



**Sexual Harassment Policy**

**The purpose of this policy guideline is:**

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Ardonagh is committed to providing a safe working environment for all of its employees, that is free from any form of sexual harassment. Ardonagh will not tolerate harassment of any kind and adopts a zero-tolerance approach. This policy will outline its principles and provide guidance on the key considerations on the correct procedure to follow.

**The scope of this policy guideline is:**

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This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns and apprentices. This policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to sexual harassment involving third parties. This policy is non-contractual and does not form part of an employee’s terms and conditions of employment. It may be amended or withdrawn at any time.

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**What is sexual harassment?**

- 1.1 Sexual harassment** is unlawful. It is defined in the Equality Act 2010 as unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them whether the perpetrator intended this or not.



- 1.1.1.1 In Northern Ireland, the relevant legislation is the Sex Discrimination (Northern Ireland) Order 1976 As Amended. Together, these are referred to in this policy as 'equality law'.
    - 1.1.1.2 Sexual harassment can still be unlawful even if a person may not have intended their conduct to be of a harassing, unwanted or offensive nature.
    - 1.1.1.3 Unwanted conduct of a sexual nature covers a range of behaviours and can include:
      - “banter”, jokes or insults that are sexist or offensive comments about appearance or dress, innuendo or lewd comments
      - displaying, showing or sending material of an offensive, sexual or pornographic nature by any means (eg. displaying sexually graphic pictures, sending by text, video clip, email or by posting on the internet or social media), leering, whistling or making sexually suggestive gestures
      - unwelcome sexual advances, propositions, suggestive remarks, or gender related insults
      - the offer of rewards for going along with sexual advances e.g., promotion, access to training or that refusal may hinder it
      - threats for rejecting sexual advances e.g. suggestions that refusing advances will adversely affect the employee’s employment, evaluation, pay, promotion or training opportunities, assigned work, or any other condition of employment or career development
      - persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
      - intrusive questions about a person’s private or sex life or a person discussing their own sex life
      - gossip and speculation about someone's sexual orientation or transgender status including spreading malicious rumours
      - unwanted physical contact or conduct which is intimidating, or physically or verbally abusive from unwelcome touching, hugging and massaging to serious assault.
    - 1.1.1.4 The conduct does not need to be sexually motivated, only sexual in nature.
    - 1.1.1.5 It is not necessary for someone to object first before conduct can be described as unwanted.
    - 1.1.1.6 The conduct does not need to be a ‘pattern of behaviour’ under employment case law (although there is separate criminal legislation, the Protection from Harassment Act 1997 which does require a “course of conduct”). A series of incidents which taken separately may seem trivial, can together constitute sexual harassment. Equally, one isolated incident can be sexual harassment.



- 1.1.7 The conduct does not have to be specifically targeted at an individual to amount to sexual harassment. Sexual harassment is not always obvious, repeated or continuous; it can be a one-off incident.
  - 1.1.8 Conduct that is directed at one person may constitute sexual harassment of another person because of the environment it creates.
  - 1.1.9 Some forms of sexual harassment are also criminal offences, for example behaviour that would be called exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether or not someone also reports them to police.
- 1.2 Victimisation** is also unlawful under the Equality Act 2010. In this context it means treating a worker less favourably because they have reported sexual harassment at work, it is believed they will report a case of sexual harassment in the future, or they have helped someone else to report a case of sexual harassment. Treating a worker less favourably can include, but is not limited to:
- dismissing a worker
  - denying a worker a promotion or development opportunity
  - denying a worker shift hours or blocklisting a contractor
  - excluding a worker from tasks, projects, meetings or day to day work
  - telling other companies to not hire someone.
- 1.21 There is no time limit on when a worker can experience victimisation, providing that the worker is subject to less favourable treatment as a result of the case involving sexual harassment and not some other reason.
- 1.3 In the context of these definitions Ardonagh recognises that:**
- 1.3.1 Anyone can experience sexual harassment, and an individual can experience sexual harassment from someone of the same sex or a different sex.
  - 1.3.2 Sexism; which is discriminating against someone because of their sex, often goes hand in hand with sexual harassment. Where there has been harassment related to sex, but the harassment is not sexual in nature (i.e. the points above in 1.1.3) , action should be taken under other relevant policies and the relevant disciplinary/grievance procedures which also cover harassment related to other protected characteristics. This policy concerns itself only with behaviour that constitutes sexual harassment, that is, behaviour that is 'sexual in nature'.
  - 1.3.3 Sexual harassment can be intrinsically linked with harassment related behaviour to a protected characteristic in which case it is covered under this policy. Some forms of sexual harassment are specifically related to a person's combination of characteristics, as shown by the



