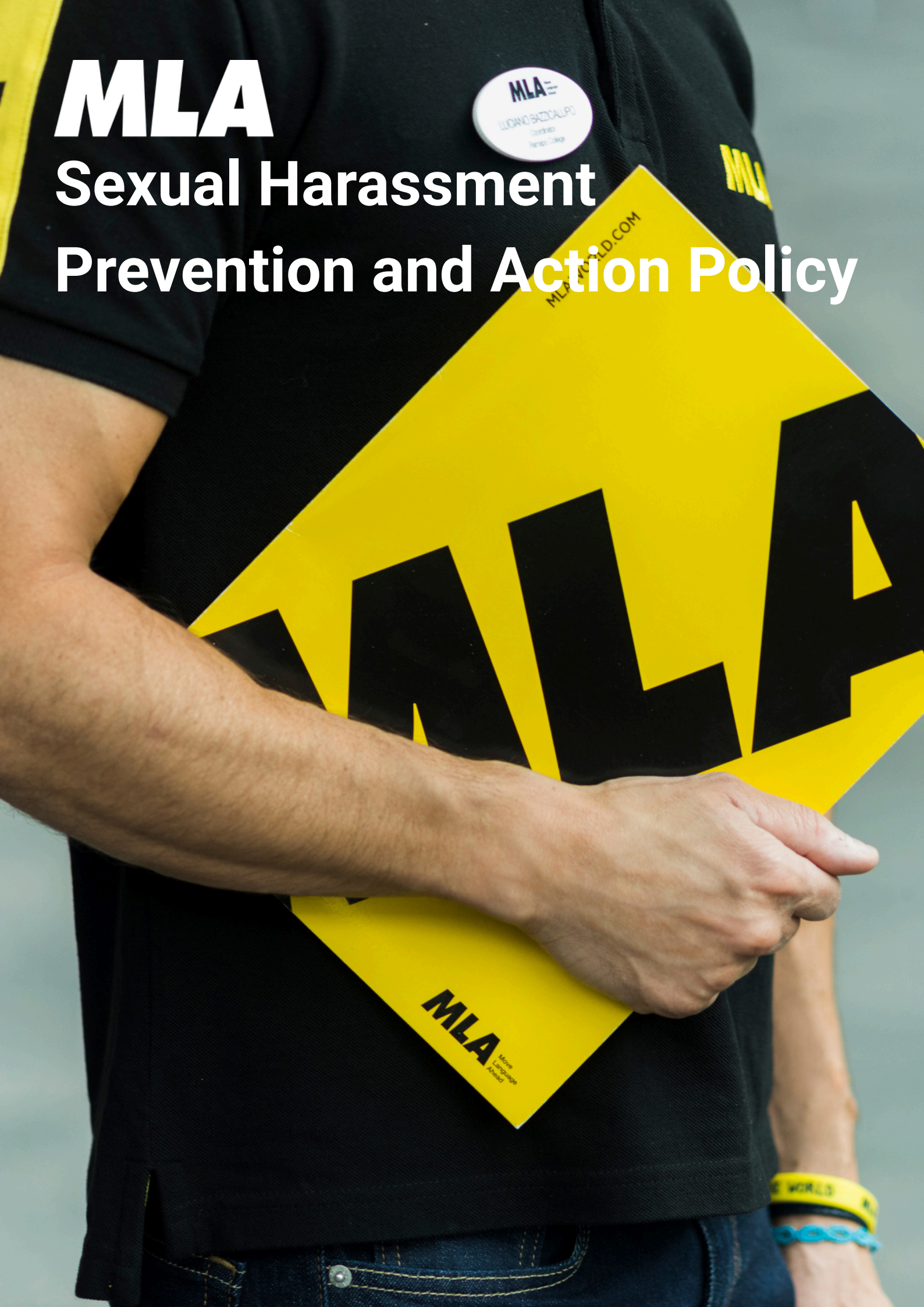
MLA

Sexual Harassment Prevention and Action Policy



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1. The Policy Statement

MLA (Move Language Ahead) is committed to providing an inclusive, supportive and safe environment in which everyone who works here is treated with dignity and respect. This policy applies to all employees, service providers, volunteers, interns, group leaders, agents and stakeholders.
To make sure this is understood throughout our organisation, we have created this policy for all our staff. The policy sets out:

- what we mean by sexual harassment
- how employees can report sexual harassment
- how MLA will handle reports of sexual harassment
- the actions MLA can take against an employee who breaches this policy
- how MLA will support those who experience sexual harassment

1.1. The aim of the Policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- training all staff about sexual harassment and their role in developing a culture free from harassment;
- fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence;
- where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed;
- learning from what happened to help create an environment free from harassment;
- monitoring our progress in achieving a workplace free from harassment; and
- building continuous improvement into our culture.

