

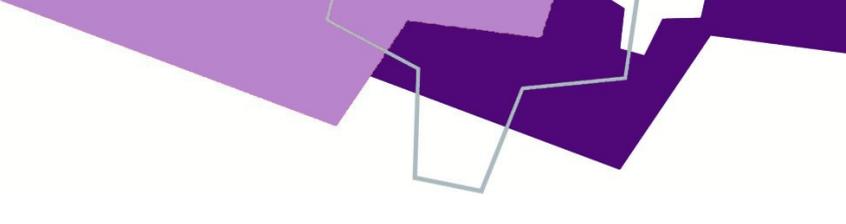


The Scottish Parliament
Pàrlamaid na h-Alba

Sexual Harassment Policy

21 March 2019





Aim and scope

The aim of this Policy is to create an environment which is free from sexual harassment and sexist behaviour. We will do this by being clear about the behaviours that are unacceptable and by fostering a culture of respect which ensures a safe, secure, and welcoming environment.

The behaviour standards set out in this Policy and the proposed procedures for investigating breaches of the policy are for all those who work within the Holyrood campus and constituency and regional offices. They apply to behaviour when undertaking parliamentary duties and activities here or elsewhere.

This means that everyone who works in and for the Parliament must behave in a way that is consistent with this Policy. Everyone who works in and for the Parliament will have access to an Independent Support Service and any formal complaints of sexual harassment will be investigated independently of the relevant employer or political party. By necessity, there will be some differences in procedures to be followed and those differences are made clear.

Zero tolerance approach

Sexual harassment is contrary to the Equality Act 2010 and the values of the Parliament. We have committed to a zero tolerance approach to sexual harassment and sexist behaviour in the Parliament. Every person has the right to work in an environment that promotes respect, fairness, equality, and dignity and enables them to make their best contribution. Sexist behaviour and sexual harassment do not belong in the Parliament and we are committed to creating the shared understanding of appropriate behaviours, culture, and accountability mechanisms that will eradicate them.

This means that we will:

- Take steps to prevent sexism and sexual harassment from occurring and support culture and behaviour change through information and education;
- Take complaints seriously, ensuring we deal with them promptly and sensitively;
- Have policies and processes which are transparent, easily accessible, and understood by those who need to use them;
- Ensure principles around confidentiality within the complaints process are clear;
- Respond in a manner which is consistent, fair and proportionate;
- Ensure that there are consequences for sexist behaviours and sexual harassment, including disciplinary action.

Definitions and examples

We have included sexist behaviour in this Policy and in our zero tolerance statement because if such behaviour is left unchallenged (even if an individual instance can appear relatively innocuous) it can create a culture where assumptions are made about people based on their gender and can perpetuate inequality. This behaviour degrades individuals and is not acceptable.

Below are definitions and examples of both sexist behaviour and sexual harassment.

Sexist behaviour is *any behaviour which is, or is perceived to be, motivated by prejudice or discrimination, including behaviour or attitudes that stereotype individuals on the basis of gender.*

Examples of sexist behaviour include:

- Saying something to someone of one gender that you wouldn't say to another – such as the form of address, or making assumptions based on their gender – such as asking mothers about the impact of childcare on their job but not asking the same question of fathers;
- Using different language to describe attributes depending on gender – such as saying a man is decisive, but a woman is aggressive;
- Reinforcing gender stereotypes by treating people differently – such as assuming women are the junior employees in the room or criticising men for expressing emotion.

Sexual Harassment *occurs when an individual engages in unwanted behaviour 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. It can be an isolated incident or persistent behaviour and is essentially about the effect on the recipient, not about what was intended.*

Sexual harassment can come in many forms, such as:

- Comments of a sexist nature;
- Looks, leers, comments or gestures of a sexual nature, including comments about someone's body or appearance;
- Circulation by email or sharing digitally comments or jokes of a sexual nature;
- Being asked questions of a sexual nature;
- Unwanted text messages, emails or other communications of a sexual nature;
- Unwanted physical contact such as touching, groping, kissing, or invasion of personal space;
- Unwanted persistent attention to form an intimate relationship.

Research shows that sexual harassment and sexist behaviour are disproportionately carried out by men against women. As it is directly related to gender, it can also occur between people of the same sex or directed towards someone who is transitioning. It can be a product of power imbalance and of inequality and therefore other protected characteristics such as, race disability and age can further impact the prevalence of and people's experience of harassment.



Responsibilities

We expect all those who work within the Parliament to adhere to this Policy by:

- Treating others with dignity and respect in line with our zero tolerance approach;
- Ensuring your behaviour is compliant with this Policy;
- Being aware of different power dynamics within the Parliament and never abusing your power;
- Taking prompt action to address any issues;
- Speaking up and challenging inappropriate behaviour you experience or witness.

The Parliament will:

- Treat all complaints seriously and in a sensitive manner with due respect for all parties involved;
- Encourage informal resolution of complaints where appropriate;
- Provide appropriate processes and ensure support is available;
- Provide training to all who work here;
- Promote this Policy and ensure it is accessible;
- Monitor all reported incidences of sexual harassment.

Confidentiality

We know that concerns about issues being made public can prevent people from coming forward in the first place. Therefore, it is essential that complaints raised under the new procedures are dealt with in the strictest confidence and all parties involved in any complaint must respect confidentiality at all stages of the process.

The identity of the complainant and the respondent will be kept confidential to those who have a legitimate need to know and any sensitive information disclosed will be handled in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.



Victimisation

Those who experience sexual harassment often feel unable to report it for fear of victimisation. Victimisation has a defined meaning in legislation and involves being treated less favourably than other people as a result of having made a claim of sexual harassment or by assisting someone else with their complaint.

This could take the form of penalising someone by, for example, finding fault with their performance where it is not merited or giving them unrealistic or impossible deadlines; excluding the person from work-related activities or conversations; creating a difficult working environment - leading to people feeling isolated - or making disparaging comments.

Victimisation in any form is not acceptable within the Parliament and will be dealt with through the appropriate formal procedures.

Ongoing support

Support will be available to both the person making the complaint and the person against whom the complaint is made throughout any process. However, raising a complaint and having it dealt with is not the end of the story for either the complainant or respondent. People may experience increased stress and anxiety and therefore, ongoing support will also be provided after the process is finished.

Vexatious or malicious complaints

All complaints made under this Policy are assumed to be made in good faith. We anticipate that false accusations will be rare but should this be found to be the case, these will be dealt with seriously, potentially leading to disciplinary action being taken.

Monitoring and review

This Policy will be reviewed after the first 12 months of operation. Anonymised data on the numbers of calls to the helpline and informal and formal cases will be reported to the Scottish Parliamentary Corporate Body ('SPCB') after the first 6 months of operation and annually thereafter.

Sexual Harassment Policy

(English only)

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