

Item: 23

Human Resources Sub-committee: 1 September 2026.

1. Recommendations

It is recommended:

1.1.

That the Committee approves the attached minute as a true record.

1.2.

That the Committee considers the recommendations at paragraphs 1, 2, 3 and 4.

2. Appendix

Draft Minute of the Meeting of the Human Resources Sub-committee held on 1 September 2026.

Minute

Human Resources Sub-committee

Tuesday, 1 September 2026, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Alexander G Cowie, James R Moar, John A R Scott, Gwenda M Shearer, Ivan A Taylor, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Lorna Richardson, Director of Infrastructure and Organisational Development.
- Gareth Waterson, Director of Enterprise and Resources.
- Gavin Mitchell, Head of Corporate Governance.
- Andrew Groundwater, Head of Human Resources and Organisational Development.
- Emma Chattington, Service Manager (Organisational Development).

Apology

- Councillor Janette A Park.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Alexander G Cowie.

1. Flexible Working Policy

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Human Resources and Organisational Development, the Sub-committee:

Resolved to **recommend to the Council** that the Flexible Working Policy, attached as Appendix 1 to this Minute, be approved.

Councillors James R Moar and Heather N Woodbridge joined the meeting during discussion of this item.

2. Supporting Colleagues Experiencing Gender-Based Violence including Domestic Abuse Policy

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Human Resources and Organisational Development, the Sub-committee:

Resolved to **recommend to the Council** that the Supporting Colleagues Experiencing Gender-Based Violence including Domestic Abuse Policy, attached as Appendix 2 to this Minute, be approved.

3. Bullying, Harassment and Discrimination Policy

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Human Resources and Organisational Development, the Sub-committee:

Resolved to **recommend to the Council** that the Bullying, Harassment and Discrimination Policy, attached as Appendix 3 to this Minute, be approved.

4. Sexual Harassment Policy

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Human Resources and Organisational Development, the Sub-committee:

Resolved to **recommend to the Council** that the Sexual Harassment Policy, attached as Appendix 4 to this Minute, be approved.

5. Conclusion of Meeting

At 14:32 the Chair declared the meeting concluded.

Signed: Alexander G Cowie.

Flexible Working Policy

Prepared by HR and Organisational Development

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
March 2016	General Meeting of the Council	N/A	March 2016
April 2024	Andrew Groundwater	Head of HR and OD	2.0

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
March 2024	Craig Walker	2.0	Agreed	Inclusion of statutory changes from Employment Regulations (Flexible Working) Act 2023
June 2026	HR & OD	TBC	Draft	Updated to incorporate Equally Safe at Work requirements.

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Introduction

Supporting balance, inclusion and choice at work

At Orkney Islands Council, we're committed to being a supportive and inclusive employer. We know that life isn't one-size-fits-all, and we want our employees to feel empowered to shape working arrangements that help them thrive, at work and at home.

Flexible working is one of the ways we support you to balance your personal and professional responsibilities, including during times of significant personal challenge or change. Whether it's caring for others, managing health and wellbeing, or simply working in a way that suits your lifestyle, we're here to help make it work.

This policy sets out how you can request flexible working, what options are available, and how we'll work together to find solutions that support you and the needs of our services. We've developed this approach in partnership with our recognised trade unions and in line with our commitment to equality, inclusion.

Flexible working is an important part of our commitment to advancing equality, inclusion, and addressing structural inequalities. It is not only about when and where work is carried out, but also about removing barriers and supporting a diverse workforce. Evidence shows that access to flexible working can help reduce gender inequality, particularly by supporting those with caring responsibilities—who are more likely to be women—to remain in, progress in, and return to work.

It can also support you when facing challenging personal circumstances, such as gender-based violence, including domestic abuse, by providing greater autonomy, safety, and stability in your working arrangements. By embedding flexible working into our culture, we aim to create a more equitable and inclusive workplace where everyone has the opportunity to thrive.

Who this policy is for

This policy applies to all employees of Orkney Islands Council, whether you're in a permanent or temporary role. It covers staff employed under Scottish Joint Council (SJC), Scottish Negotiating Committee for Teachers (SNCT), UHI Orkney Academic (NJNC), and Chief Officials terms and conditions.

The aims of this policy are to:

- Enable employees to request changes to their working arrangements to help them balance their work and personal responsibilities, including caring responsibilities, health and wellbeing, and other individual circumstances.
- Support an inclusive and equitable workplace by promoting flexible working as a positive way of working that helps address gender inequality, reduces structural barriers, and supports employees experiencing challenging personal circumstances.
- Encourage a proactive, supportive approach to flexible working, where managers take a 'default yes' mindset and work collaboratively with employees to find solutions that meet both individual and service needs.
- Deliver positive outcomes for the Council by improving recruitment and retention, supporting employee wellbeing, reducing absence, and enhancing motivation, engagement, and performance.

What is flexible working?

Flexible working means any working arrangement that differs from the standard full-time pattern. For many roles at the Council, the standard is 35 hours per week, Monday to Friday, 09:00 to 17:00. Flexible working allows you to adjust this pattern to better suit your needs; while still ensuring we deliver high-quality services to our community.

There are lots of ways to work flexibly, including:

- **Part-time working** – working fewer hours or days than full-time.
- **Term-time working** – working during school terms only.
- **Flexible/Annualised hours** – working a set number of hours over the year, with flexibility in when those hours are worked.
- **Compressed hours** – working your usual hours over fewer days (e.g. a 4-day week).
- **Seasonal or part-year working** – working during specific times of the year, on a recurring basis.
- **Casual or relief working** – choosing when to accept work opportunities as they arise.
- **Location of work** – noting the Council has a separate linked policy covering hybrid and remote working.

Other relevant policies and support

There are other policies and procedures which may be relevant when considering flexible working options. These include:

- **Career Break Policy** – for extended periods away from work.
- **Carers Support Policy** – for employees with caring responsibilities.
- **Hybrid and Remote Working Policy** – for arrangements involving working from home or other locations.

These policies are available on MyView and may be considered alongside a flexible working request where appropriate.

We'll always consider requests for flexible working in a fair and consistent way, balancing your needs with the operational requirements of your team and service.

Manager responsibilities

Managers play a key role in enabling flexible working and are expected to take a proactive, supportive approach. This includes adopting a 'default yes' mindset, promoting flexible working options within their teams, and supporting open, constructive conversations with employees.

Managers should explore all reasonable options to accommodate requests, including alternative arrangements where needed, and ensure decisions are fair, consistent, and based on clear service needs. In doing so, they help create an inclusive working environment where flexible working is accessible to all.

Requesting Flexible Working

We want flexible working to be accessible and straightforward. If you're thinking about changing your working pattern, we'll work with you to explore what's possible.

Who can request flexible working?

Everyone who works for Orkney Islands Council, whether you're permanent or temporary, has the right to request flexible working from day one of employment. You can make up to two requests in any 12-month period. If your request relates to a disability and reasonable adjustments under the Equality Act 2010, you can make additional requests.

How to apply

To request flexible working, complete the **Flexible Working Request Form (Appendix 1)** and send it to your manager. The form helps make sure we have all the information needed to consider your request properly.

You'll need to include:

- Your current working pattern and contracted hours.
- The type of flexible working you're requesting.
- Whether the change is permanent or temporary (and for how long).
- Your preferred start date (at least two months from the date of application).
- Whether you've made any previous requests in the last 12 months.
- Whether your request relates to a disability under the Equality Act.

You're welcome to include the reason for your request, although this isn't required. Sharing your reasons can help your manager understand your needs and explore options with you.

What happens next?

Your manager will acknowledge your request and arrange a meeting with you within two weeks to talk it through. You can bring a colleague or trade union representative to the meeting if you wish.

We'll aim to complete the process within two months of receiving your request. During this time, we'll work together to explore your proposal, consider any alternatives, and agree on the best way forward.

Flexible working can also provide practical support for employees experiencing gender-based violence including domestic abuse for example by enabling changes to working hours, patterns, or location to support safety, access to support services, or recovery.

Employees are not required to disclose personal circumstances, however, sharing relevant information can help managers better understand your situation and provide appropriate

support. Where information is shared, managers will respond sensitively and work with you to explore appropriate arrangements. Support will be handled confidentially and in line with wider organisational policies and support services.

