

Preventing Sexual Harassment Policy

Policy Profile	
Version:	1
Policy Owner:	Ciara Smith
Responsible Executive Director:	Global Finance / HR Director
Target audience:	Employees, Workers, Agency Workers, Contractors, Volunteers, Consultants.
Date Issued:	20 March 2025
Review Date:	20 March 2028
Approval Committee:	Corporate Governance and risk Committee
Date:	TBC
Document Library:	Radar/Documents/Policies and Standard Operating Procedures/ Human Resources

Document Management

Version	Date	Changes made by:	Summary of changes:
1	20/03/25	HR Department	New Policy

Contents:

Paragraph		Page
A	Introduction	2
B	Scope	2
C	Definitions	2
D	Circumstances which are covered	4
E	What to do if you are subject to sexual harassment or victimisation	4
F	What to do if you witness sexual harassment or victimisation	6
G	Third party sexual harassment	6
H	Disciplinary action	7
I	Steps to prevent sexual harassment	8
J	Support for victims and those involved	8
K	Review, monitoring and record keeping	9
L	Equality impact statement	10

A. Introduction

1. All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise
2. Sexual harassment takes many forms but whatever form it takes; it is unlawful under the Equality Act 2010 as amended. We will not tolerate it.
3. The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.
4. The Director of HR & Finance has overall responsibility for the operation of this policy but may delegate elements of implementation or decision making to the Head of HR. Our managers will maintain an open-door policy. All of our staff have a responsibility to behave in line with the requirements of this policy.
5. Instances of sexual harassment or victimisation may lead to disciplinary action including termination of employment
6. This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

B. Scope

We deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers, and contractors in all areas of our Company, including any overseas sites.

C. Definitions

1. Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.
2. Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g. WhatsApp. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- a) sexual comments or jokes, which may be referred to as 'banter'
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact in online communications including on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails, text messages or messages via other social media
- k) unwelcome touching, hugging, massaging or kissing

Sexual harassment can be carried out by a third party who does not work for Optegra. This could include unwelcome sexual advances from a client, customer or supplier visiting our clinics or hospitals, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment. If any sexual harassment of employees is carried out by a third party, we will take active steps to deal with this and to prevent it happening again.

3. Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

4. The protected acts are:

- a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
- b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- c) making an allegation that someone has breached the Equality Act 2010, or
- d) doing anything else in connection with the Equality Act 2010

5. Examples of victimisation may include

- a) Failing to consider someone for promotion because they have previously made a sexual harassment complaint
- b) Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- c) Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment

D. Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions
- c) outside of a work situation but involving a colleague or other person connected to the Company, including on social media
- d) against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

E. What to do if you are subject to sexual harassment or victimisation

- 1) We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available from Sharepoint under RADAR.
- 2) **Informal complaint**

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint. If you feel comfortable, we would also encourage you to speak confidentially to one of our Freedom to speak up Champions or a Mental Health First Aider.
- 3) If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.
- 4) In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a 1-2-1 meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below.

5) **Formal complaint**

Where the informal approach fails or you do not wish to use the informal procedure, you should report it as soon as possible using one of the following methods

Contact Your Manager: If appropriate, report the incident to your line manager. They are trained to handle these situations sensitively and confidentially.

Contact HR: The Head of HR can be reached via email or Teams.

Contact FTSU: if appropriate we would encourage you to speak to your local Freedom to speak up champion or a champion from any other site. A list of our current champions is available through SharePoint under "information for employees"

Contact a MHFA: If appropriate would also encourage you to speak to our Mental Health First Aiders. A list of current MHFA is available through SharePoint under "information for employees"

Use the Anonymous Reporting Tool: If you prefer to remain anonymous, use the Optegra anonymous reporting tool available on the company intranet under the main page.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager or the Head of HR informally for confidential advice.

If you wish to raise a formal complaint about sexual harassment, you will be asked to submit this in writing to your line manager or the Head of HR

If possible, you should keep notes of what happened so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment

Any formal complaints will be dealt with in accordance with our grievance policy and procedure.

Please be aware that whilst, as a general principle, the decision whether to progress a complaint is up to you, we have a duty to protect all employees. Therefore, we may pursue matters independently if, in all the circumstances, we consider it appropriate to do so.

- 6) On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

- 7) The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.
- 8) On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.
- 9) You have the right to appeal against the findings of the investigator. If you wish to appeal you must send an email to HR@optegra.com within five working days. You will then be invited to a further meeting. As far as reasonably practicable, the Company will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).
- 10) Following the appeal meeting, you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.
- 11) Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.
- 12) You will not be victimised for having brought a complaint.

F. What to do if you witness sexual harassment or victimisation

- 1) If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.
- 2) If reporting the incident, you should bring the matter to the attention of your Lin Manager in writing. Alternatively, you can report instances of sexual harassment by emailing HR@opetgra.com
- 3) Your concerns will be handled by the HR Operations team who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

G. Third party sexual harassment

- 1) Third-party sexual harassment occurs when one of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, clients, service users, patients, friends and family of colleagues, delegates at a conference, audiences, self-employed contractors etc.

