

## Step 1: Have an anti-harassment policy

**You do NOT need to work through all the bullet points in this step – you can skip to Step 2.**

*The policy provided by APM, in conjunction with ActifHR is perfectly adequate for your purposes; these bullet points simply explain why the policy looks the way it does.*

- For ease, have a single policy covering both sexual and other forms of harassment.
- Specify who is protected
- Define sexual harassment and provide clear examples, which are relevant to the workplace
- State that sexual harassment will not be tolerated and is unlawful
- State that the law requires employers to take reasonable steps to prevent sexual harassment, including that by third parties (such as by patients or other service users)
- State that harassment may lead to disciplinary action, including immediate termination of contract
- State that aggravating factors, such as abuse of power, will be taken into account in deciding what action to take
- Include an effective procedure for receiving and responding to complaints
- Address third-party harassment , explaining:
  - that it will not be tolerated
  - that while an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claims;
  - that workers are encouraged to report it;
  - what steps will be taken to prevent it;
  - what steps will be taken to remedy a complaint and prevent it from happening again,
- Include a commitment to review the policy at regular intervals, monitor its effectiveness and implement any changes that may be required
- Cover all areas of the business

## Step 2: Engage your staff

- Conduct regular discussions with staff/associates to allow them to talk about areas of concern

- Conduct exit interviews, encouraging staff to talk about their reasons for leaving
- Ensure you are approachable, encouraging staff to confide in you when appropriate
- If you have a lot of staff/associates, consider having anonymized staff surveys
- Conduct regular team meetings where the harassment policy is an agenda item. All you have to do is make sure everyone knows where to find it and encourage them to read it. They should know how to report concerns (pretty easy in a small practice) and what the likely consequences of breaching the policy are
- Consider whether you ask them to sign to say that they have read the policy. If you don't insist on this, then it would be a good idea to have a record of the meeting where they were told about it (remember to remind them regularly)
- the consequences of breaching the policy.

### **Step 3: Carry out a Risk Assessment (use the form provided)**

- Remember, your risk assessment doesn't have to be perfect. But you must carry one out.
- Here are the factors to consider:
  - Where are the power imbalances?
  - Is there job insecurity for a particular group or role?
  - Are staff working alone or at night?
  - Do your staff have customer-facing duties?
  - Are customers or staff drinking alcohol?
  - Are staff expected to attend external events, conferences or training?
  - Do staff socialise outside of work?
  - Do staff engage in crude or disrespectful behaviour at work?

### **Step 4: Reporting**

- Consider using a reporting system (such as an online or independent HR consultant) if your team might be uncomfortable talking to internal staff.

- Keep confidential records of all concerns raised, formal and informal. This enables trends to be identified.

### **Step 5: Review the policy**

- Consider getting staff together to talk through the new policy and discuss whether any of them have heard or seen examples either in the workplace or third-party suppliers or patients.
- This is a useful time to perhaps review the risk assessment form together.
- Where third-party harassment from customers or patients is a risk, staff should also be given tools on how to address these issues if they find themselves in that situation.

### **Step 6: How to handle complaints**

- Act immediately to resolve the complaint, taking into account how the worker wants it to be resolved.
- Respect the confidentiality of all parties.
- Protect the complainant from ongoing harassment victimisation during an investigation
- Protect witnesses to sexual (or other) harassment. Decide how you will discuss/approach any third party that might be involved.
- If a worker makes a complaint of harassment that may be a criminal offence, you should speak to the individual about whether they want to report the matter to the police and support them with this if they go ahead.
- Always communicate the outcome of the complaint and outline any appeals process to the complainant in a timely manner.
- Harassment by a third party, such as a patient, client or supplier, should be treated just as seriously as that by a colleague. You will need to decide how to deal with a customer or third-party supplier if this happens. It is good to have a consistent approach. You should take steps to prevent this type of harassment, including putting reporting mechanisms in place and assessing high-risk situations where staff might be left alone with patients or other third parties.

### **Step 7: Monitor and evaluate your actions**

*It is important to regularly evaluate the effectiveness of the steps you put in place to prevent sexual harassment in your workplace and implement any changes arising from that. This will help you comply with the preventative duty and protect your staff from sexual harassment.*

- Reviewing informal and formal complaints to see if there are any trends or

particular issues and actions

- survey staff anonymously on their experiences of sexual harassment, including whether they have witnessed or been subjected to harassment, whether they have or would in the future report it (and if not, why not) and what further steps they think you could take
- compare reported complaints with survey feedback to ensure you have an accurate reflection of the level of sexual harassment in your workplace, and take appropriate actions
- hold lessons-learned sessions after any complaints of sexual harassment are resolved
- Review policies, procedures and training/follow ups regularly. It is important to seek input from workers to consider whether any changes are needed. These changes should then be implemented, where appropriate.
- consider whether there have been any changes in the workplace or workforce that mean there are further steps that would now be reasonable

Make sure you review your risk assessment and policy in your team discussions.

**Don't just think you can do this exercise once and thus "tick the box"** for your obligation.

If a claim is lodged, a tribunal will want to see that you have reviewed this process – ie the risk assessment form and policy in a management meeting to check if any changes should be made

You should have this topic on the agenda for a staff meeting at least once a year.

Although the likelihood of a problem or a complaint is low, there is always the possibility that a disgruntled person might want to make mischief. Remember, you are required to be **proactive** about this – don't give anyone the ammunition to argue that you haven't taken it seriously!