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## **ILLOGAN PARISH COUNCIL**

### **DIGNITY AT WORK POLICY**

#### **INTRODUCTION**

The aim of this Policy is to:

- establish a climate in which the dignity and rights of each individual are recognised and protected;
- make clear that harassment, whether sexual, racial or on other grounds, is not acceptable;
- provide procedures which enable harassment to be tackled quickly, efficiently, sensitively and confidentially.

This Policy is designed to accord with the terms of The European Commission's code of practice on the Protection of the Dignity of Women and Men at Work.

The European Commission's code of practice on the Protection of the Dignity of Women and Men at Work recognises sexual harassment as being conduct that undermines the dignity of men and women at work. The Code defines sexual harassment as:

- unwanted conduct of a sexual nature, or other conduct-based on sex affecting the dignity of women and men at work, which include physical, verbal and non verbal conduct;
- the conduct of superiors or colleagues as unacceptable if it is unwanted, unreasonable and offensive to the recipient;
- the recipient's rejection or submission to the conduct, used explicitly or implicitly, as a basis for a decision affecting their job, promotion, training, salary, or any other employment decision;
- creating an intimidating, hostile, or humiliating working environment for the recipient, and that such conduct may be in breach of the Equal Treatment Directive.

The European Commission recommends that employers should:

- treat sexual harassment as misconduct and deal with harassers accordingly;
- adopt procedures/policies for dealing with sexual harassment;
- issue a statement that sexual harassment will not be tolerated;
- train all staff in the policies adopted.

## **STATEMENT OF INTENT**

The Council recognises that all employees have a right to work in an environment which is free of harassment. The purpose of this Policy is to ensure that harassment does not occur. If, however, it does occur, the Council undertakes that allegations of harassment will be dealt with seriously and confidentially, using the procedures set out in the Council's Complaints Procedure, and that employees will be protected against victimisation for making or being involved in a complaint. Following a formal investigation:

1. conduct or behaviour by an employee amounting to intentional harassment or bullying as defined in this Policy will normally be treated as misconduct in accordance with the Disciplinary Procedures adopted by the Council and could lead to dismissal;
2. conduct or behaviour by an employee amounting to unintentional harassment will be treated initially as an issue of "capability" and will be dealt with as such, which may include use of procedures adopted by the Council for that purpose;
3. the Council is aware that harassment of an employee could be carried out by someone who is not an employee. In such cases, the Council will endeavour to protect its employees through whatever appropriate procedures may be available to it.

## **FORMS OF HARASSMENT**

Harassment may be directed at, and can be carried out by, an individual or a group of individuals. Harassment can range from extreme forms such as violence and bullying to less obvious actions like ignoring someone at work. Forms of harassment may include:

- physical contact ranging from touching to serious assault;
- verbal and written abuse through jokes, offensive language, name-calling, innuendo, gossip and slander, sectarian songs or letters;
- non-verbal abuse such as offensive gestures and body language;
- Display of posters, graffiti or emblems;
- isolation or non-cooperation at work and exclusion from social activities;
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups;
- intrusion by pestering, spying, excessive or inappropriate physical closeness;
- abuse of management procedures to threaten, humiliate or coerce;
- threats or promises affecting work performance or linked employment prospects.

This list is illustrative but not exhaustive. People can be subject to harassment on a wide variety of grounds including:

- sex, sexual orientation or marital status;
- race, ethnic origin, skin colour or nationality;
- religious convictions or attributed beliefs;
- membership, or non-membership of a trade union;
- disability, sensory impairment, learning difficulty or physical characteristics;
- real or suspected infection with HIV/AIDS;
- age.

Again, this list is illustrative but not exhaustive. Harassment is often associated with and may be indistinguishable from bullying. Some forms of harassment could constitute offences under criminal law. Some criminal offences involving harassment have been held to apply in situations where a person who is alarmed or distressed is not the individual targeted by the behaviour of the third party.

