

Bovingdon Parish Council

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HARASSMENT AT WORK **Policy and complaints procedure**

Harassment at work policy statement

The European Commission has adopted a recommendation on the protection of the dignity of women and men at work and has drawn up a Code of Practice on measures to combat harassment, which recognises that harassment is discrimination. This policy is based on the key principles in the EC Code of Practice.

Bovingdon Parish Council (the Council) fully supports all attempts to eliminate workplace harassment. In the same way that staff are not expected to tolerate dangers to their health and safety, they should not be expected to tolerate harassment at work.

The Council will not, therefore, tolerate harassment in any form, under any circumstances.

Disciplinary action will be taken against staff who are found guilty of harassment.

To implement this policy it is important to ensure that all staff:

- Understand the Council's reasons and commitment to eliminate harassment at work.
- Accept responsibility to uphold this policy, behave in a reasonable manner and challenge harassment.
- Are aware of how to make complaints and are confident that they will be handed sensitively and effectively.
- Understand the likely disciplinary outcome of perpetrating harassment.
- Are aware that members of the Council and the Parish Clerk will act as counsellors to members of staff who are experiencing harassment.

Responsibilities of managers

Management must make it clear that neither overt nor covert harassment will be tolerated at work and set clear standards of behaviour, discussing any issues where staff are uncertain.

Managers have a responsibility to take action against harassment. This action will range from informal counselling to disciplinary action.

What is harassment at work?

There is not a single, simple definition because harassment takes many forms, occurs on a variety of grounds, and can be directed at an individual or group of individuals.

There are many types of harassment which may be experienced at work, including harassment related to:

- Race, ethnic origin, nationality or skin colour.
- Sex or sexual orientation.
- Religious or political convictions
- Membership or non-membership of a trade union.
- Disabilities, sensory impairments or learning difficulties.
- Age

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- Real or suspected infection with AIDS/HIV
- Victimisation as a result of dealing with harassment

It is not the intention of the perpetrator but the behaviour itself and the impact on the recipient, which determines what constitutes harassment.

Forms of harassment - inappropriate behaviour at work

Harassment can take many forms. It can range from violence and bullying at one extreme to less obvious actions such as non-co-operation at the other.

Examples of forms of harassment include:

- **Physical contact** ranging from touching to serious assault.
- **Verbal and written** harassment through jokes, humiliating remarks, offensive or discriminatory language, gossip etc.
- **Visual displays** of posters, graffiti, calendars, photographs, etc.
- **Isolation** or non-co-operation at work, exclusion from social activities etc.
- **Coercion** ranging from pressures for sexual favours to participation in political/religious groups.
- **Intrusion** by pestering or spying etc.

How to complain and how to get help:

Informal measures

It is preferable for all concerned that complaints of harassment are dealt with informally wherever possible.

However, there may be some instances where the seriousness of the complaint warrants formal action. The formal procedure may also be appropriate where a previous attempt at informal resolution has proved unsuccessful.

A member of staff should first make it clear to any person who is harassing them, that the behaviour is unwelcome and that the harassment should stop. They may wish to be accompanied by a colleague or employee representative when this statement is made. In many cases, once the person realises the unwelcome nature of the behaviour, it is enough and the harassment ceases.

Should the harassment continue, the member of staff should report this to their manager, or if the person is their manager, to the Vice-Chairman of the Council.

They will advise on what to do next where the member of staff wishes to make a formal complaint. Where the member of staff is unwilling to pursue the matter, counselling will be offered. All reasonable efforts should be made to resolve the matter satisfactorily.

The formal procedure

Formal procedure may be needed where harassment continues or is of a more serious nature or where the complainant prefers to use this process.

In these instances, the complainant should inform the Parish Clerk or Vice-Chairman of the Council that they wish to make a formal complaint of harassment.

The person receiving a complaint will take brief details of the nature of the complaint and pass it, within one working day, to the Chairman of the Personnel Committee who will formally investigate the complaint.

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The Chairman of the Personnel Committee will nominate two councillors who will first interview the complainant to establish the details of the complaint. Where possible these should include the behaviour complained of and the detail of any incidents including times, dates, and the names of any witnesses. They should also discuss with the complainant what action they wish to be taken.

The complainant should be made aware that during the investigation, the person complained of will be told the nature of the complaint.

At the interview, the councillors may choose to be accompanied by a representative appointed by the Council. Their role is to advise on matters of process and take notes of the meeting. The complainant may be accompanied by a person of their choice.

The person complained of should be interviewed by two councillors as soon as possible thereafter, told the nature of the complaint which has been made and asked for their reaction and for their account of events. The person complained of may wish to be accompanied by a colleague, an employee representative or friend.

Any witnesses should also be interviewed by the two councillors. The details of the complaint should be kept as confidential as possible and shared with witnesses only to the extent necessary for them to provide their statements.

All investigative interviews will result in signed statements or interview records.

Participation in such an investigation can prove traumatic and stressful for all parties. It is important that this is recognised and that those involved cooperate in order to complete the investigation as soon as possible. The expectation is that this will normally be achieved within 10 working days.

It is likely that the complainant will experience particular stress and the two councillors are responsible for ensuring that they are advised of their rights and have access to support.

What action to take

The task of the two councillors is to collect sufficient information in order to reach a view about the complaint and to recommend to the Vice-Chairman of the Council the action which they feel should be taken.

If a complaint is judged by the two councillors to be unfounded and malicious, then the complainant would be subject to disciplinary action.

If the two councillors believe that harassment has occurred, then a disciplinary hearing would be convened, chaired by the Vice-Chairman of the Council and another councillor not previously involved in the complaint.

The disciplinary rules and procedures would then come into effect.

At the hearing, the two councillors who carried out the investigation into the original complaint will present the case of alleged harassment. The person complained of will respond. The Vice-Chairman of the Council will decide on the appropriate action to be taken, in the light of the evidence presented during the hearing.

Further action

If a member of staff is disciplined for harassment the action taken should also attempt to resolve the problem. Future behaviour should be monitored for a specified period of time and training or redeployment may be considered where it might be appropriate and helpful.

This policy will be reviewed every year or earlier if required by legislation or additional material.