How decisions are made

We're committed to supporting flexible working wherever we can. Our starting point is to say yes, unless there's a clear reason why the arrangement wouldn't work for the service.

If we can't agree to your request, we'll explain why in writing, based on one or more of the legal reasons for refusal. These include:

- Significant additional costs.
- Difficulty reorganising work or recruiting cover.
- Negative impact on quality or performance.
- Inability to meet service or customer needs.
- Insufficient work during the proposed hours.
- Planned changes to the service or team structure.

We won't refuse a request based on personal opinions, team culture, or assumptions about your circumstances. We'll always take a fair, transparent and inclusive approach.

If your request isn't approved, we'll explore other options with you first and only say no if there's no workable alternative.

What happens if your request is approved?

Understanding the impact on your contract and benefits

If your flexible working request is approved, it may lead to changes in your contract and working arrangements. Here's what you need to know:

Changes to your contract

Any agreed change to your working hours, pattern, or location is a formal change to your contract. Most flexible working arrangements are permanent, meaning you won't automatically revert to your previous pattern unless a temporary arrangement has been agreed.

If you request a temporary change (for example, for up to 12 months), this will be clearly recorded and reviewed regularly. After the agreed period ends, you'll return to your original working pattern unless a permanent change is agreed.

Once approved, your manager will send the completed Flexible Working Request Form to HR, who will issue a formal contract variation. The contract variation must be in place before the arrangement can commence.

Impact on pay

If your new working pattern affects your pay (for example, if you reduce your hours), your manager will complete a Notification of Change Form and send it to Payroll and HR to make sure your pay is updated correctly.

Changes to your team's staffing

If your new arrangement affects your team's staffing levels (for example, if you reduce your hours), your manager will also submit a Change in Establishment Form to keep the staffing structure up to date.

Annual leave and public holidays

Flexible working can affect your annual leave entitlement — especially if you change your hours, move to term-time working, or switch to a part-year or seasonal contract.

Your manager will calculate your leave entitlement in two parts:

1. Based on your current working pattern (up to the change date).
2. Based on your new working pattern (after the change date).

Leave will be calculated in **hours**, not days, to make sure it's fair and accurate regardless of your working pattern. You can find more guidance in the Council's **Annual Leave and Public Holiday Policy** on MyView.

Pensions

Changing your working hours or pattern may affect your pension contributions and benefits. We recommend speaking to the Pensions service (Pensions@orkney.gov.uk) or your pension provider e.g. Scottish Public Pensions Agency (SPPA) to understand the impact before finalising your request.

Appeals and further support

Should your flexible working request be refused you have a right of appeal, should you wish. Your appeal should be submitted using the Flexible working request form within 14 days of receipt of your outcome. This should be submitted to a higher level of management than the manager who has turned down the original request. Appeals should be considered at the lowest level of management possible but as a minimum, be heard by a Service Manager. The decision of the appeal is final and there is no further right of appeal under this policy.

Review and Monitoring

This policy will be reviewed by Human Resources in conjunction with recognised Trade Unions in line with the Council's schedule for reviewing all Human Resources policies and procedures, normally every five years.

Where changes to employment law, best practice recommendations, or schemes of Conditions of Service require, a review may be undertaken within this timescale by agreement with the Head of Human Resources and Organisational Development.

Where provisions differ for teaching or other employee groups, this will be identified separately within the policy.

Supporting colleagues experiencing Gender-Based Violence including Domestic Abuse

Prepared by HR and Organisational Development

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
TBC	General Meeting of the Council	N/A	

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
Next scheduled review in xxxx.				

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Introduction

At Orkney Islands Council we believe that every colleague has the right to feel safe, valued and supported at work. We know that some colleagues may be affected by gender-based violence (GBV) including domestic abuse, either directly or through concern for someone close to them. We want you to know that you are not alone and that support is available.

This policy sets out how we will support colleagues who may be experiencing gender-based violence. It does not describe the wider statutory duties the Council holds as a local authority.

For further information on our statutory responsibilities, relevant legislation, and the multi-agency public protection framework in Orkney, including arrangements to safeguard children, adults at risk, and those affected by gender-based violence, please refer to the following resources.

- [Public Protection Committee](#)
- [Protect Orkney](#)
- [Safer Orkney - Orkney Partnership For Action Against Gender Based Violence and Abuse](#)
- [Domestic Abuse Policy for Housing Services](#)
- [Child Protection](#)

We acknowledge that GBV is rooted in gender inequality and is not just experienced by women, it can impact anyone, including men, trans and non-binary people and those in same sex-relationships. Violence against women and girls (VAWG) is recognised nationally as part of GBV but our approach aims to support all victim-survivors.

We all need to have a better understanding of how to support our colleagues and team members who are impacted by GBV and wider awareness raising is fundamental to reducing the stigma that can sometimes be attached to these types of subjects.

If you're reading this because you've been affected, we want you to know that we are here to listen and will support you to feel safe at work if you speak out. We're committed to supporting all our colleagues and it is our intention to deal constructively, compassionately, and sympathetically with cases of domestic abuse when they are reported to us.

The purpose of this policy is to help you understand what gender-based violence is and give you information about what help is available both inside and outside of work whether you need it for yourself or to help someone else.

The aims of this policy are:

- To encourage us to talk more about gender-based violence (GBV) including domestic abuse.
- For those experiencing any form of GBV, to feel you can ask for the support you need.
- For managers to have the knowledge and confidence to know what to do if you need to provide support to a team member through this time.
- To give all colleagues information about where to access further guidance and support.
- To signpost specialist external organisations who can provide additional help and advocacy support.

If you are a concerned manager or colleague reading this policy, it's important to remember it's not your responsibility to be an expert on GBV or take on the role of counsellor. What you can do is be alert to the potential signs, provide support by listening and signpost to the appropriate, specialist help at the end of this policy.

If you're a manager and want to know more about how to help a colleague, you can read our guide for managers.

Who this policy is for

This policy applies to all employees of Orkney Islands Council, whether you're in a permanent or temporary role. It covers staff employed under Scottish Joint Council (SJC), Scottish Negotiating Committee for Teachers (SNCT), Orkney College Academic (NJNC), and Chief Officials terms and conditions.

What is Gender-Based Violence?

Gender-Based Violence (GBV) is a broad term that includes domestic abuse, sexual violence, coercive control, harassment, stalking, so-called 'honour-based' abuse, Female Genital Mutilation (FGM), forced marriage, and other forms of violence rooted in gender inequality.

We recognise the definition used nationally and by specialist services that describes domestic abuse as a pattern of controlling, coercive, threatening, degrading or violent behaviour between people who are personally connected. This includes people who are, or have previously been married, in civil partnerships or in relationships, or have a child together, or are relatives, including abuse of adult parents or adult children.

Gender-Based Violence can include (but is not limited to):

- Physical or sexual harm.
- Violent or threatening behaviour.
- Controlling or coercive behaviour.
- Economic or Financial Abuse.
- Digital or online Abuse.
- Psychological and emotional abuse.
- Stalking or harassment.
- Abuse linked to gender norms or expectations.
- 'Honour-based' abuse, forced marriage or Female Genital Mutilation (FGM).

Abuse can occur in any relationship regardless of gender, age, family structure, sexual orientation or cultural background, While GBV disproportionately affects women and girls, anyone can experience harm.

Recognising the signs of gender-based violence

Knowing the signs of gender-based violence is an important first step in ensuring that support can be offered.

It's important to remember that GBV including domestic abuse isn't always just physical abuse and can include:

- Being cut off from family and friends and intentionally isolating someone.
- Bullying, threats, or controlling behaviour.
- Controlling finances.
- Monitoring or limiting use of technology.
- Physical and/or sexual abuse.
- Controlling medication.
- Stalking either in-person or online.
- Being subjected to sexist, homophobic, transphobic or culturally-based controlling behaviours.
- Isolation linked to cultural or community pressures.
- Harassment or coercion linked to gender identity or sexual orientation.

