



OAKHAM TOWN COUNCIL

ANTI-HARASSMENT AND BULLYING POLICY

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Anti-harassment and bullying policy

1. We recognise 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. We recognise 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. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees. The aim of this policy is to inform employees and Elected Members of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
7. This policy covers all areas of the Council, including the role of Councillors, contractors, suppliers, members of the public and anyone else associated with the Council.
8. We recognise that we have a duty to implement this policy and all employees, Councillors, contractors, suppliers, and members of the public are expected to comply with it. We will also endeavour to review this policy at regular intervals in order to monitor its effectiveness.

Examples of personal harassment

9. Personal harassment takes many forms and individuals may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one individual towards another and examples of harassment include:
 - insensitive jokes and pranks
 - lewd or abusive comments
 - deliberate exclusion from conversations
 - displaying abusive or offensive writing or material
 - abusive, threatening or insulting words or behaviour

- name-calling
 - picking on someone or setting them up to fail
 - exclusion or victimisation
 - undermining their contribution/position
 - demanding a greater work output than is reasonably feasible
 - blocking promotion or other development/advancement.
10. These examples are not exhaustive and appropriate action including disciplinary action, referrals to the District Monitoring Officer and also the Police will be taken if appropriate against individuals 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 individuals 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 individual towards another and examples of sexual harassment include:
- lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body
 - unwelcome touching of a sexual nature
 - displaying sexually suggestive or sexually offensive writing or material
 - asking questions of a sexual nature
 - 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, refusing pay awards, imposition of less favourable terms and conditions, refusal of training opportunities or other development opportunities.

Examples of victimisation

13. Victimisation 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, a visitor to the Council, or members of the public. 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 we find that the allegation is well-founded, we will take steps we deem necessary in order to remedy this complaint. This can include, but is not limited to:

- warning the individual about the inappropriate nature of their behaviour
- banning the individual from Council premises
- reporting the individual'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.

16. Responsibilities

Employee responsibilities

16.1 The Council requires its employees to behave appropriately and professional 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, or communication via social media. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.

16.2 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 employer 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.

16.3 A breach of this policy by will be treated as a disciplinary manner.

16.4 Elected Members will be referred to the District Council's Monitoring Officer. Also the Council may take steps to remove or reduce contract between an Employee and Member of the Council, if that Member has committed any form of harassment.

17. Council responsibilities

17.1 The Council will be responsible for ensuring all members of staff, including seniors and Councillors, understand the rules and policies relating to the prevention of harassing and bullying behaviour at work, via social media and during work-related social events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

17.2 We will also take into account aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take.

Complaining about harassment and/or bullying

18. Informal method

- 18.1 We recognise 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 you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This can include supervisors, Managers, the Clerk and / or Chair of the Staffing Committee or the Full Council.
- 18.2 If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

19. Formal method

- 19.1 Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Staffing Committee as a formal written grievance. Your confidential helper can assist you in this. If possible, you 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 you to stop the alleged harassment.
- 19.2 Where it is not possible to make the formal complaint to the Staffing Committee, we would encourage you to raise your complaint to the Full Council.
- 19.3 On receipt of a formal complaint the Staffing Committee will take action to separate you 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.
- 19.4 The Committee will appoint an investigatory panel of three members to investigate the alleged harassment. Investigations into the Grievance and any potential Disciplinary action will be conducted at the same time, encompassing both the complainant and the accused. Both parties are entitled to be accompanied by a colleague or union representative at an investigatory meeting. Notes will be taken of what is discussed and the individual will be asked to sign them.
- 19.5 If the accused is an elected Member, the Committee will be guided by the District Monitoring Officer in conducting its investigation.
- 19.6 On conclusion of the investigation, which will normally be within five days of the informal investigatory meeting, a report of the findings will be submitted to the Staffing Committee who will hold the grievance hearing, as well as decide on the need for formal disciplinary action.

- 19.7 You will be invited to attend a formal grievance hearing, at a reasonable time and location, to discuss the matter once the Staffing Committee has had opportunity to read the report. You have the right to be accompanied at such a meeting by a colleague or a union representative, and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.
- 19.8 You will be able to put your case forward at the hearing and the Committee will explain the outcome of the investigation. You have a right to appeal the outcome, which is to be made to the Full Council within seven days of receiving the outcome.
- 19.9 If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including dismissal.
- 19.10 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.