

Sexual Harassment Guide for Staff

Interventions – A Practical Guide for Dealing with Sexual Harassment

Watch

- Keep an eye on the situation
- Try to establish prior relationship between all concerned
- Look for patterns of behaviour
- What is the impact on the victim/target?
- What is the impact on customers?

Speak with target/victim/s of sexual harassment

- What do they want to happen?
- Do they have a prior relationship with the perpetrator?
- Do they feel safe?

Speak with perpetrator/s of sexual harassment

- An opportunity to establish expectations of behaviour in your venue
- An opportunity to give a warning of further consequences

Ask the perpetrator/s to leave the establishment

Inform the perpetrator/s they are no longer welcome in your venue

Call the police

Staff Responsibility

All members of staff have a responsibility to intervene when sexual harassment happens in **The Lubber Fiend CIC**.

It is everyone's responsibility to identify potential incidents. Whenever possible inform one of the Directors as soon as possible.

It is then the Directors responsibility to determine the nature of the intervention based on the best information available and the actions outlined in **The Lubber Fiend CIC Sexual harassment policy**.

Venue Commitment

Once a customer wants to report an incident, where possible, they should do so in the office space, away from the main venue room.

One of the Directors should handle complaints.

Next steps will depend on the wishes of the person reporting and the nature of the incident as per the venue's policy.

Customer Commitment

As a patron of **The Lubber Fiend CIC** you are required to act with respect and dignity. This includes not sexually harassing other customers and members of our team.

If you witness sexual harassment of any kind please inform a member of staff. Once informed, staff at the venue will take the matter seriously and intervene.

Sexual Harassment Policy

The Lubber Fiend CIC has a zero-tolerance approach to sexual harassment and will take all complaints of this nature extremely seriously. The purpose of this policy is to support a working environment and venue culture in which sexual harassment is unacceptable. All people working in the venue are covered in this policy including contractors such as door supervisors, musicians and performers.

Should you experience or witness any behaviour that you feel amounts to sexual harassment towards yourself, another member of staff we strongly encourage you to report it to one of the venue Directors as soon as you can.

What is sexual harassment?

Sexual harassment is a form of sex discrimination. It takes place when someone is subjected to unwelcome and unwanted sexual behaviour or other conduct related to their gender.

Harassment is defined by law in the Equality Act 2020 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. In the case of sexual harassment, the relevant protected characteristic is 'sex'.

Behaviour that constitutes sexual harassment includes:

- Unwelcome behaviour of a sexual nature, this may be physical or verbal,
- Inappropriate or suggestive remarks or verbal sexual advances,
- Indecent comments, jokes or innuendos relating to a person's looks or private life,
- Unwanted physical contact such as hugging, kissing, or inappropriate touching,
- Requests for sexual favours,
- The display or circulation of pornography or indecent images.

Often, this kind of behaviour may be brushed off by the harasser as 'banter' or harmless flirting. It is important to remember that the impact the behaviour had is the most important factor, it is not so relevant whether the individual intended to cause offence, but rather that offence was caused by the conduct.

Witnessing and handling reports of sexual harassment of patrons

The Lubber Fiend CIC considers it our responsibility to intervene when sexual harassment happens in our premises. If you witness or are alerted to sexual harassment taking place between patrons or between patrons and staff, you should alert the shift supervisor.

Interventions to challenge sexual harassment in our venue include:

- Watching/keeping an eye on the situation
- Speaking with the target/victim of sexual harassment
- Speaking with the perpetrator of sexual harassment

- Asking the perpetrator to leave the establishment
- Alerting door staff
- Calling the police

Procedure for reporting sexual harassment between staff

We understand that sexual harassment can be intimidating, so we aim to make the process as clear and straightforward as possible.

If you choose to report the incident by speaking to one of the Directors, **Thomas Hopkin**, it will only be treated as a formal complaint if you make it clear that this is the route you would like to take. We are happy to offer informal advice about the possible action and outcomes open to you and will not force you to take any action you do not feel comfortable with.

Where we believe a criminal offence has taken place, we will advise you to report the incident to the police. If we have serious concerns about your safety or the safety of others, **The Lubber Fiend CIC** has a duty to contact the police, but we will do our best to let you know before doing so. If your complaint is subject to an ongoing police enquiry, we will not investigate until the police investigation has run its course.

