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Anti-sexual harassment policy

# Policy at a glance

* Genomics England has a zero tolerance approach to proven cases of sexual harassment.
* The policy applies to externally attended events as well as the day to day workplace.
* Reporting potential acts of sexual harassment may be done in several ways.
* All members of the Genomics England community have a responsibility to ensure that they understand and respect this policy, and do not undertake any act that may constitute a breach of this policy.

1. Policy statement

Genomics England is committed to providing and maintaining a positive work environment that is free from all forms of harassment. We firmly believe that every employee deserves to be treated with respect and dignity at all times. This policy outlines our zero-tolerance approach to any and all forms of sexual harassment and provides guidelines for prevention, reporting, and addressing such incidents.

The intention of the policy is to protect everyone (including academic visitors and visiting researchers, or those attending public events, stakeholders, contractors, suppliers and their staff) from inappropriate sexual behaviour which may include, but is not limited to, violence, grooming, misconduct and harassment.

Victimisation of any individual making a complaint under this policy will not be tolerated and will be dealt with under Genomics England’s disciplinary policy and procedures. Sexual harassment constitutes serious misconduct and could result in dismissal (for employees) or other formal action (for other parties not directly employed by Genomics England).

The anti-sexual harassment policy should be read in conjunction with the ‘dignity and respect in the workplace’ and ‘bullying and harassment’ policies. This policy does not form part of and is not intended to vary the contract of employment or worker’s contract. It may be amended from time to time, as necessary and in line with legislative and best practice changes.

1. Purpose of policy

The purpose of the anti-sexual harassment policy is to:

1. foster, support and sustain a positive working environment and culture for all our people, free from any form of inappropriate or unacceptable behaviour
2. make it clear that in addition to ensuring a workplace that provides dignity and respect for all, sexual harassment is one element of which there is a zero tolerance approach
3. provide a framework for identifying, reporting and dealing with any incident to ensure swift and appropriate action
4. set out the responsibilities for managing and supporting people when concerns are raised under the anti-sexual harassment policy. Managers have particular responsibility for setting standards and ensuring appropriate workplace behaviours are maintained. They should set a good example and ensure concerns raised are acted upon.

1. Scope

The principles of this policy apply to all members of the Genomics England community.  For the purposes of this policy, members of the Genomics England community are defined as any individual either employed or engaged by Genomics England on a paid or unpaid basis to carry out work for the organisation under any type of employment contract. This includes (this list is indicative, rather than exhaustive):

* interns undertaking paid or unpaid work
* agency workers
* honorary appointments
* people working as contractors
* any person engaged with, or representing, Genomics England (including academic visitors and visiting researchers, or those attending public events, service users, contractors, suppliers and their staff)

This policy also applies to the behaviour of members of the Genomics England community when operating in a professional capacity outside work (e.g. at a conference, at a social event) and online (e.g. in email, on social media).

NB:  ***When a criminal offence may have been committed, following the Dignity and Respect in the Workplace Procedure may not be appropriate.*** These cases include, but are not limited to, serious assault or threat of serious assault. Anyone can seek advice from their People Partner or Chief People Officer and/or approach the police directly.

1. **Definitions**

***Sexual harassment*:** any unwelcome conduct of a sexual nature that creates a hostile, intimidating, or offensive work environment. This includes, but is not limited to, verbal, non-verbal, written, or physical conduct that is sexual in nature and interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

***Complainant:*** the person who has experienced or witnessed sexual harassment and wishes to report the incident.

***Respondent:*** the person accused of engaging in sexual harassment.

***Retaliation:*** any adverse action or treatment taken against an individual who reports sexual harassment or participates in an investigation of sexual harassment.

1. What constitutes sexual harassment?

Sexual harassment is essentially any unwanted behaviour of a sexual nature.  The formal definition from the Equality and Human Rights Commission (EHRC) is that sexual harassment is “unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of a worker or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.”

Sexual harassment is different to harassment related to a person's protected characteristic, for example sex, sexual orientation or gender reassignment. Someone could experience both types of harassment at the same time, or separately.

