

PAMBER PARISH COUNCIL

SEXUAL HARASSMENT POLICY

GENERAL STATEMENT

The Policy Statement of Pamber Parish Council is committed to providing a safe environment for all its employees, Councillors and volunteers free from discrimination on any ground and from harassment at work including sexual harassment. Pamber Parish Council will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment or reporting to the Monitoring Officer. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

DEFINITION

The definition of sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment/position, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal.

Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct, welcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching. Physical violence, including sexual assault. Physical contact, e.g., touching, pinching. The use of job-related threats or rewards to solicit sexual favours. Verbal conduct. Comments on a worker's/Councillor's appearance, age, private life, etc. Sexual comments, stories and jokes. Sexual advances. Repeated and unwanted social invitations for dates or physical intimacy. Insults based on the sex of the worker. Condescending or paternalistic remarks. Sending sexually explicit messages (by phone or by email). Non-verbal conduct. Display of sexually explicit or suggestive material. Sexually suggestive gestures, whistling or leering.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.

THE POLICY

Pamber Parish Council recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Pamber Parish Council recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of Pamber Parish Council, Councillors, parishioners or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within Parish Council premises or outside, including at social events, business trips, training sessions or conferences sponsored by Pamber Parish Council.

COMPLAINTS PROCEDURE

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Pamber Parish Council recognises that sexual harassment may occur in unequal relationships (i.e., between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be the Chair of the Council, the Clerk to the Council or another Councillor. When a designated person receives a complaint of sexual harassment, he/she will:

- 1] Immediately record the dates, times and facts of the incident(s).
- 2] Ascertain the views of the victim as to what outcome he/she wants.
- 3] Ensure that the victim understands the Council's procedures for dealing with the complaint.
- 4] Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.
- 5] Keep a confidential record of all discussions.
- 6] Respect the choice of the victim to ensure that the victim knows that they can lodge the complaint outside of the Council through the relevant legal framework.

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the Council. Pamber Parish Council will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment.

Pamber Parish Council recognises that, because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. Pamber Parish Council understands the need to support victims in making complaints. If the victim wishes to deal with the matter informally, the designated person will:

- 1] Give an opportunity to the alleged harasser to respond to the complaint.
- 2] Ensure that the alleged harasser understands the complaints mechanism.
- 3] Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter.
- 4] Ensure that a confidential record is kept of what happens.
- 5] Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.
- 6] Ensure that the above is done speedily and within 14 days of the complaint being made.

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The designated person who initially received the complaint will refer the matter to the Chair of the Council to instigate a formal investigation. The Chair may deal with the matter him/herself, refer the matter to an internal

or external investigator or refer it to a committee of three others in accordance with this policy.

The person carrying out the investigation will:

- A] Interview the victim and the alleged harasser separately.
- B] Interview other relevant third parties separately.
- C] Decide whether or not the incident(s) of sexual harassment took place.
- D] Produce a report detailing the investigations, findings and any recommendations.
- E] If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. - an apology, a change to working arrangements, training for the harasser, discipline, suspension, referral to the Monitoring Officer.
- F] Follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome.
- G] If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace.
- H] Keep a record of all actions taken.
- I] Ensure that all records concerning the matter are kept confidential.
- J] Ensure that the process is done as quickly as possible and in any event within 14 days of the complaint being made.

SANCTIONS

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- 1] Given a verbal or written warning.
- 2] Adverse performance evaluation.
- 3] Reduction in wages.
- 4] Transfer, demotion, suspension or dismissal -, referral to the Monitoring Officer.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.