1.2. Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The Policy 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 MLA and they will all be visible champions of this Policy.

1.3. We will not tolerate any form of sexual harassment in the workplace, will treat all incidents seriously, and promptly investigate all allegations of sexual harassment. There is no time constraint around reporting an incident of sexual harassment under this Policy and our Grievance and Disciplinary Policy and Procedure. At the Employment Tribunal there is a time limit for bringing cases of sexual harassment of three months less one day from the last act of harassment.

1.4. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, suspension, compulsory transfers, demotions (without protection of wages or salary), and dismissal with or without notice in accordance with the staff disciplinary procedure (refer to Grievance and Disciplinary Procedure in your Handbook and contract) may be taken against any person who violates this Policy. There may also be circumstances where further training is mandated for individuals, teams or the whole organisation.

1.5. No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint. This means that anyone who makes such a complaint or who helps someone to make such a complaint, for example by giving evidence or information, will not be treated badly because of their actions. No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld.

1.6. This Policy and the procedures outlined in it form part of a broader
equal opportunities strategy aimed at preventing and eradicating the sexual harassment of all employees, as well as all other forms of violence. MLA efforts are aimed at ensuring that no employee will be discriminated against on the basis of their sex, race, colour, ethnic origin, nationality (within current legislation), age, disability, sexual orientation, marital status, caring or parental responsibilities, or beliefs on matters such as religion or politics (within our Prevent Policy).

1.7. MLA's Senior Managers, who have overall responsibility for updating this policy, will conduct regular and ongoing consultation regarding the continuing relevance and effectiveness of this policy and any associated activities in consultation with employees in feedback.

1.8. All staff will be made aware of this Policy and will be expected to comply with it. This Policy will be communicated to all staff on a regular basis using a variety of methods including induction, training, information and publicity, team briefings, departmental meetings and in-house publications.

Roles and responsibilities

Senior managers and HR

Senior managers and HR have overall responsibility for this policy and will make sure:

- this policy is included in staff inductions
- this policy is regularly shared with all employees
- it is known that MLA has a zero-tolerance approach to sexual harassment
- employees receive relevant sexual harassment training

Line managers

Anyone who manages employees must also:

- support and encourage employees to tell them about any instances of sexual harassment
- foster a safe working environment
- understand how to handle reports of sexual harassment
- understand when conduct must be reported to the police provide employees who report sexual harassment with confidential support and advice

All staff

Everyone in MLA is responsible for implementing the policy. To make this happen, employees at all levels must:

- take responsibility for their own behaviour
- behave in line with MLA's values
- respect and support their peers
- report any sexual harassment they experience
- report any sexual harassment they witness

In addition, and to make sure the policy is still accurate and up to date will review it once a year.

2. What is Sexual Harassment?

2.1. Sexual harassment is prohibited under the Equality Act 2010. It occurs when a person is subjected to unwanted conduct of a sexual nature which has the purpose or the effect of:

- violating the person's dignity, and/or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2.2. Unwanted conduct that has one or more of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

2.3. Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity, or that of the harasser. Sexual harassment may also occur between people of the same sex or gender.

2.4. Under international law, sexual harassment constitutes a breach of a person's human rights.

2.5. Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager or supervisor and a more junior colleague. In cases where sexual harassment is found to have occurred, such abuses of power will be taken into account in deciding what disciplinary action to take.

2.6. Victimisation (in the context of sexual harassment) is when someone is treated badly because:

2.6.1. they complain about sexual harassment
2.6.2. it's believed they will complain about sexual harassment
2.6.3. they help someone report sexual harassment

2.7. Victimisation is also unlawful under the discrimination laws in UK.

2.8. What is 'unwanted conduct'?
Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome.

2.9. Types of behaviours which constitute sexual harassment include, but are not limited to:

2.10. Physical conduct
- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
- Fondling, or inappropriate touching.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

2.11. Verbal conduct
- Banter
- Mimicry
- Catcalling
- Comments on an employee's appearance, age, private life, etc.
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the employee
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting (a form of covert emotional abuse)

2.12. Non-verbal conduct
- Display of sexually explicit or suggestive material or imagery
- Graffiti
- Acts affecting a person's surroundings
- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Leering
- Predatory behaviour

2.13. The effect of such behaviour, and whether it is unwanted, should be considered from the point of view of the person who feels harassed (the "recipient").

2.14. There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work, such as at a work event). 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 the sexual harassment policy. 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.

