

# Investigating sexual harassment allegations

## Overview

No workplace investigation is easy, but those involving allegations of sexual harassment have the potential to be particularly difficult.

This one-day workshop is designed specifically to build on participants' existing investigative knowledge and skills in order to enable them to investigate allegations of sexual harassment appropriately.

The skills and processes learnt will ensure that participants are able to carry out robust investigations in line with both best practice and the law. Your organisation's policies and procedures will be referred to throughout the workshop as appropriate.

## Learning objectives

On completion of this highly practical programme participants will:

- Have a much clearer idea as to what constitutes sexual harassment
- Appreciate the different factors that may complicate the situation
- Understand the legal protection specific to sexual harassment
- Recognise the differences between investigations into sexual harassment and other workplace investigations
- Deal better with challenging situations, emotion and distress
- Know how to access appropriate support and resources
- Be able to make appropriate recommendations

## Audience

Anyone likely to be involved in advising on, or conducting, investigations into sexual harassment, including:

- HR professionals
- Line managers

The workshop assumes prior knowledge and experience of conducting workplace investigations. Potential participants lacking such knowledge or training may prefer to consider our other '**Workplace investigations**' programme.

## Format

This workshop is available in a one- or a two-day format.

On the one-day version participants work together as a group to plan and conduct investigatory meetings. The scenarios are bespoke to the organisation to maximise relevance.

On the two-day version participants work in groups to investigate more complex investigations, using actors to play the part of employees involved in the investigation. The scenarios are written to reflect topics that are most relevant to the organisation in order to maximise the realism and the learning from the investigation. There is time on day 1 for participants to get familiar with the scenario and start the planning process. Day 2 is very practical with all participants involved in interviewing 'employees' with different perspectives on an issue, evaluating evidence and making a recommendation.

The workshop outline shown below is the starting point for both the one- and the two-day versions of the programme.

## Special feature

This programme can be tailored to particular settings. We suggest that, for maximum benefit, the trainer be given access to your organisation's relevant policies and procedures well in advance in order to use them as examples during the programme. At all points your policies and procedures can be referred to and reinforced, and any particular lessons from experience can be driven home for you. The practical scenarios in Session 8 will be tailored to the participants' workplace(s). The scenarios need to be as life-like as possible. We can send you sample scenarios for you to use as a template in writing your own or the trainer can develop them jointly with you.

Any further tailoring of the programme can be discussed directly between you and the trainer.

## Workshop outline

### 1 Introduction

- Workshop objectives and benefits from attending
- Participants' experience and confidence in this area
- Introductions and personal objectives

### 2 The context

- Sexual harassment in the spotlight
- Implications and risk for workplaces – the need to manage complaints robustly and take a preventative approach

### 3 Is this sexual harassment?

- Quiz / scenarios
- Differences in individual perception
- Confusion in workplaces as to what constitutes sexual harassment
- Factors which may affect an investigation

### 4 Defining sexual harassment and bullying

- *Group exercise*
- Definitions in law
- Behaviours that constitute sexual harassment and bullying
- Using your organisation's policies

### 5 Legal protection

- Protection in law: employment and criminal matters
- Duty of care
- Equality Act 2010
- Other statutes, eg, Protection from Harassment Act
- Case law

### 6 Investigations into sexual harassment

- Similarities and differences in approach to other workplace investigations
- Impact and evidence

- Investigating in line with internal policies and ACAS guidelines
- Dealing with challenging situations, eg, emotion and distress
- Managing yourself
- Identifying support and resources

## **7 Recommendations**

- Communicating the outcome of the investigation and lessons learnt / corrective actions
- Identifying and minimising risk factors
- Encouraging a preventative approach: Making recommendations in line with best practice
- A checklist of steps that all workplaces should implement

## **8 Challenging scenarios**

- Group work to consider approach in particularly challenging or sensitive 'what if ...' scenarios such as what happens when counter-allegations are made

## **9 And finally...**

- Open forum – remaining challenges and 'what if' scenarios
- Action planning – identifying how participants will transfer this learning into the workplace and what else they may need which will help them to do this effectively
- Review and close

**For a no-obligation discussion about running this programme for your organisation on an in-house basis, just give us a call on [01582 463462](tel:01582463462).**