If we receive more than one complaint of a serious criminal nature; or where we are concerned that an allegation may form part of an ongoing pattern of behaviour that could put other party members or members of the public at risk; we reserve the right to report this matter to the appropriate authorities, including law enforcement. If we do need to do this, we will let you know.

If, after speaking to us, you decide to make a formal complaint; the process will be as follows:

First, we will seek a written statement from you and the complainant.

Once we have your statement, and the statements of any witness you are able to provide, the respondent will be informed of the details of the complaint made against them. As part of this process, each party will be encouraged to provide any relevant evidence and names of witnesses that support their statement. This process will establish the matters of fact from both sides.

The statements from the complainant, respondent and any witnesses will then be provided to **Thomas Hopkin** a Director of **The Lubber Fiend CIC**.

Confidentiality

Allegations raised regarding sexual harassment will be taken seriously and treated confidentially. **The Lubber Fiend CIC** gives assurance that there will be no victimisation against any worker making a complaint under this policy or against staff who assist a colleague in making a complaint.

The Lubber Fiend CIC

DISCIPLINARY PROCEDURE

SCOPE

1. The Lubber Fiend CIC Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.
2. An employee can discuss any part of this policy with their Union Representative or their Line Manager. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation by a work colleague or trade union representative at any point during the disciplinary process.

SUSPENSION

3. Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Manager in charge of that individual, at that time or their superior, have the authority to suspend an individual.
4. An employee suspended from duty will receive written confirmation within three days of:
 - the reason for the suspension
 - the date and time from which the suspension will operate.
 - the timescale of the ongoing investigation.
 - the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days

COUNSELLING

5. Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:
 - what is expected in terms of improving shortcomings in conduct or performance
 - the time scales for improvement
 - when this will be reviewed

- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.
- 6. A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employees file.
- 7. If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

PROCEDURE FOR FORMAL INVESTIGATION

- 8. Formal investigations should be carried out by the most appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.
- 9. A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate senior manager / Director / Business Owner who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.
- 10. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate senior manager / Director / Business Owner, who would be accompanied by another manager if possible. The investigating manager would be asked to present his/her findings. Witnesses should be called at this stage, and the employee (or their representative) allowed to question these witnesses. The employee has a right of representation at this hearing.
- 11. Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager / Director hearing the case, and the other manager. They would discuss the case and decide which of the following options was appropriate:
 - take no further action against the employee
 - recommend counselling for the employee
 - proceed to a disciplinary hearing
- 12. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:

- the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation
 - he has been told in advance what the nature of the complaint is, and had time to consult with a representative
 - all the facts have been produced at the investigatory hearing, and the manager / Director is in a position to decide on disciplinary action.
13. the manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
14. It may be appropriate at this point, at the discretion of the manager hearing the case, to adjourn proceedings. This might be for a number of reasons e.g. whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee, or if the employee has become emotional or distressed.
15. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require it's continuance. The subject of the discipline may also request that the disciplinary action continue.

WARNINGS

Examples of Minor Misconduct

16. Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.
- Persistent lateness and poor time-keeping.
 - Absence from work, including going absent during work, without valid reason, notification or authorisation.
 - Smoking within unauthorised areas.
 - Failure to work in accordance with prescribed procedures.
 - Unreasonable standards of dress or personal hygiene.
 - Failure to observe The Lubber Fiend CIC regulations and procedures.

Verbal Warning

17. A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

First Written Warning

18. A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

Examples of Gross – Misconduct

19. Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Company property.
- Breaches of confidentiality, prejudicial to the interest of the The Lubber Fiend CIC,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of the The Lubber Fiend CIC.
- Breach of confidentiality / security procedures.
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe The Lubber Fiend CIC rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound professional judgement.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.

Final Written Warning

20. A Final Written Warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal.
- an employee persists in the misconduct which previously warranted a lesser warning.

Downgrading or Transfer to another Post

21. This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- an employee is considered by the Manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

Dismissal

22. Dismissal is appropriate when

- an employee's behaviour is considered to be Gross Misconduct.
- an employees misconduct has persisted, exhausting all other lines of the disciplinary procedure.

Time Scales for the expiry of Warnings

23. Warnings issued to employees shall be deemed to have expired after the following periods of time.

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

24. These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

LETTER OF WARNING

25. All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employees right to appeal to the manager directly above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be attached to the individuals personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

26. The letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their employment.
- The employees right of appeal and to whom they should make that appeal

APPEALS

27. Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the Company's' Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.

