Dunnington Parish Council

Sexual and General Harassment Policy and Procedure

(for employment)

Date of adoption December 2024

Review date May 2025

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1. Dunnington Parish Council recognises that harassment and victimisation is unlawful under the Equality Act 2010. As such, harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable and will not be tolerated.

2. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. For the purposes of this policy, it also includes bullying.

3. Bullying is understood to be targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient.

4. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.

5. The Council recognises that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

6. The Council deplores all forms of personal harassment and seek to ensure that the working environment is sympathetic to all its employees. The aim of this policy is to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

7. This policy covers all areas of the Council.

8. The Council recognises that it has a duty to implement this policy and all employees are expected to comply with it. We will also endeavour to review this policy at regular intervals in order to monitor its effectiveness.

Examples of personal harassment

9. Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one person towards another and examples of harassment include:
Insensitive jokes and pranks
Lewd or abusive comments

Deliberate exclusion from conversations
Displaying abusive or offensive writing or material
Abusive, threatening or insulting words or behaviour
Name-calling
Picking on someone or setting them up to fail
Exclusion or victimisation
Undermining their contribution/position
Demanding a greater work output from employees than is reasonably feasible
Blocking promotion or other development/advancement of employees.

10. These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

Examples of sexual harassment

11. Sexual harassment can take place in many forms and can go undetected for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one person towards another and examples of sexual harassment include:
Lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body
Unwelcome touching of a sexual nature
Displaying sexually suggestive or sexually offensive writing or material
Asking questions of a sexual nature
Sexual propositions or advances, whether made in writing or verbally.

12. Sexual harassment can also take place where a person is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities.

Examples of victimisation

13. Victimisation takes place when a person is treated unfavourably as a direct result of raising a genuine complaint of discrimination or harassment. Furthermore, any employee who supports or assists another employee to raise a complaint, is also subjected to victimisation if they are treated unfavourably.

Third party harassment

14. The Council operates a zero tolerance policy in relation to harassment perpetrated against one of its employees by a third party, such as a member of the public or visitor to any Council premises. Employees who feel that they are affected by this are encouraged to report any and all instances of harassment that involve a third party in line with the Council's reporting procedure, as outlined below.

15. If the Council finds that the allegation is well-founded, it will take steps we deem necessary in order to remedy this complaint. This can include, but is not limited to:
Warning the individual about the inappropriate nature of their behaviour
Banning the individual from Council premises

Reporting the individual's actions to the police.

In addition to this, the Council will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

Responsibilities

16. Employee responsibilities

16.1. The Council requires its employees to behave appropriately and professionally at all times during the working day or on council business, and this may extend to events outside of working hours or meetings, which are classed as work-related, such as social events. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.

16.2. Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:
In a work situation
During any situation related to work, such as a social event
Against a colleague or other person connected to the employer outside of a work situation, including on social media
Against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

16.3. A breach of this policy by an employee will be treated as a disciplinary manner

17. Council responsibilities

17.1. The Council will be responsible for ensuring all employees understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. It will promote a professional and positive workplace whereby employees are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

17.2. The Council will also take into account aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take

17.3. Where an incident is witnessed, or a complaint is made under this policy, the Council will take prompt action to deal with this matter. All incidents will be deemed serious and dealt within in a sensitive and confidential manner.

Complaining about harassment and/or bullying

Informal method

18.1. The Council recognises 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 employees to raise the issue through its normal grievance procedure. In these circumstances employees are encouraged to raise such issues with the Chair of the Council, Chair of the Staffing Committee or any councillor that they feel that they can trust (whether that person has a direct supervisory responsibility for the employee) as a confidential helper.

18.2. If an employee is the victim of minor harassment they should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If the employee feels unable to do this verbally then they should hand a written request to the harasser, and their confidential helper can assist the employee in this.

Formal method

19.1. Where the informal approach fails or if the harassment is more serious, the employee should bring the matter to the attention of the Council's staffing committee as a formal written grievance and again their confidential helper can assist them in this. If possible, the employee should keep notes of the harassment so that the written complaint can include:
The name of the alleged harasser
The nature of the alleged harassment
The dates and times when the alleged harassment occurred
The names of any witnesses
Any action already taken by the employee to stop the alleged harassment.

19.2. Where it is not possible to make the formal complaint to the staffing committee, for example where the alleged harasser is the Chair of that committee, the Council encourages the employee to raise their complaint to the Chair of the Council/Vice-Chair of the Staffing Committee or another trusted councillor.

19.3. On receipt of a formal complaint the Council will take action to separate the employee from the alleged harasser to enable an uninterrupted investigation to take place.

19.4. On conclusion of the investigation, which will normally be within 10 days of the meeting with the employee, a report of the findings will be submitted to the Staffing Committee which will then follow the procedure set out in the Council's grievance policy.

19.5. The employee will be invited to attend a meeting, at a reasonable time and location, to discuss the matter once the persons hearing the grievance have had opportunity to read the report. The employee has the right to be accompanied at such a meeting by a colleague or a recognised union representative and the employee 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/Code of Conduct matter.

19.6. The employee will be able to put their case forward at the meeting and the Chair of the hearing panel will explain the outcome of the investigation. The employee has a right to appeal the outcome, which is to be made to the Chair of the Staffing Committee within 10 days of receiving the outcome.

19.7 If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with the Council's disciplinary procedure up to and including dismissal.

19.8 The Council is committed to ensuring employees are not discouraged from using this procedure and that no employee will be victimised for having brought a complaint forward.

(Source: YLCA external HR, P D Solutions)