

People & Talent Policy

Sexual Harassment

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Introduction

At Cumbria Fire and Rescue Service, we are committed to providing a safe, respectful, and inclusive environment for all employees, volunteers, and visitors. Sexual harassment in any form is unacceptable and will not be tolerated. This policy outlines our commitment to preventing and addressing sexual harassment, ensuring that all individuals are treated with dignity and respect. Our goal is to foster a culture where everyone feels safe to report incidents without fear of retaliation and where all complaints are taken seriously and handled promptly and fairly.

Cumbria Fire and Rescue Service aims to deliver the best possible service to our communities and expects all employees to be treated with dignity and respect at all times. All of our staff should feel safe from sexual harassment when doing their job.

Our employees also have a responsibility to treat others with dignity and respect at work. This policy sets out our zero tolerance approach and how we will prevent and respond to instances of sexual harassment.

Sexual harassment can have a severe impact on individuals and their mental health, both in and out of the workplace as well as undermine an individual's self-confidence. This in turn can lead to a wide range of issues including physical and/or mental health problems, and in some cases may result in staff leaving their role or being away from the workplace on sickness absence.

Our Core Code of Ethics are our values and behaviours and we expect all employees to abide by these as representatives of our service. Instances of reported sexual harassment are a breach of our Core Code of Ethics.

Scope

This procedure applies to all employees of CFRS, including volunteers, Externally Provided Workers (EPWs) and those seconded into our organisation. It also applies in all work-related settings, including

- Workplaces: all physical locations where CFRS operates for example offices, fire stations, training facilities and any other premises under control of the service
- Work-related events: any events or activities connected with work for example meetings,
- Digital environments: online and digital communications, including emails, social media, virtual meetings, and any other electronic interactions conducted in the course of work.

Definitions

Core Code of Ethics – the standards which CFRS expect in line with our ethical values

Zero Tolerance – the commitment of CFRS to not tolerate any form of sexual harassment by or towards our employees

Sexual Harassment – unwanted behaviour of a sexual nature which has the purpose or effect of violating an individual's dignity or creating an intimidating, degrading, humiliating or offensive environment.

Sexual Safety – feeling safe from any unwanted behaviour of a sexual nature and feeling safe from sexual harm

Equality Act – the legislation that protects people from discrimination in the workplace and in wider society

Witness/ Bystander – somebody who witnesses or is made aware of sexual harassment

Victim – the person/s who are subjected to any instances of sexual harassment

Alleged Perpetrator – the person/s who are accused of sexual harassment

Harasser – a person who persistently annoys, upsets, scares or intimidates another person over a period of time by their behaviour

This procedure will ensure that CFRS:

- Provides support to employees who are subjected to unwanted treatment at work
- Provides advice for managers who may have instances of sexual harassment reported to them
- Encourages people to report sexual harassment and provides guidance on how to do so
- Meets all relevant legal requirements regarding reporting and action taken in relation to sexual harassment

What is Sexual Harassment?

Sexual harassment is defined as unwanted behaviour of a sexual nature which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual Harassment is unlawful under the Equality Act 2010, which has recently been amended to include a new preventative duty. The Worker Protection (Amendment of Equality Act 2010) Act 2023 includes a legal duty for employers to take reasonable steps to prevent sexual harassment of its workers. The duty covers sexual harassment by other workers and by third parties, such as members of the public.

Harassment can also occur when an employee is treated less favourably because they have either rejected or submitted to unwanted conduct related to sex or of a sexual nature. Less favourable treatment could include actions such as blocking promotion or denying training and other development opportunities. Anyone can be a victim of sexual harassment regardless of gender or sexual orientation, and it can be carried out by people of any gender. The behaviour may be an isolated incident or repeated over a period of time, and it could affect multiple people (victims and witnesses). It can also occur outside of the workplace such as at a social gathering

or on social media. Behaviour may also be carried out by third parties, such as members of the public, contractors, and suppliers.

