Sexual and General Harassment Policy

Thurston Parish Council

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1. Purpose of Policy

1.1 Thurston Parish Council is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.

1.2 This policy covers personal harassment, sexual harassment and victimisation which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It also covers bullying and harassment by staff (which may include councillors, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to the council's premises.

1.3 This policy does not form part of any employee's contract of employment, and the council may amend it at any time.

1.4 The parish council will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable the council to take appropriate action and provide support. This policy sets out our arrangements for staff wishing to take holidays (also known as annual leave).

2. <u>What is Harassment</u>

2.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past which may include unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

2.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

2.4 Personal harassment is unwanted behaviour by one employee towards another, and examples of harassment include:

a) insensitive jokes and pranks
b) lewd or abusive comments
c) deliberate exclusion from conversations
d) displaying abusive or offensive writing or material
e) abusive, threatening or insulting words or behaviour
f) name-calling
g) picking on someone or setting them up to fail
h) exclusion or victimisation
i) undermining their contribution/position
j) demanding a greater work output than is reasonably feasible
k) blocking promotion or other development/advancement.

2.5 For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

2.6 Sexual harassment may include, for example:

a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);

d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
e) offensive emails, text messages or social media content.

2.7 A person may be sexually harassed even if they were not the intended “target”. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

2.8 The above examples are not exhaustive, and action will be taken against councillors and employees committing any form of personal harassment.

3. What is Bullying?

3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
a) physical or psychological threats;
b) overbearing and intimidating levels of supervision;
c) inappropriate derogatory remarks about someone’s performance;

3.3 Legitimate, reasonable and constructive criticism of a worker’s performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own. Any holiday not taken by the end of the holiday year can only be carried over to another holiday year and employees will not receive any payment in lieu.

3.2 The law says the most that can be carried over, in normal circumstances, is 1.6 of an employee’s working weeks and this cap will apply to the employees of the parish council.

3.3 The employee’s line manager will, upon a review of the annual leave taken for the year, agree to the carry-over of holiday pay and advise the employee of the entitlement for the forthcoming year.

3.4 Carried forward of holiday must be taken within three (3) months of the year in which it was accrued.

4. If an Employee is Being Harassed or Bullied

4.1 If an employee is being harassed or bullied, they should consider whether they feel able to raise the problem informally with the person responsible. They should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult or embarrassing, they should speak to the Proper Officer or the Chair of the Parish Council who can provide confidential advice and assistance in resolving the issue formally or informally.

4.2 If an employee is being sexually harassed, they should consider whether they fell able to raise the problem informally with the person responsible. They should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult, they should speak to the Proper Officer or the Chair of the Parish Council. If this does not resolve the issue, you should follow the formal procedure below.

4.3 If informal steps are not appropriate, or have not been successful, the matter should be formally raised under the Council’s Grievance Procedure.

4.4 As a general principle, the decision whether to progress a complaint is up to the person submitting the complaint. The parish council does however have a duty to protect all staff and may pursue the matter independently, if, in the circumstance, it is considered appropriate so to do.

4.5 The Parish Council will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. The Parish Council will consider whether any steps are necessary to manage any ongoing relationship between the employee and the person accused during the investigation.

4.6 Once the investigation is complete, the Parish Council will inform the employee of its decision. If the Parish Council considers the employee has been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct.

5. Third Party Harassment

5.1 If the harasser or bully is a third party such as a member of the public, volunteer, contractor, third party or other visitor, or a Parish Councillor, the Parish Council will consider what action would be appropriate to deal with the problem. Whether or not the complaint is upheld, the Parish Council will consider how best to manage any ongoing working relationship between the employee and the person concerned.

5.2 If the allegation is well-founded, the parish council will take steps it deems necessary in order to remedy this complaint. This can include, but is not limited to:

a) warning the individual about the inappropriate nature of their behaviour
b) banning the individual from parish council meetings
c) reporting the individual's actions to the police.

5.3 The Parish Council will also endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

5.4 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

6. Protection and Support For Those Involved

6.1 Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Council's Disciplinary Procedure.

6.2 The parish council is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

6.3 The parish council will monitor the treatment and outcomes of any complaints of personal or sexual harassment or bullying it receives to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved, and workforce training is targeted where needed.

6.4 Support and guidance can be obtained from the Parish Council policies and the following external services:

a) The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
b) Protect (www.protect-advice.org.uk).
c) Victim support (www.victimsupport.org.uk).
d) Rape crisis (www.rapecrisis.org.uk).

7. Record-Keeping

7.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

7.2 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.