Sexual harassment is unlawful under the Equality Act 2010 (‘the Act’). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Under the Act, sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:

* violating someone’s dignity, or
* creating an intimidating, hostile, degrading, humiliating or offensive environment for them

Sexual harassment includes a wide range of behaviours including but not limited to:

* unwanted sexual advances, propositions or requests for sexual favours
* offensive or sexually explicit comments, jokes or gestures
* displaying or distributing sexually explicit material in the workplace by any means
* unwelcome physical contact such as touching, hugging, massaging or kissing someone against their will
* predatory behaviour
* coercion
* making promises in return for sexual favours
* making employment decisions based on the acceptance or rejection of sexual advances
* suggestive looks, staring or leering
* sexual gestures
* intrusive questions about a person’s private or sex life, and discussing your own sex life
* sexual posts or contact on social media
* spreading sexual rumours about a person
* sending sexually explicit emails or text messages
* criminal behaviour including sexual assault, stalking, indecent exposure and offensive communications
* making sexual comments or jokes about someone's sexual orientation or gender reassignment
* displaying or sharing pornographic or sexual images, or other sexual content
* contributing to a hostile work environment based on an individual's sex, gender, or sexual orientation. This includes offensive or derogatory remarks, jokes, or slurs that contribute to a hostile or unwelcoming atmosphere.

What some people might consider as joking or 'banter' may still be classed as sexual harassment if:

* the behaviour is of a sexual nature
* it is unwanted or unwelcome
* it violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of sexual harassment in a workplace that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether or not it is unwanted.

Sexual harassment can be a one-off event and does not need to be directed at a person. It may or may not be witnessed or overheard. Sexual conduct that has been welcomed in the past can become unwanted.

1. Legal context

 The Equality Act 2010 protects people against sexual harassment and harassment related to 'protected characteristics', for example a person's sex.  At work, the law covers:

* employees and workers
* contractors and self-employed people hired to personally do the work
* job applicants

Genomics England believes that we have a duty to protect our employees, workers from potential sexual harassment and have introduced a number of measures in addition to this policy.

Whilst the Equality Act 2010 protects against harassment related to ‘protected characteristics’, we feel this does not go far enough.

The Worker Protection (Amendment of Equality Act 2010) Bill (**“the Bill”**) is currently at the committee stage of the House of Lords.  If passed, the Bill will have a number of impacts, including:

* imposing a new positive duty on employers to “take all reasonable steps” to prevent their employees experiencing workplace sexual harassment
* making employers potentially liable for the harassment of staff by **third parties**, such as clients or customers, if they have failed to “take all reasonable steps” to prevent such harassment.

Genomics England therefore has taken a proactive approach in ensuring we comply with these points, whether or not they are introduced by statute.

1. **Reporting procedure**

If an employee is concerned about behaviour towards them that they believe constitutes sexual harassment from someone they work with, they may do so by raising a complaint, citing that the complaint is about an issue relating to sexual harassment in the workplace.  Experiences of, or witnesses of potential sexual harassment should be reported immediately. Options for reporting incidents of concern include:

* Informing the immediate manager, or a member of the People Team
* Utilising the confidential Your Voice channel
* Seeking guidance from Genomics England’s Employee Assistance Programme

Genomics England encourages individuals who have experienced sexual harassment to preserve any evidence, such as emails, text messages, or witness statements which may support their complaint.

An independent external third party may be appointed to conduct an investigation following a complaint of sexual harassment.

It may be required to limit the contact between the claimant and the respondent during the investigation.  The company reserves the right to place either party on paid leave during the investigation.

Anyone who wishes to complain about an external party's behaviour towards them should contact their People Partner in the first instance.

1. **Confidentiality**

Genomics England will make every effort to keep all reports and investigations confidential to the extent permitted by law. Information will be shared only with those individuals involved in the investigation process, and all parties will be advised of the need for confidentiality.

Information about a complaint by, or about, an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the General Data Protection Regulations (GDPR).

Breach of confidentiality will be deemed to give rise to disciplinary action under Genomics England’s disciplinary procedures.