Types of Sexual Harassment

Sexual Harassment can happen to anybody, regardless of sex, sexual orientation, gender identity or age. It can also take many forms and it is not necessarily physical contact, it can also be non verbal, visual, written or spoken. Incidents can be single occasions or repeated behaviours.

It is useful to keep in mind the following points with regards to sexual harassment

- It is the person receiving the behaviour who decides if it is unwanted
- It does not matter if other people think the behaviour is acceptable or if it is commonplace
- It can be a one-off incident or repeated behaviour
- If the behaviour had been welcomed or not objected to in the past, it may become unwanted in the future
- The behaviour does not necessarily need to be intentionally directed at the victim – it can be something that somebody witnesses or overhears
- Treating somebody less favourably due to their reaction to sexual harassment can be in itself an instance of harassment

Examples of sexual harassment may include, but are not limited to:

- **Verbal or Written** – e.g. lewd or abusive comments about somebody's body or looks, explicit jokes, unwanted sexual propositions, explicit comments on social media
- **Physical** – e.g. unwanted touching of a person, violence, following somebody and intimidating them in a sexual manner
- **Non-verbal** – e.g. looking somebody up and down in a suggestive manner, wolf-whistling, sexualised gestures
- **Visual** – e.g. displaying sexual objects, showing somebody sexually explicit content

At CFRS, we recognise that jokes and banter can be a natural part of workplace interactions however it is essential to ensure that such behaviour remains respectful and does not cross the line into inappropriate or harassing conduct. Everybody should be mindful of the impact their words and actions may have on others. Jokes or comments that are sexual in nature, or that target somebody's race, gender, religion or any other protected characteristic are not acceptable and can constitute harassment. We encourage everybody to foster an inclusive environment by considering the feelings and perspectives of their colleagues, and refrain from any behaviour that could be perceived as harmful or offensive. Respect and professionalism are key to maintaining a supportive and harassment-free workplace for all.

Inappropriate or unwelcome comments or jokes should not be passed off as 'banter' because they can and do cause offence to other people, even if that person is not the person that a comment or joke is directed towards. Everybody has a different tolerance level of what they would consider to be appropriate/ inappropriate in the workplace and therefore everybody should be considerate of others feelings and opinions and should refrain from doing anything that any other person could consider harassing behaviour.

Conversations within the work environment regarding what is appropriate and how to address concerns can help to improve everybody's understanding of tolerance.

What to do if you want to report Sexual Harassment

If you witness, or are made aware of any instances of sexual harassment it can be upsetting and reporting instances can be daunting. It is important however to report the incident.

Concerns do not always have to be raised formally, sometimes people would prefer to report concerning instances via a manager. This does not necessarily have to be the person's immediate line manager, in some cases people may feel more comfortable in raising incidents with somebody outside of the direct management chain, for example if the person felt more comfortable in raising the concern to somebody of the same gender. Managers may have a duty of care to deal with a matter on a more formal basis where serious concerns are being disclosed. In these instances, a formal procedure will be invoked.

Formal procedures can also be used to report instances of sexual harassment:

Workplace Complaints Procedure – this covers concerns including grievance and bullying and harassment. Any employee can raise issues via this route.

Crimestoppers SpeakUp scheme – the service have partnered with Crimestoppers for anybody to be able to report things that just don't seem right, this may include sexual harassment. Reports can be made anonymously and are raised to the service HR team. The contact information for Crimestoppers can be found under the tab [Raising a Complaint at CFRS](#) on the CFRS website.

Disciplinary Procedure – this covers allegations of misconduct, or potential misconduct by an employee. If an employee is an alleged perpetrator of sexual harassment, this procedure may be used.

Whistleblowing Procedure – sexual harassment is a 'qualifying disclosure' under the whistleblowing law. Any employee can raise issues via this route.

CFRS has a zero-tolerance approach to sexual harassment and reports of sexual harassment will be taken seriously. This may involve formal investigations and disciplinary processes.

