

# **POLICY ON RACIAL/SEXUAL HARASSMENT**

## **Policy Statement**

Home Choice Care believes that every member of staff and service user has the right to work and live free from the threat of racial and sexual discrimination, harassment or abuse. Occurrences of racial or sexual discrimination, harassment or abuse will not be tolerated by the company and perpetrators will be subject to the company's disciplinary procedure.

## **Aim of the Policy**

This policy is intended to set out the values, principles and policies underpinning this Company's approach to racial/sexual harassment. The aim of the company is to ensure that its staff can work, and its service users can live, free from the fear of racial/sexual harassment.

The goals of our company are to:

- Prevent any incidence of racial/sexual harassment
- ensure that all staff are aware of their own behaviour and of the effect that their behaviour can have on others.

## **Policy**

All employees of the company:

- have the right to work in a workplace free from harassment
- have the right to be protected from racial and sexual harassment
- have the right to complain of racial or sexual harassment
- have the right to be free from false allegations of racial or sexual harassment.

All employees found responsible of sexual harassment, sexual abuse, sexual discrimination, racial harassment, racial discrimination or racial abuse in the workplace, whether directed at other staff or at service users, will be disciplined or dismissed as directed by the company's disciplinary procedure.

## Definitions

### Racial Harassment

The company understands racial harassment to be any behaviour, deliberate or otherwise, pertaining to race, colour, ethnic or national origin, which is unwanted by the recipient and creates an intimidating, hostile or offensive environment. It may be directed at an individual or group.

Racial Harassment may include:

- abusive comments about racial origins or skin colour
- racist insults and jokes
- ridicule of an individual on cultural and/or religious grounds.

### Sexual Harassment

The company understands sexual harassment to be where any form of unwanted verbal, non verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual Harassment may include:

- Comments about physical features.
- Inappropriate physical contact.
- Lewd or suggestive comments.

## Legal Considerations and Statutory Guidance

The following apply to workplace harassment:

### **Race Relations Act 1976**

### **Protection from Harassment Act 1997**

### **Sex discrimination Act 1975**

The **Protection from Harassment Act 1997** is the main legislation dealing with harassment. It creates two criminal offences and also authorises civil court to award damages and make injunctions in harassment cases. Although it was passed primarily because of concern about stalking, the wording of the Act allows it to be used to cover other types of harassment as well. The Act states that a person must not pursue a course of conduct, which amounts to harassment of another, and which he or she knows or ought to know amounts to harassment of another. It defines 'harassment' as including causing alarm or causing distress, and states that a "course of conduct" must involve conduct on at least occasions.