



# Dignity at Work/Unacceptable Actions Policy

## 1. PURPOSE AND SCOPE

### 1.1 Statement

In support of its value to respect others, Paulton Parish Council will not tolerate the bullying or harassment of any member of staff by any other member of staff, employee, official or Council member. This policy outlines the specific procedures available to all employees in order to protect them from bullying and harassment and to maintain their dignity at work.

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 as well as the Code of Conduct for Councillors.

### 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."

**Harassment** - "Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually 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 derived from the ACAS guidance on the topic. 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, mental health issues, lack of respect for others, turnover, damage to the Parish Council's reputation and ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

### **1.3 Examples of unacceptable behaviour include:**

Examples of unacceptable, please note this list is not exhaustive

- Spreading malicious rumours, or insulting someone by word or behaviour
- Insulting someone
- Using offensive language
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone including picking them 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
- Making threats or comments about job security without foundation
- Threats of physical violence against a person or their family
- Deliberately undermining a competent worker by over loading and constant criticism
- Blaming a person for others mistakes
- Preventing individuals progressing by intentionally blocking 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 work hours or non-work time.

## **2. PENALTIES**

**2.1** 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.

**2.2** For Council members, the complaint to be presented to the Staffing Committee for consideration with the view that the matter can be dealt with informally without resulting in a referral to the Monitoring Officer as a contravention of the Member's Code of Conduct.

**2.3** In extreme cases harassment can constitute a criminal offence and the Council will take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

## **3. LEGAL POSITION**

**3.1** All 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.

**3.2** 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.

**3.3** 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 corporate employer, the council and the perpetrator(s) as individual named respondent(s).

**3.4** 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.

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

### **4.1 Informal approach**

Anyone; employee, contractor, member 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.

### **4.2 Formal approach**

**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 matter involves the Clerk, with the Chairman of the Staffing Committee and/or Chairman of the Council. It may be appropriate for the complaint to be put in writing after the initial discussion, which would then be dealt with in accordance with the Council's Grievance Policy.

In respect of members, who have been accused of bullying and harassing an employee, all cases to be reported to the Staffing Committee in the first instance. If a member is on the Staffing Committee, this is to be reported to the Chairman of the Council and/or the Vice Chairman.

**Others** Any other party to the Council, other than an employee, who feels he or she is being bullied or harassed should refer to the Council's Complaints Procedure if an informal approach cannot be taken to resolve matters. If a complaint is regarding the conduct of a Councillor, this should be raised with the Monitoring Officer at B&NES Council if the matter cannot be dealt with informally in house.

### **4.3 Possible Outcome**

In cases where allegations are made regarding an employee of the Council, this may result in the Council's Disciplinary Procedure being invoked. The Monitoring Officer at B&NES Council will deal entirely with any complaints involving the conduct of Councillors and will advise of and implement any sanctions where required. In extreme cases, the Council may be required to refer details of any harassment to the Police under the Protection from Harassment Act 1997.

False or malicious allegations Intentionally false or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member or other party to the Council, will not be tolerated and may be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

### **5. 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.

Approved at Parish Council meeting 23<sup>rd</sup> October 2019