them to ridicule him. This still constitutes sexual harassment even though the emails were sent on personal email addresses.

1.3.5 Sexual harassment and other forms of unlawful harassment can be perpetrated by other workers and by third parties.

A third party means a person other than [the employer] or an employee of [the employer] who interacts with a worker in the course of their employment. This may include customers, clients, service users, patients, contractors, consultants, suppliers, visitors, people attending conferences or events and members of the public.

In Great Britain, from 30th October 2026, [the employer] must not permit a third party to harass an employee in the course of their employment where [the employer] has failed to take all reasonable steps to prevent the third party from doing so.

[The employer] therefore takes third-party harassment seriously and will take proactive and proportionate measures to prevent and respond to it. These measures may include risk assessment, training, contractual or other requirements imposed on third parties, restrictions on access, removal or banning of individuals, changes to working arrangements, reporting to another organisation or the police where appropriate, and other measures reasonably available to [the employer].

In Northern Ireland, the legal framework governing third-party harassment is different. [The employer] will nevertheless take appropriate preventative and protective action in response to third-party harassment and will comply with the applicable Northern Ireland legislation.

The Employment Rights Act 2025 inserts the new GB duty into s.40 of the Equality Act 2010, covering harassment related to protected characteristics as well as sexual harassment.

1.3.6 Sexual harassment is a manifestation of power relationships including imbalances based on gender in the workplace and in everyday life. While women are most often the targets and men are most often the perpetrators, this is not always the case. Sexual harassment often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. These power imbalances will be taken into account when deciding what disciplinary action is taken.

1.3.7 The act does not have to be directed at someone for them to experience sexual harassment.

1.3.9 Sexual interaction that is genuinely invited, mutual or consensual is not sexual harassment because it is not unwanted. However, consent can be withdrawn and sexual conduct that was previously welcomed can subsequently become unwanted. A person's previous relationship, behaviour, clothing, sexual orientation, gender identity or previous consent does not by itself amount to consent to subsequent sexual conduct.

For example

A female worker has a brief sexual relationship with her supervisor. The worker tells her supervisor that she thinks it was a mistake and doesn't want the relationship to continue. The next day, at a work-related social event, the supervisor grabs the worker's bottom, saying 'Come on, stop playing hard to get'. Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature and is sexual harassment.

2. How can sexual harassment be prevented?

[The employer] recognises that it has a legal duty to take proactive steps to prevent sexual harassment.

In Great Britain, from 30th October 2026, section 40A of the Equality Act 2010 requires employers to take **all reasonable steps** to prevent sexual harassment of employees in the course of their employment.

[The employer] will therefore adopt a proactive, risk-based approach to prevention. This means identifying risks, taking the reasonable preventative measures applicable to the organisation, monitoring whether those measures are effective and taking further action where necessary.

The steps required will depend on the circumstances of the organisation, including its size, structure, sector, working arrangements, workforce and the nature of the risks identified.

[The employer] will also comply with the separate legal rules concerning employer liability for harassment committed by employees and, from 30 October 2026 in Great Britain, harassment by third parties.

In Northern Ireland, [the employer] will comply with the applicable Northern Ireland equality legislation and will adopt equivalent preventative standards wherever appropriate.

2.1 Training for all workers, including those at board level, on prevention, culture and reporting procedures in relation to sexual harassment. All members of staff should know what to do if they experience sexual harassment and how to handle complaints of harassment, including formal and informal reporting routes and how to intervene if they experience or witness sexual harassment. Training will be tailored to the workplace environment and audience, intersectional, from a trauma-informed perspective and repeated at interim periods.

All line managers will be trained in implementing this policy and how to respond sensitively to any reports of sexual harassment. This competency will be reviewed as part of the annual performance review.

2.2 Good management practice including inclusive, competent people management.

2.3 Annual anonymous surveys to find out about experiences of sexual harassment, explore workplace culture and environment, identify worker needs, gaps in response and how to address them.

