

## Personal Harassment Policy and Procedure

### **A) INTRODUCTION**

- 1) Harassment or victimisation on the grounds of the following protected characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.
- 2) Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.
- 3) This policy will be reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness.

### **B) SCOPE**

We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of the Council.

### **C) DEFINITIONS**

#### **Harassment**

This is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct can include:

- a) spoken words
- b) banter
- c) written words
- d) posts or contact on social media
- e) imagery
- f) graffiti
- g) physical gestures
- h) facial expressions
- i) mimicry
- j) jokes or pranks
- k) acts affecting a person's surroundings
- l) aggression, and
- m) physical behaviour towards a person or their property.

#### **Sexual harassment**

This is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- a) sexual comments or jokes
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails or text messages, and
- k) unwelcome touching, hugging, massaging or kissing.

#### **Less favourable treatment for rejecting or submitting to unwanted conduct**

This occurs when:

- a) someone is subjected to unwanted conduct:

- i) of a sexual nature
  - ii) related to sex, or
  - iii) related to gender reassignment
- b) the unwanted conduct has the purpose or effect of:
  - i) violating their dignity, or
  - ii) creating an intimidating, hostile degrading, humiliating or offensive environment for them, and
- c) they are treated less favourably because they submitted to, or rejected the unwanted conduct.

**D) CIRCUMSTANCES WHICH ARE COVERED**

- 1) This policy covers behaviour which occurs in the following situations:
  - a) a work situation
  - b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, council/committee meeting or social event with colleagues;
  - c) outside of a work situation but against a colleague or other person connected to the Parish Council, including on social media;
  - d) against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

**E) COMPLAINING ABOUT PERSONAL HARASSMENT**

**1) Informal complaint**

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with the Clerk. In the Clerks case this would be with the Chair of the Staffing sub-committee.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and the Clerk can assist you in this.

**2) Formal complaint**

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Clerk (Chair of Staffing sub-committee in the case of the Clerk) as a formal written complaint. If possible, you should keep notes of the harassment so that the written complaint can include:

- a) the name and if known address of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

If the incident relates to correspondence received, either written or electronic, the correspondence should be retained as evidence and no response should be made.

If the incident relates to a telephone call which is recorded, or where a message has been left on an answering service, the message should be retained as evidence and no response should be made.

Upon receipt of a reported incident, the Clerk/Chair of the Staffing sub-committee must determine if the incident is severe enough to report to the police. In the case of physical assaults or violence, all incidents will be reported to the police. The Council will take advice from the police with regard to any appropriate sanction.

If the Clerk/Chair of the Staffing sub-committee does not consider an incident serious enough to report to the police, they may decide to attempt to resolve the problem directly with the member of the public, staff member or Councillor with the aim to receive an apology and guarantee of no future repeat of the behaviour which gave rise to the incident.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve change of working area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by a work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you. If it is decided that a member of the public has harassed a staff member the council reserves the right to impose sanctions against them, including:

- Blocking the member of the public's email address and accepting no further emails;
- Reporting emails to the member of the public's Internet Service Provider;
- Banning the member of the public from the Council offices or other Council owned buildings

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

#### ***F) DISCIPLINARY ACTION***

- 1) If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
- 2) When deciding on the level of disciplinary sanction to be applied, we will take into consideration aggravating factors such as abuse of power over a more junior colleague.
- 3) If you bring a complaint of harassment you will not be victimised for having brought the complaint. However, if it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

#### ***G) THIRD PARTY HARASSMENT***

- 1) Third party harassment occurs when one of our workforce is subjected to harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public and Councillors. Third party harassment of our workforce will not be tolerated.

Procedures for dealing with incidents of bullying or harassment of staff members by councillors are set out under the Member Code of Conduct.