GRINDON & THORPE THEWLES PARISH COUNCIL
Dignity at Work – Bullying and Harassment Policy

1. Purpose and Scope

a. Statement: In support of our value to respect others the Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.
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 policies on Grievance and Discipline and the Code of Conduct.

b. Definitions

• **Bullying** "Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

• **Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are from ACAS guidance and are behaviours unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, damage to the Council's reputation and ultimately, legal proceedings against the Council incurring legal fees and compensation.

c. Examples of unacceptable behaviour are as follows (this list is not exhaustive):
Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during working hours or non-work time.

d. Penalties: Bullying and harassment by any employed persons can be considered examples of serious misconduct, which will be dealt with through the Disciplinary Procedure. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral as a contravention of the Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party, the Council will act reasonably in upholding its duty of care towards its employees. In extreme cases, harassment can constitute a criminal offence and the council should take appropriate legal advice.

e. The Legal position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by

allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal. Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the Council.
In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

2. Process for dealing with complaints of Bullying and Harassment

a. Informal approach – Anyone; employee, contractor, member or visitor, who feels they are being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

b. Formal approach

i. **Employees:** Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Clerk, or if the complaint is about the Clerk, the Chair of the Parish Council or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which they are complaining. A meeting will be arranged to discuss the complaint with the complainant, normally within 5 working days of receipt of the written complaint. Refer to the Council's Grievance Policy. Following a Grievance Hearing or investigations into allegations of bullying or harassment, a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

ii. **Others:** Any other party to the Council, other than an employee, who feels they are being bullied or harassed should raise their complaint with the Council, (or the Clerk where a councillor is directly involved in bullying or harassment), if an informal notification has been unsuccessful at eliminating the problem. The complaint should then be investigated and a meeting held to discuss the facts and recommend the way forward. It is important that any Councillor about which the complaint is against does not prevent the Council operating impartially in its investigation and decision-making in this regard.

iii. **Councillors** who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of sanctions available to the council, where a councillor has been involved in bullying/harassment are limited. They include admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from any committees of the Council and representation on any outside bodies, and a referral under the Code of Conduct. There may also be a referral to the Police under the Protection from Harassment Act 1997 or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the

protected characteristics under the Equality Act) in extreme cases. This list is not exhaustive.

Note: False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Councillor will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Borough Council's Monitoring Officer.

3. Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

The Council undertakes to share its policy with all members and employees and to review its policy as appropriate.

4. Useful contacts

- ACAS www.acas.org.uk tel: 0845 7 47 47 47
- Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614
- Equalities and Human Rights Commission www.equalityhumanrights.com
- SLCC www.slcc.co.uk
- DirectGov website

www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/DG_10026670

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