2.4 Undertaking risk assessments for sexual harassment as with any health and safety issue. Assessments identify the risks and the control measures necessary to minimise them. Factors may include, for example, power imbalances, job insecurity, lone working, the presence of alcohol, public-facing roles, lack of diversity in the workforce and workers being placed on secondment or at events.

2.5 Ensuring workers have access to appropriate resources and a safe confidential space for discussions, this should be both physical and digital, dependant on whether workers are based on-site or work remotely.

2.6 Ensuring a zero-tolerance attitude to sexual harassment is clearly communicated to all workers and any third parties, in internal as well as external facing communications for example:

2.7 Amongst staff

2.7.1 in all worker inductions and employment contracts.

2.7.2 through regular mandatory anti-sexual harassment training for all workers.

2.7.3 communicating what steps will be taken to remedy a report of sexual harassment and prevent it happening again. For example, warning a colleague about their behaviour, banning a worker from attending events, reporting any criminal acts to the police, or sharing information with other branches of the business. These steps will be communicated in internal and external facing communications.

2.7.4 Sexual harassment may be mentioned in references for dismissed or voluntarily severed workers, who have been subject to complaint and left before resolution or who have been found to have engaged in sexual harassment. [the employer] considers it a proportionate measure of legitimate interest under GDPR to retain information about formal and informal complaints of sexual harassment and to communicate the findings where a report of sexual harassment has been upheld or where a worker left while an investigation was in process. Personal data in reports aimed at reducing bullying and harassment in places of work and study are of legitimate interest under GDPR. For special category data, this can be justified under “reasons of substantial public interest” which includes “equality of treatment, “preventing and detecting unlawful acts” and “safeguarding”.

2.8 - Amongst third parties

In Great Britain, from 30th October 2026, [the employer] must not permit a third party to harass an employee in the course of their employment where [the employer] has failed to take all reasonable steps to prevent the harassment.

2.8.1 [The employer] will identify the third parties with whom workers interact and assess the risks of sexual harassment and other relevant harassment arising from those interactions.

2.8.2 Depending on the risks identified, preventative measures may include:

- informing third parties of [the employer]'s standards of behaviour;
- including appropriate requirements in customer, client, supplier and contractor terms and contracts;
- displaying appropriate notices or communications;
- providing workers with training in responding to and reporting third-party harassment;
- providing appropriate security, staffing or safety measures;
- providing safe areas or means of obtaining assistance;
- restricting or terminating contact between a third party and a worker;
- removing or banning individuals from premises or events;
- reviewing contractual relationships;
- reporting criminal conduct to the police where appropriate; and
- monitoring and recording incidents and actions taken.

2.8.3 Workers will not be expected to tolerate sexual harassment or other unlawful harassment from a customer, client, service user, contractor, supplier, visitor or member of the public as an unavoidable part of their work.

2.8.4 Workers should report third-party harassment or concerns about third-party risks through the reporting routes set out in this policy.

2.8.5 [The employer] will review third-party incidents to determine whether additional preventative measures are required, including measures that may protect workers who have not themselves made a report.

2.8.6 In Northern Ireland, [the employer] will apply the relevant Northern Ireland legal framework and will take appropriate preventative and protective action in relation to third-party harassment.

This reflects the new statutory provision much more accurately. The new GB legislation defines a third party as someone other than the employer or its employee and applies where harassment occurs in the course of employment and the employer failed to take all reasonable steps to prevent it.

In Great Britain, [the employer] will comply with the statutory duty to take **all reasonable steps** to prevent sexual harassment and with the statutory provisions concerning harassment by third parties.

[The employer] will:

- identify and assess risks of sexual harassment;
- implement all reasonable preventative measures identified as necessary;
- provide appropriate training and information;
- provide accessible and safe reporting routes;
- ensure reports are handled promptly, fairly, sensitively and appropriately;
- monitor incidents, reports and workplace culture;
- review whether preventative measures are effective;
- take action to address systemic or recurring risks;
- take appropriate action where third parties present a harassment risk; and
- maintain appropriate records demonstrating the preventative measures taken.