2.15. Examples of sexual harassment
The following examples are intended to provide illustrations of the types of behaviours that would constitute sexual harassment. They are not exhaustive – there are many more examples of such behaviour. Importantly, sexual harassment can arise in various forms and to different degrees. As part of the review process for this policy, we will ensure that the specific examples given in this policy are updated so as to reflect the specific work environment in which our staff operate, taking account of the composition of our workforce and the types of work undertaken.

Some forms of sexual harassment are clear violations of a person's dignity:

EXAMPLE ONE
A black female employee overhears two colleagues discussing whether she would be willing to have sex with them. They express the view that she would be "really easy to get into bed" because "black women love sex".

Sexual harassment does not have to be targeted at one individual:

EXAMPLE TWO
A member of staff adds a link to their email signature or WhatsApp profile to a promotional video for a rock band. In the video, scenes of a sexual nature are portrayed by actors. Every time they send an email to their colleagues and to their contacts outside MLA, this link is received.

Sexual harassment does not have to take place at work premises:

EXAMPLE THREE
An employee believes that her colleague uses the fact they have had a few drinks at the pub after work as an excuse to make physical contact with her. She feels the situation is complicated because they are not at their workplace. She wants to report the issue but thinks he may not realise he has been doing this.

It is not necessary for the recipient to say that they object to the behaviour for it to be unwanted:

EXAMPLE FOUR
A young woman's body is repeatedly referred to by two of her colleagues. These comments are made in front of them over several months and is making one member of the team feel uncomfortable. The young woman does not voice any objection to the comments, sometimes laughing at them and, on one occasion, she responds by making equally offensive comments about one of her colleagues.

There may be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted.

EXAMPLE FIVE
Two work colleagues become friendly, often having lunch together and occasionally meeting up outside of work. One night, after a few drinks at the pub, they kiss and agree to meet again the following weekend. On the Monday morning, one takes the other to one side and explains that they regret what happened and would like to keep their relationship professional. The employee who wishes to keep the relationship sends texts and emails the other employee several times a day over the next week, expressing their affection and upset at the 'change of heart' and repeatedly asking to meet up outside of work despite this request being repeatedly refused.

There may be circumstances where behaviour feels appropriate to those involved but causes concerns for others who may see or overhear it, even if nothing is targeted at them. This could still amount to sexual harassment in breach of this policy.

EXAMPLE SIX
A group of employees are chatting in the office about the finale of a TV show that they have all been watching. The TV show is popular though it is renowned for being sexist and sexually explicit at times. Those engaged in the conversation are all comfortable talking about the show and the sexual content, focussing on scenes depicting homosexual activity. However, others who sit in the open plan office feel uncomfortable. They are worried that the group may try to involve them in the conversation as they do not want to talk about a show that they find homophobic and degrading. They do not think anyone needs to be discussing it at work. They are also worried that if they voice that view they will be judged by the group who like the show.

3. When does this policy apply?

This policy will apply to any unwanted conduct:

- At work in any capacity including remotely in their home while working from home;
- Whilst in any MLA building;
- in any non-working situation where they are identifiable as an employee of MLA;

This policy covers actions:

- committed by an employee of MLA during the course of their employment
- experienced by any employee of MLA during the course of their employment
- committed in person and online

4. What if the alleged perpetrator is not a member of staff?

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, suppliers, clients or visitors to our premises. MLA will take steps to prevent sexual harassment by third parties. This could include but is not limited to:

- make it clear to our clients, customers or supplier and others who work with us that sexual harassment of our employees is unacceptable e.g. by recording messages at the beginning of telephone calls or displaying notices
- where possible take steps to minimise occasions where staff work alone
- formally report any incidents by third parties to the relevant person within the third parties organisation
- carrying out risk assessments when planning events attended by third parties
- reviewing this policy
- reviewing risk assessments
- reviewing other relevant policies and procedures

Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is.
If a complaint of third party harassment is received, we will seek to investigate the allegation and may:

- warn the client, customer or supplier about their behaviour
- ban them from our premises
- report any alleged criminal acts to the policy
- share information with other branches of the organisation

5. Preventing Sexual Harassment

5.1. The Employers' Duty of Care

The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of their staff and others who might be affected. In discharging this legal duty, we recognise that there are certain measures that can help to prevent sexual harassment in the workplace including ensuring that adequate measures are in place:

5.1.1. Staff training: on sexual harassment and about this policy for all staff, including supervisors and managers at all levels of MLA to promote clarity about sexual harassment and the value of speaking out to raise concerns. The training is mandatory for all staff and will form part of the induction for new staff. Training will include information about what constitutes harassment and its impact on individuals and MLA, how to report sexual harassment, colleagues' role in reporting and prevention, and the related responsibilities of all staff. Training will be monitored and evaluated as part of annual review of this policy. This will also include targeted training for all managers and supervisors potentially responsible for investigating and making decisions in relation to complaints and disciplinary processes. This will include training on recognising sexual harassment, understanding the variety of reactions to sexual harassment, and dispelling misconceptions.

