

FOULDEN PARISH COUNCIL – HARASSMENT POLICY

1.0 The Policy

- 1.1 The Council is committed to maintaining a non discriminatory working environment which is free from harassment on the grounds of race, colour, nationality, ethnic or national origin, sex, sexual orientation, religion or belief, disability or age (“Discriminatory Grounds”).
- 1.2 Harassment within the Council by any other person within the Council is strictly prohibited. Such behaviour is a violation of employment and discrimination laws and may also contravene criminal and/or civil law in certain circumstances.
- 1.3 Allegations of harassment will be thoroughly and promptly investigated whilst maintaining confidentiality insofar as it is possible. Where allegations are substantiated, appropriate disciplinary action will be taken against anyone responsible which may include dismissal (including, in serious cases, instant dismissal for gross misconduct).

2.0 What Is Harassment?

- 2.1 Harassment, in general terms, is unwanted conduct affecting a person’s dignity in the workplace or conduct which creates an intimidating, hostile, degrading, humiliating or offensive work environment.
- 2.2 Harassment may take many different forms. It may be physical, verbal or some other form of communication including telephone calls or email, jokes or gestures. Actions or comments which you may consider to be harmless may not be appreciated by the recipient in the same light. The recipient might view such behaviour as demeaning and unacceptable.
- 2.3 Conduct yourself at all times in a manner which is not likely to offend any other member of staff or parishioners of the Council. Any single incident of harassment or abuse may well be viewed as an act of gross misconduct warranting your immediate dismissal.
- 2.4 Examples of behaviour that is unacceptable include:
 - 2.4.1 Insults, offensive, derogatory or patronising comments, name calling, mimicry, ridicule, gestures, pranks or “jokes” made on Discriminatory Grounds;
 - 2.4.2 Unwelcome sexual attention or physical contact;
 - 2.4.3 Threat of dismissal, loss of promotion etc on Discriminatory Grounds;
 - 2.4.4 Requests for sexual favours;
 - 2.4.5 Lewd, suggestive or over familiar behaviour comments or innuendoes;
 - 2.4.6 Display or circulation of material which is offensive on Discriminatory Grounds (this may include pin ups, magazines, leaflets, comics);
 - 2.4.7 Threats or actual violence on Discriminatory Grounds;
 - 2.4.8 Verbal abuse on Discriminatory Grounds;
 - 2.4.9 Exclusion from conversations or activities on Discriminatory Grounds;
 - 2.4.10 Refusal to work with or co-operate with people on Discriminatory Grounds;
 - 2.4.11 Unfair allocation of work or implementing unfair standards on Discriminatory Grounds;
 - 2.4.12 Incitement of others to action on Discriminatory Grounds;
 - 2.4.13 Provocative behaviour such as the wearing of discriminatory badges or insignia.

- 2.5 Such conduct is employment related, if for example:
 - 2.5.1 Submission to or rejection of the conduct is used as a basis of an employment decision; or
 - 2.5.2 The conduct interferes with the affected person's work performance; or
 - 2.5.3 The conduct creates an intimidating, hostile, humiliating or offensive work environment.
- 2.6 Harassment can be persistent and repeated, continuing after the person subjected to it makes it clear they want it to stop. However, a single instance can also constitute harassment if it is sufficiently serious.

3.0 The Environment

- 3.1 The Council prohibits the display of material (such as pin ups/posters) which is deemed offensive on Discriminatory Grounds and will, if necessary, ensure that workplaces are inspected and offending material removed.
- 3.2 All new staff members will be informed of the Council's policy towards harassment at induction training, when it will be stressed that all complaints of harassment will be treated very seriously.

4.0 General

- 4.1 The following rules must be remembered at all times:-
 - 4.1.1 In all harassment situations, it is the impact of the conduct and not the intent of the perpetrator that is the determinant. Therefore, in the first instance, full consideration will be given to the complainant's view of what he/she has found to be offensive and therefore unacceptable behaviour. Furthermore, it is not an excuse and not a defence that a perpetrator is "joking" or "not meaning to cause offence" or "merely being friendly".
 - 4.1.2 Harassment, whether it takes place on workplace premises, including during a meal break, during the course of work away from the workplace or during work related social activities away from the workplace, will be actionable. Such behaviour will be treated as either misconduct or gross misconduct depending on the seriousness of the offence and will result in the application of the Council's disciplinary procedure, possibly leading to dismissal (including, in serious cases, instant dismissal for gross misconduct).
 - 4.1.3 No individual need fear victimisation for bringing a valid complaint of harassment. Retaliation against an employee complaining about any form of harassment will be a disciplinary offence.
 - 4.1.4 Allegations of harassment are taken very seriously, however where it is considered after investigation, that the allegations have been made either frivolously or maliciously, disciplinary action may be taken against the individual who has made the allegation.

5.0 The Procedure

- 5.1 The Council's primary aim in all cases is to prevent recurrence of the harassment. Wherever possible and appropriate, every effort will be made to resolve the situation on an informal basis in the first instance.
- 5.2 **First Step**
 - 5.2.1 Any individual who believes himself or herself to have been harassed should as a first step state that the harassment is offensive, unacceptable, unwanted and/or interfering with his/her work and ask the harasser to stop. It is preferable where possible for the individual to do this personally. If however, an individual finds such action to be

too difficult or embarrassing, he/she may prefer to write or ask a colleague to speak to the harasser. This may often be sufficient to prevent further harassment, particularly if the harasser is unaware that he/she has been causing offence by his/her actions.

5.2.2 This action should be taken as soon as the harassment becomes apparent or as soon as practicable. Any informal action taken should be recorded with a note of the date and what was said in case this is needed as evidence should the harassment continue or subsequently recur.

5.2.3 Behaviour by a person, which was not previously considered unwelcome, may become so for various reasons. In this case, the individual concerned must state that it is unwelcome as soon as it becomes so.

5.3 Second Step

5.3.1 There is no obligation on an individual to take matters further if he/she does not wish to do so. However, the Council reserves the right to investigate further and take such action as it considers appropriate if the complaint is considered to be of a sufficiently serious nature that it cannot be ignored. However, where harassment continues following the request to stop, or the person considers the harassment to be serious, he/she is advised to report the matter in confidence to the Council.

5.3.2 In view of the sensitivity of this subject, individuals may approach the Chair directly rather than the Council if they prefer. The Chair will then liaise with the Council as appropriate and whilst continuing to consult with the individual.

6.0 Formal Investigation

6.1 Where harassment continues (either at the time or subsequently) following attempts at informal resolution (where appropriate) or whether harassment is considered serious or where the individual wishes to progress the matter formally, it should be dealt with via the Council's Grievance Procedure. The complaint should include the following details:

6.1.1 Clear, specific allegations against a named individual or named individuals;

6.1.2 Dates and times (if known) and names of witnesses (if any);

6.1.3 Factual description of events;

6.1.4 Direct quotes, if relevant, and if these can be remembered;

6.1.5 A brief description of the context of each incident complained of;

6.1.6 An indication of how the incident made the individual feel;

6.1.7 An indication of why the individual considers the behaviour amounts to harassment;

Any documentary evidence to support the complaint.