In Northern Ireland, [the employer] will comply with the applicable Northern Ireland legislation and procedures and will apply the preventative standards in this policy insofar as they are consistent with those legal requirements.

3. Roles and responsibilities

3.1 Duties of employers

Employers have a legal duty to provide a safe working environment and ensure swift and effective action in recording and responding to a report of sexual harassment. Failure to do so can result in legal liability for any sexual harassment that occurs.

3.1.1. Ensure workers have access to confidential support and advice services during work hours and outside of them. This includes ensuring there are designated members of staff responsible for receiving reports of sexual harassment. This person could be another supervisor, a member of the human resources department, a different line manager.

3.1.2 Establish effective recording and reporting mechanisms, there should be formal and informal reporting routes.

3.1.3 Ensure those who are approached with a report of sexual harassment know how to respond and record information. When a designated person receives a report of sexual harassment, they will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome they want
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if they are not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

3.1.4 Throughout the complaints procedure, a victim is entitled to be supported by a member of staff who has received enhanced training in responding to sexual harassment. This role is distinct and separate to the practical support offered by a trade union representative, although it could be a trade union representative has received this training and is the nominated individual in the workplace. [the employer] will offer specialist training to staff who wish to volunteer to assist victims of sexual harassment. [the employer] recognises that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. [company name] understands the need to support victims in making complaints.

3.2 Duties of managers and supervisors

All managers and supervisors have responsibility for:

- creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are robustly challenged and tackled;
- treating informal and formal complaints seriously, with sensitivity to the feelings, perceptions and need for confidentiality of the individual raising the report;
- treating their workers fairly and taking prompt action where they are aware of unacceptable behaviour; and
- ensuring that staff who report sexual harassment, or support others to do so, are not treated less favourably than others because of this (victimisation)
- assessing and managing risk arising from disclosures, reports and disciplinary processes
- deal swiftly and explicitly with third party perpetrators with the view to banning individuals from premises, withdrawing membership or ending contracts
- ensuring this policy is followed through at all times
- ensuring that they and their team participate in regular sexual harassment training
- being an exemplar of acceptable behaviour and being aware that they are in positions of power as well as leadership.

3.3 Duties of individuals

All workers have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All workers should:

- ensure they understand this policy and act in accordance with it, particularly if they are an alleged perpetrator of unacceptable behaviour;
- fully cooperate with any investigation and take seriously requests to cease or amend behaviour;
- not participate in, encourage or condone sexual harassment or victimisation of others;
- 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;
- treat all workers and those they encounter through work with dignity and respect
- think about their own behaviour and whether it might amount to sexual harassment and change their behaviour.

4. Procedure for receiving and responding to complaints of sexual harassment

[The employer] commits to dealing with cases of sexual harassment promptly, efficiently and sensitively when they become aware of them. You do not have to be the recipient or target of sexual harassment to make a report about it. If you see it happening or become aware of a problem, you have the right to challenge it and to make a report to a line manager or trade union rep.

This policy includes an informal as well as formal process for dealing with reports of sexual harassment.

Where surveys have identified certain departments or areas of work where sexual harassment is present, [the employer] may introduce targeted learning and development or other interventions as deemed necessary.

The word “reporter” is used to describe a person who has decided to share their experience of sexual harassment, whether informally or formally in the form of a complaint. At the [Insert employer] we do not refer to people who make reports of sexual harassment as “complainers” or “complainants” because we welcome their reports and we reject the all too common characterisation of reporters as “trouble-makers". When people decide to report sexual harassment they normally do so out of a sense of wanting to make the workplace better for themselves and for others.

The phrase “alleged harasser” is used to describe any person who the reporter is saying was responsible for the harassment. The alleged harasser cannot be described as a “harasser” until after there has been a formal disciplinary decision. Using the word “alleged” does not imply that the reporter has made up an accusation. The [Insert employer] 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 because of biases and myths in our society, or that they will be punished if an investigation does not conclude there was sufficient evidence to make a finding. The [insert employer] will always assume that reports have been made in good faith unless there is evidence to the contrary. Any investigation will always examine the evidence from the case.