5.1.2. Line managers will also be trained on how they can contribute to a safe working environment.

5.1.3. Continuous awareness-raising: about the nature and impacts of sexual harassment, common reactions to sexual harassment and the requirement of respectful behaviour for all staff to create a culture free from harassment and identify and address incidents when they occur. Awareness of this policy, a copy of which will be made available to all staff and members of the public on the website, and a copy of which will be provided to all new employees on induction.

5.1.4. Staff survey: An annual staff survey will be conducted to identify any areas of concern, and the results will be consulted to outline any action that needs to be taken.

5.1.5. Good management practices: including anti-discrimination management practices, competent and respectful people management, awareness of the conditions that can allow sexual harassment to become prevalent and consistency in taking appropriate prevention and interventions (including prompt and unambiguous action to visibly demonstrate that concerns regarding sexual harassment will be taken seriously).

5.1.6. Risk assessments: that include consideration of factors that can increase the risk of sexual harassment including: attending staff events, Christmas dinner, residential positions.

6. Responsibilities of Managers and Supervisors

All those with line management responsibility must ensure that all employees are aware of this policy and understand their own, and MLA's responsibilities. Targeted training on sexual harassment will be provided to all managers. Managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

6.1. To discharge this duty, they must:

6.1.1. Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.

6.1.2. Be aware of behaviour and language that can cause offence, including jokes and banter, and remind employees of the expected standards.

6.1.3. Respond to complaints of sexual harassment swiftly, sensitively and objectively using specified procedures outlined in this policy (section 9).

6.1.4. Be aware that the focus in dealing with complaints should be to understand what has happened and address that proportionately.

6.1.5. Deal directly with third party perpetrators (such as service providers, clients, visitors or contractors) outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.

6.1.6. monitor sex-related workplace issues which lead to inequality like the gender pay gap and unequal pay.

6.1.7. adopt a zero-tolerance approach to sexism within the workplace which is reflect through its policies, procedures, culture and training.

6.1.8. foster and promote a safe working environment which allows employees to feel safe and secure.

6.1.9. perform sexual harassment risk assessments or when.
- **6.1.9.1.** something changes, such as a new process or procedure
- **6.1.9.2.** an incident of sexual harassment occurs

6.1.10. address hazards identified by the sexual harassment risk assessment.
6.1.11. Ensure that this policy is followed

6.2. A Sexual Harassment Support Officer will assist any line manager in dealing with complaints of sexual harassment.

6.3. All complaints of sexual harassment will be dealt with in accordance with MLA's Data Protection Policy.

6.4. In terms of their own behaviour, managers and supervisors are expected to be exemplars to others. Any inappropriate manager behaviour will be considered a serious breach of this policy and be managed under the Disciplinary Policy.

6.5. A line manager's failure to actively implement this Policy within their area of responsibility, or to fail to deal with sexual harassment when they become aware of it, could constitute a breach of this policy if they do not seek help form senior managers; and disciplinary action may be taken.

7. Sexual Harassment Support Office

We recognise that it can be difficult for individuals to discuss or report sexual harassment, for example, if the individual's manager is the perpetrator or is aware of the harassment but has not taken action to stop it, or feels that their manager may lack the skills, knowledge or sensitivity to deal with complaints of sexual harassment.
Who are the Sexual Harassment Support Officers?
7.1. We are committed to ensuring that such difficulties are overcome so that allegations of sexual harassment are raised and can be acted upon. To aid in this endeavour, a Sexual Harassment Support Officer (SHSO) has been designated to deal with complaints of sexual harassment and to offer advice to employees who believe that they or their colleagues have experienced sexual harassment.
At a centre level: The Centre Director is the SHSO
At a Company level: Alina Iurten and Ruth Marin are the SHSO.

7.2. The main role of a Sexual Harassment Support Officer is to:
- **7.2.1.** Provide empathetic assistance and support to employees with complaints of sexual harassment.
- **7.2.2.** Explain the procedures for making a complaint and the potential outcomes.
- **7.2.3.** Establish the main details of any complaint.
- **7.2.4.** Help managers/the employee to decide what they want to do.
- **7.2.5.** Conduct action if the employee decides to take the matter further

7.3. We will ensure that Sexual Harassment Support Officers receive special training in carrying out their role. Sexual Harassment Support Officers will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the employee (save in cases where there is a serious risk to health and safety and sharing with appropriate parties is considered necessary, in which case this will be done in a way using anonymous/non-identifiable information whenever possible).

