



Serving the community

Blaby Parish Council

EMPLOYMENT POLICY NO.2 – HARASSMENT/DISCRIMINATION COMPLAINTS PROCEDURE

Introduction

It is important that individuals work together in a professional manner and with mutual respect for each other. Everyone has the right to dignity at work and individuals should be aware of the results their actions or comments may have on others, both within our Organisation and outside.

We are committed to encouraging and maintaining good employee relations and a working environment in which every member of staff feels safe and can work effectively.

We will not tolerate any form of harassment or bullying towards any of our staff, or by any of our staff, and will take any accusation of such behaviour seriously. If we receive a complaint, or become aware of any harassment or bullying we will take all relevant steps to stop such behaviour and take whatever action is appropriate against the perpetrator.

You should be aware that in some cases, such behaviour may be a criminal offence and the perpetrator could be arrested and charged by the police.

Statement of Policy

This policy applies to all staff working within the Council and to all employees working off the premises. It extends to include non-permanent workers such as secondees, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.

You are responsible for your own behaviour and for ensuring that your conduct is in accordance with the principles set out in this policy. You should also report any instance of bullying or harassment which you witness or which comes to your attention.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying.

What is Harassment and what is Bullying?

Harassment

Harassment may be defined as any conduct which is unwanted and uninvited and has the result of causing the recipient to feel humiliated or distressed or upset in any other way. It can be conduct of a verbal, non-verbal or physical nature. Harassment has the effect of violating a person's dignity or creating an intimidating, hostile or degrading atmosphere.

Harassment may be an isolated occurrence or repetitive. It may occur against one or more individuals.

Bullying

Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure a colleague.

Bullying does not include legitimate and constructive criticism of performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior colleagues, overbearing supervision and unjustifiably excluding colleagues from meetings/communications.

Examples of harassment or bullying could include:

- physical abusive or threatening behaviour;
- Humiliating an individual;
- Picking on one person when there is a common problem;
- Shouting at an individual to get things done;
- Consistently undermining someone and their ability to do the job;
- Setting unachievable targets or excessive workloads;
- Overbearing and intimidating levels of supervision;
- Insensitive jokes, banter or pranks;
- Unwanted physical contact or standing too close to someone;
- Malicious gossip, jokes and banter, offensive language;
- Offensive literature or pictures, graffiti and computer imagery;
- Excluding individuals from conversations or activities, non-co-operation; or
- 'Horseplay' – including touching, pushing, pinching, name-calling, mocking, belittling etc.

Harassment and Bullying is any behaviour that is unwanted or uninvited by the person to whom it is directed. It is the effect that the behaviour has on the recipient rather than the intent of the perpetrator which is the measure of whether or not bullying or harassment has occurred. It is totally unacceptable and we will always treat complaints of bullying and harassment seriously.

How to Make a Complaint

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can sometimes solve the problem. However, if you feel you are being bullied or harassed, we realise that the situation may be sensitive and may make you feel vulnerable or in fear of reprisal and this may make it difficult for you to raise a complaint. We, therefore suggest you first discuss matters informally with your Manager, in confidence. Your Manager will then be able to support you when pursuing the matter. If you feel able to do so, you should then raise the matter informally with the perpetrator, with your Manager to support you.

If this does not solve the problem, or if the matter is more serious, (or if you do not feel able to do so,) you should report the matter to the Council Manager or the Staff Committee Chairman as a formal complaint. We will then ask you to put the complaint in writing.

Formal Complaint

We endeavour to manage complaints in a timely and confidential manner via an investigation to establish full details of what happened. Your name and the name of the alleged harasser will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. At the outset, someone with no prior involvement in the complaint will be appointed. The investigation will be thorough, impartial and objective, and will be carried out in a timely fashion with sensitivity and with due respect for the rights of all parties concerned.

Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, or suspended on contractual pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

As part of the investigation, the person chairing the meeting will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied by a colleague of your choice. The Chair of the meeting will also meet with the alleged harasser or bully who may also be accompanied by a colleague. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

At the conclusion of the investigation, the Chair or the meeting will produce a report of their findings and notify you and the alleged harasser of the contents usually within two weeks of your complaint first being reported.

If the conclusion is that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under the disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether he or she should remain in his or her current post or be transferred. Even where a complaint is not upheld, (for example,

where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

A full report will be made outlining the finding of the investigation and should the investigation show that there may be a case to answer the Council's disciplinary procedure will be invoked against the perpetrator.

Confidentiality

At all times throughout the process and after, all parties involved, including the alleged perpetrator, the victim, and any witnesses will need to give due consideration to confidentiality. As such, all parties will be reminded that they should not breach confidentiality and should not discuss the matter with anyone outside of the procedure.

Details of the investigation and any subsequent disciplinary procedure which may take place will be kept on the employees personnel file.

Untrue Claims

Whilst we will support all parties during and after a thorough and objective investigation into the allegation as appropriate, if through the course of the investigation and subsequent disciplinary meetings evidence demonstrates that the allegation has been made maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the Council's Disciplinary Policy.

Appeals

If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within 7 calendar days of being notified of the outcome. You should submit your full written grounds of appeal to the Council Committee. The person hearing your appeal will meet with you to discuss your appeal. You may be accompanied by a colleague or Trade Union Official. You will normally be notified of the outcome of the appeal within fourteen days of this meeting. This is the final stage of the formal procedure.

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