disproportionately high level of incidences of racialised sexual harassment directed at female workers from ethnic minorities

- 1.3.4 This policy focuses explicitly on sexual harassment and victimisation. An individual can be sexually harassed and also experience unlawful harassment related to one or more of the protected characteristics in the Equality Act 2010, which are:
- Sex: both men and women are protected under the Act.
  - Race: for the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
  - Disability: under the Act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.
  - Sexual orientation: the Act protects bisexual, gay, heterosexual and lesbian people.
  - Age: the Act protects people of all ages.
  - Religion or belief: the Act covers all religion and includes lack of religion. Belief means any religious or philosophical belief or a lack of such belief.
  - Gender reassignment: the Act provides protection for trans people. The legal protection in the Equality Act covers anyone who "intends to undergo, is undergoing or has undergone gender reassignment", including people preparing for medical treatment. It is important to remember that gender reassignment means "a personal process" of moving away from one's sex at birth to the preferred gender. It is not to do with undergoing a surgical process, which many trans people choose not to undertake, nor does it require a person to have received medical treatment, including hormone treatment.
  - Marriage and civil partnership: the Act protects employees who are married or in civil partnership. Single people are not protected.
  - Pregnancy and maternity: the Act protects a woman on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.
- 1.3.5 These forms of unlawful harassment and victimisation are dealt with in the Dignity at Work policy.
- 1.3.6 Sexual harassment and victimisation can happen in a work situation, during any situation related to work such as at a social event or site visit, and on social media or any online communication.
- 1.3.7 Sexual harassment and victimisation can be perpetrated by other workers and third parties. Third party harassment can result in legal liability for an employer. Third party means someone who a worker interacts with as part of their job but who is not employed by the same employer as them, for example a customer or a supplier. Ardonagh does not tolerate sexual harassment by a



third party, or toward a third party, and encourages workers who experience it to report it and takes responsibility for protecting workers from sexual harassment and victimisation perpetrated by third parties.

- 1.3.8 Sexual harassment can sometimes be a manifestation of power, including imbalances based on gender in the workplace and in everyday life. While women are most often the targets and men are most often the perpetrators, this is not always the case. Sexual harassment often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. These power imbalances will be considered when deciding what disciplinary action is taken.
- 1.3.9 The act does not have to be directed at someone for them to experience sexual harassment. Being a witness to an incident or being part of a conversation where inappropriate sexual misconduct is taking place could also constitute sexual harassment.
- 1.3.10 Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted and thereby become sexual harassment.

## 2. Support for staff who have experienced sexual harassment

### 2.1 Internal Support

Ardonagh commits to making sure that reasonable adjustments are made for the reporter, in terms of an individual risk and needs assessment that might include time off work for counselling or to take legal advice, for example. Ardonagh also has an Employee Assistance Programme, more details of which can be found on Engage under the Wellbeing section:

<https://app.employeeapp.co.uk/page/52>

### 2.2 External Support

If you have experienced sexual harassment at work, you can contact the following organisations for free and confidential support and advice:

- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Rights of Women free and confidential legal helpline for women who have experienced sexual harassment at work: 020 7490 0152
- Safeline: <https://safeline.org.uk/support-for-males/>
- Galop, the LGBT+ anti-violence charity, 0800 999 5428
- Citizens Advice Bureau
- Equality and Human Rights Commission (EHRC)
- Equality Advisory and Support Service (EASS)
- Protect (the Whistleblowing charity)

### 3. Preventing Sexual Harassment

Under the Equality Act 2010 employers are liable for harassment or victimisation committed by their workers unless they can show that they took all reasonable steps to prevent such behaviour. The law also requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment including harassment by third parties.

