

# GREAT LINFORD PARISH COUNCIL

## Dignity at Work Policy Bully and Harassment in the workplace

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### Document History:

Version	Description of Changes	Date Effective
draft1	Draft for adoption	April 2019

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

## 1. Purpose and scope

- 1.1. Statement: In support of our value to respect others Great Linford Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, councillors, 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.
- 1.2. This policy reflects the spirit in which the council intends to undertake all 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
  - 1.2.1. Grievance and Disciplinary handling and
  - 1.2.2. the Code of Conduct and
  - 1.2.3. related relationship documentation such as Resourcing Working Group terms of reference and Model protocol of Cllr / Officer relations.
- 1.3. The council will issue this policy to all employees and councillors as part of their induction. The council may also wish to share this policy with contractors, visitors and councillors of the public.

## 2. Definitions

- 2.1. 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."
- 2.2. 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.
- 2.3. These definitions are derived from the ACAS guidance on the topic.
- 2.4. 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.
- 2.5. 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,

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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.

### 3. Penalties

- 3.1. Bullying and harassment by an employed person are 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.
- 3.2. For an employee if they are bullied or harassed by a third party the council will act reasonably in upholding its duty of care towards its own employees.
- 3.3. Bullying and harassment from a Councillor may result in a referral to Milton Keynes Standard Committee, as a contravention of the Councillor's Code of Conduct which may result in penalties against the councillor 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.

### 4. The Legal position

- 4.1. Councils have a duty of care towards all their workers and liability under common law and under the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.
- 4.2. 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.
- 4.3. 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. The 1997 Act can be relevant to employment disputes, employers can be liable for harassment in the workplace, that the conduct is viewed as "serious", or "oppressive" and unacceptable, that a course of conduct needs to be established but that this can link incidents which are separated by long time periods and the damages for personal injury and distress can be awarded under the Act.
- 4.4. 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.
- 4.5. Unlawful discrimination could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrators.

### 5. Process for dealing with complaints of bullying and harassment

- 5.1. Any person who feels he or she is being bullied or harassed should raise their complaint in line with the council's complaint procedure.
- 5.2. Regardless of the person complaining or alleging harassment or bullying an informal approach of mediation is preferable but GLPC understands this is not always possible.

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- 5.3. Employee – any employee can confidentially raise the concerns with the Lead Cllr Resourcing or another appropriate Councillor. A written complaint would invoke the Grievance procedure. The employee should provide evidence of their concern however the complaint is raised.
- 5.4. Councillors – a councillor feeling they are being bullied should discuss with the Lead Resourcing or the Chair. It may be appropriate for the nominated Cllrs for the staff grievance committee to investigate the complaints. If appropriate their conclusion could be passed to the MKC Standards Committee.
- 5.5. Public – a member of the public feeling that they have been harassed or bullied should follow the GLPC complaints procedure.
- 5.6. Impartial investigation and decision making are essential when any harassment or bullying complaint is raised.
- 5.7. Where the Council reasonably believes that a Councillor or Councillors have been bullying or harassing another person(s) whilst undertaking council activities the action taken to address the issue may include 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 disciplinary sanctions available to the council, where a councillor 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 Committee (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.
- 5.8. False or malicious allegations of harassment or bullying which damage the reputation of a fellow Officer/councillor will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Standards Committee.

## 6. Responsibilities

- 6.1. 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.