

# Policy

## Sexual and General Harassment Policy

This Procedure is a document that sets out the organization’s approved and agreed practices. Any deviation must be discussed with the originating author.

<b>DOCUMENT NO:</b>	PCD006		
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<b>Approved by:</b>	Full Council		
<b>Ratified by</b>	Full Council		
<b>Ratification date:</b>	4 Nov 24		
<b>Due Review date:</b>	Nov 25		
<b>Version no:</b>	1		
<b>Version Control and Revisions:</b>			
1	First Published	Nov 24	
Version	Point	Description of change	Date

**THIS IS A CONTROLLED DOCUMENT**

**Whilst this document may be printed, the electronic version maintained on the Billingham Parish Council website is the controlled copy. Any printed copies of this document are not controlled.**

## 1. Document Control Sheet

<b>Purpose of document:</b>	The objective of this policy is to meet the Councils legal obligations to take proactive steps to prevent sexual harassment at work.
<b>Dissemination:</b>	This policy will be disseminated to, and signed by, all staff and council members and be made available on the parish website
<b>Implementation:</b>	This document will be accessible via the parish council website and is applicable to all staff and council members.
<b>Review:</b>	This document will be reviewed in Nov 25 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
<b>Documents replaced or superseded by this document:</b>	
<b>This document supports (enter Standards and Legislation:</b>	Worker Protection (Amendment of Equality Act 2010) Act 2023
<b>Key related documents:</b>	PCD017 Disciplinary Policy PCD018 Grievance Policy
<b>Financial Implications:</b>	This document has no financial implications for the Billingham Parish Council.
<b>Key word search</b>	Sexual, harassment

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## **3. Policy**

a. Billingham Parish Council (hereafter referred to as ‘the Council’) recognise that harassment and victimisation is unlawful under Worker Protection (Amendment of Equality Act 2010) Act 2023. 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.

b. 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.

c. 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.

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

e. We recognise 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.

f. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our 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.

g. This policy covers all areas of the Council.

h. We recognise that we have a duty to implement this policy and all employees are expected to comply with it. All employees and councillors will be required to sign this policy to state they have read and understood the content. This policy will be reviewed at least annually and periodically to monitor its effectiveness.

#### **4. Examples of personnel harassment**

a. Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- i. insensitive jokes and pranks
- ii. lewd or abusive comments
- iii. deliberate exclusion from conversations
- iv. displaying abusive or offensive writing or material
- v. abusive, threatening or insulting words or behaviour
- vi. name-calling
- vii. picking on someone or setting them up to fail
- viii. exclusion or victimisation
- ix. undermining their contribution/position
- x. demanding a greater work output than is reasonably feasible
- xi. blocking promotion or other development/advancement.

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

#### **5. Examples of sexual harassment**

a. Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where employees do not understand that a particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:

- i. lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body.
- ii. unwelcome touching of a sexual nature
- iii. displaying sexually suggestive or sexually offensive writing or material

- iv. asking questions of a sexual nature
- iv. sexual propositions or advances, whether made in writing or verbally.

b. Sexual harassment can also take place where an employee 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.

## **6. Examples of victimisation**

a. Victimisation takes place when an employee 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.

## **7. Third party harassment**

a. The Council operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees by a third party such as a volunteer, client, customer, contractor, member of the public or visitor to the Council. All employees are encouraged to report any and all instances of harassment that involve a third party in line with our reporting procedure, as outlined below.

b. If we find that the allegation is well-founded, we will take steps we deem necessary in order to remedy this complaint. This can include, but is not limited to:

- i. warning the individual about the inappropriate nature of their behaviour.
- ii. banning the individual from Council premises
- iii. reporting the individual's actions to the police.

c. 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**

### **8. Employee responsibilities**

a. The Council requires its employees to behave appropriately and professionally at all times during the working day, and this may extend to events outside of working hours 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.

b. Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:

- i. in a work situation

- ii. during any situation related to work, such as a social event
  - iii. against a colleague or other person connected to the employer outside of a work situation, including on social media
  - iv. against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- c. A breach of this policy will be treated as a disciplinary matter.

## **9. Council responsibilities.**

- a. The Council will be responsible for ensuring all members of staff and councillors understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.
- b. We will also take into account aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take.
- c. 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 with in a sensitive and confidential manner.

## **10. Witnesses to harassment**

- a. If you see someone being sexually harassed at work, you could step in and try to stop it happening, if you feel it's safe to do so. You should talk to the person who's experienced sexual harassment to see if they want your support.
- b. After it's happened, you can:
- i. support a complaint made by the person who experienced the sexual harassment.
  - ii. report what you've seen or experienced
  - iii. give evidence as a witness, for example as part of a grievance procedure.
  - iv. make a sexual harassment complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you.
- c. You might also want to talk to someone else to get advice and support before deciding whether to report it or make a sexual harassment complaint yourself. If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

## **Complaining about harassment and / or bullying**

### **11. Informal method**

- a. 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 (detailed in PCD018 Grievance Policy). In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.
- b. 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 your confidential helper can assist you in this.

### **12. Formal method**

- a. Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Chair of the HR Committee. This should be in the form of a formal written grievance and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:
- i. the name of the alleged harasser.
  - ii. the nature of the alleged harassment
  - iii. the dates and times when the alleged harassment occurred
  - iv. the names of any witnesses
  - v. any action already taken by you to stop the alleged harassment.
- b. Where it is not possible to make the formal complaint to the above named person, for example where they or a member of the HR Committee are the alleged harasser, we would encourage you to raise your complaint to the Chair of the Parish Council.
- c. 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 a temporary exclusion of the alleged harasser from the work area or suspension with contractual pay until the matter has been resolved. In the event of a potential criminal matter it will be referred to the Police. If this matter concerns the behaviour of a councillor it will be referred to the Monitoring Officer.
- d. The process detailed in PCD018 Grievance Policy will be implemented on receipt of a formal complaint relating to sexual or general harassment.
- e. If the decision is that the allegation is well founded, the harasser will be accused of gross misconduct and will be liable to disciplinary action in accordance with our disciplinary procedure (PCD017 Disciplinary Policy) up to and including dismissal.

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

## **Support**

### **13. Council Support.**

a. Where an allegation of sexual or general harassment is upheld, you will be entitled to paid time off in order to get help with any resulting physical or mental health problems. This is not additional paid leave.

### **14. External support.**

a. To help you understand your rights and options, employers and anyone affected by sexual harassment at work can:

- i. [contact the Acas helpline](#)
- ii. talk to your trade union or employers' association if you have one

b. Women who've experienced sexual harassment at work can get free legal advice from:

- i. [Rights of Women](#) – England and Wales
- ii. [Scottish Women's Rights Centre](#)

c. Employers handling a sexual harassment complaint can read:

[workplace sexual harassment guidance from the Equality and Human Rights Commission \(EHRC\)](#)

d. If you're struggling to cope and need someone to talk to, you can contact:

- i. [Samaritans](#)
- ii. [LGBT Foundation](#)