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	Sexual Harassment Policy & Procedure				Page 1 of 10

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1 Executive Summary

The Port of London Authority (PLA) is committed to providing a safe, inclusive and supportive environment, free from discrimination and from harassment, for all who work here. We strive for a workplace where everyone feels valued and all are treated with respect and dignity.

Sexual harassment is unlawful, and the PLA operates a zero-tolerance policy for any form of sexual harassment in the workplace. All allegations of sexual harassment will be treated seriously, investigated promptly and dealt with confidentially and sensitively. Any person found to have sexually harassed another will face disciplinary action under the PLA's Disciplinary Policy.

2 Purpose

The new Worker Protection (Amendment of Equality Act 2010) Act 2023 introduces a positive legal obligation on employers to take reasonable steps to protect their workers from sexual harassment. This policy and procedure covers sexual harassment which occurs in the workplace (including remote working at home) and outside work, such as at work-related events or social functions. This policy and procedure applies to all PLA employees, casual workers, and agency workers. The PLA will not tolerate sexual harassment from outside the organisation. It applies to all consultants, contractors and covers harassment by third parties such as customers, suppliers or visitors.

3 Definitions

The Equality Act 2010 defines sexual harassment as unwanted sexual behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

4 Responsibilities

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The policy and procedure sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment. It is supported by the senior leadership within the PLA, and they will all be visible champions of this policy and procedure.

Line Managers

The line manager should:

- ensure that all workers are aware of this policy and procedure and understand their own, and the PLA's responsibilities. Targeted training on sexual harassment will be provided to all managers.
- ensure themselves and their employees complete the mandatory training
- set and maintain high standards of conduct and behaviour and uphold the PLA's values
- seek advice from HR where appropriate and without delay
- ensure that, within their area of responsibility, everyone is treated with dignity and respect.
- always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.

- be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- respond to complaints of sexual harassment swiftly, sensitively and objectively using this policy and procedure
- ensure the focus in dealing with complaints should be to understand what has happened and address that proportionately
- deal directly with (or another appropriate PLA employee) third party perpetrators (such as service users, clients, visitors or contractors) outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.
- ensure that this policy and procedure is followed

Employees

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and services users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

The employee should:

- ensure they understand what sexual harassment is
- be aware of how their behaviour may affect others
- challenge unacceptable behaviour wherever possible if it is safe to do so
- report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it
- co-operate in investigations into alleged sexual harassment
- maintain high standards of conduct and behaviour and uphold the PLA's values
- ensure they complete the mandatory training

HR

HR should:

- advise and guide management and employees on the application of this policy and procedure, and help to ensure consistency of sound practice across the PLA
- maintain central, confidential records
- provide relevant data for internal audits and other analyses, ensuring adherence to the PLA's policies on data protection and information governance

5 Procedure

5.1 Introduction

The PLA is committed to tackling sexual harassment, educating employees and line managers, and supporting individuals who wish to raise concerns.

5.2 Examples of Sexual Harassment

Even if certain behaviours are not intended to cause offence or distress, if that is the effect of the conduct, then it could be considered as sexual harassment. Someone may be sexually harassed even if the conduct was not directed at them because of the environment it creates for them. Sexual harassment also occurs where a person is treated less favourably than others

for having submitted to or rejected sexual harassment in the past. Sexual harassment is unlawful and may constitute a criminal offence.

Sexual harassment can involve one or more incidents, and actions constituting harassment may be physical, verbal and non-verbal. Examples of sexual harassment include but are not limited to the following.

Physical conduct:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- Giving unwanted gifts

Verbal conduct:

- Unwelcome comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- The use of job-related threats or rewards to solicit sexual favours
- Intrusive questions about a person's private or sex life or a person discussing their own sex life

Non-verbal conduct:

- Display of sexually explicit or suggestive material
- Digital abuse (such as sexually explicit text messages or emails) or sexual comments on social media
- Sexually-suggestive gestures
- Wolf-whistling
- Leering

Anyone can experience sexual harassment, regardless of their sex, sexual orientation, and sex of the harasser. Intersecting forms of sexual harassment may also occur, such as racialised sexual harassment and sexual harassment targeting LGBT+ people.

All sexual harassment is prohibited whether it takes place within PLA premises or outside, including at social events, work-related events, trips or social functions. Sexual harassment, by employees, clients, customers, casual workers, contractors or visitors will not be tolerated by the PLA. The PLA will make such parties aware of the PLA's equal opportunities and anti-sexual harassment policies which they will be required to follow. Complaints of inappropriate behaviour by clients, customers, casual workers, contractors or visitors will be taken seriously and dealt with appropriately.

