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**East Dunbartonshire Council**

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# **East Dunbartonshire Council**

## **Sexual Harassment Policy**

**Chief Officer & Local Government Employees  
including Teachers and employees on SNCT  
Conditions of Service.**

**Version 1**

**March 2026**

## Version Control

Version No.	Effective Date	Approval Date	Summary of changes from previous version
1.0	01/03/2026	03/02/2026	New Policy

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## 1.0 Policy Statement

- 1.1. Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.
- 1.2. This policy aims to take all reasonable steps to prevent harassment of a sexual nature, and to provide guidance where problems occur and to prevent any recurrence.
- 1.3. Any complaint will be dealt with seriously, without undue delay and, in confidence, inline with the circumstances.
- 1.4. The Council has a zero-tolerance approach to any form of harassment, including Sexual Harassment.

## 2.0 Scope

- 2.1. The Sexual Harassment Policy applies to Chief Officers, Local Government Employees, and to Teachers and those employed on SNCT Conditions of Service.
- 2.2. It addresses sexual harassment by one employee to another, an employee to a third party and by a third party to an employee.

This policy covers behaviour which occurs in the following situations:

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a work social event or function
- outside of a work situation but involving a colleague or other person connected to the Council, including on social media.

## 3.0 References and Related Documents

- 3.1. This forms part of the Council's Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2. This Policy should be applied with reference to the Charter of Commitment outlining the Roles & Responsibilities for Employment based Policies and Procedures.
- 3.3. The following policies and relevant toolkits should be read in conjunction with this policy:
  - Dignity at Work
  - Disciplinary (which includes Code of Conduct)

## 4.0 Definitions

4.1. The following definitions are used in this Policy:

**‘Sexual Harassment’** is unwanted conduct of a sexual nature which has violated someone's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for someone. . It can be sexual harassment even if the behaviour did not intend to have this effect. Sexual harassment also includes 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.

**‘Victimisation’** occurs when a person is treated less favourably because they have made a complaint of discrimination (*which may be a complaint of harassment or bullying*) or have helped another person to make or bring a complaint. Victimisation can constitute unlawful discrimination and will result in disciplinary action being taken, regardless of the outcome of the original complaint.

4.1.1. **‘Protected acts’** are:

- making a claim or complaint under the Equality Act 2010 (as amended), e.g. for discrimination or harassment
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act
- making an allegation that someone has breached the Equality Act
- doing anything else in connection with the Equality Act. Examples of ‘victimisation’ may include:
  - failing to consider someone for a recruitment 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.

## 5.0 Policy Outline

### 5.1. What is Sexual Harassment?

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, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct that has one 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.

Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace. 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.

The Council also recognises that certain vulnerable or minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment.

## **5.2. Inappropriate Behaviour and Unwanted Conduct**

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

### **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

### **Verbal conduct**

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

### **Non-verbal conduct**

- Display of sexually explicit or suggestive material or imagery including graffiti
- Acts affecting a person's surroundings
- Posts or content on social media, sexually suggestive gestures, predatory behaviour
- Facial expressions, whistling, leering

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").

## **5.3. Roles and Responsibilities**

### **5.3.1. The Council**

East Dunbartonshire Council's commitment to taking all reasonable steps to prevent sexual harassment in the workplace include:

- Aiming to improve gender balance, diversity, and inclusion at all levels of the organisation.
- Increase employee engagement
- Data and trend monitoring

- Develop and maintain systems for reporting and monitoring information.
- Removing barriers to reporting; recognising that employees may feel they cannot raise concerns for a variety of reasons.
- Provide clear guidance and policies on conduct and workplace relationships.
- Good management practices, including encouraging safe and inclusive working practices.
- Undertake risk assessments.
- Appropriate and targeted training for all employees, including supervisors and managers at all levels. Dedicated training on sexual harassment will be developed along with other resources. The Council will endeavour to provide focused training and examples that are appropriate to different service areas, and will regularly review training, to ensure that it meets employees' needs.

### 5.3.2. Line Manager

Line Managers must ensure that all employees are aware of this policy and understand their own, and the organisation's, responsibilities. Line Managers should aim to create a respectful culture of trust and openness based on regular conversations with employees. All employees are encouraged to speak up about unacceptable behaviour. Line managers have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect. Line managers must:

- Always challenge any unacceptable or questionable behaviour that they become aware of and must not wait for a formal or informal complaint to be made before taking action for unacceptable behaviour.
- Record all reports of sexual harassment and follow the Dignity at Work policy to investigate and resolve the matter.
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind employees of the expected standards.
- Take reports seriously and respond without undue delay. If an employee discloses or reports sexual harassment, line managers should always respond in a respectful, non-judgemental, and sensitive way.
- Take a trauma-informed approach when responding to and dealing with reports.

### 5.3.3. Employees

All individuals have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All employees should:

Ensure they understand this policy and do not participate in, encourage or condone, sexual harassment or victimisation of others.

- Promote an inclusive culture and report any incidences of sexual harassment they encounter themselves or witness.
- Consider their own behaviour and take seriously requests to cease or change unacceptable behaviour or conduct.
- Take seriously requests to cease or amend behaviour and fully cooperate with any investigation
- Attend any designated training regarding the prevention of harassment in the workplace

For full details on any of the above please refer to the Dignity at Work policy and Toolkit.