Changes in someone's usual behaviour can be a sign that they are struggling and could benefit from a supportive check-in. The following examples can have many explanations but can be an indication of GBV:

- Frequent absence from work, lateness or needing to leave work early.
- Changes in work performance such as missed deadlines.
- Working longer or irregular hours.
- Changes in the way a colleague communicates – many personal calls or texts or a strong reaction to personal calls.
- Physical signs and symptoms such as unexplained or frequent bruises or other injuries.
- A change in behaviour – for example becoming more withdrawn than usual.
- Change in the amount of makeup worn.
- Changes in social behaviour – for example not turning up to social activities.

Telling someone

We know that you might not want to talk to anyone about what you are going through. However, you can speak to any trusted route you are most comfortable with. Your manager can provide initial support, signpost you to resources and help you with any disclosure conversations you would like to have with your colleagues. You do not have to tell your manager if that does not feel safe or comfortable.

Who you can speak to

You may choose to disclose to:

- Your line manager.
- HR and OD.
- A Wellbeing Champion.
- A Trade Union representative.
- Another trusted manager.
- A specialist external agency (e.g. Women's Aid Orkney or ORSAS).

What happens after you tell someone

There is no obligation to make a formal disclosure or take action you are not ready for. You will never be pressured to contact the police or pursue legal options unless required due to immediate risk.

If you're not ready to disclose anything to anyone at work, we would strongly encourage you to contact one of the [specialist support agencies](#) listed at the end of this policy. You may wish to seek support from one of the specialist support agencies to advocate for you when making a disclosure at work or when discussing and agreeing any workplace support plans or adjustments.

Your manager's role is to:

- Be alert to spotting the possible signs of GBV and have a supportive conversation with you if they are concerned.
- Provide initial help and support, including signposting to appropriate sources of professional help and support (like those at the end of this policy).
- Protect your confidentiality unless there is an immediate risk to your safety or a safeguarding concern involving a child or vulnerable adult.
- Support you to make any initial calls for help on a work phone if needed.
- Help you get paid differently if your abuse is financial.
- Agree measures to prioritise safety at work and make sure that your health and safety is protected.
- Help you to remain productive and efficient whilst at work.

Our **Employee Assistance Programme** also provides 24/7 access to telephone support, every day of the year. You can speak to a qualified counsellor by calling 0808 168 2143, or you can access support online through [Optima Health EAP](#) using the login details below:

Username: OIC001

Password: Wellbeing365!

If you are unsure about what you are experiencing and whether it is abuse or not, you can learn more about the signs by visiting one of the websites at the end of this policy.

If you're a manager and want to know more about how to help a colleague, you can read our guide for managers.

Roles and Responsibilities

Supporting colleagues affected by gender-based violence is a shared responsibility. Managers and HR and OD each play an important role in ensuring that disclosures are handled sensitively, support is offered appropriately, and any risks are managed.

Managers should refer to the Supporting colleagues experiencing gender-based violence: A guide for managers for detailed guidance on how to apply this policy in practice.

The role of line managers

Line managers are often the first point of contact for colleagues who choose to disclose their experience. Their role is to provide a supportive, non-judgemental response and to help ensure that appropriate workplace support is in place.

Line managers are expected to:

- Respond to disclosures sensitively, calmly and without judgement.
- Listen and believe the colleague and respect their choices.
- Maintain confidentiality and handle information appropriately.
- Work with the colleague to identify and agree appropriate support.
- Put in place reasonable workplace adjustments to support safety and wellbeing.
- Be aware of potential safeguarding concerns and take appropriate action where required.
- Seek advice and support from HR/OD when needed.
- Keep appropriate records in line with data protection requirements.
- Continue to review and adapt support over time.

Further guidance on how to carry out these responsibilities in practice is available in the manager guide.

Managers are not expected to be experts in gender-based violence or to take on the role of counsellor. Their role is to support colleagues within the workplace and help them access appropriate internal and external support.

Detailed guidance on how to respond to disclosures, have sensitive conversations and implement support is provided in the manager guide.

The role of HR and Organisational Development (HR and OD)

HR and OD provide advice, guidance and support to ensure that situations are handled appropriately, consistently and in line with organisational policies.

HR and OD will:

- Support managers in responding to disclosures and agreeing appropriate support.
- Provide advice on workplace adjustments, safety planning and risk management.
- Help ensure a consistent and fair approach across the organisation.
- Maintain confidentiality and handle information appropriately.
- Provide guidance on how this policy links with other policies and procedures.
- Support any formal employment processes where required, including where concerns relate to conduct.
- Promote awareness, training and organisational learning on GBV.

Time off work

We know that if you are experiencing GBV including domestic abuse, you may need time away from work to manage legal or accommodation issues and deal with family demands. We also know everyone's situation will be unique. We won't assume to know how much leave you might need as everyone's situation is different and, in some cases, time off work may make things more difficult for you. This policy isn't about creating a one-size fits all approach. It's about highlighting all the different ways that we can support you, so you can decide what works best for you.

Time off or changes to working patterns would need to be agreed in discussion with your manager. We will always be led by you and agree a reasonable amount of unpaid time off to support you.

If you need to take unplanned leave you can read more in our Leave of Absence policy. You may also wish to consider using flexible working arrangements to help manage your time.

If you are off sick for reasons relating to GBV including domestic abuse, then the discretion process can be applied. Please refer to our Managing Sickness Absence policy for further details.

Confidentiality

We understand how difficult it can be to speak about abuse. If you tell someone about your experience, it will be treated as confidential information and will only be shared with others with your agreement unless there is:

- An immediate risk to your safety.
- A safeguarding concern involving a child or vulnerable adult.
- A legal requirement or overriding public protection duty.

Where confidentiality must be broken, you will be informed unless doing so puts you or others at further risk.

Any breaches of confidentiality by any colleague will be taken seriously and may be subject to disciplinary action.

Providing feedback on your experience

We recognise that choosing to disclose an experience of gender-based violence or domestic abuse takes courage. It is important that colleagues feel supported, listened to and treated with respect throughout this process.

You are encouraged to share feedback on how your disclosure or the support you received was handled. Your feedback helps us to understand what is working well and identify where we can improve our approach.

You can provide feedback in a way that feels safe and comfortable for you. This may include:

- Speaking to Organisational Development, you can make initial contact by emailing od@orkney.gov.uk.
- Providing feedback through a trusted manager, trade union representative or wellbeing champion.
- Completing our [confidential feedback form](#).

Providing feedback is entirely voluntary and will not affect any ongoing support or decisions related to your situation.

Where feedback is provided:

- It will be handled sensitively and confidentially.
- It will be reviewed by Organisational Development, to identify any learning or improvements.
- Any actions taken will focus on improving practice, support and consistency across the organisation.
- Feedback will be used in an anonymised way where possible to inform policy development, training and awareness.

We are committed to creating a culture of continuous improvement, where colleague experiences help shape how we support others in the future.

Your safety at work

Your safety is our priority. Where your experience of GBV may impact your safety at work, we will work with you to consider what measures may help you feel safer, such as:

- Screening or diverting phone calls and email messages.
- Making sure you don't work alone or in an isolated area.
- Helping you make alternative arrangements for you to travel safely to and from home or work.
- Changing contact details where appropriate.
- Planning an alternative entrance or exit from work.
- Considering a temporary change to your working patterns so they're not predictable to others.
- Agreeing what information to share with colleagues where appropriate, and how they should respond if a perpetrator visits the workplace.
- Providing a safe place to work in an OIC location even if most of your role can be carried out at home.

If you're managing someone who has disclosed GBV including domestic abuse to you, you should not directly involve yourself in the situation for example by confronting the alleged perpetrator. This could make things more difficult for them.

Your role in this situation is to:

- Provide support for your colleague in the workplace and make any adjustments to support their safety.
- Help your colleague find the right professional help.

Getting professional support and counselling

If you would prefer to speak to someone who is specially trained in GBV, you can contact one of the specialist organisations listed at the end of this policy.

Our **Employee Assistance Programme** offers direct and confidential support to all employees. This includes 24/7 access to telephone counselling, every day of the year. You can speak to a qualified counsellor by calling **0808 168 2143**, or you can access support online through [Optima Health EAP](#) using the login details below:

Username: OIC001

Password: Wellbeing365!

