



DORCHESTER TOWN COUNCIL

STAFF DOCUMENTS SERIES

HARASSMENT & BULLYING POLICY

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DORCHESTER TOWN COUNCIL

HARASSMENT AND BULLYING POLICY & PROCEDURE

1.0 Introduction

- 1.1 This policy applies to all employees of Dorchester Town Council. It covers all forms of harassment (including victimisation, bullying and sexual).
- 1.2 With regard to sexual harassment, whilst the principles of this policy will apply, a separate Code of Practice has been developed to provide a guide to dealing with this difficult issue sensitively and effectively; the Code of Practice appears at Appendix A.

2.0 Statement of Intent

- 2.1 The Council takes its obligations very seriously and supports the right of all employees to work in an environment where they are treated with dignity and respect. Harassment, for whatever reason, is a serious infringement of this right and will not be tolerated.
- 2.2 The Council will make all reasonable efforts to protect its employees from harassment and intimidation at work. Disciplinary action, including dismissal where appropriate, will be taken against an employee found guilty of harassment.
- 2.3 The Council also recognises that it has a responsibility to protect employees from harassment by members of the public when carrying out their normal duties. It is equally unacceptable for an employee to harass a member of the public.

3.0 Definition

- 3.1 Harassment can take many forms and is not easily defined in a few words but a useful definition can be found in criminal law.
- 3.2 Under the Public Order Act 1986 a person is guilty of an offence if, within the hearing or sight of a person likely to be caused harassment, distress or alarm s/he:
 - (a) uses threatening , abusive or insulting language or behaviour, or disorderly behaviour, or
 - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting
- 3.3 The offence can be committed in a public or private place (though not in a dwelling). It follows that any intentional harassment in the workplace may be a criminal offence.
- 3.4 For the purposes of this policy conduct regarded as harassment may be wider in scope than that embraced by the definition under the Public Order Act. There is no generally accepted definition of what constitutes harassment but usually two conditions have to be met:
 - (i) The person is treated detrimentally
 - (ii) The person perceives their treatment as unacceptable and/or offensive

3.5 Whereas the criminal offence has to be intentional, harassment may also occur unintentionally. Employees can be harassed by their managers, colleagues or subordinates. Sometimes individuals are harassed by groups and vice versa.

3.6 Managers have the right and responsibility to raise legitimate areas of concern with their staff. This is part of the manager's role and does not constitute harassment, even if the concerns have to be raised repeatedly with an individual. In these circumstances harassment would occur only if the manager was behaving unreasonably, unfairly and/or aggressively.

4.0 Examples of Harassment

4.1 The following list, whilst not exhaustive, serves to illustrate the sorts of behaviour which may amount to harassment:

Physical

- unnecessary touching, pushing, assault

Verbal

- shouting, abuse, name calling, using offensive language, joking at the victim's expense, public humiliation, spreading unfounded rumours, intimidation

Non-verbal

- ignoring or isolating the person, making aggressive or obscene gestures, displaying offensive posters or notices

4.2 The reaction of the recipient is crucial. What one person may regard as normal banter, another may find distressing.

5.0 Grounds for Harassment

5.1 The potential grounds of harassment include:

- Race
- Sex
- Sexual Orientation
- Disability
- Age
- Religion
- Political Beliefs
- Membership or non-membership of a trade union

5.2 Harassment can occur for other reasons. Nobody is immune from harassment but individuals or groups who are perceived as different or lacking in power are particularly at risk.

6.0 Impact on the Victim

- 6.1 Sustained harassment of employees can have a devastating effect on the life of the individual at the receiving end of the behaviour. Employees who experience harassment may become less motivated, less productive, unwell and more likely to leave.

7.0 Impact on the Organisation

- 7.1 Harassment can seriously reduce the efficiency of the Council. Dealing with formal harassment complaints may draw on considerable management time. In addition any litigation which may arise from cases of harassment will prove costly in terms of Industrial Tribunals and have an adverse impact on the Council's reputation.

8.0 Complaints Procedure

- 8.1 The Council recognises that there can be difficulties in reporting allegations of harassment and wants to ensure that such difficulties are overcome and that allegations of harassment are raised and managed. To help achieve this we encourage employees to seek support and/or advice from their trade union representative or their supervisor to help them in either the informal or formal procedure.

9.0 Informal Procedure

- 9.1 If an employee considers that they are being harassed they or their representative should make it clear to the offender that such behaviour is unwelcome and request that they stop. If they do not feel able to do this or if the harassment continues they should report the matter to their immediate supervisor.
- 9.2 If their complaint refers to the behaviour of their immediate supervisor the employee should report the matter to their manager.
- 9.3 The supervisor/manager is responsible for dealing with the situation as quickly as possible.
- 9.4 Employees who are not satisfied that their complaint is being properly dealt with may use the grievance procedure.

