



## DIGNITY AT WORK POLICY

Adopted at the Full Council Meeting held on Thursday 13<sup>th</sup> April 2023

In support of Northiam Parish Council's value to respect others this council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractor, 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 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.

### Definitions:

**Bullying** "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority through means that 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 for that individual. 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 derived from the ACAS guidance on the topic.

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.

**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, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face to face, in meetings, through written communication, including email, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

**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 Standard 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.

**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 2008 and the Health and Safety at Work Act 2015. Under the Equality Act 2010 bullying or harassment may be considered unlawful discrimination, this act supersedes and incorporates the following laws 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.

## **DEALING WITH BULLYING AND HARASSMENT COMPLAINTS**

**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.

### **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 Parish Clerk or the Chairman or another Councillor if more appropriate. 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.

**Others:** Any other party to the council, other than an employee who feels he or she is being bullied or harassed should follow the complaints procedure. If the parish council feel that a code of conduct issue has been raised, then the parish council will liaise with the Monitoring Officer.

**Grievance:** (Employees only) Employees are to follow the grievance Procedure set out in the Employee Handbook. 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.

**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, under the Employment Act 2002 provisions and would normally be treated as gross misconduct.

**False or malicious allegations** of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the disciplinary procedure and/or a referral to the Standards Board.

## **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.

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

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Signature

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Print Name

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Date