Making adjustments to support you

As well as making small changes to help keep you safe, there may be adjustments we can make at work to help you if you need to make temporary changes to working patterns to manage family demands.

We will work with you in a sensitive and supportive way to understand your needs and identify appropriate and reasonable support options. This may include:

- Temporary adjustments to your working hours.
- Hybrid or flexible working arrangements, if appropriate. Read more in our Hybrid and Remote Working Guidance.
- A safe and confidential space for conversations or support meetings.
- Adjustments to duties or work location to reduce contact or risk.
- Time during the working day to attend support appointments (for example solicitors, housing or social services).
- Turning your camera off when on video calls.
- Support with pay arrangements if financial abuse is occurring, **where safe to do so**.
- Signpost the support available through the Employee Assistance Programme.

Where your experience is likely to affect you at work, your manager will work with you to complete a risk assessment to understand more about how this might impact you and to discuss any adjustments you might need. They might also consider a safety plan to ensure your safety at work and they will always work with you to agree this. You can also use a Wellness Action Plan to identify how your experience has impacted you at work and use this to discuss any changes you might need. You can read more about Wellness Action Plans in our Mental Health and Wellbeing Policy or use the templates on our Staff Hub [here](#).

Finances and pay

We want you to be in control of the pay that you receive from Orkney Islands Council. If you experience economic or financial abuse you may not have control of your MyView account or have access to the pay we give you. Your manager may be able to help you to reset your MyView password and change your bank details to a bank account you have control of, where this is safe to do so.

Helping someone else

We recognise that often employees are the first to spot the signs of GBV in their colleagues. Employees may also witness behaviours linked to GBV, such as harassment or coercive control. If you are worried about a colleague, we recommend that you can contact Women's Aid Orkney on 01856 877900, or Orkney Rape and Sexual Assault Service on 01856 872298 or by emailing contact@orsas.scot.

If you see or hear an assault or think that your colleague is in an emergency situation, call 999 and report it to the Police.

Procedures and Guidance

The Council has a range of supporting procedures and guidance to support implementation of this policy. These do not form part of the approved policy and, as such, are able to be amended and updated to reflect necessary changes to support more efficient and effective recruitment for the Council without formal review.

Review and Monitoring

This policy will be reviewed by Human Resources in conjunction with recognised Trade Unions in line with the Council's schedule for reviewing all Human Resources policies and procedures, normally every five years.

Where changes to employment law, best practice recommendations, or schemes of Conditions of Service require, a review may be undertaken within this timescale by agreement with the Head of Human Resources and Organisational Development.

Where provisions differ for teaching or other employee groups, this will be identified separately within the policy.

Raising awareness of gender-based violence

We recognise that GBV does not occur in isolation, it is closely linked to wider inequalities, including disparities in the types of jobs people do, how they are paid, and how they progress in the workplace.

The impact of gender-based violence on employees and the organisation

Gender-based violence (GBV), including domestic abuse, can have significant impacts on individuals and on the workplace. These impacts will be different for everyone and can affect physical health, emotional wellbeing, and day-to-day life.

For colleagues affected by GBV, this may include:

- Difficulties with concentration, confidence, or decision-making.
- Increased stress, anxiety, or trauma-related responses.
- Physical injury or ongoing health concerns.
- Sleep disruption or fatigue.
- Financial challenges, particularly where economic abuse is involved.
- Changes in attendance, such as absence, lateness, or altered working patterns.
- Feeling isolated, unsafe, or less able to engage at work.

We recognise that work can provide an important source of stability, routine, and support. However, without the right understanding and adjustments, the effects of abuse can make it more difficult for someone to manage work alongside their personal circumstances.

There can also be an impact on teams and the wider organisation. For example:

- Changes in workload or team capacity.
- Increased need for management support.
- Potential health and safety considerations where abuse affects the workplace.
- Wider impacts on team wellbeing.

By recognising these impacts, we can take proactive steps to support colleagues and help create a safe, inclusive and supportive working environment. Early understanding and support can make a meaningful difference in helping colleagues to remain in work and access the help they need.

Creating an open and informed workplace culture is key to reducing stigma and encouraging people to seek support when they need it.

GBV, inequality and financial independence

GBV is both a cause and a consequence of inequality. When people face barriers to equal access to employment, such as lower pay, fewer opportunities for promotion, or limited access to flexible working, it can reduce financial independence and limit choice. This can make it harder for someone experiencing abuse to leave unsafe situations or remain in work.

We also understand that financial dependence and poverty can increase vulnerability to abuse and reduce resilience. That's why supporting workplace equality is an important part of preventing violence and promoting safety.

Barriers and inequalities in the workforce

People from different backgrounds may face additional challenges. For example, individuals who are disabled, minority communities, Muslim, LGBTQ+, refugees, or older adults may experience multiple barriers to accessing and progressing in employment. Socio-economic background also plays a role, with those from working-class backgrounds more likely to be in lower paid or undervalued roles.

We see gendered patterns in jobs; women are more likely to work in care, admin, and early years roles, while men are more often found in IT, trades, and refuse collection. These patterns reflect wider gender norms and stereotypes, and they contribute to ongoing inequality.

Our commitment to equality and prevention

We're committed to addressing these issues. By promoting equal access to quality jobs, supporting flexible working, and tackling the gender pay gap, we can help create a workplace where all women feel safe, valued, and empowered.

Creating an inclusive workplace

You can find training resources on [iLearn](#) to increase your knowledge and skills on these following topics:

- Flexible Working.
- Sexual Harassment modules one and two.
- Violence against women and work modules one and two.
- Trauma skilled module one.
- Psychological First Aid – general module.

We also provide an in-person training sessions to equip you for Having sensitive conversations through our [Corporate Learning Programme](#)

Supporting colleagues and creating an inclusive, equitable workplace helps us all thrive and aligns with Scotland's national Equally Safe Strategy and our participation in Equally Safe at Work accreditation.

Related policies and other sources of support

Other related policies

Domestic abuse can intersect with other forms of unacceptable behaviour in the workplace, including bullying, harassment, and discrimination. If you are experiencing behaviour that undermines your dignity at work, you may also find support through our **Bullying, Harassment and Discrimination Policy**. This policy outlines our commitment to fostering a respectful, inclusive, and safe working environment for all colleagues.

The Bullying, Harassment and Discrimination Policy works alongside this policy to ensure that all employees are protected from harm and supported in raising concerns. If you're unsure which policy applies to your situation, please speak to your manager, or to HR.

Where you can find other support

There are lots of charities and other specialist support groups who offer information and support about domestic abuse. Here are some that you might find helpful:

Orkney Rape and Sexual Assault Service (ORSAS)

Provides free and confidential information, advocacy, and support to anyone in Orkney (age 13 and over) affected by any form of sexual violence. This includes survivors of sexual violence and their friends, partners and families. ORSAS also provide advice and support to staff in other agencies who are working with survivors.

Call: 01856 872298, email contact@orsas.scot or visit <https://www.orsas.scot/> for more information.

Women's Aid Orkney

Provide free and confidential support to women and children who have been affected by domestic abuse.

Call: 01856 877900 or email: info@womensaidorkney.org.uk

Scottish Women's Aid

Scotland's lead domestic abuse organisation working towards preventing domestic abuse and supporting victim-survivors. Visit www.womensaid.scot for more information.

Scotland's Domestic Abuse and Forced Marriage Helpline

Support for anyone experiencing domestic abuse or forced marriage, as well as their family members, friends, colleagues, and professionals who support them. Call the 24hr service: 0800 027 1234, WhatsApp / Text: 07401 288595, or visit www.sdafmh.org.uk for more information.

Scottish Women's Rights Centre

Free legal information and advice for women experiencing gender-based violence.

Call: 08088 010 789, or visit www.scottishwomensrightscentre.org.uk

Rape Crisis Scotland Helpline

The national helpline for rape and sexual assault support.

Call: 08088 01 03 02 or text 07537 410027 – every day between 5pm – midnight

Email: support@rapecrisisscotland.org.uk or Webchat: www.rapecrisisscotland.org.uk

Shakti Women's Aid

Support and information for Black and minority ethnic women, children, and young people experiencing or who have experienced domestic abuse. Call: 0131 475 2399 or visit

www.shaktiedinburgh.co.uk

Amina Muslim Women's Resource Centre

Culturally sensitive signposting and support service for Muslim and ethnic minority women.