Bystanders should also report sexual harassment, even if they were not subjected to the behaviour personally. A bystander who deliberately fails to report an instance of sexual harassment can become complicit in the behaviour and may be subject to the disciplinary procedure themselves.

If victims or witnesses/ bystanders feel safe and comfortable to do so, they can challenge the behaviour directly either at the time or at an appropriate time afterwards. If the behaviour is challenged with the perpetrator at the time, this can help to stop or diffuse inappropriate behaviour however if the behaviour is not challenged directly at the time, this does not mean that it cannot be reported afterwards. A delay in reporting behaviour will not mean that action will not be taken, all reports will be taken seriously irrespective of any time lapse.

Criminal Conduct

Some forms of Sexual Harassment constitute a criminal offence (for example, sexual stalking, upskirting, indecent exposure or incidents involving physical contact) and instances such as these must be reported to the Police. The threshold for whether or not criminal action will be taken rests with the relevant authorities.

Where an employee has been a victim of potential criminal conduct, the service will provide support to the employee.

If an employee is an alleged perpetrator of possible criminal activity, the disciplinary procedure may be invoked. The particular circumstances of each case will differ and action will be considered on a case by case basis, however the service's disciplinary procedure may run alongside any possible criminal investigation.

Third Parties

No member of CFRS staff should be subjected to unwarranted behaviour whilst doing their job, however the service recognise that on occasion employees may be treated in a way that constitutes sexual harassment. Employees should report all instances of such behaviour, regardless of who the alleged perpetrator is, even if that person is a member of the public or working for another employer.

Support

Support will be available to anybody affected by sexual harassment. The support required will differ from person to person and may differ depending on whether the person being supported is a victim, a witness or an alleged perpetrator.

Support available includes:

- Occupational Health/ counselling
- Welfare Officers
- Trade Union
- External resources
- Mental Health First Aiders

The service's Wellbeing Hub offers further details the support available to staff members [CFRS Wellbeing Hub | Cumbria Fire & Rescue Service](#)

Employees who are exhibiting signs of stress or disclose their feelings/symptoms of stress to their manager, may benefit from the use of the service's managing stress resources which can be found on the Health and Safety pages. This includes an individual stress risk assessment which can be completed by the employee with their line manager to try and identify what support could be provided to assist them. The Employee Support page also signposts to other organisations that can offer support in managing stress.

Managers may wish to give consideration to allowing employees affected by sexual harassment to work in a different location to their usual workplace as a supportive measure on a time limited basis.

Line managers should also provide the employee with appropriate support when returning to the workplace if they have been absent at any time as a result of a sexual harassment incident. This can be a very difficult experience for individuals, and they may benefit from the support or resources listed above. Employees may also benefit from more regular contact with their manager to discuss how they are feeling and if they are finding any particular aspect of their return to work difficult.

Individuals are encouraged to speak to a manager or welfare officer if there is a specific supportive mechanism that they would find beneficial.

Supporting Victims

Speaking out about sexual harassment may take a great deal of courage for the victim. It is important that the victim feels that they have been heard and believed.

If somebody reports an incident of sexual harassment it is useful to take into consideration the following

- that the person may be very distressed, it is important that they are allowed to use their own words to describe what happened
- provide the person with a safe environment to speak, this can be either in or outside of their usual workplace
- reassure the person that their report will be taken seriously
- allow the person to be accompanied if they wish by a Trade Union representative or a colleague
- consider confidentiality very carefully, in some cases it may be inappropriate to share details wider (e.g. if the alleged perpetrator works in the same office or the same management chain)

Supporting alleged perpetrators

Being accused of sexual harassment can be distressing and may cause numerous difficulties in somebody's personal and professional life. During the course of any sexual harassment incident being notified or during an investigation, the alleged perpetrator will have access to all of the service's support mechanisms and will be treated with dignity and respect at all times.

Investigations will be treated with appropriate confidentiality, the alleged perpetrator will be kept informed about the progress of any investigation and expected timelines.