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Use of this model policy is entirely at your own risk. The policy should be adapted to suit your own organisational needs, and you should ensure if meets your own specific requirements. You should also check this policy is compliant with the law and your organisation’s governing document. No liability rests with SCVO.

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The law on preventing sexual harassment in the workplace is changing. On 26 October 2024 the new Worker Protection (Amendment of Equality Act 2010) Act 2023 will come into force. This introduces a new positive legal obligation on employers to take reasonable steps to protect their workers from sexual harassment.

This guide is a list of practical steps that can be taken to ensure that you fulfil your legal obligation as an employer.

1. **Checklist for developing an effective anti-harassment policy**

Your Anti-Harassment and Bullying policy should state the following:

* Who is protected.
* Sexual harassment will not be tolerated and is unlawful.
* Harassment or victimisation may lead to disciplinary may lead to disciplinary action, up to and including dismissal.
* Aggravating factors, such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take.
* A definition of sexual harassment and provide clear examples of it. The examples should be relevant to your organisation and reflect the diverse range of people that harassment may affect.
* An effective procedure for receiving and responding to complaints of harassment.
* A commitment to review your Anti-Harassment and Bullying policy at regular intervals, and to monitor the effectiveness.
* Explain clearly that third-party harassment can result in legal liability and will not be tolerated.
* State that workers are encouraged to report it.
* Detail the steps that will be taken to prevent it.
* The steps that will be taken to remedy a complaint or prevent it from happening again.
1. **Engage staff**

You must ensure that all staff are aware of:

* The reporting process for sexual harassment
* Your sexual harassment or anti-harassment and bullying policy
* Consequences of breaching the policy.

As part of being a responsible employer, you should have regular 1-2-1’s, run staff surveys and conduct exit interviews.

These should be used by your organisation to help understand any potential issues, and to assess if the steps you are taking to prevent sexual harassment are working in practice.

1. **Reporting**

Your organisation should consider implementing a reporting system e.g. Microsoft Office form or an online service, which allows staff to raise an issue either anonymously or by adding their name to it.

1. **Training**

You must train and explain the below points clearly to managers and all staff:

* What is considered acceptable behaviour
* How to recognise sexual harassment
* What to do if they experience or witness sexual harassment.
1. **What to do when a harassment complaint is made**

It is imperative to act immediately to resolve the complaint and consider how the complainant want the issue to be resolved. In doing so, you must respect the confidentiality of all parties.

You should protect the complainant from ongoing harassment or being victimised during the complaint or investigation.

If the complaint of sexual harassment is received which may be a criminal offence, you should speak to the individual to see if they want to report the matter to the police, and if they decide to do so you must support them with this.

You should always communicate the outcome of the complaint to the complainant in a timely manner.

1. **Dealing with third-party complaints**

Sexual harassment by a third-party such as a customer, client or supplier, should be treated just as seriously as a complaint that has been made against a colleague.

Employers should take steps to prevent this type of harassment, including assessing high-risk workplaces where staff might be left alone with clients of customers or including putting reporting mechanisms in places.

1. **Conduct a workplace sexual harassment risk assessment**

As part of your role as an employer, you can help to prevent sexual harassment in the workplace by assessing the risks in your organisations. You can then put in control measures as a way to manage risks.

A workplace sexual harassment risk assessment is below.

Does your organisation’s work involve any of the following risks?

|  |  |  |
| --- | --- | --- |
| **Risk** | **Yes/No** | **Example of Control Measures** |
| Power imbalances between staff |  | Increase transparency in recruitment processes and shift work rota. |
| Job insecurity |  | Increase transparency in recruitment processes and ensure that the process is fair. |
| Lone working  |  | A suitable person knows the whereabouts of a lone worker, and the lone worker knows what to do if sexual harassment occurs in terms of the reporting process. |
| The presence of alcohol |  | Limit alcohol use at work night out, or on work premises. |
| Client or customer facing duties |  | Ensure that staff know the process to raise sexual harassment concerns if any do arise. |
| Lack of diversity in organisation |  | Seek a diverse range of applications at recruitment stage and ensure that there is a supportive culture for all staff. |