

Sexual Harassment Policy

Responsibility

This policy applies to all employees, workers, office holders including clergy, members of diocesan bodies, volunteers and third parties providing services to diocesan bodies such as consultants and self-employed contractors. They are expected to comply with the provisions of the policy and help others to achieve the aims of this Policy. Every member of the church in the diocese is responsible for conducting themselves in a manner consistent with this Policy in all their church-related activities and the Policy is recommended to Parochial Church Councils.

Guidelines for dealing with sexual harassment are set out within this policy.

We are committed to providing a working environment free from sexual harassment and victimisation of all forms, ensuring all workers and volunteers are treated, and treat others, with dignity and respect.

What is sexual harassment?

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment may include, for example:

- a) Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing.
- b) Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.

- c) Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet).
- d) Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless).
- e) Offensive emails, text messages or social media content.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

Sexual Harassment is different from sex discrimination. Both are equally unacceptable and will not be tolerated.

We recognise that sexual harassment can occur both in and outside the workplace, such as at work-related events or social functions, or on social media. The harasser and the victims can be anyone regardless of gender or gender transition status. Sexual harassment or victimisation of any worker or volunteer, or anyone they liaise with, during the course of their work, is unlawful and will not be tolerated.

Notwithstanding the legal responsibilities this policy supports, we are also conscious of the devastating effect that being subject to sexual harassment or victimisation can have on the victim. While the allegation is being investigated, it can also be a worrying time for the alleged harasser.

What is Victimisation?

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- a) Bringing proceedings under the Equality Act 2010.
- b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
- c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.

- d) Alleging that a person has contravened the Equality Act 2010.

Victimisation may include, for example:

- a) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
- b) Excluding someone because they have raised a grievance about sexual harassment.
- c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
- d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

Sexual harassment can result in legal liability for both the organisation and the harasser, whether they work for us or are a third party outside of our control. We will take active steps to help prevent the sexual harassment and victimisation. If any sexual harassment or victimisation occurs, we will take steps to remedy any complaints and to prevent it happening again.

Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support.

Where a complaint is made against a member of the clergy, this information will be forwarded to the Archdeacon to complete an investigation. Informal or formal clergy disciplinary procedures may follow depending upon the outcome of the investigation.

Third party harassment

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment.

Third-party harassment could occur when a third-party is visiting our premises, or where an employee is visiting another location in the course of their employment.

Third-party sexual harassment can result in legal liability and will not be tolerated. We will take active steps to try to prevent third-party sexual harassment.

Anyone who is a victim of or witness to sexual harassment by a third-party are encouraged to report it, in accordance with this policy.

If any third-party harassment occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other third parties, including where necessary, their employer. Complaints received regarding clergy will be referred to the Archdeacon.

We also take seriously the safety of third-party employees and representatives who work alongside our staff and agents and where sexual harassment of a third-party is committed by a member of our staff or someone who is representing us, we will take action as per this policy.

Witnessing sexual harassment or victimisation

If you witness sexual harassment or victimisation you are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- a) Intervening where you feel able to do so.
- b) Supporting the victim to report it or reporting it on their behalf.
- c) Reporting the incident where you feel there may be a continuing risk if you do not report it.
- d) Co-operating in any investigation into the incident.

All witnesses will be provided with appropriate support and will be protected from victimisation.

Reporting Sexual Harassment

If you believe you have been the victim of or witness to sexual harassment you should raise this to your line manager or usual contact. If your concern is in relation to your line manager or usual contact, then you should raise your concerns to the Diocesan Secretary.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should seek advice from your line manager or usual contact. If your concern is in relation to your line manager or usual contact, then you should raise your concerns to the Diocesan Secretary.

In some instances, it may be appropriate, where agreed with the victim, to handle complaints informally through discussion and/or mediation.

If you choose to submit a formal complaint you should set out full details of the conduct in question, including:

- a) the name of the alleged harasser,
- b) the name of the victim if you are a witness,
- c) the nature of the sexual harassment,
- d) the date(s) and time(s) at which it occurred,
- e) the names of any witnesses.

If you or anyone else has already taken any action so far to attempt to stop it from occurring, you should also detail this and any outcome.

We have a duty to protect all staff and where we become aware of harassment may pursue the matter independently even where the victim does not expressly agree if we consider it appropriate to do so.

Where sexual harassment or victimisation is reported to us, we will:

- Investigate complaints in a timely, respectful and confidential manner; working with third parties as required to ensure that all individuals are given the opportunity to provide their account of events.

- Consider suspension or other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.

If a complaint is upheld, we will take action as appropriate to manage the problem.

- If the complaint relates to a member of our staff, we will manage them through our disciplinary process which can be found in our Staff Handbook.
- Where the complaint is in relation to a member of clergy, the complaint will be managed in line with the complaints process detailed in the Clergy Handbook.
- Where the complaint is in relation to a third-party, we will take action as appropriate to the situation. This may include banning them from our premises, reporting any criminal acts to the police, and sharing information with other third parties, including where necessary, their employer.

When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

Where a complaint is not upheld, we will work with both the complainant and the respondent to help you to manage your ongoing working relationship. This may include actions such as mediation.

Preventative Action

As an employer we have a duty to take preventative action to protect all employees from sexual harassment.

As part of our commitment to this all employees are required to complete training on recognising and reporting sexual harassment. Line managers are, in addition, required to familiarise themselves with this policy and that in the Staff Handbook.

Any manager whose team members will be in contact with third parties are required to direct the third party to this policy.

It is not the responsibility of the Diocese of St Albans to provide training to third parties, who should ensure that they are separately complying with their legal responsibilities.

Support

External support is available from:

www.rightsofwomen.org.uk/get-advice/sexual-harassment-at-work-law/

<https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance>

<https://www.victimsupport.org.uk/>

<https://www.samaritans.org/how-we-can-help/contact-samaritan/>

DBF employees also have access to our EAP – Spectrum Life.

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