

## **Sexual Harassment Policy**



## Introduction

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.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 (EqA) as amended. We will not tolerate it.

The law requires employers to take reasonable steps to prevent sexual harassment of their employees. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our employees to make a complaint about sexual harassment, which are outlined further in this policy. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to contact us so that we can deal with the matter swiftly.

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

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to all employees.

## Scope

We deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Company.

## Definitions

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 employee, 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, LinkedIn, Facebook). 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 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 (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.

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

This policy covers behaviour which occurs in the following situations:

- a work situation, whether working on assignment or remotely
- 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 Company or agency/end client including on social media
- against anyone outside of an assignment 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

We are committed to ensuring that there is no sexual harassment or victimisation in our Company. 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.

### 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 with a manager of your choice at the agency/end client) as a confidential helper, however in all instances you should ensure ICS Umbrella are made aware. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint. If you need any support on this matter, please contact ICS Umbrella.

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.

In addition, you may also choose to raise concerns during your regular communication with your Line Manager whilst on assignment eg in a one-to-one meeting.

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 please also inform ICS Umbrella who will encourage you to follow the reporting procedures below.

### 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 ICS Umbrella and at the agency/end client as a formal written complaint and again your confidential helper can assist you in this. It is important to ensure all parties are aware, so that we can cooperate with one another. All instances will be kept strictly confidential.

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.

Please submit and formal complaints to [people@icsuk.com](mailto:people@icsuk.com) . On receipt of a formal complaint, we will take action to separate you from the alleged harasser if possible, to enable an uninterrupted investigation to take place.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location (which includes telephone or teams meeting) 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 confidentiality 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.

You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform Human Resources within five working days of receiving the outcome. Any appeals must be submitted to [people@icsuk.com](mailto:people@icsuk.com). You will then be invited to a further meeting.

As far as reasonably practicable, a representative from ICS Umbrella 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. The decision at this stage will be final.

Regardless of the outcome of the procedure, we are committed to providing the support you may need ICS Umbrella will work the agency/end client to help facilitate this  
You will not be victimised for having brought a complaint.

## **What to do if you witness sexual harassment or victimisation**

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.

If reporting the incident, you should follow the above procedures. Your concerns will be handled by a member of the management team, 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

Third-party sexual harassment occurs when an employee is subjected to sexual harassment by someone who is not part of our workforce, but who is encountered in connection with work. This includes but is not limited to, our customers, suppliers, Agencies, members of the public and self-employed contractors.

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.

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.

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

- Liaise with agencies/end clients regarding policies and procedures, they will communicate with you any policies regarding sexual harassment, conduct and you are to adhere to them whilst on an assignment. In the event of you not being informed of any policies, you should inform ICS Umbrella and as a minimum should follow this policy.
- inform third parties (ie suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to Human Resources at [people@icsuk.com](mailto:people@icsuk.com) or your contact at ICS Umbrella.

Should a third party sexually harass an employee of ICS Umbrella, we will investigate the behaviour and take any appropriate action as necessary. Any criminal acts will be reported to the police.

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

## Disciplinary Action

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.



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