They also offer a service, Sahara, which provides support for women experiencing domestic or sexual abuse Helpline from Mon-Fri 10am-4pm: 0808 801 0301, visit

www.mwrc.org.uk, or email sahara@mwrc.org.uk

Hemat Gryffe Women's Aid

Support to Asian, Black and minority ethnic women, children, and young people. Call the helpline (24hrs) on 0141 353 0859 or visit www.hematgryffe.org.uk

LGBT Helpline Scotland

Information and support for lesbian, gay, bisexual, and transgender people. The Helpline is open on Tuesdays, Wednesdays, Thursday from 12-9pm and Sundays from 1-6pm. Call:

0800 464 7000 or visit <https://www.lgbthealth.org.uk/services-support/lgbt-helpline-scotland/>

Feniks

Counselling support for adults from Polish and other Central Eastern European communities. Visit www.feniks.org.uk for online support.

Men's Advice Line Call: 0808 801 0327

Mankind Call: 01823 334 244

Galop - Supporting victims of domestic abuse in the LGBT+ community. Call: 0800 999 5428

Suzy Lamplugh Trust – Call the National Stalking Helpline on 0808 802 0300

Respect Helpline – For anyone worried about their own behaviour. Call: 0800 802 4040

The Lucy Faithful – Support for anyone wanting to change their own behaviours in relation to child abuse, especially online. Call: 0808 1000 900 for confidential support.

Hestia Respond to Abuse Helpline – a free resource for employers. Employers can call 020 3879 3695 Monday to Friday 9am to 5pm, or email advice@hestia.org for support, guidance or information about domestic abuse and how to support employees and colleagues experiencing domestic abuse

CrimeStoppers is an independent charity giving people the power to speak up about crime 100% anonymously.

Perpetrators

We do not tolerate or condone gender-based violence in any form. We recognise that the responsibility for GBV lies with the perpetrator. However, if a colleague tells us about their abusive behaviour and genuinely wants to change, we will engage with them to identify the appropriate external support. This could include providing access to specialist support services decided on a case-by-case basis. Speak to your manager if you are looking for help or you can contact [The Respect Helpline](#) confidentially on 0808 802 4040.

Any use of OIC equipment, premises or time to commit acts of GBV will be seen as gross misconduct. It may result in disciplinary action up to and including dismissal. If the behaviour constitutes a criminal offence, we have a duty to contact the Police.

The safety of victim-survivors will always take precedence.

If you have been accused

We know that some colleagues may be in personal relationships at work, and we recognise that being accused of GBV can be upsetting. If an allegation is made, we will investigate it fairly, sensitively, and without pre-judging the situation.

If we find the allegation is untrue, we will ensure you are not treated unfairly in any way and will provide support where required.

This policy and guidance support Orkney Islands Council's commitment to the Equally Safe at Work accreditation programme and Scotland's national Equally Safe strategy to prevent and eradicate violence against women and girls, while supporting all victim-survivors of domestic abuse and gender-based violence.

Bullying, Harassment and Discrimination Policy

Prevention, Awareness and Support

Prepared by HR and Organisational Development

Document Control Sheet

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Introduction

At Orkney Islands Council, we are committed to creating a workplace where everyone feels safe, respected and valued. We take concerns about bullying, harassment and discrimination seriously and are committed to addressing them appropriately.

We recognise that experiencing inappropriate behaviour can have an impact on a person's emotional, physical and mental wellbeing. No one should feel uncomfortable, excluded or unsafe at work. That's why we take all concerns seriously and are committed to responding fairly, consistently and with compassion.

This policy supports our wider commitment to dignity at work. It sets out how we expect everyone to behave, what support is available, and how we will respond to concerns raised, ensuring that Orkney Islands Council remains a place where everyone can feel supported.

What to expect from this policy

This policy aims to explain:

- How we expect our colleagues to behave.
- What we mean by zero tolerance.
- What to do if you see or experience inappropriate behaviour.
- How we can all help to create a respectful working environment.
- How to access impartial support whether you are experiencing inappropriate behaviour, you have been accused, or you are supporting a colleague.

We all have a responsibility to create a culture where bullying, harassment and discrimination doesn't happen, and to challenge or report it if we see it happening.

Because we take these behaviours seriously, if we find you've bullied, harassed or discriminated against someone, made false allegations, or treated a colleague badly because they've raised a legitimate concern, we regard this as potential gross misconduct, and you may be dismissed using the disciplinary policy.

If you're a manager and want to know more about how to help a colleague, you can read our guide for managers.

Who this policy is for

This policy applies to all employees of Orkney Islands Council, whether you're in a permanent or temporary role. It covers colleagues employed under Scottish Joint Council (SJC), Scottish Negotiating Committee for Teachers (SNCT), UHI Orkney Academic (NJNC), and Chief Officials terms and conditions.

What is bullying?

Bullying can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

The bullying might:

- be a regular pattern of behaviour or a one-off incident.
- happen face-to-face, on social media, in emails or calls.
- happen at work or in other work-related locations.
- not always be obvious or noticed by others.

Examples of bullying at work could include:

- someone has spread a malicious rumour.
- a manager keeps giving you a heavier workload than everyone else.
- someone keeps putting you down in meetings.
- someone holding back information or deliberately 'losing' information.
- being excluded from team social events.
- someone has put humiliating, offensive or threatening comments or photos on social media.
- someone at the same or more junior level as you, keeps undermining your authority.

Bullying is not:

- Being held accountable for your performance or behaviour.
- Constructive feedback.
- Conflict or difference of opinions.

Upward bullying

Upward bullying is when a colleague bullies a more senior colleague or manager.

It can be from one colleague or a group of colleagues. Examples of upward bullying can include:

- showing continued disrespect.
- refusing to complete tasks.
- spreading rumours.
- doing things to make you seem unskilled or unable to do your job properly.

It can be difficult if you're in a senior role to realise you're experiencing bullying behaviour from your colleagues. However, a senior position does not make you immune to the impact and effects of bullying, and we would take any allegations just as seriously as any other.

What is harassment?

Harassment is when bullying or unwanted behaviour is about or because of any of the following protected characteristics under discrimination law (Equality Act 2010):

- Sex.
- Disability.
- Age.
- Race and ethnic or national origin.
- Sexual orientation.
- Gender reassignment.
- Religion or belief.

It includes unwanted conduct that is sexual in nature and treating someone badly because they either rejected it or because they went along with it. You can find out more about this in our Sexual Harassment Policy - Prevention, Awareness and Support.

Harassment and the law

Harassment is unlawful under the Equality Act 2010. If someone's behaviour is unwanted and causes offence, even if it wasn't done on purpose, it may be harassment. The unwanted behaviour doesn't have to be aimed at you for you to be offended by it. If it creates an intimidating or offensive environment for you or anyone else, then it could be harassment.

Examples of harassment at work could include:

- Sexually suggestive jokes, comments or innuendo, offensive gestures or whistling.
- Unnecessary touching.
- Suggestions that sexual favours may further someone's career, or that refusing them may damage it.
- Offensive remarks about a group's or an individual's race, ethnic or national origin.
- Outing a colleague as trans or non-binary without their permission.
- Repeatedly using the wrong pronouns or name for someone who is trans or non-binary, despite having the correct information.
- Ridicule or assumptions based on racial stereotypes.
- Spreading rumours or gossip about someone's sexual orientation or gender.
- Making jokes or offensive remarks about someone's disability.
- Excluding someone because of their political opinion or religious group.

Harassment can be:

- A serious one-off incident.
- Repeated behaviours.
- Spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks or physical behaviour that affects the person.

It's still against the law even if the person being harassed does not ask for it to stop.

Harassment because of pregnancy or maternity is treated differently under the discrimination law but is still unlawful under the prohibition of direct sex discrimination.

Also, whilst the law on harassment doesn't cover marriage and civil partnership, harassment because of marriage/civil partnership, is still unlawful under the prohibition of direct discrimination.