There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (for example, engaging in a consensual sexual act in the workplace). We do not permit sexual contact in the workplace and any such behaviour may still be addressed as a breach of this policy and procedure. We recognise that if this behaviour were allowed to take place, there is a risk of one party believing that the conduct is welcome and the other considering the conduct to be unwanted, either at the time or in hindsight. This can increase the risk of sexual harassment.

5.3 Complaints Procedure

There are different ways in which you can report such behaviour. These different methods recognise that everyone who experiences sexual harassment will have different needs and might desire different outcomes. You should choose the reporting mechanism(s) that you feel most comfortable with.

A person may also report concerns about sexual harassment to the police when they consider it appropriate to do so. Personal safety is paramount and where a person has any concerns about criminal behaviour we recommend reporting to the police.

5.3.1 Informal Procedure

Anyone who is experiencing sexual harassment can, if they feel comfortable, deal with the matter informally by taking the following action:

- Have a confidential discussion with their line manager or a Mental Health First Aider to explore options available
- The worker may decide that they do not wish to take any further action.
- The worker might inform the person(s) responsible for the behaviour that the conduct is offensive, unwanted and unwelcome and that it must stop.
- Approach the alleged harasser, with the support of a trade union representative, stating that the behaviour is offensive, unwelcome and should stop
- The worker may decide to ask their line manager or Trade Union representative to approach the alleged harasser on their behalf

Alternatively, the person experiencing sexual harassment can approach the HR team who can help resolve the issue. When HR receives a complaint of sexual harassment they will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views as to what outcome the colleague wants
- ensure that the colleague understands the PLA's procedures for dealing with the complaint
- provide support and guidance on how to address the issue informally (which may include facilitating discussion between both parties to achieve an informal resolution)
- discuss and agree next steps
- keep a confidential record of all discussions

We retain the right to investigate concerns that we become aware of even if these are based on anonymous reporting or complaints are withdrawn. Our ability to investigate and act may be restricted in these circumstances, and we will act with respect and empathy towards any person who has raised a concern but no longer wishes to be involved in the process. As an employer, we may still pursue matters if it is appropriate and proportionate to do so. This is important to ensure that we can tackle concerns about potential sexual harassment within the organisation.

5.3.2 Formal Procedure

Complaints will be investigated promptly, sensitively and confidentially. All formal complaints will be dealt with under the PLA's Disciplinary Policy. For a breakdown of the disciplinary process, please refer to the Disciplinary Procedure. The investigation will be carried out thoroughly, impartially and objectively with due respect for the rights of all people concerned. It is recognised that there may be circumstances where an individual feels more comfortable discussing the complaint with an investigator of a particular gender due to the sensitivities of

the circumstances. This will be accommodated where possible. If the complaint is against a third party such as a customer, supplier or visitor the PLA will consider the most appropriate action for the individual's protection pending the outcome of the investigation.

5.4 Victimisation

The PLA takes a zero-tolerance approach to victimisation. Anyone who complains of sexual harassment or who in good faith participates in any investigation must not suffer any form of victimisation or a detriment as a result. Anyone who is found to have victimised someone in this way will be subject to disciplinary action. If anyone believes that they have been victimised, they should report the matter to their line manager or the HR team. If the matter is not resolved, it should be raised formally through the PLA's Grievance Procedure.

5.5 Mandatory Training

The PLA recognises that educating the workforce on how to prevent and tackle sexual harassment is essential.

It is mandatory for all staff and workers to complete training on sexual harassment in the workplace. This is available on the PLA Learning Hub and staff will need to complete this training every two years.

The training will:

- ensure everyone is able to always challenge any unacceptable or questionable behaviour
- ensure everyone is aware of behaviour and language that can cause offence and the expected standards

Repeatedly failing to complete such training will result in disciplinary action under the PLA's Disciplinary Policy, and staff not being eligible for any incentive payments.

5.6 Support

The PLA recognises that sexual harassment can cause or impact on stress, anxiety or other mental health, as well as impacting physical health. There will be no discrimination against individuals suffering from stress caused by sexual harassment.

We also recognise that those who may be accused of sexual harassment, witnesses to incidents or otherwise affected such as by being a by-stander, can experience stress, anxiety or other mental or physical health concerns. We have a duty of care to support all staff affected by these issues.

Support is available for those who feel they need it through Occupational Health, Mental Health First Aiders, the Employee Assistance Programme, and Westfield Health/ Bupa. Additionally, employees are welcome to seek confidential support and advice from the HR team or their Trade Union representative.

The PLA recognises that individuals may not want to raise issues internally and has set up a confidential freephone service with an independent organisation. The Tell Jane employee hotline is a confidential platform for employees to raise any concerns about harassment. Whether you have been personally affected, or you have witnessed something, the hotline offers a safe space for raising concerns, reporting incidents or seeking advice from

experienced advisors. The hotline can be contacted on 0800 689 0802, and further details can be found on the PLA Hub.

