

COLNEY HEATH PARISH COUNCIL

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2024-25 Item 86b Report and Draft Policy SH

14th January 2025

Report on the Implementation of a New Sexual Harassment Policy

1. Introduction

Colney Heath Parish Council is committed to fostering a safe and respectful work environment for all employees. Recent updates to legislation and heightened awareness surrounding workplace harassment necessitate the implementation of a robust and comprehensive Sexual Harassment Policy. This report outlines the reasons for introducing a new policy and includes a draft policy to ensure compliance with legal standards and reinforce our commitment to employee welfare.

2. Background

Under the Equality Act 2010, harassment, including sexual harassment, is unlawful. Recent legal developments, such as the introduction of the Worker Protection (Amendment of Equality Act 2010) Bill, highlight an increased emphasis on preventing workplace harassment and holding employers accountable for providing a safe working environment.

3. Reasons for the New Policy

1. Legal Compliance

To ensure the Organisation complies with its legal obligations under the Equality Act 2010 and related legislation, including provisions addressing employer liability for harassment by third parties.

2. Promoting a Safe and Inclusive Workplace

A harassment-free workplace promotes employee well-being, increases morale, and enhances productivity.

3. Addressing Modern Workplace Challenges

The evolving nature of workplace interactions, including the rise of remote working and social media, requires an updated approach to managing harassment in all forms.

4. Zero Tolerance for Misconduct

Clear policies help set expectations for appropriate behaviour and establish the Organisation's zero-tolerance stance toward harassment.

5. Protecting the Organisation and Employees

A clear policy reduces risks of legal liability and reputational damage while ensuring employees have effective channels for raising concerns.

4. Conclusion

The attached draft outlines a structured policy that meets legal requirements and promotes a respectful workplace culture.

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Sexual Harassment Policy

1. Introduction

Colney Heath Parish Council is committed to providing a workplace that promotes dignity, respect, and equality. Harassment and victimisation of any kind, including sexual harassment, are unacceptable and will not be tolerated. This policy is implemented in line with the Equality Act 2010 and aims to ensure a safe and supportive environment for all employees.

2. Policy Statement

Colney Heath Parish Council recognise that harassment and victimisation are unlawful under the Equality Act 2010. 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 strictly prohibited.

3. Definitions

a) Personal Harassment

Includes unwanted behaviour ranging from inappropriate jokes and remarks to pestering for sexual favours, threatening behaviour, and actual physical abuse. Bullying, characterised by persistent offensive, intimidating, or malicious behaviour, is also considered personal harassment.

b) Sexual Harassment

Unwanted behaviour of a sexual nature or related to sex that violates an individual's dignity or creates an intimidating, hostile, degrading, or offensive environment.

4. Examples of Sexual Harassment

Sexual harassment can include, but is not limited to:

- Lewd or abusive comments regarding an individual's appearance or body.
- Unwelcome touching or physical contact of a sexual nature.
- Displaying sexually suggestive or offensive material.
- Sexual propositions or advances.
- Questions or comments of a sexual nature.
- Treating an individual unfavourably because they rejected or submitted to sexual advances.

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5. Third-Party Harassment

Colney Heath Parish Council operates a zero-tolerance policy regarding harassment by third parties, such as clients, customers, or visitors. Employees are encouraged to report such incidents, and appropriate action will be taken, including:

- Warning the individual about inappropriate behaviour.
- Banning the individual from Council premises.
- Reporting the incident to the police if necessary.

6. Responsibilities Employee Responsibilities

- a) Employees must behave professionally and refrain from engaging in discriminatory, harassing, or aggressive behaviour.
- b) This policy applies to all work situations, including social events and interactions outside the workplace.
- c) A breach of this policy may result in disciplinary action up to and including dismissal.

7. Parish Council Responsibilities

- a) Ensure all staff and councillors understand and uphold this policy.
- b) Promote a professional workplace where incidents of harassment or bullying are addressed promptly and sensitively.
- c) Take aggravating factors, such as abuse of power, into account when determining actions.
- d) Review this policy regularly to monitor its effectiveness.

8. Reporting and Complaints

a) Informal Resolution

- Where possible, employees are encouraged to address minor harassment informally by making it clear to the harasser that their behaviour is unwelcome.
- A confidential helper (e.g., a senior colleague) may assist in communicating this.

b) Formal Complaints

- Employees may submit a formal written grievance if the informal approach fails or the harassment is serious.
- Complaints should include details such as the name of the harasser, the nature of the harassment, dates and times, witnesses, and any prior actions taken.

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9. Investigation and Resolution

- Upon receiving a formal complaint, the Parish Council will take prompt action, which may include separating the parties involved during the investigation.
- Investigations will be conducted confidentially and fairly, with findings submitted to a grievance meeting.
- Employees have the right to be accompanied at grievance meetings and to appeal outcomes within seven days.

10. Disciplinary Actions

- If allegations are substantiated, disciplinary action will be taken against the harasser, up to and including dismissal.
- The Council ensures no employee will face retaliation for bringing a complaint.

11. Policy Review

This policy will be reviewed annually to ensure its effectiveness and compliance with relevant laws.

Adoption Date: [23rd January 2025]

Review Date: [January 2026]