

*POLICY
STATEMENT
ON
SEXUAL
HARASSMENT*

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is unlawful and contravenes the Employment Equality Act of 1977. Sexual Harassment is defined by the European Code of Practice as:

“Unlawful conduct of a sexual nature or other based on sex affecting the dignity of women and men at work”.

It refers to conduct of a sexual nature which is unwanted by the recipient. It is behaviour which is uninvited, unreciprocated, one-sided and imposed. It is the unwanted nature of sexual harassment, which distinguished it from behaviour which is welcome and reciprocal. A single incident of sufficiently outrageous conduct will suffice – it doesn't necessarily have to be repeated. It should also be noted that it is the impact of the conduct on the recipient and not the intent of the perpetrator that determines whether the behaviour is acceptable.

Sexual harassment may occur between men and women or between members of the same sex. The following are examples of behaviour covered by this policy which may be considered as inappropriate / unacceptable behaviour:

Physical:

- Unwelcome physical contacts such as pinching, patting or unnecessary touching
- Sexual assault or rape*

Verbal:

- Unwelcome sexual advances
- Demand for sexual favours
- Sexual suggestive jokes, remarks, insults or innuendo

Unwelcome pressure for social contact

Non-Verbal/Visual

- Display of pornographic or sexually suggestive pictures or objects
- Offensive gestures, leering, whistling
- **any form of sexual violence is a criminal offence.**

WHAT SHOULD YOU DO IF YOU ARE BEING SEXUALLY HARASSED:

- Keep a record of individual incidents as they occur
- Make the harasser aware that the behaviour is unwelcome and offensive. If it is too difficult or intimidating to approach the harasser yourself, the approach could be made on your behalf by a senior staff member or your trade union representative.
- If the problem continues or if it is not appropriate to resolve the problem informally (for example, because of the severity of the harassment) it will be necessary to use formal complaints procedure.
- A formal complaint should normally be processed through your Principal or Head of Centre who will advise you of the procedures. Alternatively you are free to raise the matter with another member of the local management who, for example, may be of the same sex or with your union representative who may raise the matter on your behalf. You may alternatively contact the Head of Personnel directly.
- On receipt of a formal written complaint a formal investigation process will be initiated.
- All complaints of sexual harassment will be treated seriously and will be investigated promptly and in a confidential manner.

DISCIPLINARY ACTION

It is the policy of County Kildare V.E.C., to make every effort to provide an environment within the organisation free from sexual harassment. Appropriate disciplinary action, which may include dismissal or expulsion for a serious offence, will be taken against any employee or student who is proven to have violated this policy.

Employees and students shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation.

Retaliating against an employee or student for complaining about sexual harassment is considered a disciplinary offence. Equally a malicious complaint will be treated as misconduct under the disciplinary procedures.

Where disciplinary action is taken following a complaint and subsequent investigation, the harasser may appeal the action under existing procedures.

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