7.4. Every employee has the right to discuss or report sexual harassment confidentially.

7.5. In some cases, we might need to share information about the employee who made the complaint or during an internal investigation. Where this is the case, we'll consult with the employee beforehand and make sure this is done confidentially. We will at all times comply with any data protection responsibilities.

7.6. We will not tolerate the victimisation of employees who
- make a report about sexual harassment in good faith
- contribute to an investigation

7.7. Those who victimise an employee for one of the above will face disciplinary action.

8. Responsibilities of 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.

8.1. To discharge this duty, individual members of staff must:

8.1.1. Ensure they understand what sexual harassment is.

8.1.2. 8.1.2. Be aware of how their behaviour may affect others.

8.1.3. Challenge unacceptable behaviour wherever possible as long as it is safe to do so.

8.1.4. Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.

8.1.5. Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.

8.1.6. Co-operate in investigations into alleged sexual harassment

8.2. Forms of intervention: calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately; taking steps to defuse the situation/redirect those involved; checking in with the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.

8.3. What should I do if I am the recipient of unwanted conduct of a sexual nature?

8.3.1. If you have, or are concerned that you have, engaged in unwanted conduct of a sexual nature (intentionally or otherwise), you should take responsibility for your actions as soon as you can, as they may amount to sexual harassment. This is important as it may prevent the recipient of your behaviour from experiencing further trauma. For further advice, you should contact a Sexual Harassment Support Officer who will treat any information in accordance with paragraph 7(6).

If you have been questioned, accused, charged or prosecuted for a criminal offence (including one of sexual harassment, assault or rape) in relation to anything that has happened in a work context, you must report this to us immediately.

8.3.2. This applies even if you deny the alleged conduct or do not consider the alleged conduct to be connected to work. A failure to report this could amount to gross misconduct in itself.

8.3.3. Alleged sexual harassment may be investigated by us under this process, our disciplinary policy or otherwise and could also amount to an act of misconduct/gross misconduct or otherwise result in your dismissal (including summary dismissal).

8.3.4. If, at any time, you are asked (verbally or in writing) by someone who considers your behaviour to amount to sexual harassment to stop, you must not persist in that behaviour. You should also report the incident to your manager or a Sexual Harassment Support Officer. In such circumstances, it is important that you reflect on your behaviour and the way in which it is perceived and experienced by others. Remember that everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An authentic apology and genuine assurance that the behaviour will not be repeated may be enough to end the matter. However, in some cases a direct apology without a third party to facilitate may not be appropriate and advice from a Sexual Harassment Officer should be sought in advance. You should be sensitive to the reaction or potential reaction of the recipient. If the recipient refuses to accept your apology, or is upset further by it, you should not persist in contacting them. You should also seek advice from a Sexual Harassment Support Officer and/or report your behaviour to your line manager at this point.

f an employee breaches this policy, and we have sufficient evidence they've done so, they will face disciplinary action. We will take this action in line with our disciplinary procedure, which can be found in the staff handbook. Action will also be taken against those who make false allegations of exual harassment or allegations in bad faith which are found to be untrue.

If we consider an employee's behaviour to have breached this policy and be gross misconduct, this will usually result in dismissal without:

- Notice
- payment in lieu of notice

8.4. What should I do if I am the recipient of unwanted conduct of a sexual nature?

8.4.1. You can report any concerns to your manager, or a Sexual Harassment Support Officer. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with a Sexual Harassment Support Officer can be a useful way of talking through what has happened and deciding what further action you wish to take. Such discussions will be dealt with in confidence. However, if the harassment is of such a serious nature because of the high immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact, the employer may need to take further action. Information on external support that is available will be provided whenever you report sexual harassment (please also see links at the end of this document).

8.4.2. Recipients of sexual harassment are encouraged to tell the alleged perpetrator to stop and report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support.

8.4.3. Those who experience or witness sexual harassment should keep a record of the incident or incidents. This will help with investigations if the matter is formally reported. This includes logging:

- the date and time of incidents
- details of who was involved
- details of what happened
- details of any witnesses

8.5. What should I do if I have witnessed unwanted conduct of a sexual nature?

You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it, provided it is safe to do so and you feel able to do so. MLA believes your actions are important in helping create a culture free from sexual harassment. Tackling sexual harassment is everybody's responsibility. Those who have witnessed sexual harassment can use the reporting mechanisms outlined below. However, we recognise that there may be many reasons that someone may not feel confident to report it.

9. Reporting Mechanism

It is important that any concerns are reported, as you may be the first to raise formally something that has been occurring for some time.

9.1. There are different ways in which you can report such behaviour. These different methods recognise that each individual 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.