- 2) 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.
- 3) The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.
- 4) In order to prevent third-party sexual harassment from occurring, we will:
 - a) attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our staff is not acceptable
 - b) Where appropriate we will inform third parties i.e. suppliers of our zero-tolerance sexual harassment policy within our supplier documentation
 - c) wherever possible we send out our zero-tolerance sexual harassment policy to all third parties attending our site for CPD events

Line Managers that have staff who are regularly interacting on a daily basis with third parties should ensure that they regularly check-in with these employees. Employees that are lone working in the field will be given the option of having personal emergency alarms. If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to your line manager. Alternatively, you can report instances of third-party sexual harassment by emailing HR@optegra.com

5. Should a customer or client sexually harass a member of our workforce, we will ban the customer Any criminal acts will be reported to the police.
- 6) We 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 including termination of employment

H. Disciplinary action

1. If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.
2. When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague
3. If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

I. Steps to prevent sexual harassment

Optegra is committed to proactively preventing sexual harassment through the following measures:

Regular Monitoring: Conducting regular assessments to monitor the workplace climate and address any concerns related to sexual harassment.

- 1) **Training:** We provide training to all our staff on sexual harassment to ensure there is a clear understanding of, amongst other things, what sexual harassment is and how it may occur, that it will not be tolerated, expected levels of behaviour, how they can report any incidents of having been sexually harassed or having witnessed it and that acts of harassment will be dealt with under the disciplinary procedure potentially resulting in dismissal.
- 2) **Clear Communication:** Ensuring that employees understand this policy, and the implications of disregarding it. This includes making it accessible via the company intranet within RADAR.
- 3) **Supportive Environment:** Promoting a workplace culture that encourages respect, equality, and inclusion. All people Managers are expected to lead by example in promoting this culture.
- 4) **Management:** We ensure that all levels of management are trained on implementing this policy including preventing and managing sexual harassment in the workplace, and the procedure to follow if an allegation is reported. Managers will also be expected to monitor and role model acceptable behaviour at social gatherings.
- 5) **Review:** We will regularly review the effectiveness of our training.
- 6) **Embed:** We provide refresher training as appropriate.

J. Support for victims and those involved

Employees who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation as a result. Anyone found to have retaliated against someone in this way will be subject to disciplinary action under our Disciplinary Procedure. If you believe you have suffered any such treatment, you should inform your line manager or the Head of HR as soon as possible.

- 1) Optegra is committed to supporting victims of sexual harassment through:

Counselling Services: Via our Employee Assistance Programme (EAP) BHSF Portal. To gain access please use our company number which is 72135.

As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, MyMindPal which you can use to find fast answers to any wellbeing questions you have. You can access MyMindPal at any time via the app or the following link <https://app.mymindpal.com/get-started>. The link in the menu bar will take you directly to the MymindPal homepage, enter the companies code which is BHEA2SFP where you can ask your question. More details of this service are available from the HR Operations Department.

- 2) **Adjustments:** Making reasonable adjustments to the victim's working conditions or duties, if necessary.
- 3) **Protection from Retaliation:** Ensuring that no victim or witness of sexual harassment suffers retaliation or detriment for reporting an incident or participating in an investigation.

Support and guidance can also be obtained from the following external services:

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

K. Review, Monitoring and Record Keeping

This policy will be reviewed regularly, particularly in light of any changes in the law or company practices. Employees are encouraged to provide feedback on the policy and its implementation.

Information about a complaint by or about an employee may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

L. Equality Impact Assessment

Name of document to be assessed:	Preventing Sexual Harassment Policy		
New or existing document:	Existing	New x	
Document aim:	The purpose of this policy is to deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers, and contractors in all areas of our Company, including any overseas sites.		
Document Objectives:	To inform all employees of the entitlement to be treated with dignity and respect in our place of work and to advise on the many forms of Sexual Harassment. This policy also advises on the law requirements		
Document – intended outcomes:	To educate all members of staff on the appropriate standard of behaviour within the workplace		
How we measure the outcome:	Through staff surveys and feedback from staff through complaints, anonymous reporting		
Who is intended to benefit from the policy:	everyone		
Is consultation required with the workforce, equality groups, local interest groups:	Yes	No	
If yes have these groups been consulted?	Yes	No	
Please list any groups that have been consulted with.			
Are there concerns that the policy could have differential impact on:			
Equality Strands:	Yes	No	Rationale for assessment / existing evidence
Age		✓	
Sex		✓	
Race/ Ethnic communities / groups		✓	
Disability		✓	
Religions / other beliefs Marriage and Civil partnership		✓	
Pregnancy and maternity		✓	
Sexual orientation, bisexual, Gay, heterosexual, lesbian		✓	
You will need to continue to a full equality impact assessment if the following have been highlighted: - You have ticked 'Yes' in any column above and - No consultation or evidence of there being consultation – this <u>excludes</u> any <i>policies</i> which have been identified as not requiring consultation or - Major service redesign or development			
Is a full equality analysis recommended	Yes	No	
If a full impact assessment is not recommended, why?	This Policy is applicable to everyone		
Name of individual completing assessment:	Ciara Smith		
Date:	20 March 2025		