

# Dignity at Work/Bullying and Harassment Policy

## 1. Purpose and Scope

### 1.1 Statement

In support of our value to respect others, Colerne 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 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.

### 1.2 Definitions

**Bullying:** Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of 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** 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.

These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours that 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, high staff turnover, damage to the council's reputation and, ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

### 1.3 Examples

Examples of unacceptable behaviour are as follows:

- spreading malicious rumours
- insulting someone
- ridiculing or demeaning someone
- exclusion or victimization
- unfair treatment

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- 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 communications including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or in 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 process, as a contravention of the Member's Code of Conduct, which may result in penalties against the member concerned (n.b. the alternative arrangements post-Standards for England are yet to be determined). 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 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. Under the Equality 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.