## **BULLYING**

Bullying occurs when a person uses superior strength or power to coerce, persecute or oppress others by fear. It may take the form of humiliating or undermining an individual's skills and ability to such an extent that they may become fearful, their confidence crumbles and they lose their belief in themselves. This does not always arise from a supervisor/subordinate relationship and may result from unacceptable peer pressure. Bullying may take open forms such as shouting at someone, personal insults, name calling, persistent criticism and humiliation. Alternatively, it may be more covert and conducted through setting objectives which cannot be met within a reasonable timeframe, the removal of responsibility without good reason, constantly changing work guidelines, inappropriate threats about use of disciplinary procedures or capability procedures, or ignoring and excluding the individual from relevant discussions.

## **EFFECTS OF HARASSMENT**

A victim of harassment or bullying may suffer physical and/or emotional symptoms such as disturbed sleep, nausea, lack of confidence or motivation and depression. Whatever the form of harassment, the impact on the employee should not be underestimated. Harassment can lead to illness, increased absence, poor performance and confusion over status and role leading to an apparent lack of commitment or even resignation. Harassment can also result in tension and conflict in the workplace and puts great strains on personal and family life. These all have a direct impact on the effectiveness of the Council. Failure to deal or deal properly and promptly with allegations or incidents of harassment at work may also leave the Council vulnerable to legal action in which financial remedies have no upper limit, and can be considerable.

## **RESPONSIBILITIES**

The Clerk and the Staffing Committee of the Council are responsible for the implementation of this Policy, for ensuring that all staff have an awareness of the Policy and for taking corrective action to ensure compliance with it. This responsibility can be discharged by:

- explaining and positively promoting the policy to staff;
- responding to and supporting any employee complaining of harassment;
- providing full and clear advice on the procedure to be followed;
- maintaining confidentiality;
- monitoring the situation to ensure that no repetition or victimisation occurs after the complaint has been resolved.

Any complaint about harassment will be dealt with seriously, expeditiously and confidentially. Employees will be protected against victimisation or retaliation for bringing a complaint of harassment. It is important that the Council understand that it is not primarily their perception of what conduct is acceptable which defines harassment. Rather it is the view of the recipient which is most important and if the recipient feels that they have been harassed the complaint must be taken seriously and actioned in the appropriate way. All employees and councillors have a responsibility for ensuring that the working environment in the Council is free from harassment. All employees and councillors are required to comply with this Policy and to treat their colleagues with dignity and respect. Employees and councillors can do much to discourage harassment by:

- making it clear that they find such behaviour unacceptable;
- supporting colleagues who suffer such treatment and are considering making a complaint;
- being sensitive to the potential impact of their own behaviour on colleagues.

## **DEALING WITH HARASSMENT**

The Council has adopted a procedure for dealing with complaints including complaints of harassment. The procedure is intended to enable complaints to be dealt with sensitively and quickly, and provides for employees to raise problems with someone other than their line manager where this is necessary. The procedure also allows for problems to be resolved informally where this is possible and appropriate. If the problem persists, or informal resolution is inappropriate, the formal complaints procedure will be followed. Where a complaint has been upheld, the Staffing Committee will ensure that:

- harassment has ceased;
- no victimisation occurs as a result;
- any changes to policies, practices and procedures are made.

Where a complaint has not been upheld the Staffing Committee will ensure that no victimisation of the complainant takes place.

### **MALICIOUS COMPLAINTS**

It should be recognised that allegations of harassment are sometimes falsely made and, in all cases, the rights of the alleged perpetrators need to be recognised. Malicious or unfounded complaints of harassment can also have a devastating effect on health, confidence, morale and motivation of those falsely accused. It would not serve the interests of the Council for any policy or procedure to be abused and for victims of malicious or unfounded allegations to have no redress. Complaints of harassment which are found to be intentionally frivolous, vexatious or unreasonable will themselves be treated as misconduct in accordance with the Disciplinary Procedure.

<b>Review Date:</b>	<b>Reviewed By:</b>	<b>Amendments</b>	<b>Minute No</b>
13.01.16	Governance Review Committee	None	GR16/01/24.2
25.01.17	Governance Review Committee	None	GR17/01/26.2
13.06.18	Governance Review Committee	None	GR18/06/8.2
27.02.19	Governance Review Committee	None	GR19/02/25.2