What we mean by zero tolerance

At Orkney Islands Council, Zero Tolerance means we will not ignore or minimise bullying, harassment or discrimination in any form. We take every concern seriously, whether raised informally or formally, and we are committed to responding fairly, using unbiased judgement and in line with our policies and values.

Where concerns are escalated formally, they will be thoroughly investigated through the disciplinary procedure, and appropriate outcomes will follow. Where concerns are proven, outcomes may include formal warnings, training, reassignment of duties (where appropriate), or dismissal, depending on the nature and severity of the behaviour.

Malicious complaints will also not be tolerated. Where proven, they will be addressed in line with our policies, including potential disciplinary action.

Zero tolerance does not mean dismissal in every case. It means we are committed to acting in a way that best fits the situation, supported by a fair and thorough process that considers the specific circumstances of each case.

What is discrimination?

By law, being discriminated against is when you are treated unfairly because of any of the following:

- Age.
- Disability.
- Gender reassignment.
- Marriage or civil partnership.
- Pregnancy or maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

These are known as 'protected characteristics'. It's against the law for anyone to treat you less favourably because of them.

Examples of direct discrimination at work could be:

- Someone is not offered a promotion because they're a woman and the job goes to a less qualified man.
- A close friend of a colleague has surgery to change their sex. Some colleagues find out about the surgery and stop inviting them to social events.

Victimisation

The law also protects you against victimisation, which means being treated badly because you have, plan to, or are thought to have:

- Brought an employment tribunal claim alleging discrimination.
- Complained about discrimination.
- Given evidence or information in relation to someone else's claim about discrimination.

Getting advice and support

If you feel that you're being bullied, harassed, or discriminated against, it can sometimes be difficult to decide how you want to deal with it. It can help to talk this through with someone. We would always suggest that you speak to your manager initially to talk things through.

If you don't feel like you can speak to your manager, remember we have a network of [Wellbeing Champions](#) who you can speak to, or if you're a member of a trade union, you can also contact them for advice.

Our **Employee Assistance Programme** offers direct and confidential support to all employees. This includes 24/7 access to telephone counselling, every day of the year. You can speak to a qualified counsellor by calling 0808 168 2143, or you can access support online through [Optima Health EAP](#) using the login details below:

Username: OIC001

Password: Wellbeing365!

If you have witnessed bullying, harassment or discrimination it's best not to stay silent. If you can, speak to the person to who the negative behaviour is directed towards and ask them what support they need.

Resolving things informally

It's generally better to try to sort things out informally if possible. Explaining to the person responsible how it makes you feel and asking them to stop may get things resolved. They might not have meant to offend you or realise the impact of their words or actions.

But if you don't feel able to speak to the person, talk to your manager about the problems you're having. If it's appropriate, your manager may speak to them confidentially to say that their behaviour is inappropriate and needs to change. Wherever possible your manager will aim to resolve things quickly and informally without the need to use a formal process. Dealing with things informally is often much less stressful and quicker for everyone involved than a formal process.

Sometimes, your manager may decide that the nature of the complaint is such that it needs to be considered formally, for example if the complaint is very serious or where the informal approach would not be appropriate.

If you don't feel you can speak to your manager, or your complaint is about them, you can speak informally to your manager's line manager. There may be other people you feel comfortable speaking to, such as another manager, [Wellbeing Champion](#), or your trade union if you're a member - or you can make a formal complaint.

Making a formal complaint

If you do not feel able to resolve the issue informally, you can raise a formal complaint. To do this, you should set out your concerns in writing and share them with your manager. If your complaint is about your manager, you can send it to their manager instead. We will consider your complaint as quickly and fairly as possible, and an appropriate manager will be appointed to review the concerns and decide what action is needed.

If you are not satisfied with the outcome, you may appeal the decision. Appeals must be submitted in writing and should be sent to a more senior manager than the one who made the original decision. Appeals will be considered at the lowest appropriate level of management, but as a minimum will be reviewed by a Service Manager. The appeal decision is final, and there is no further right of appeal or access to any other grievance process for the same matter.

We know it's not an easy thing to do to speak up about these things, so we'll investigate this as quickly as possible. If we find evidence, we'll take appropriate action against those involved.

Support and protection for colleagues

If you raise a concern in good faith, or you've witnessed bullying, harassment or discrimination at work, we'll give you support. We won't allow you to suffer negative treatment in your employment because of it.

Also, if you've been accused of bullying, harassment or discrimination and we find this is untrue, we won't allow you to suffer negative treatment in your employment because of it. We'll also give you support if you need it.

Getting emotional support

We know that experiencing inappropriate behaviour can make working life miserable and take an emotional, physical, and mental toll on our colleagues. We also know that it can be helpful to be able to get confidential emotional support from someone impartial and from outside any formal process.

If you are experiencing bullying, harassment, or discrimination, have been accused or are supporting a colleague and you need support or someone to talk to, remember our **Employee Assistance Programme** offers direct and confidential support to all employees. This includes 24/7 access to free and confidential telephone counselling, every day of the year. You can speak to a qualified counsellor by calling **0808 168 2143**, or you can access support online through [Optima Health EAP](#) using the login details below:

Username: OIC001

Password: Wellbeing365!

Performance management

Bullying isn't the same as managing someone's performance. If your manager is giving you work to do or managing your performance using an informal or formal process, and they're doing that in a professional and supportive way, this won't on its own be considered bullying.

But if you do feel that your manager's behaviour towards you is unacceptable, talk to them about it. If you feel like you can't do this, there are other ways you can [raise your concerns](#).

Other situations to be aware of

Remember, you're responsible for your own behaviour while at work, any time you're representing Orkney Islands Council outside of the workplace or at any work-related event. We're all expected to be respectful and considerate of other people and our individual differences. For more information take a look at our Equality Statement.

Behaviour outside work

If you experience unwanted or offensive behaviour that happens outside of the workplace but still to do with your work, like at a work-related social event or training course, tell your manager. They'll investigate and deal with it in line with this policy.

Social media

If you put potentially offensive or inappropriate comments or images about, or directed at colleagues, customers or service users on social media sites, we'll take this very seriously and investigate it in line with the social media policy.

Behaviour of customers or external parties

If you experience or see inappropriate behaviour by customers or third-party contractors in your workplace, it's really important you don't feel like you just have to put up with it. Incidents of inappropriate behaviour should not be tolerated.

If you have experienced this type of unacceptable behaviour:

- You should report it to your manager as soon as you feel able to.
- Your manager will notify the relevant teams to ensure you receive the right support and advice.
- We will take steps to protect your safety and wellbeing, including reviewing working arrangements and addressing the behaviour directly with the third party where appropriate.

You have the right to feel safe and respected at work no matter who you're interacting with. If you're unsure what to do, speak to your manager or HR for guidance and support. The Council has policy guidance on Unacceptable Behaviour by Customers or Service Users, and this may also be a relevant document to consult.

If you need further support

If you have any questions about bullying, harassment or discrimination or have experienced inappropriate behaviour or unfair treatment, then speak to your manager or another manager. If you feel that you can't speak to your manager, then you can contact their manager, HR and OD, your Trade Union if you are a member, or one of the [Wellbeing Champions](#).

Related policies

Bullying, harassment and discrimination can intersect with other forms of unacceptable behaviour in the workplace, including domestic abuse and gender-based violence.

If you are experiencing behaviour that undermines your dignity at work, you may also find support through our **Supporting colleagues experiencing Gender-Based Violence (including Domestic Abuse) and Sexual Harassment Policy - Prevention, Awareness and Support**. These policies outline our commitment to fostering a respectful, inclusive, and safe working environment for all colleagues.

These two policies work alongside this policy to ensure that all employees are protected from harm and are supported in raising concerns. If you're unsure which policy applies to your situation, please speak to your manager, to HR, your Trade Union representative or to one of our [Wellbeing Champions](#).

Review and monitoring

This policy will be reviewed by Human Resources in conjunction with recognised Trade Unions in line with the Council's schedule for reviewing all Human Resources policies and procedures, normally every five years.

Where changes to employment law, best practice recommendations, or schemes of Conditions of Service require, a review may be undertaken within this timescale by agreement with the Head of Human Resources and Organisational Development.

