



CROWTHORNE PARISH COUNCIL EQUALITY & FAIR TREATMENT POLICY

Adopted by Council – November 2013

1 POLICY STATEMENT:

Crowthorne Parish Council believes that all employees have the right to work in an environment where dignity, courtesy and respect are permanently maintained. The Council will not tolerate behaviour which is regarded as unwelcome or unwarranted and has a detrimental effect on other employees. This Policy will inform and guide good practice in promoting fair treatment at work on the understanding that all employees have a right to be treated with justice and equality.

2 PURPOSE:

Councils have a duty of care towards their workers and liability under common law arising out of the Employment Rights Act 1966, Health & Safety at Work Act 1974 and Equality Act 2010. Harassment and bullying of any nature is always unacceptable. It could also result in high levels of stress, reduced job performance and increased staff turnover. This Policy provides a way to heighten awareness of the need for fair treatment, for individuals to raise their concerns about harassment or bullying and have these concerns dealt with fairly and sympathetically.

3 PRINCIPLES:

Every employee has the right to determine what behaviour they find unacceptable (see section entitled Definitions). An employee who feels that they are the victim of harassment and/or bullying has a right to have the incident(s) investigated and resolved in the most appropriate manner.

The Council recognises that employees may sometimes be reluctant to report harassment/bullying problems. Complaints about breaches of the Fair Treatment Policy will be treated seriously and dealt with sensitively, fairly and where appropriate, confidentially. Appropriate action will be taken against those who victimise an employee who brings a complaint under this Policy.

If an employee complains they are being harassed/bullied the incident will be formally investigated regardless of whether their complaint is one of the examples outlined (see section entitled Definitions), and regardless of whether other parties may view it as serious or harmless, intentional or innocent.

Irrespective of whether the complaint results in Grievance Proceedings, a manager may initiate a Disciplinary Hearing in accordance with the formal procedure contained within this policy.

Cases of harassment/bullying will be dealt with through the Council's Disciplinary Procedure; serious cases may be considered as gross misconduct.

All parties are subject to fair treatment under this policy. Any party initiating a false complaint for malicious reasons will be dealt with under the Council's Disciplinary Procedure.

4 SCOPE:

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's Disciplinary Procedure, Grievance Procedure and the Elected Members Code of Conduct. The council will issue this policy to all employees as part of their induction and to all members as part of their Information File.

5 DEFINITIONS:

Harassment and bullying is when an individual is subject to actions or comments which the recipient views as demeaning or unacceptable. The individual has the right to raise issues of concern if they believe it constitutes harassment or bullying; the Council will respond to those concerns. Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

The actions may not always be face to face, but can be via the telephone, written correspondence, e-mail, or any medium which results in an adverse effect on the individual's personal safety, well being or job performance. Acts of harassment/bullying may be regarded as being imposed by one person or a group of people; they can be a one-off event or a series of incidents.

Under the Equality Act 2010, the Council has identified that harassment/bullying based on one or more of the following examples can be considered as unlawful discrimination:

- Sex
- Race
- Age
- Disability
- Religion/belief
- Nationality
- Sexual orientation
- Personal characteristics
- Position in the organisation
- Or any other material factor

Listed below are particular types of behaviour which may be regarded as harassment/bullying; this list is not definitive and other actions may constitute harassment/bullying:

- Comments or abuse based on any of the personal factors listed above
- Exclusion, victimisation or being treated less favourably
- Overbearing supervision or misuse of power or position
- Unwelcome sexual advances, verbal, physical or emotional, e.g. touching, invasion of personal space, displays of offensive materials, etc.
- Unwanted or patronising comments and/or innuendo
- Ridiculing or demeaning comments or behaviour
- Deliberately undermining an employee by making unreasonable work demands or subjecting them to constant unwarranted criticism
- Spreading malicious rumours or insults
- Unreasonably obstructing an individual's progress at work by blocking promotion or training opportunities
- Making threats about job security

6 PROCEDURE FOR DEALING WITH HARASSMENT/BULLYING:

Due to the unique nature of harassment/bullying, the Council has developed both an Informal and Formal Procedure which are in place to ensure that measures which deal with complaints do so in a sensitive and confidential manner.

7 INFORMAL PROCEDURE:

In the first instance, and wherever possible, the Council encourages employees who feel they are recipients of harassment/bullying to attempt to resolve the matter informally with the person concerned.