4.1 Informal process

4.1.1 If a reporter feels confident and able to do so, they can raise their experience directly with the harasser. The reporter can explain directly to the harasser 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.

4.1.2 [the employer] recognises that sexual harassment may occur in unequal relationships (i.e. between a line manager and their employee) and that it may not be possible for the victim to inform the alleged harasser. If the reporter feels unable to approach the harasser, they can ask a third party, either their trade union rep, line manager or [name of designated person/s that have received enhanced training in responding to reports of sexual harassment] to support them. This third party will be fully engaged in resolving the issue and equipped to provide them with guidance in how to do so.

The third party will take one or more of the following actions:

- listen to reporter
- provide the reporter with advice on how to approach the issue directly with the alleged harasser
- accompany them when speaking to the alleged harasser
- help the reporter set out their thoughts in writing
- raise the matter informally with the alleged harasser on the reporter’s behalf
- help to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources either internally such as from human resources or externally from sources such as your trade union
- help to obtain advice on or assistance in dealing with issues relating to particular protected characteristics. For example, from a charity with expertise relating to a particular disability, or your trade union
- help to obtain counselling or support for the reporter
  assure the reporter that they do not have to raise a formal complaint, unless they want to, and they will be led by their choices.
- In some, limited circumstances mediation could be considered. This should only be arranged at the request of the reporter. Mediation can normally only be suitable where there is an admission of wrongdoing on the part of the alleged harasser whether or not they intended harm. It is not suitable where serious or systematic harassment or violence is being alleged, nor where there is an imbalance of power or where reporters fear reprisals or for their safety. It should be convened by an external mediator trained on sexual harassment, between the complainant and alleged harasser. Both parties must enter into mediation voluntarily.

4.1.3 If the reporter feels able to, they can also approach the line manager of the alleged harasser. This is something a third party can also support individuals with.

4.1.4 If you have experienced sexual harassment it is also advised you tell a friend or someone you trust so you are not trying to cope with it alone and keep a diary of incidences. This will give a helpful record of the nature of the sexual harassment and when it occurred. It will be important if you choose to report the sexual harassment to establish a pattern over a period of time.

4.2 Formal process

If a reporter 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 stipulated here.

4.2.1 A reporter or reporters who wish to make a formal complaint can ask a representative from their trade union, line manager or any manager who has received management training in responding to reports of sexual harassment, to help with this formal disciplinary and grievance process. It is advised to approach a third party who is more senior than the alleged harasser, if they feel comfortable doing this.

4.2.2 It is not the role of the third party to try to encourage, or discourage, a person from making a formal complaint. To do so could in itself constitute a disciplinary offence. Instead, that person should listen to the reporter and help them through the process.

4.2.3 A formal complaint can be made to any manager in [Insert employer] who is senior to the harasser or, if this is not possible, to a manager who is equally senior, i.e. a member of the [Senior Management Team for example].

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter themselves, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy [Choose what options are most appropriate for your organisation]

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements for the harasser, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, they may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 28 days of the complaint being made

- all complaints will be investigated in a confidential manner at all times. Breaches of confidentiality by those investigating a complaint could lead to disciplinary action being taken against those responsible. Reporters are within their right to talk to a trusted colleague, rep, friend or family member as set out in section 4.1.3 and 4.1.4 and 4.2.1

The investigation procedure will be sensitive to sexual harassment as an issue, engaging independent investigators who are trained in understanding the dynamics of sexual violence and harassment, to conduct the investigation. Sexual harassment investigations will not be conducted by people without specialist training.

4.2.4 The reporter may prefer to talk to an investigator of the same sex in some sensitive cases and this preference should be respected.

4.2.6 No other parties should interfere improperly with this process for managing reports of sexual harassment at any stage.