Harassment, sexual harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:

- in a work situation
- during any situation related to work such as at a social event with colleagues
- against a colleague or other person connected to the employer outside of a work situation, including on social media, or
- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

### 4. Roles and responsibilities

#### 4.1 Duties of managers and supervisors

All managers and supervisors have responsibility for:

- creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are robustly challenged and tackled
- treating informal and formal complaints seriously, with sensitivity to the feelings, perceptions and need for confidentiality of the individual raising the report
- treating their workers fairly and taking prompt action where they are aware of unacceptable behaviour
- ensuring that staff who report sexual harassment, or support others to do so, are not treated less favourably than others because of this (victimisation)
- assessing and managing risk arising from disclosures, reports and disciplinary processes
- dealing swiftly and explicitly with third party perpetrators and consider whether to with the view to ban individuals from premises, withdrawing membership or ending contracts
- ensuring this policy is always followed
- ensuring that they and their team participate in regular sexual harassment training
- being an exemplar of acceptable behaviour and being aware that they are in positions of power as well as leadership.
- addressing incidents of sexual harassment that are witnessed.
- encouraging reporting where incidents have occurred.



## 4.2 Duties of individuals

All workers have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All workers have the responsibility to:

- ensure they understand this policy and act in accordance with it, particularly if they are an alleged perpetrator of unacceptable behaviour
- fully cooperate with any investigation and take seriously requests to cease or amend behaviour
- not participate in, encourage or condone sexual harassment or victimisation of others
- promote an inclusive culture in which colleagues or peers are not subjected to sexual harassment or victimisation by challenging and/or reporting these forms of behaviour to the appropriate staff member
- treat all workers and those they encounter through work with dignity and respect
- think about their own behaviour and whether it might amount to sexual harassment and, if so, change their behaviour.
- speaking up and/or reporting incidents of sexual harassment and victimisation of others that are witnessed.

## 5. Procedure for receiving and responding to complaints of sexual harassment

Ardonagh is committed to dealing with cases of sexual harassment promptly, efficiently and sensitively when they become aware of them. You do not have to be the recipient or target of sexual harassment to make a report about it. If you see it happening or become aware of a problem, you have the right to challenge it and to make a report.

This policy includes an informal as well as formal process for dealing with reports of sexual harassment. The

word “reporter” is used to describe a person who has decided to share their experience of sexual harassment, whether informally or formally in the form of a complaint. At Ardonagh, we do not refer to people who make reports of sexual harassment as “complainers” or “complainants” because we welcome their reports, and we reject the all-too-common characterisation of reporters as “troublemakers”. When people decide to report sexual harassment, they normally do so out of a sense of wanting to make the workplace better for themselves and for others.

The phrase “alleged harasser” is used to describe any person who the reporter is saying was responsible for the harassment. The alleged harasser cannot be described as a “harasser” until after there has been a formal disciplinary decision. Using the word “alleged” does not imply that the reporter has made up an accusation.

Ardonagh recognises that false allegations of sexual harassment are rare, that victim-blaming is common and that victims are often worried they will not be believed because of biases and myths in our society, or that they will be punished if an investigation does not conclude there was sufficient evidence to make a finding. Ardonagh will always assume that reports have been made in good faith unless there is evidence to the contrary. Any investigation will always examine the evidence from the case.