9.2. 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 take action 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 MLA.

9.3. Reporting to a manager or Sexual Harassment Support Officer

9.3.1. An informal discussion with a Sexual Harassment Support Officer can be a useful first step in talking about what has happened. See section 7 for details of the Sexual Harassment Support Officer role and confidentiality rules.

9.3.2. This may be followed by a formal report. There is no obligation to make a formal report, but as outlined below, for legal reasons, formal action to address specific incidents will normally only be taken once a formal report has been received.

9.4. Reporting to an External Third Party including the Police

No direct action can be taken against any individual perpetrator of sexual harassment in response to an anonymous report, but the data generated from such reports will be gathered and stored in compliance with data protection laws. 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. See sections 9.10 and 9.12 for more information on how this policy can link to police matters.

9.5. Informal Reporting

9.5.1. If a person reports sexual harassment to a supervisor, manager or Sexual Harassment Support Officer but does not want to take the matter any further, the individual receiving the complaint will keep in contact with them to periodically check whether the situation has improved.

9.5.2. Although the wishes of the complainant to keep the report on an informal footing will be adhered to wherever possible, there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high immediate risk
to the safety of the complainant, or others with whom the perpetrator may come into contact with. In such situations, the employer will put in place appropriate safeguards, such as instigating a formal investigation with suspension, or transfer of the alleged perpetrator, to prevent further harassment, or victimisation of the complainant.

9.5.3. Someone who has experienced or witnessed sexual harassment may feel comfortable trying to resolve the matter informally. They might want to:

- arrange an informal, confidential chat with their line manager and ask for advice and support
- speak to the person who carried out the sexual harassment and try to make them understand the effect their actions have had
- speak to the person who carried out the sexual harassment in the presence of a manager to try and make them understand the effect their actions have had
- ask a manager to speak to the person who carried out the sexual harassment

9.5.4. MLA will fully support someone who wants to resolve the matter informally.

9.6. Formal Reporting

9.6.1. If informal action does not stop the sexual harassment, or a formal report is made, a formal procedure should be initiated in line with the grievance process outlined in the contract and handbook.

9.6.2. The process allows both the complainant, and the person against whom the complaint is made, the right to be accompanied by a colleague, or any other person of the complainant's choosing.

9.6.3. A person who believes that they have been sexually harassed, and who decides to formally report it, should, in the first instance, report the alleged act or acts to their line manager. If they do not feel that the line manager is an appropriate person, for example if the line manager is the person doing the harassment, the report should be made to a Sexual Harassment Support Officer or a more senior manager. Where possible, the employee should set out in writing details of the complaint, including dates and times of the alleged incident(s) and an account of the behaviour. Sexual Harassment Support Officers can support employees in establishing this.

9.6.4. All complaints will be handled and investigated in a timely and confidential manner. The complainant will be invited to a meeting with the person to whom the report is made within 5 days of reporting the alleged act or acts. The employee will have the right to be accompanied at this meeting by a colleague or any other person of the complainant's choosing. Following this initial meeting, the person to whom the complaint is made will instigate an investigation.

9.7. The Investigation

9.7.1. At the outset of the investigation, the position concerning confidentiality will be explained to participants before they take part. In practice, there will be a requirement for those giving evidence (including complainants and alleged perpetrators) to the investigation to keep what they have said in the process confidential (though they will be given details of those in MLA that they can speak to for support). How the information they provide during the process may be used and shared in the future will also be explained. While the sensitive nature of information will be respected and will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process. For example, it could form part of a disciplinary investigation in which case the information would be shared with the alleged perpetrator. It may be that materials are ultimately used as

evidence in legal proceedings which could be held in a public forum. Within MLA, confidentiality will be maintained as far as possible, with information only being shared when appropriate. We may at times need to involve external agencies where a criminal offence may have been committed, or if maintaining confidentially would pose a risk to the complainant or to others.

9.7.2. Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

9.7.3. As a first stage in investigating the complaint, a manager ('the Investigator') will arrange to interview separately the complainant and the alleged perpetrator, both of whom may be accompanied by a work colleague or any other person of the complainant's choosing if requested. We recognise that the complainant may prefer to talk to an investigator of the same sex, and this will be facilitated wherever possible.

9.7.4. Managing a complaint under this policy will mirror the structure of any other Grievance Process while also recognising the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint.

9.7.5. An investigator will be appointed. Their remit will be to:

(i) investigate the complaint;

(ii) provide an outcome to the complainant; and

(iii) where appropriate, make a recommendation as to whether the matter should be referred to a disciplinary process centred around the alleged perpetrator.