4.2.7 There is no time limit from the date of the incident within which complaints must be made. Clear timeframes will be set and communicated to the reporter for each stage of the formal process.

4.2.8 Every act of sexual harassment – whether it might be characterised as "banter" or otherwise trivialised – contributes to a culture that supports and encourages the full range of sexually harassing behaviours. The most major and serious instances of sexual harassment are more likely to occur when perpetrators observe a generally accepting climate for sexism and micro-aggressions that go unreported or attract no sanctions.

4.2.9 After investigating the report, management may decide to take disciplinary action against the alleged harasser. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions *(below is an example but employers working with trade unions will want to outline sanctions that are relevant and appropriate for their organisation*):

Employee
• written warning • final written warning • adverse performance evaluation • reduction in wages • transfer • temporary or permanent exclusion from certain events, locations and activities • behaviour agreement

- apology to those affected
- compulsory training
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

[the employer] recognises that it is the right of reporters to be informed of the outcomes and sanctions in disciplinary cases where they were the victim.

4.2.10 The line manager of the harasser and the reporter as relevant will ensure that the recommended disciplinary and or remedial action is carried out. Any failure by a line manager to ensure that this is completed in a timely manner is in itself likely to constitute misconduct.

4.2.11 A complainant can ask a third party, stipulated above, to help with the formal process. It is advised reporters approach a third party who is more senior than the harasser if you feel comfortable doing this.

4.2.12 Wherever possible, [the employer] will try to ensure the reporter and the alleged harasser are not required to work together while the report is under investigation. Any perception that a reporter is being punished, or victimised, by being moved or otherwise inconvenienced during the investigation, should be guarded against. In a serious case, the person against whom the report has been made 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.

4.2.13 If a harasser is going to continue or return to a working relationship with the reporter or victim, their line managers or other managers as appropriate are responsible for taking steps to improve working relationships and supporting their employees whatever the outcome.

4.2.14 Both the reporter and the alleged harasser have a statutory right to be accompanied to a formal grievance hearing by a colleague or trade union representative. They also have the right to be accompanied by a colleague or trade union representative to any meeting relating to the complaint.

4.2.15 There could, very rarely, be circumstances where certain information may need to be shared with other people (such as police or another employer)

because of a duty of care or safeguarding responsibilities, as a result of concerns identified whether in an informal or formal process. In these cases, permission will be sought and, if not granted, the risk of potential harm to the reporter and any others will be carefully considered. The wishes of reporting parties are respected and prioritised as a key principle and only minimal information would be shared if absolutely necessary, after careful discussion.

4.2.16 A finding that an employee has been sexually harassed by a third party (someone who is not an employee) should lead to the [inset employer] to take action to reduce or eliminate the harasser's opportunity to interact with the victim and or other employees or workers, such as by banning them from activities or premises and enforcing the ban. This action would include a formal notification being made to that person and kept on record. It may be necessary and or proportionate (a legitimate purpose / substantial public interest) to inform the harasser's own employer and or Trade Union of the outcome of the investigation, to assist them with their own duty of care to others. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

4.3 Legal action

4.3.1 If an act of sexual harassment may also amount to a criminal offence, [the employer] will discuss with the reporter, where appropriate, whether they wish to report the matter to the police and will provide reasonable support in doing so. [The employer] will take account of the reporter's wishes, subject to any legal, safeguarding or other overriding obligations.

4.3.2 A worker may have legal rights outside the organisation, including the right to bring a claim before an employment tribunal or, where appropriate, another court or tribunal.

4.3.3 In Great Britain, for most relevant employment tribunal claims, the statutory time limit increases from three months to six months from **1th October 2026**, subject to the particular claim and applicable early conciliation provisions. A worker should obtain advice as soon as possible and should not assume that the internal procedure extends a statutory time limit.

4.3.4 In Northern Ireland, different tribunal arrangements and time limits apply. As a general rule, employment-related discrimination claims must be brought within three months, subject to the applicable statutory provisions and any extension available through the relevant conciliation process.

