



## **Dignity at Work/Bullying and Harassment Policy**

This policy was adopted by the Working Practices Committee of Billingshurst Parish Council on 07 November 2011.

Note: This policy should be used in conjunction with the Council's Disciplinary and Grievance procedures.

### **1. PURPOSE AND SCOPE**

**1.1 Statement:** In support of our value to respect others Billingshurst Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which the Council serves. 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 Disciplinary handling. The council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Council may also wish to share this policy with contractors, visitors and members of the public, and other organisations with which the Council does business.

Billingshurst Parish Council will post a copy of this policy on its website.

### **1.2 Definitions**

**Bullying** *"Bullying may be characterised 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."*

It is primarily intimidating, but may also be insulting, offensive or malicious. It is frequently recognized through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee. It can be related to age, sex, race, disability, religion, ethnic origin or some personal characteristic of the individual. It may be persistent or an isolated incident.

**The crucial point is that the actions or comments are viewed as demeaning and unacceptable to the recipient.**

Many bullies attempt to disguise their conduct when challenged on the grounds that it is the way people behave in the 'real' world and that the person affronted should 'toughen up'; or that it was not meant and only a bit of 'horse play'. Some cases of bullying and harassment are obvious but it is sometimes the 'grey' areas that cause most problems. Examples of what is unacceptable behaviour are given in 1.3 below.

**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.

Bullying and harassment are not necessarily face to face, they may be by written communications, electronic (e)mail (so called 'flame-mail'), phone, and automatic supervision methods — such as computer recording of downtime from work, or recording of telephone conversations — if these are not universally applied to all workers.

Bullying and harassment may not be obvious to others, and may be insidious. The employee may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents.

Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

1.3 Examples of **Unacceptable Behaviour** are as follows:

- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone — picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances — touching, standing too close, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

(this list is not exhaustive)

Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

**1.4 Penalties:** Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council for employees or through referral to the Standards Board of England, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

**1.5 The Legal Position:** Councils have 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. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. 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. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

## **2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT**

### **2.1 Informal Approach**

Anyone; employee, contractor, Councillor or visitor, who feels he or she is 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 that their conduct is unacceptable, offensive or causing discomfort.

### **2.2 Formal Approach**

**2.2.1 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 either the Clerk, Chairman of the Council or the Chairman of the Working Practices Committee. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

**2.2.2 Grievance – Employees only** - A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied at this meeting. A full investigation of the complaint will be held by a person as appointed by the Chair/Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the council should contact S A L C, an employer's body or A C A S to this effect or the council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the complainant. The council will commit not to victimize the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

**2.3 Others** Any other party to the council including Councillors, officers of other authorities or organisations and members of the public, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with either the Clerk, the Chairman of the Council or the Chairman of the Working Practices Committee. Where possible every effort should be made to deal with the matter locally, but if not, the matter should be referred to the Code of Practice for Handling Complaints.

**2.4 Disciplinary Action** - Following a Grievance Hearing or investigation 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.

For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure and would normally be treated as Gross Misconduct.

For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities, the action taken must be reasonable. It will be the responsibility of the Complaints Committee to make a recommendation to main Council on the appropriate level of action and may involve in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, assertiveness, chairmanship etc., as more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

**2.5 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 Standards Board.

### **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 workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.