Where provisions differ for teaching or other employee groups, this will be identified separately within the policy.



Sexual Harassment Policy

Prevention, Awareness and Support

Prepared by HR and Organisational Development

www.orkney.gov.uk

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Introduction

At Orkney Islands Council, we believe every colleague has the right to feel safe, valued and respected at work. We recognise that sexual harassment is a serious issue that can affect anyone, regardless of gender, age, race, sexual orientation, or background.

If you're reading this because you've experienced sexual harassment or want to support someone who has, we want you to know that we are here to listen and support you, and will treat your disclosure seriously, compassionately and confidentially. This policy outlines what sexual harassment is, how to recognise it, and what support is available, both within the workplace and externally.

What to expect from this policy

This policy aims to help you to:

- Understand what sexual harassment is.
- Understand what we mean by zero tolerance.
- Know what to do if you experience or witness sexual harassment.
- Be clear on your manager's responsibility for dealing with complaints.
- Know how to access emotional support whether you are experiencing sexual harassment, have been accused of it, or are supporting a colleagues.

Who this policy is for

This policy applies to all employees of Orkney Islands Council, whether you're in a permanent or temporary role. It covers colleagues employed under Scottish Joint Council (SJC), Scottish Negotiating Committee for Teachers (SNCT), UHI Orkney Academic (NJNC), and Chief Officials terms and conditions.

What is sexual harassment?

Sexual harassment refers to any unwanted behaviour of a sexual nature that makes someone feel distressed, intimidated, degraded, humiliated, or offended. It can happen as a one-off incident or as part of a pattern of behaviour over time. What matters is how the behaviour is experienced not whether it was intended to cause harm.

This type of behaviour can occur in many different forms and settings, including in person, online, or through written communication. It may be subtle or more obvious, and can happen during work hours, at work related events, or in digital spaces connected to work. Sexual harassment can be perpetrated by anyone, including colleagues, managers, clients or members of the public, and it can affect people of all genders, backgrounds, and roles.

Examples of sexual harassment in the workplace include, but are not limited to:

- Sharing or circulating sexually explicit or inappropriate images or videos.
- Sending suggestive or inappropriate written communications, including letters, notes or emails.
- Displaying sexually inappropriate images, materials or posters in the workplace.
- Making lewd comments, jokes or sharing sexualised stories or anecdotes.
- Using inappropriate or offensive sexual gestures.
- Online harassment or stalking.
- Sexual assault or coercion.

Sexual harassment is not always obvious, and it doesn't have to be physical. Even behaviour that some may dismiss as 'banter' can cross a line if it makes someone feel unsafe or disrespected. If you're unsure whether something you've experienced or witnessed is sexual harassment, it's okay to ask questions and seek support. Everyone has the right to feel safe and respected at work.

Sexual harassment is a form of violence that anyone can experience, it is typically experienced more by women and is a driver of women's inequality in the workplace. It reflects and reinforces gendered power imbalances and contributes to a culture where women may feel unsafe, undervalued, or excluded. Addressing sexual harassment is therefore a key part of promoting gender equality and creating a respectful and inclusive working environment.

Recognising the signs of sexual harassment

Sexual harassment can take many forms and is not always immediately obvious. It may involve physical contact, verbal remarks, or non-verbal behaviours that make someone feel uncomfortable, intimidated, or degraded. These behaviours can be direct or subtle, and they may occur in person, online, or through other forms of communication.

You might notice a colleague becoming withdrawn, avoiding certain people or places, or showing signs of distress after interactions. They may seem anxious during meetings, particularly when certain people are present, or they may express discomfort about comments or jokes that others dismiss as harmless. Changes in behaviour, such as avoiding social events, becoming unusually quiet, or showing signs of stress, can also be indicators.

It's important to remember that sexual harassment doesn't always involve physical contact. It can include persistent unwanted attention, inappropriate remarks about someone's appearance, or repeated invitations that make someone feel pressured. Even if the behaviour is not directed at a specific individual, it can still create a hostile or offensive environment.

If you notice any of these signs in yourself or others, it's important to speak up or offer support. Everyone has the right to feel safe and respected at work.

Banter

Sometimes, experiences of sexual harassment are brushed off as 'banter', teasing, or just joking around. It might be described as part of the workplace culture or something that's 'just how people are'. But it's important to be clear: if the behaviour is of a sexual nature, is unwanted, and makes someone feel uncomfortable, intimidated, or disrespected, then it is sexual harassment regardless of how it's intended or how others perceive it.

Comments or actions that are framed as 'just having a laugh' can still cause real harm. What one person sees as harmless fun might feel degrading or humiliating to someone else. It doesn't matter if others think it's acceptable or commonplace, what matters is how it affects the person on the receiving end. If the behaviour violates someone's dignity or creates an environment that feels hostile, offensive, or unsafe, it should be taken seriously.

Everyone deserves to feel respected at work, and no one should have to tolerate behaviour that makes them feel uncomfortable just because it's labelled as banter.

Victimisation

It's important to be clear; victimisation is unlawful. Everyone has the right to raise concerns or support others without fear of retaliation or negative consequences. Creating a culture where people feel safe to speak out is essential to addressing sexual harassment and building a respectful workplace.

Victimisation happens when someone is treated unfairly or less favourably because they've raised a concern for example about sexual harassment, supported someone else in doing so, or are believed to be considering it. This might include being excluded from meetings, overlooked for opportunities, spoken to differently, or made to feel uncomfortable simply for speaking up or helping a colleague.

Orkney Islands Council will not tolerate any form of victimisation. Any behaviour that seeks to punish, isolate, or undermine someone for raising a concern will be taken seriously and may result in disciplinary action.

What to do if you experience sexual harassment

Taking a zero-tolerance approach

We adopt a zero-tolerance approach to sexual harassment. This means that we do not accept sexual harassment at Orkney Islands Council. Zero tolerance means we will never ignore or minimise bullying, harassment, or discrimination in any form, including sexual harassment. We take every concern seriously, whether raised informally or formally, and we are committed to responding fairly, using sound judgement and in line with our policies and values.

Where concerns are escalated formally, they will be investigated, and appropriate outcomes will follow. These may include formal warnings, mandatory training, reassignment of duties, or dismissal, depending on the nature and severity of the behaviour. Zero tolerance does not mean dismissal in every case. It means we are committed to acting in a way that fits the situation, supported by a fair and thorough process that considers the specific circumstances of each case. Malicious complaints will also not be tolerated. Where proven, they will be addressed in line with our disciplinary process.

Telling someone

We understand that speaking out about sexual harassment can be difficult. You can speak to any route you feel most comfortable with. This might be your line manager, HR and OD, a Wellbeing Champion, a Trade Union representative or another trusted manager.

Your manager's role is to:

- Listen without judgment, believe you and take your disclosure seriously.
- Provide initial support and signpost to help.
- Protect your confidentiality.
- Help you access support services.
- Work with you to make adjustments to ensure your safety and wellbeing at work.

If you don't feel like you can speak to your manager, remember we have an HR and OD team, a network of [Wellbeing Champions](#) and Trade Union representatives, who you can speak to.

Our **Employee Assistance Programme** also provides 24/7 access to telephone support, every day of the year. You can speak to a qualified counsellor by calling 0808 168 2143, or you can access support online through [Optima Health EAP](#) using the login details below:

Username: OIC001

Password: Wellbeing365!

If you're not ready to speak to someone at work, we encourage you to seek support from recognised organisations listed in the [Useful resources](#) section below.

Resolving things informally

Sometimes an informal approach may be enough to make the harassment stop, especially where it is unintended, and the person is not aware that their behaviour is unwelcome. In these instances, an informal conversation may lead to greater understanding and an agreement by that person that their behaviour will change.

If you feel comfortable speaking to the person responsible about how their actions are making you feel, and asking them to stop, we encourage you to do so. You shouldn't do anything which may put you at risk of further sexual harassment or other harm.

If you don't feel comfortable to speak to the person but would still like to try and resolve the matter informally, talk to your manager, or another colleague, who can speak to them on your behalf.

