



## **ALCESTER TOWN COUNCIL** **SEXUAL AND GENERAL HARASSMENT POLICY**

### **General Principles**

1. Alcester Town Council (“the 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 seeks to ensure that the working environment is sympathetic to all 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. The Town Council recognises that it has a duty to implement this policy and all employees are expected to comply with it.

8. This policy applies to all employees of Alcester Town Council including both paid staff (permanent, temporary or casual) and volunteers. All are referred to as “employees” for the purposes of this policy.

### **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 employee towards another and examples of harassment include:
  - a. insensitive jokes and pranks
  - b. lewd or abusive comments
  - c. deliberate exclusion from conversations
  - d. displaying abusive or offensive writing or material
  - e. abusive, threatening or insulting words or behaviour
  - f. name-calling
  - g. picking on someone or setting them up to fail
  - h. exclusion or victimisation
  - i. undermining their contribution/position
  - j. demanding a greater work output than is reasonably feasible
  - k. blocking promotion or other development/advancement.
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 within the workplace 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 employee towards another and examples of sexual harassment include:
  - a. lewd or abusive comments of a sexual nature such as regarding an individual’s appearance or body
  - b. unwelcome touching of a sexual nature
  - c. displaying sexually suggestive or sexually offensive writing or material
  - d. asking questions of a sexual nature
  - e. sexual propositions or advances, whether made in writing or verbally.
12. 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.

### **Examples of victimisation**

13. Victimization 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.

### **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 client/customer or visitor to the Town 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.
15. If the Council finds that the allegation is well-founded, the Council will take steps deemed necessary in order to remedy this complaint. This can include, but is not limited to:
  - warning the third party about the inappropriate nature of their behaviour
  - banning the third party from Council premises
  - reporting the third party'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.

### **Employee responsibilities**

16. 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.
17. 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 Council 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.

18. A breach of this policy will be treated as a disciplinary matter.

### **Council responsibilities**

19. The Council will be responsible for ensuring that all employees understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. The Council will promote a professional and positive workplace whereby senior staff are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.
20. 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.
21. 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

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

#### Informal method

22. 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 the employee to raise the issue through the normal grievance procedure. In these circumstances the employee is encouraged to raise such issues with another colleague of their choice as a confidential helper.
23. If an employee considers themselves to be 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 they feel unable to do this verbally then they should hand a written request to the harasser, and their confidential helper can assist them in this.

#### Formal method

24. Where the informal approach fails or if the harassment is more serious, the employee should bring the matter to the attention of the Town Clerk as a formal written grievance and again the confidential helper can assist 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 them to stop the alleged harassment.

25. Where it is not possible to make the formal complaint to the above-named person, for example where they are the alleged harasser, the employee should raise the complaint with the Chair of the Staffing Committee, or if not possible, another Town Councillor.
26. 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. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.
27. The complaint will be dealt with in accordance with the Formal Grievance Procedure under the Council's Grievance Policy.
28. If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with the Discipline Policy up to and including dismissal.
29. 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.
30. This Policy will be reviewed by the Finance and General Purposes Committee every 2 years or earlier if required.

Approved by Finance and General Purposes Committee – 22<sup>nd</sup> January 2025

Adopted by Full Council –

Review due