## 5.1 Informal process

- 5.1.1 If a reporter feels confident and able to do so, they can raise their experience directly with the alleged harasser. The reporter can explain directly to the harasser why their behaviour was unacceptable, how their behaviour made them feel and that they would like them to stop it. This can be done verbally or in writing.
- 5.1.2 Ardonagh recognises that sexual harassment may occur in unequal relationships (i.e. between a line manager and their employee) and that it may not be possible for the victim to inform the alleged harasser. If the reporter feels unable to approach the harasser, they can ask either a trade union rep, a member of the Advisory HR Team, or a person of seniority to support them.
- 5.1.3 If the reporter feels able to, they can also approach the line manager of the alleged harasser. This is something an independent party can also support individuals with.
- 5.1.4 If an employee has experienced sexual harassment, it is also advised they tell a friend or someone they trust so they are not trying to cope with it alone, and if multiple instances occur, also keep a diary of these as it will provide helpful record of the nature of the sexual harassment and when it occurred.

## 5.2 Formal process

If either a reporter does not wish to pursue an informal route, the informal route has been tried and not worked, it is felt the alleged harasser will not respond to an informal process or the case is too serious for an informal process to be appropriate, a formal process is also available and specified here.

- 5.2.1 A reporter or reporters who wish to make a formal complaint can ask a representative from a trade union, their line manager, a member of the Advisory HR Team or any senior manager to help support them with this formal process. It is advised to approach an independent party who is more senior than the alleged harasser, if they feel comfortable doing this.
- 5.2.2 It is not the role of the independent party to try to encourage, or discourage, a person from making a formal complaint. To do so could constitute a disciplinary offence. Instead, that person should listen to the reporter and help them through the process.
- 5.2.3 A formal complaint can be made via a number of routes:

For employees, workers, colleagues: to any manager in Ardonagh who is senior to the harasser or, if this is not possible, to a manager who is equally senior; to a member of the Advisory HR team; or through the Whistleblowing process, details of which can be found in our Whistleblowing policy and which includes anonymous reporting via this weblink: <https://speakup-ag.integrityline.com/> or over the phone 0209 8550064 (quoting code 9408).





A complaint can be made anonymously and even if it is submitted by email to the Advisory HR team, it can be anonymised by HR.

For third parties, suppliers or contractors: through their Supplier Relationship Manager or their regular business contact. They should also report it internally within their own organisation.

- 5.2.4 If a complaint is made to a manager, the manager should report it to the Advisory HR Team.
- 5.2.5 When the complaint is received, it will be dealt with under the relevant process.
- 5.2.6 The person carrying out the investigation will:
- interview the victim and the alleged harasser separately
  - interview other relevant third parties separately
  - determine whether or not the incident(s) of sexual harassment took place
  - produce a report detailing the investigations, findings and any recommendations
  - if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements for the harasser, a promotion if the victim was demoted because of the harassment, training for the harasser, disciplinary action against the harasser)
  - follow up to ensure that the recommendations are implemented, that the behaviour has stopped, and that the victim is satisfied with the outcome
  - if it cannot determine that the harassment took place, they may still make recommendations to ensure proper functioning of the workplace
  - keep a record of all actions taken
  - ensure that all records concerning the matter are kept confidential
  - ensure that the process is done as quickly as possible and in any event within 28 days of the complaint being made
  - all complaints will be always investigated in a confidential manner. Breaches of confidentiality by those investigating a complaint could lead to disciplinary action being taken against those responsible. Reporters are within their right to talk to a trusted colleague, Trade Union representative, friend or family member as set out in section 4.1.2 and 4.1.4 and 4.2.1
- 5.2.7 The reporter may prefer to talk to an investigator of the same sex in some sensitive cases and this preference should be respected.
- 5.2.8 No other parties should interfere improperly with this process for managing reports of sexual harassment at any stage.
- 5.2.9 There is no time limit from the date of the incident within which complaints must be made. Clear timeframes will be set and communicated to the reporter for each stage of the formal process.