1. Investigation process

Genomics England is committed to thoroughly investigating all reported incidents of sexual harassment and taking appropriate action to prevent and address such behaviour.

All reports of sexual harassment will be promptly and impartially investigated, usually by an external experienced third party without undue delay.  Principles of the investigation process include:

* appointing an investigator with appropriate training to conduct a thorough and fair investigation
* interviews being conducted with the complainant, respondent, and any relevant witnesses. All parties will be given an opportunity to provide their own account of the incident(s)
* conducting all meetings discreetly and in a manner that respects the privacy of all parties involved
* all persons involved in dealing with sexual harassment complaints will be appropriately trained in order that they can undertake their role sensitively and effectively
* the complainant will be kept up to date with the progress of the investigation including expected timescales
* Genomics England will maintain records of the investigation, including documentation of the complaint, interviews conducted, and any actions taken as a result of the investigation
* the complainant will be advised of the decision/outcome of the investigation and what action will take place as a result
* support will be provided for all those involved in such processes which may include the People Team and/or Employee Assistance Programme which can be accessed via the health portal

1. Disciplinary action

Upon substantiation of a sexual harassment complaint, appropriate disciplinary action may be taken against the respondent, up to and including termination of employment. The severity of the disciplinary action will depend on factors such as the nature, frequency and severity of the behaviour or harassment, and any mitigating or aggravating circumstances.

Genomics England will always take all reasonable steps to prevent further harassment and to protect the complainant from any retaliation.

1. Appeals

If the complaint has not been resolved to the satisfaction of the complainant, they may appeal by writing to the Chief People Officer stating full grounds of appeal within one week of the date on which the outcome/decision was given. An appeal meeting will be held, normally within two weeks of receiving the appeal. This will be dealt with impartially by a senior manager who has not previously been involved in the case. Parties to the appeal process will have a right to bring a companion.  Genomics England will confirm the final decision in writing, usually within one week of the appeal hearing.

The outcome of the appeal will be final and there is no further right of appeal.

1. **Malicious or vexatious claims**

Where an individual makes a complaint that is found to be false, malicious or vexatious, they may be subject to disciplinary action, up to and including dismissal.

1. Training and Awareness

Genomics England will provide regular training sessions to educate employees about sexual harassment, identifying inappropriate behaviours, prevention, reporting procedures and the consequences of violating the policy.  New employees will receive e-learning training on sexual harassment during onboarding.

An anti-sexual harassment training module will be included as an element of leadership training courses and associated materials within Genomics England.

1. Responsibilities

1. **Individuals**

As members of the Genomics England community, individuals have a responsibility to:

* behave with respect and courtesy towards others at all times
* identify and challenge unacceptable behaviour when it occurs, even if it is not directed at ourselves
* address and resolve matters ourselves, where reasonably possible, in a positive and constructive way
* make ourselves familiar with this policy and our responsibilities under it
* participate in training which supports the implementation of this policy
* not participate in, or condone, any acts that could be perceived to constitute sexual harassment
* modify behaviour should we become aware that we have behaved unacceptably in relation to this policy
* when managers make reasonable and appropriate requests of their team, or are providing feedback about performance or behaviour, we always expect this to be done in line with the principles of dignity and respect; in return, people receiving such feedback are expected to treat their managers with dignity and respect

1. **Executive Leadership Team**(ELT)

Our ELT will ensure that:

* a positive culture for working is fostered; one which promotes freedom of thought and expression within a framework of mutual respect
* complaints of sexual harassment, or any other type of harassment, bullying or victimisation are treated seriously and with discretion
* our people feel safe and are listened to when raising concerns about behaviour
* malicious or vexatious allegations are dealt with in line with Genomics England’s disciplinary procedures
* complaints of detriment on the grounds of a protected characteristic are monitored, anonymising data where appropriate

1. Related Documents

The policy should be read in conjunction with other Genomics England policies, procedures and guidelines, as necessary:

* Geonomics England staff handbook
* Genomics England ‘dignity and respect in the workplace’ policy

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