10.0 Formal Procedure

- 10.1 If the harassment continues or if there is a single serious incident then the employee should report the matter to their manager.
- 10.2 Allegations of harassment will be dealt under the Council's Disciplinary Procedure. Where a formal disciplinary hearing is necessary the case will be presented by a representative of the employee's choice and the complainant would need to give evidence.
- 10.3 Appeals against any disciplinary action will be dealt with in accordance with the appropriate disciplinary procedure.

10.4 Where harassment has been proved and it is necessary to relocate one of the parties every effort will be made to relocate the harasser rather than the victim unless the victim prefers to be relocated.

11.0 Employees

11.1 It is the responsibility of every employee to ensure that harassment does not occur at work and in the course of dealing with members of the public. This may involve tackling harassment as soon as it happens, providing support to colleagues who are affected by it, reporting incidents to management and trade union representatives as appropriate and coming forward as a witness to harassment.

11.2 Employees should ensure that their behaviour does not contribute to harassment, discrimination or victimisation by not condoning or colluding with harassment where they know it is occurring, or by directly harassing work colleagues, or members of the public.

11.3 All employees have an obligation to contribute to a work atmosphere which is free from harassment.

12.0 Managers and Supervisors

12.1 Managers and supervisors have a responsibility for explaining and promoting the Council's policy to staff and for fostering a working environment that does not condone harassment.

12.2 Managers and supervisors are expected to intervene immediately when they become aware of harassment. There does not necessarily have to be a complaint. Some victims of harassment find the prospect of embarking on a formal course of action to be quite daunting and may be unwilling to complain. Managers and supervisors should be sensitive to individuals' needs and wishes.

12.3 Managers and supervisors have a responsibility to ensure all staff are aware of the Council's policy on harassment and its attitude towards any breach. They also have an obligation to investigate any complaint of harassment promptly and in accordance with the procedure set out in this policy.

13.0 Support for Employees

13.1 In the event of possible harassment confidential advice can be sought from a trade union or colleagues. If necessary professional counselling will be made available.

13.2 Employees will be protected from victimisation and discrimination for making a complaint or assisting in an investigation. Retaliation or intimidation against an employee will be regarded as a disciplinary offence.

14.0 Monitoring

14.1 Managers should keep detailed confidential records of individual harassment complaints as they arise including such information as:

- the grounds of the allegation
- the identities of the complainant and the person complained against
- the outcome of their investigation

DORCHESTER TOWN COUNCIL

SEXUAL HARASSMENT - CODE OF PRACTICE

1.0 Introduction

1.1 The Council's policy on Harassment makes clear that it takes its duty of care very seriously and supports the right of all employees to work in an environment where they are treated with dignity and respect. Sexual harassment, for whatever reason, is a serious infringement of this right and will not be tolerated.

1.2 This Code of Practice should be read in conjunction with the policy document on harassment and is intended to help all employees understand what sexual harassment means, the procedure for bringing a complaint and the support available to them.

2.0 What is Sexual Harassment?

2.1 To a large extent sexual harassment is subjective and difficult to define. It is characterised by the fact that it is unwanted, is unreciprocated and uninvited.

2.2 As a general rule it is up to the individual on the receiving end to determine whether certain behaviours are acceptable or not.

2.3 Sexual harassment can take various forms including a range of physical, verbal and non-verbal conduct. It is not necessary for physical contact to take place for harassment to occur.

The following list, whilst not exhaustive, gives some of the sorts of behaviour which may amount to sexual harassment:

Physical

- Unnecessary touching, pinching or brushing against other employees

Verbal

- Embarrassing or lewd remarks or comments about dress, appearance, lifestyle or other personal matters
- Ridicule of a person's sex or sexual orientation
- Inappropriate terms of endearment
- Suggestions that career development may be influenced by offering or withholding sexual favours

Non-verbal

- The display of pornographic or sexually suggestive material which includes pictures or written material

3.0 Complaints Procedure

- 3.1 The Council recognises that sexual harassment is a difficult area so all complaints will be treated sympathetically and in strict confidence. Any breach of confidentiality may result in disciplinary action.
- 3.2 Allegations of sexual harassment will be dealt with in accordance with the procedure set out in Paragraph 8 of the policy document relating to Harassment.
- 3.3 Investigations of complaints should be handled with sensitivity and with respect to the rights of both the complainant and the person complained against.
- 3.4 The individual carrying out the investigation should not be connected with the allegation in any way. The investigation must focus only on the facts of the case.

4.0 The Legal Context

- 4.1 Sexual harassment in the workplace may lead to claims of unlawful sex discrimination, unfair dismissal or breach of contract.