- 5.2.10 Every act of sexual harassment – whether it might be characterised as “banter” or otherwise trivialised – is required to be reported.
- 5.2.11 After investigating the report, management may decide to take disciplinary action against the alleged harasser. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to sanctions under Gross Misconduct in the Disciplinary Policy.

The nature of the sanctions will depend on the gravity and extent of the harassment. Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser. Ardonagh recognises that it is the right of reporters to be informed of the outcomes and sanctions in disciplinary cases where they were the victim.

- 5.2.12 The line manager/s of the harasser and the reporter will ensure that the recommended disciplinary and / or remedial action is carried out. Any failure by a line manager to ensure that this is completed in a timely manner is likely to constitute misconduct.
- 5.2.13 Wherever possible, Ardonagh will try to ensure the reporter and the alleged harasser are not required to work together while the report is under investigation. Any perception that a reporter is being punished, or victimised, by being moved or otherwise inconvenienced during the investigation, should be guarded against. In a serious case, the person against whom the report has been made may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible and will be on full pay.
- 5.2.14 If a harasser is going to continue or return to a working relationship with the reporter or victim, their line managers or other managers as appropriate are responsible for taking steps to improve working relationships and supporting their employees whatever the outcome.
- 5.2.15 Both the reporter and the alleged harasser have a statutory right to be accompanied to a formal hearing by a colleague or trade union representative. They also have the right to be accompanied by a colleague or trade union representative to any meeting relating to the complaint.
- 5.2.16 There could, very rarely, be circumstances where certain information may need to be shared with other people (such as police or another employer) because of a duty of care or safeguarding responsibilities, or because of concerns identified whether in an informal or formal process. In these cases, permission will be sought and, if not granted, the risk of potential harm to the reporter and any others will be carefully considered. The wishes of reporting parties are



respected and prioritised as a key principle and only minimal information would be shared if necessary, after careful discussion.

- 5.2.17 A finding that an employee has been sexually harassed by a third party (someone who is not an employee) should lead Ardonagh to take action to reduce or eliminate the harasser's opportunity to interact with the victim and/or other employees or workers, such as by banning them from activities or premises and enforcing the ban. This action would include a formal notification being made to that person and kept on record. It may be necessary or proportionate (a legitimate purpose / substantial public interest) to inform the harasser's own employer of the outcome of the investigation, to assist them with their own duty of care to others. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

### 5.3 Legal action

- 5.3.1 If an act of sexual harassment may also amount to a criminal offence Ardonagh should consider raising the possibility of reporting the matter to the police with the complainant and provide them with the support to do so. Wherever possible, Ardonagh will follow the wishes of the reporter.

## 6. Sharing this policy

Ardonagh will ensure that this policy is effectively communicated to all workers by:

- Publishing this policy on Engage that can be accessed by all employees at all times without having to ask another member of staff for the policy
- Signposting the policy during the induction process and where it can be found
- Signposting the policy through the mandatory e-learning modules on MyLearning
- Sharing the policy with other organisations that supply workers and services to ensure they understand the expectation of them
- Ensuring any update to this policy is communicated to all workers.

Ardonagh commits to reviewing the policy on annual basis to monitor its effectiveness for example through:

- centralised records that record complaints in a level of detail that allows trends to be analysed
- feedback through conversations with workers on an open-door policy, exit interviews and 1-2-1s

This policy cross-references and has implications for Ardonagh other policies:

- Dignity at Work policy
- Whistleblowing policy
- Discipline Policy
- Grievance policy



- Appropriate use of IT policy
- Drug & Alcohol Policy

**The effective and review dates of this policy guideline are:**

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Effective date: 29<sup>th</sup> January 2025

Next review: 1<sup>st</sup> July 2026

**The policy guideline owner is:**

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Ardonagh Advisory Human Resources Team

Group Aligned		
Part	UPDATED 29.01.2025 to reflect changes to the Whistleblowing system and how to report	