



## Dignity at Work

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# Dignity at Work Policy

## 1. Statement

- 1.1 In support of the Council's value to respect everyone, Worplesdon Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the Council or members of the public from the community which it serves. 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.

## 2. ACAS definition of harassment

- 2.1 Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others and may happen in the workplace without an employer's awareness.
- 2.2 Bullying or harassment can be between two individuals, or it may involve groups of people. It might be obvious, or it might be insidious. It may be persistent or an isolated incident. It can also occur in any form of written communications, letter on the internet, by phone or through email, not just face-to-face. It may occur on or off work premises, during work hours or non-work time.

### 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 may be characterised as *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.*

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, staff/councillor turnover, damage to the Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

### 3. The Legal Position

3.1 The Council has a duty of care towards its staff under Common Law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. 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. From 6<sup>th</sup> April 2008, changes to the Sex Discrimination Act mean the Council has a duty of care towards all staff and liability under Common Law arising out of the Employment Rights Acts 1996 and the Health and Safety at Work Act 1974.

3.2 In addition, the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence, and a right to damages for the victim. An individual causing harassment may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes; for instance, employers can be vicariously liable for harassment received 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 that the damages for personal injury and distress can be awarded under the Act.

## 4. Unacceptable behaviour

4.1 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 e-mail and social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

## 5. Penalties

- 5.1 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 or through referral to the Monitoring Officer, as a contravention of the Member's Code of Conduct. In extreme cases harassment can constitute a criminal offence. The Council should take the appropriate legal advice if a criminal offence of harassment is alleged or suspected.

## 6. Process for Dealing with Complaints of Bullying and Harassment

### Informal approach

- 6.1 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

- 6.2 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 either the Chairman of the Staffing Committee 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.

#### Others

- 6.3 Any other party to the Council, other than an employee, who feels they are 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 Guildford Borough Council, as included in the Complaints Procedure. Once the matter is reported to the Monitoring Officer, the Parish Council's formal role ceases.

#### Possible Outcomes

- 6.4 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 Guildford Borough 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

- 6.5 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.

## **7. Responsibilities**

- 7.1 All parties to the Council have a responsibility to ensure that their conduct towards others does not harass, 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 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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