We understand there may be times when you don't feel that you can speak to your manager or your complaint is about your manager. In this situation we would encourage you to speak to another manager in the organisation, HR or a Trade Union representative if you are a member.

It is important to be clear that engaging in informal resolution initially does not prevent you from raising a formal complaint later.

Raising things formally

If you don't feel comfortable raising your concern informally, or if the behaviour is too serious to be addressed informally, you should make a formal complaint. A formal complaint of sexual harassment should be made in writing to your line manager, or to the next level of management if the complaint is about your manager. The matter will then be formally investigated.

This process ensures your concern is handled fairly, sensitively, and in line with our policies. You can find out more about the process in the Manager Guide, or you can speak to your manager, HR, a Wellbeing Champion, Trade Union or if you need support in preparing your complaint or understanding the procedure.

If you ask us not to take things further

If you raise a complaint but then ask us not to take the matter any further, we will respect your wishes wherever possible while keeping safety under review. Where action is required to protect you or others, we'll explain why and ensure support is in place.

Witnessing an incident

If you witness sexual harassment, we encourage you to speak up.

If you feel safe and comfortable, you may choose to intervene at the time of the incident, support the person affected, and encourage them to seek appropriate help. You can also offer to provide a witness statement or raise the concern with an appropriate manager on their behalf.

You will not be treated unfavourably for speaking up. However, it's important to prioritise your own safety. Please do not take any action that could put you at risk of harm.

Criminal offence

Some acts of harassment may amount to a criminal offence. We will support you if you wish to report a crime to the police. We won't pressure you to make any decision but, in some situations, we may decide we have to tell the police for example if we believe there is an ongoing risk to you or others' safety. If we do report it, we will talk to you before we do and let you know when we have told them.

Confidentiality

If you tell your manager about your experience, they'll keep this confidential and won't share this information unless you say it's okay – except if we've got serious concerns for your safety or that of others. This includes where there are safeguarding concerns about children or vulnerable adults, where there is a high risk to safety or where we must act to protect the safety of members of the public, including other colleagues or customers. All records about sexual harassment will be kept strictly confidential.

If someone is placing you or members of your family in genuine or immediate danger, we may need to report this to the police.

Where it's necessary for us to share confidential information, we will always discuss this with you first unless it's unreasonable to do so.

Any breaches of confidentiality by any colleague will be taken seriously and may be subject to disciplinary action.

If you have been accused

We understand that it is distressing to be accused of sexual harassment. We will not make assumptions. Any concerns will be handled through a fair, sensitive and thorough process.

If we find the allegations are untrue, we won't allow you to suffer negative treatment in your employment because of it and will give you support if you need it.

Keeping you safe at work

Your safety is our priority. Where your experience may affect your safety at work, your manager will complete a workplace risk assessment with you to identify risks and agree practical measures. This will be reviewed with you regularly. Examples might include:

- Screening or diverting communications.
- Adjusting work patterns or locations.
- Providing alternative contact details.
- Ensuring you are not working alone.
- Keeping records of incidents.
- Supporting you with travel arrangements.
- Agreeing what information to share with colleagues.

Speak to your manager if you need support with any of these measures.

Workplace adjustments

We will work with you to make any reasonable adjustments that help you feel safe and supported at work. These may include:

- Flexible working arrangements.
- Temporary changes to duties or location.
- Turning off your camera during video calls.
- Providing a safe space for meetings.
- Using a Wellness Action Plan to identify support needs.
- Referral to Occupational Health if appropriate.

Time off work

We understand that experiencing sexual harassment can affect your ability to work. You may need time off to attend appointments, seek support, or recover. We will work with you to agree flexible working arrangements. If absence is related to your experience, the discretion process within our Managing Sickness Absence policy may apply.

Requests for time off will be handled sensitively and confidentially.

Third party sexual harassment and reporting

Sexual harassment doesn't always come from within the organisation. Sometimes, colleagues may experience harassment from people they come into contact with through their work, such as customers, clients, suppliers, agency workers, visitors, or members of the public. This is known as **third party harassment**.

Even though these individuals are not part of our workforce, we have a duty to take reasonable steps to prevent and respond to harassment from third parties.

If you experience or witness sexual harassment from someone outside the organisation, you should never feel that you have to tolerate it or manage it alone. We operate a zero-tolerance approach to sexual harassment from anyone and are committed to supporting you.

If you experience third party harassment:

- You should report it to your manager as soon as you feel able to.
- Your manager will notify the relevant teams to ensure you receive the right support and advice.
- We will take steps to protect your safety and wellbeing, including reviewing working arrangements and addressing the behaviour directly with the third party where appropriate.

You have the right to feel safe and respected at work no matter who you're interacting with. If you're unsure what to do, speak to your manager or HR for guidance and support.

Review and monitoring

This policy will be reviewed by Human Resources in conjunction with recognised Trade Unions in line with the Council's schedule for reviewing all Human Resources policies and procedures, normally every five years.

Where changes to employment law, best practice recommendations, or schemes of Conditions of Service require, a review may be undertaken within this timescale by agreement with the Head of Human Resources and Organisational Development.

Where provisions differ for teaching or other employee groups, this will be identified separately within the policy.

Perpetrators

Sexual harassment is a disciplinary offence. As an employee, if you are found to have committed sexual harassment, disciplinary action may be taken, up to and including dismissal.

In cases where sexual harassment involves an abuse of power, such as a senior employee targeting a more junior colleague this may be a factor that is considered in a disciplinary process.

As an employee, if you disclose that you have engaged in inappropriate behaviour and would like to access support to change, your manager will signpost you to appropriate services, such as the local Orkney Rape and Sexual Assault Service and Women's Aid Orkney.

Useful resources

There are many internal resources and external organisations that can offer further advice and practical guidance relating to sexual harassment:

Employee Assistance Programme (EAP)

Offers direct and confidential support to all employees. This includes 24/7 access to telephone counselling, every day of the year by contact the details below:

Call: 0808 168 2143

For online support visit: [Optima Health EAP](#)

Username: OIC001

Password: Wellbeing365!

Women's Aid Orkney

Provides free and confidential support to women and children who have been affected by domestic abuse.

Call: 01856 877900

Email: info@womensaidorkney.org.uk

Orkney Rape and Sexual Assault Service

Call: 01856 872298

Email: contact@orsas.scot

Scottish Domestic Abuse Helpline

Provides 24-hour Domestic Abuse and Forced Marriage advice and support.

Call: 0800 027 1234

Email: helpline@sdafmh.org.uk

Crimestoppers

An independent charity that allows people to report crime 100% anonymously. If you have information about criminal activity, you can speak up without revealing your identity.

For online information visit: www.crimestoppers-uk.org

Samaritans

A unique charity dedicated to reducing feelings of isolation and disconnection that can lead to suicide. They offer a safe space to talk, 24/7.

For online information visit: www.samaritans.org

LGBT Foundation

A national charity focused on LGBTQ+ health and wellbeing, offering support, advice, and resources tailored to the community.

For online information visit: www.lgbt.foundation

Scottish Women's Rights Centre

Provides frontline legal advice and support to women in Scotland who have experienced any form of violence or abuse.

For online information visit: www.scottishwomensrightscentre.org.uk

Rape Crisis Scotland

Scotland's national rape crisis organisation offering confidential support via helpline and text for anyone affected by sexual violence.

Call: Helpline (5pm–midnight): 08088 01 0302

Text: 07537 410 027

For online information visit: www.rapecrisisscotland.org.uk

Equality Advisory and Support Service (EASS)

Provides advice and assistance on equality and human rights issues across England, Scotland, and Wales.

For online information visit: www.equalityadvisoryservice.com

Galop

The UK's LGBT+ anti-abuse charity, offering support to those experiencing domestic abuse, sexual violence, or hate crime.

For online information visit: www.galop.org.uk

NHS – Help After Rape and Sexual Assault

Provides guidance and support for anyone affected by rape or sexual assault, including access to medical care and emotional support.

For online information visit: www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault

This policy and guidance support Orkney Islands Council's commitment to the Equally Safe at Work accreditation programme and Scotland's national Equally Safe strategy to prevent and eradicate violence against women and girls, while supporting all victim-survivors of domestic abuse and gender-based violence.