The following external services are also available:

- The Equality Advisory and Support Service (www.equalityadvisoryservice.com)
- Protect (www.protect-advice.org.uk)
- Victim support (www.victimsupport.org.uk)
- Rape crisis (www.rapecrisis.org.uk)
- Rights of women (www.rightsofwomen.org.uk)

5.7 Risk Assessment

Stakeholders from across the PLA will carry out risk assessments and monitor/ review on an ongoing basis the risk of the occurrence of sexual harassment of employees in the workplace by other employees, workers and third parties. The risk assessments and ongoing monitoring/ review feed into the reasonable steps that we put in place to minimise the risk of sexual harassment of our employees in the workplace. The Risk Assessment template can be found in Appendix 1.

5.8 Language

Language used when discussing sexual harassment is important. We recognise that this is a sensitive subject, and individuals may have different reactions to certain words and terminology. When managing any complaint of sexual harassment, we will be mindful of the language used. We will therefore seek to use neutral terms such as individual names, initials or "Employee A" for example, rather than referring to people as "the complainer" or the "the alleged perpetrator/accused". We will not use the term "victim" to describe a person who raises a complaint about sexual harassment. If at any time during your involvement in a sexual harassment matter you have concerns about the terminology used, please raise this promptly so that agreed language can be identified and used in the process going forward.

6 External References

- Employment Rights Act 1996
- Employment Act 2002
- Equality Act 2010
- Workers Protection (Amendment of Equality Act 2010) Act 2023
- Data Protection Act 2018

7 Related Documents

- Disciplinary Policy
- Grievance Policy
- Equality & Diversity Policy
- Relationships At Work Policy

8. Appendices

8.1 Appendix 1 - Sexual Harassment Risk Assessment

We are committed to the prevention of the sexual harassment of our employees and workers from our staff, contractors, customers and other third parties. The purpose of this risk assessment is to review the risk factors so that we can assess the circumstances in which sexual harassment is likely to take place and consider what reasonable steps could be implemented to prevent it. All information provided in this form should be anonymous. This risk assessment should be completed and retained on file for six years. Thereafter, you should use the monitoring form to record your reviews.

Date of assessment:	
Date of next review:	
Person completing assessment (Name/ Job title):	
Do employees/workers come into contact with third parties? If yes, who? Customer, suppliers etc	
Stakeholders involved in assessment (Name/Job title/Department):	
Approximate number of employees:	

Historic allegations

If there have been previous complaints of sexual harassment, whether formal or informal, these **must** be reviewed as these can provide a valuable insight into the relevant risk factors. Consider talking to any employee representatives to gain further insight.

Period of review:

Historic claims: information gathered (The below has been completed with demonstrable examples – please delete and amend as necessary when conducting your risk assessment.)				
Please summarise the allegations, including the job title of those involved, whether the harasser was an employee/customer etc, whether it was in person/via social media etc:	When/where did it occur? E.g. At work during normal hours/at work outside of working hours/ outside of work at a social event organised by work	Risk factors e.g. <ul style="list-style-type: none">• Alcohol• Job insecurity• Outside of work• No recent equality training• Imbalance of power• Lack of diversity in the workforce• Secondments• Text messages• Outside standard working hours• Lone working• Third party contact	What action can you take to minimise the risks?	When is action needed by?
Do the historic complaints reveal any patterns that need to be considered which have not been caught above? What action can be taken?				
[Complete as necessary]				

Current risk assessment - specific risk factors

The higher the risk action, the greater the imperative to take action. The below has been completed with demonstrable examples – please delete and amend as necessary when conducting your risk assessment.

Who could harass?	Where?	What is the behaviour?	Impact	Frequency	Risk factor (risk x frequency)	Steps to take to prevent
Employees	At work	Jokes/banter of a sexual nature	Low (1)	Regularly (3)	3	Zero tolerance policy to be adopted
Employees	At work	Demands for sexual favours in return for promotion.	High (3)	Rare (1)	3	Training given to staff Sexual harassment policy Managers given specific training
Self-employed contractors	At work	Making sexist remarks	Medium (2)	Occasionally (2)	4	Sign up to non-harassment policy Adopt a zero tolerance approach
Potential customers/clients	During marketing events	Making inappropriate remarks	Low (1)	Occasionally (1)	1	Include third party non-harassment policy in emails sent to customers/clients
Third parties	During award events	Propositioning employees	Medium (2)	Rare (1)	2	Display notice on site
Is there any action that you have considered implementing but have <u>not</u> done so? Please record why not (e.g. risk is low and the costs are high)						
[Complete as necessary]						

End