

BARLBY AND OSGODBY TOWN COUNCIL

DIGNITY AT WORK POLICY

1. INTRODUCTION

The Council's adopted Code of Conduct includes general obligations (Para 3 section 2). Standing Orders include provisions relating to conduct at Meetings. These provisions apply to all Elected and Co-opted members.

2. STATEMENT OF INTENT

In support of our commitment to respect others Barlby and Osgodby Town Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors or members of the public. 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. The Council will issue this policy to all employees as part of their induction and to all members as part of their welcome pack.

3. DEFINITIONS

Bullying

May be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse of power or authority which tends to undermine an individual or 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 (ACAS guidelines).

Both bullying and harassment in the workplace 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 behaviours are as follows :

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, (* or threats of violence against a person or their family) deliberately undermining a competent worker by overloading work or constant criticism (* blaming for others' mistakes, preventing promotion or training).

(* Bullying and harassment may take place face to face, in meetings, through written Communication including Email or Social Media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work or non-work hours).

Penalties

Bullying and harassment are considered examples of serious misconduct which will be dealt with and may be referred to the Standards process as a contravention of the Code of Conduct. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Councils 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 Act 1996 and the Health and Safety at Work Act 1974. Under the Equality Rights Act 2010 bullying or harassment may be considered unlawful discrimination and the legal definition of 'Third Party Harassment' has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or Member of 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.

4. PROCESS FOR DEALING WITH COMPLAINTS

Members – if the Council reasonably believes a Member(s) has 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 such as inter-personal communication, assertiveness, chairmanship may be 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 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 the most extreme cases. Employees – see Contract of Employment. This list is not exhaustive.

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 or a referral to the Standards process.

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 requests that all agree to accept the terms. All new Members and employees will be provided with a copy of this policy..

This policy shall be reviewed annually (or as appropriate) and necessary amendments undertaken by the Clerk and reported to the full Council for approval, appropriate training will be made available to ensure compliance.

* SLCC addendums

Approved 25th March 2012
Reviewed April 2019