Our default approach is for the person investigating the concern to decide on the outcome for the complainant, because they will have a first-hand understanding of all the information and have spoken with all witnesses. This reduces the need for the person raising the concern to re-tell their story to multiple people and, we hope, will therefore minimise the need to re-open any past trauma. However, the person raising the complaint under this policy will have the option of requesting that a separate person be appointed for stages (i) and (ii) above. MLA will then discuss the impact of that change and agree on a final approach.

As explained at (iii) above, one possible outcome could be that disciplinary action is recommended, in which case the investigation carried out under this policy will form part of the disciplinary investigation. Another MLA senior manager will be responsible for stating that a reasonable investigation has been carried out for the purpose of the disciplinary matter. In doing so, they may instruct the Sexual Harassment investigator to carry out further investigation for the disciplinary process. A separate disciplinary investigator may be appointed to complete the disciplinary investigation (and that person will be able to rely on all materials contained in the sexual harassment investigation as far as appropriate) or may also carry out further investigation themselves to conduct a fair disciplinary process while remaining mindful of complainant re-telling their account as this may re-open past trauma.

9.7.6. If the sexual harassment constitutes a potential criminal offence, such as a sexual assault, indecent exposure, stalking and/or offensive communications, the investigator will provide them with appropriate support should they wish to report the matter to the police. In such cases, we will liaise with the police regarding the investigation and any linked grievance and/or disciplinary processes and take advice on how to conduct a fair process. Where there is an ongoing risk of serious harm to an individual, the investigator will contact the police directly and inform the complainant that they have done so.

9.7.7. We also recognise that when a workplace matter is also the subject of potential criminal investigation, the alleged perpetrator may be seeking independent legal advice, and, as part of that, may be advised not to participate in the internal work process, as this could impact upon criminal proceedings. We will not draw any adverse inference from any lack of participation in the process for this reason (i.e. we will not assume that a failure to respond suggests a person is guilty of wrongdoing). However, we may still need to progress matters and take a decision on further steps based on the information available .

9.7.8. We will ensure that the complainant, and the alleged perpetrator, are not required to work together while the complaint is under investigation.

In a serious case, as a precautionary measure for the protection of the complainant, or to prevent interference in the investigation, the alleged perpetrator may be suspended or transferred while investigations, and any subsequent disciplinary procedures, are undertaken.

9.7.9. At the end of the investigation, the investigator will provide a detailed response in writing to the complainant, specifying outcomes wherever appropriate. If the complaint is upheld, this will include details of the action taken to address the specific complaint and of any preventative or structural measures taken to safeguard against future incidents of a similar nature.

9.7.10. If the outcome of the complaint is that the matter will proceed to a disciplinary process, the complainant will have a right to know that this will be pursued under a disciplinary procedure. However, they will not have the right to know what the outcome of that procedure was, or if any sanction has been imposed. The organisation recognises that this limitation may be a source of frustration.. Some sanctions (for example, an exit from MLA or apology) will be visible and this can help to reassure the complainant that action has been taken. Other sanctions are "invisible" to others in MLA (for example, a disciplinary warning) and this can lead to concern that no action has been taken. In other situations, processes can be delayed (for example, to accommodate illness, or hurdles in the investigation process). We wish to reassure all those involved that just because action cannot be seen does not mean steps are not being taken. As an employer, we have a duty towards all employees and must respect the confidentiality expectations of staff who are the subject of disciplinary proceedings.
9.7.11. If relocation proves necessary, the perpetrator and not the complainant will be relocated unless the complainant requests otherwise.
9.7.12. Where the complaint is not upheld, or proceeds to a disciplinary process under which the outcome involves the alleged perpetrator remaining with MLA, the disciplinary outcome will include the option of a facilitated reconciliation meeting, at which the perpetrator will be required to attend, and the complainant will have the option to attend at their discretion. The aim will be to understand and re-build professional relationships with all parties involved wherever possible.

9.8. Outcome and Sanctions for Committing Sexual Harassment

9.8.1. In some cases, the outcome of a complaint under this procedure may be an informal resolution, such as an apology or mediated discussion with the alleged perpetrator about how their behaviour is received, or that the matter is not found to amount to sexual harassment. If this is the case, the information will be provided to the complainant and any alleged perpetrators.
9.8.2. If a complaint of sexual harassment is upheld, then it may progress to a disciplinary process. The sexual harassment investigation is likely to be the basis of that disciplinary investigation. The outcome of that disciplinary process could range from no sanction to a sanction including warnings, compulsory transfers (without protection of wages or salary), and dismissal (with or without notice). These steps will be taken in accordance with the staff disciplinary procedure reflected in the handbook and/or contract.
9.8.3. We also recognise that the standard of proof in a workplace matter is lower than that in a criminal matter. As such, it is possible for there to be different outcomes in different processes as a result of their different remit and scope.
9.8.4. Any decisions taken under this procedure do not preclude any person from pursuing a grievance in the usual way under the staff grievance procedures (though in some cases we may consider that it
is appropriate for the matter to be addressed pursuant to this policy rather than the grievance process where the concern relates to sexual harassment). An individual may also report the matter to the police if they believe that a criminal offence may have been committed (and they are not required to wait for the outcome of this process to do so)