## 5.4. Risk Assessments

The Council consider sexual harassment as a workplace risk and managers will be required to record and regularly review risk assessments to include consideration of factors that can increase the risk of harassment including:

- lone working
- the presence of alcohol
- customer-facing duties
- outdated cultural / workplace norms
- work-place stress
- power imbalances
- job insecurity
- lack of diversity and inclusion in the workforce.

Risk assessments should also be used where employees are working with service users who may, for a variety of different reasons, engage in behaviours that may be harassing.

Further details on how to complete a risk assessment can be found in the toolkit.

## 5.5. Reporting

Employees should report all instances of harassment, victimisation or discrimination experienced, via the Dignity at Work Policy, whether they are the target of the behaviour or they have witnessed it. Reporting is necessary to address the issue both for the individuals own well-being and that of their colleagues. Employees are encouraged to contact the HR team or their Trade Union (where applicable) if they do not feel they are able to make a report via their line manager/ senior line manager.

An individual can deal with harassment in several ways, ranging from asking the person to stop their behaviour, to informal discussions with their manager, or to making a formal report . You do not have to be the recipient or target to make a report about harassment. If you see it happening or become aware of the problem, you have the right to report it. Tackling harassment is everybody's responsibility.

### Action

Any report of sexual harassment will be treated with the upmost seriousness, and the manager will refer to the Dignity at Work and Disciplinary policies and consult with HR, to ensure the individuals involved are supported and that the process is conducted appropriately whether informal or formally.

All reports of sexual harassment will be managed and investigated in a timely and confidential manner.

If the harassment is believed to be a criminal offence, the senior manager should advise the affected party to report the matter to the police as soon as possible. If it is believed that there is an ongoing risk of serious harm to an individual, the senior manager or HR may contact the police themselves and inform the complainant affected party that they have done so.

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

## 5.6. Support for Employees

### 5.6.1. Wellbeing Support and/ or Line Manager Support

Employees will be offered Wellbeing Support either through their line manager or, where this is not appropriate, through another unconnected line manager. Managers undertaking this support should have received training regarding Sexual Harassment and Mental Health Awareness. The Wellbeing Support Manager is not expected to act as counsellor and clear expectations regarding the wellbeing support is outlined in the Dignity at Work Policy toolkit.

Employees raising the sexual harassment complaint will be kept up to date as to the status of any fact-finding investigation and any further steps, such as that a disciplinary hearing has been scheduled and disciplinary action has been taken, but the employee will not receive full details of the outcome.

If an employee is off work with long term sickness absence they will receive support as per the Attendance Management Policy and it will be agreed who will provide the line management support.

### 5.6.2. Employee Assistance Programme

Access to independent and trained counsellors will be available to all employees via the Employee Assistance Programme. This service will be strictly confidential between the counsellor and employee. No details or records will be disclosed without the written permission of the employee concerned. Employees who have been harassed will be supported to attend counselling sessions.

Confidential support, practical information, and advice is also available for individual employees with the policy toolkit and from the employee assistance program details of which can be found on the Employee Zone ([Wellbeing - East Dunbartonshire Council - www.eastdunbarton.gov.uk/employee-zone/hr-payroll/wellbeing](http://www.eastdunbarton.gov.uk/employee-zone/hr-payroll/wellbeing)). Where the employee's complaint is not upheld, or it is upheld but results in disciplinary action short of dismissal of the harasser, mediation or facilitated conversations may be offered to affected parties, where there is mutual agreement.

### 5.6.3. External Support Organisations

Police Scotland can be contacted by:

- Calling 999 in an emergency
- Calling 101 if it's not an emergency
- Or by reporting a crime online at: [www.scotland.police.uk/contact-us/](http://www.scotland.police.uk/contact-us/)

There are a number of services for victim-survivors of sexual harassment if you need support:

- Rape Crisis Scotland, 5pm-midnight - call: 08088 010302, text: 07537 410 027
- Scottish Women's Rights Centre - call: 08088 010789 or 0141 331 4183
- SARCS - The NHS Scotland sexual assault response co-ordination service on 0800 148 88 88 or [www.nhsinform.scot/turn-to-sarcs/](http://www.nhsinform.scot/turn-to-sarcs/)

## 5.7. Third Parties

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. In order to prevent third-party sexual harassment from occurring, the Council have taken multiple steps, including:

a) our zero-tolerance approach to any form of harassment within any tender or contractual documentation related to third parties. Actions taken may include:

- reporting to the relevant third party organisation
- banning an individual from the premises
- withdrawing a service
- terminating a procured contract

b) informing external parties of our zero-tolerance sexual harassment policy in our email signatures, which will contain a link to our policy on our website too

c) informing external parties who visit our website of our zero-tolerance policy on sexual harassment.

Should a third party sexually harass a member of our workforce, the Council will warn them about their behaviour and investigate whether any further action needs to be taken. Any criminal acts will be reported to the police.

The Council will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action up to and including dismissal.

## 6.0 GDPR Statement

East Dunbartonshire Council holds, uses, and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: [Privacy Notices | East Dunbartonshire Council](#)

## 7.0 Policy Review Statement

This policy will be reviewed in two years or in line with:

- Legislative Change
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions, and/or Management

## Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank **Kirkintilloch G66 1TJ Tel: 0300 123 4510**

本文件可按要求翻譯成中文，如有此需要，請電 **0300 123 4510**。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر **0300 123 4510** پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੋਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ **0300 123 4510** ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòin gu **0300 123 4510**

अनुपरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया **0300 123 4510** पर फोन कीजिए।