- that the need for disciplinary action was not warranted.
 - that new information regarding disciplinary action has arisen
28. An appeal should be put in writing to the manager who issued the disciplinary warning / dismissal. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.
29. An appeal will be arranged within 20 working days of receipt of the appeal letter.

Appeals against Verbal and First Warnings

30. In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning.

Appeals against Downgrading, Final Warnings and Dismissal

31. The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Director or Chief Executive / Business Owner. If possible they may also involve another senior manager / Director not previously involved with the case.
32. When dealing with an appeal against a Final Warning or Dismissal the appellant may submit a written statement for consideration by the person(s) hearing the appeal
33. The person(s) hearing the appeal may consider the appeal based on the information previously available including the investigation report, and any submissions made by the appellant. They may at their discretion seek any further information which they felt would help them to come to a fair conclusion. The decision of the person(s) hearing the appeal are final and no further right of appeal is available.

The Lubber Fiend CIC

GRIEVANCE PROCEDURE

The grievance procedure is intended as the tool by which a member of staff may formally have a grievance, regarding any condition of their employment, heard by the management of the Company. The aggrieved employee has the right to representation by a Trade Union Representative or a work colleague

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve The Lubber Fiend CIC employees.

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended by agreement.

This procedure is not intended to deal with:

- Dismissal or disciplinary matters which are dealt with in a separate procedure.
- Disputes, which are of a collective nature and which are dealt with in a separate procedure.

Stages of the Procedure

Stage 1

An employee who has a grievance, should raise the matter with his line manager / supervisor immediately either verbally or in writing. If the matter itself concerns the employee's immediate manager, then the grievance should be taken to their superior.

If the manager is unable to resolve the matter at that time then a formal written grievance form should be submitted (see appendix 1). The manager should then respond within **2 working days** (i.e. the managers normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the managers decision and who to appeal to if still aggrieved.

Stage 2

In most instances, the Company would expect the manager's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the manager concerned.

The appeal, to the manager next in line, must be made within ten working days of the original response to the employee's grievance. The appeal must be in writing (see appendix 2) and contain the original formal Grievance form. This manager will attempt to resolve the

grievance. A formal response and full explanation will be given in writing, as will the name of the person to whom they can appeal if still aggrieved, **within 7 days**.

Where the 'next in line' manager at this stage is the Director with responsibility for the employee's function, then the grievance should immediately progress to stage 3.

Stage 3

If the employee remains aggrieved there will be a final level of appeal to the Director responsible for the employee's function. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the Director within ten working days of receipt of the Stage 2 response. This Director will arrange and hear the appeal with, where possible, another management representative and respond formally with a full explanation **within 20 working days**.

Where a grievance is raised against a Director then the grievance will be heard by the Chief Executive / Business Owner

There is no further right of appeal. Where however **both** parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

Using mediation

An independent third party or mediator can sometimes help resolve grievance issues before it is necessary to invoke the formal procedure. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a line manager and their staff
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance
- to rebuild relationships after a formal dispute has been resolved
- to address a range of issues, including relationship breakdown, personality clashes, communication problems and bullying and harassment.

Mediation is not part of The Lubber Fiend CIC's formal grievance procedure. However, if both parties agree to mediation, then the grievance procedure can be suspended in an attempt to resolve the grievance through that route. If mediation is not successful, then the grievance procedure can be re-commenced.

Appendix 1

Notification of a Formal Grievance

To:

From:

Dept:

Date:

Immediate Superior:

Dear

I wish to take a formal grievance out against:

in line with the Company Grievance Procedure. The details of my grievance are shown below:

Yours sincerely,

(Manager should respond to this formal written grievance within 2 working days unless an extended period for response is mutually agreed)

Appendix 2

Notification of a Stage 2 Grievance

To

From

Dept

Date

Immediate Superior

Dear

On (within 10 days of the response to the initial formal grievance) my grievance against was heard by

I am not satisfied with the outcome of this meeting and would like to appeal to yourself for a further hearing of my grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Manager should respond to this formal written grievance within 7 days unless an extended period for response is mutually agreed)

Appendix 3

Notification of a Stage 3 Grievance

To (Director):

From:

Dept:

Date:

Immediate Superior:

Dear

On (within 10 days of the response to the second stage of the formal grievance) I appealed to against the decision made at my initial grievance against:

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Director should respond to this formal written grievance within 20 working days unless an extended period for response is mutually agreed)