4.3.5 Workers should seek independent legal or trade union advice about any applicable time limit. Nothing in this policy is intended to extend, reduce or otherwise alter a statutory limitation period.

4.4 Whistleblowing

From 6th April 2026, in Great Britain, a disclosure that sexual harassment has occurred, is occurring or is likely to occur may qualify for protection under whistleblowing legislation where the statutory requirements for a protected disclosure are met.

A worker who makes a qualifying disclosure may have protection from detriment and, where applicable, dismissal. A worker does not need to use the word "whistleblowing" or identify the disclosure as a protected disclosure for the legislation to apply. Concerns that may amount to whistleblowing should be handled in accordance with [the employer]'s Whistleblowing Policy as well as this policy where appropriate. Nothing in this policy prevents a worker from making a protected disclosure where the statutory requirements are met.

4.5 Appeals

Employers will want to consider what their appeals policy will be as part of this model policy.

Both the reporter and the alleged harasser may appeal an outcome, on limited grounds:

4.4.1 Whether the correct procedure was followed
4.4.2 Whether there is substantial new evidence
4.4.3 Whether the outcome was wrong or unfair.

Employers should consider:

- Length of time permitted after notification of any outcome for an appeal to be made.
- How an appeal will be made and to whom.
- Any request for appeal must state who it is from, that it is a request for an appeal and the reason for the request.
- A specially trained investigator must be appointed to review the case and decide whether there are grounds for appeal.
- If there are grounds, then to make a decision undertaking any additional investigation only if that is necessary and communicating the findings and changes or additions to recommended sanctions and or remedies. The decision of the person hearing the appeal is final.

5. Support for staff who have experienced sexual harassment

5.1 [The employer] commits to making sure that reasonable adjustments are made for the reporter, in terms of an individual risk and needs assessment that might include time off work for counselling or to take legal advice, for example.

If you have experienced sexual harassment at work, you can contact the following organisations for free and confidential support and advice:

- Your trade union
- ACAS www.acas.org.uk
- Citizens Advice Bureaux
- Equality and Human Rights Commission (EHRC)

6. Sharing this policy

[The employer] will ensure that this policy is effectively communicated to all workers by:

- Publishing this policy in an easily accessible location, that can be accessed by all workers at all times without having to ask another member of staff for the policy
- Making reference to the policy in the contract of employment, or when an agency worker or self-employed contractor is engaged.
- Verbally communicating the policy during the worker induction process and where it can be found
- Sharing the policy with other organisations that supply workers and services to ensure they understand the expectation of them
- Ensuring any update to this policy is communicated to all workers.

[The employer] commits to reviewing the policy on annual basis to monitor its effectiveness for example through:

- centralised records that record complaints in a level of detail that allows trends to be analysed
- climate surveys which ask all workers questions on an anonymised basis to obtain as accurate a picture of harassment that is happening in the workplace as possible
- feedback through conversations with workers on an open-door policy, exit interviews and 1-2-1s

Any changes to the policy will be developed with the recognised trade union/s.

This policy cross-refers to and has implications for [the employer]'s:

- Bullying and harassment policy
- Domestic abuse policy
- Grievance policy
- Appropriate use of IT policy
- Induction policy
- Dress code policy

Every effort has been made to ensure these policies are aligned. In all matters relating to sexual harassment, this sexual harassment policy, takes preference.

Explanatory note: It is important to check your other policies and ensure they are complimentary. Please check your grievance policy and ensure it stands up to scrutiny from a gender-based violence and harassment lens. For example, that a decision will not be unilaterally made on making a report to the police and that in cases of sexual harassment, investigations will be conducted by someone trained to understand the dynamics of sexual violence and harassment.



JN0997

unite the UNION

UNITE: FIGHTING FOR JOBS ▪ PAY ▪ CONDITIONS

UNITETHEUNION.ORG

@unitetheunion @unitetheunion1 unitetheunion.org