It is acknowledged that the harasser/bully maybe an employee's direct line manager. If this is the case the employee should approach the next manager in the supervisory chain or seek advice from the Clerk, Chairman or Vice Chairman of the Staffing Committee. The following steps may be helpful in deciding how to approach the situation:

7.1 Actions for employees:

After any incident in which an employee feels they have been the victim of harassment or bullying it is important that they write down what was said and/or what happened as soon as possible. If, for example, there is a subsequent repetition, the record will be helpful if the employee decides to raise the matter formally.

It is always best to try to resolve the issue at the earliest possible opportunity. The first step should normally be that the employee should consider talking to the person causing offence and explain how it is making them feel. They should make it clear that they consider that the person's behaviour is unacceptable and that they wish it to stop.

If the employee feels unable to do this, they should ask someone they trust to raise it on their behalf. The offending behaviour may be unintentional and the person may be unaware of the effect of their behaviour on the other party.

The Council encourages employees to alert their line manager to the problem where it is appropriate and feasible so that they can give advice and/or monitor the situation.

The employee may feel that it would be helpful to talk it over with someone. They may therefore wish to discuss the incident(s) with a work colleague, line manager, or the Clerk who can act either as a “listening ear” or give advice on measures which can be taken to resolve the situation.

7.2 Actions for managers:

- The action required of a manager may vary depending on both how the situation is brought to their attention and what actions the employee wishes to take. An incident may be raised by the employee themselves, the colleague of an employee, or the manager may witness an incident themselves.
- In all cases the manager should approach and check if the employee is aware or has carried out any of the actions described in the section entitled Actions for Employees. They should ensure the individual receives a copy of the Fair Treatment Policy and understands the steps to take.
- If an employee does not wish to make a formal complaint, the matter must be kept confidential but it is advisable that the manager monitors the situation and keeps confidential records.
- If the manager feels that some action needs to be taken, they must attempt to resolve the situation informally, yet where necessary, still maintain the employee’s wish to remain anonymous.
- Where a manager believes that an incident requires a further investigation they may initiate the Formal Procedure as outlined below.

8 FORMAL PROCEDURE:

The Council’s Formal Procedures should be used if previous attempts to resolve a situation have been insufficient or unsuccessful or if the allegation constitutes clear misconduct. There are two formal routes which may be pursued; the route to be followed is dependant on whether it is the employee or the manager who wishes to take the matter further.

8.1 Actions for employees:

If the employee wishes to pursue the matter they have the right to instigate a formal grievance in accordance with the Council’s Grievance Procedure. The Grievance Procedure requires that the Clerk deals with the matter. If, for any reason, the employee’s grievance involves the Clerk, the employee may wish to contact The Chairman or Vice Chairman of the Staffing Committee for further advice.

The Clerk and Chairman or Vice Chairman of the Staffing Committee and the employee will reach an agreement on who is the most appropriate person to consider the grievance.

8.2 Actions for managers:

Where a manager believes that an incident constitutes a potential disciplinary offence, the manager may initiate an investigation in accordance with the Disciplinary Procedure.

Where disciplinary action results from a Grievance Hearing, the Disciplinary Procedure should commence at Stage 3.3 as investigations will already have been carried out as part of the Grievance Procedure. The process in accordance with the Disciplinary Procedure should be followed from this stage.

With any formal disciplinary/grievance action, it is important that all parties are present at the hearing. At any investigatory meeting prior to a formal hearing, the individual has the right not to be in the same meeting as the alleged perpetrator of the harassment/bullying. If this is the chosen option, both parties should be interviewed separately and those meetings should preferably be held as close as possible to one another.

During any stage of a formal Disciplinary/Grievance Procedure it may be necessary to minimise contact between the parties. Where possible, changing duties, work patterns, line management or location for either the perpetrator or the complainant should be considered.

If the employee is excluded from the scope of the formal disciplinary or grievance procedures (eg some Casual Workers) then the Clerk should seek advice on a suitable course of action to take to resolve the situation.

9 CONCLUSION:

The Council is committed to creating a working environment where every employee is treated with dignity, respect and courtesy. All employees have the right not to experience any form of harassment or discrimination. The Council's stated aim is that harassment at work is not acceptable and will use its best endeavours to ensure that it is not permitted.