9.9. Right of Appeal

9.9.1. The complainant has the right to appeal against the decision following the investigation within 1 day of receiving the decision from the investigator.
9.9.2. Any appeal must be made in writing, stating the reasons for the appeal.
9.9.3. On receipt of an appeal, a meeting will be arranged with a more senior manager to consider the appeal. The complainant will be given the opportunity to put forward their case and explain why they are not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal, if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible.
9.9.4. The decision of the person hearing the appeal shall be final.
9.9.5. Once a decision on action has been made, MLA will update the:

9.9.9.5.1. reporting person
9.9.9.5.2. victim (if they didn't make the initial complaint)

Legal action

In some instances, sexual harassment could be considered a criminal offence. MLA will respect the decision of the person whether they wish to report it to the police or not. If the matter is reported to the police, MLA will help them with the investigation where it can.

10. Record keeping and data protection

MLA will keep a record of all reports of sexual harassment.
The information regarding the complaint will be kept on the HR files of those involved including:

- the victim
- the perpetrator
- relevant witnesses (where appropriate)

Information on a reported act of sexual harassment will be kept confidential and only discussed and shared with those:

- who need to know
- involved in the report
- In some cases, MLA might report the conduct and share information with the police even if the victim does not want to. We will take this type of action if an incident involves:
- a hate crime
- physical violence
- sexual assault

11. Monitoring after the complaint and investigation

Once an investigation into sexual harassment has been completed, MLA will actively monitor the issue for a short period of time. This is to make sure:

- the reported behaviour has stopped if the perpetrator has not been dismissed
- no one is treated unfairly because they either made or supported a complaint
- If there is a recurrence of sexual harassment or unfair treatment following on from an incident already reported, MLA will re-engage this policy.

12. Protection from Victimisation

All employees shall be protected from intimidation, victimisation or discrimination for making a complaint of sexual harassment or for assisting in an investigation. Retaliating against an employee for complaining about, or assisting in, an investigation of sexual harassment is a disciplinary offence.

13. Review and Evaluation of this Policy

13.1. MLA is committed to ensuring that this policy and all related procedures are effective in preventing sexual harassment and in dealing with incidents where they do occur. Essential to achieving this aim is adequate investment, and continuous review and evaluation.

13.2. MLA acknowledges the importance of monitoring this sexual harassment policy and will ensure that supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy to senior management, including the number of reported incidents, how they were dealt with, and any recommendations made to be taken into account when reviewing the policy. Where appropriate, goals for improvement will be set and monitored.

13.3. The policy will be widely promoted, supported by the senior leaders of MLA and copies will be freely available on MLA's website.

13.4. This policy will be reviewed yearly. MLA will also periodically monitor how successful it is in creating a workplace free of sexual harassment by other means, which will include training, raising awareness of harassment and bullying in general and undertaking risk assessments.

14. Further Information and Support Services

Dealing with sexual harassment at work
MLA is committed to making sure victims of sexual harassment:

- feel safe discussing what has happened to them
- are supported through the reporting process
- are supported after the report has been made
- To do this MLA will:
- make sure adjustments are made for the victim including time off for counselling or to take legal advice, if required
- ask the victim to what MLA can do to help them
- • provide information of where they can find support outside of MLA

To help you understand your rights and options, employers and anyone affected by sexual harassment at work can:

- Call the **ACAS** helpline
- **Get legal advice**
- **Contact Equality Advisory and Support Service (EASS)**
- For advice on discrimination issues: Phone 0808 800 0082
- **Contact Protect**: Confidential advice for individuals who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns: Phone 020 3117 2520

Women who have experienced sexual harassment at work can get free legal advice from:
Rights of Women

If you're struggling to cope and need someone to talk to, you can contact:
Samaritans
LGBT Foundation

Help after sexual assault or rape
You can get help and information from:
Galop – LGBT+ sexual violence support

Rape Crisis Scotland
The Survivors Trust
Survivors UK – male rape and sexual abuse support
Victim Support

Find out about other help after rape and sexual assault&nbs….
To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- **Police UK**

When you're reporting a crime, you can ask to speak to a specialist officer who is trained to deal with sexual violence.

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