

## Sedlescombe Parish Council Dignity at Work Policy

Sedlescombe Council (SPC) believes that civility and respect are important in the working environment and expect all Councillors, officers and the public to be polite and courteous when working for, and with the Council. This policy reflects the spirit in which SPC intends to undertake its business and outlines the specific procedures available to protect from bullying and harassment.

SPC is committed to creating a working environment where Council employees, councillors, contractors, and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

In support of this objective, SPC has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available from [NALC](#) & [SLCC](#)

SPC 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 we serve. We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

This policy should be read in conjunction with the council's policies on grievance and disciplinary handling, health and safety, equality & diversity and the members' Code of Conduct. The council will issue this policy to all employees as part of their induction and to all members. The council may also wish to share this policy with contractors, visitors and members of the public.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

### Definitions

**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** is "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.

These definitions come from the ACAS guidance on the topic. Bullying and harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the

workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault.
- Unwelcome sexual advances.
- The offer of rewards for going along with sexual advances e.g. promotion, access to training.
- Threats for rejecting sexual advances.
- Demeaning comments about a person's appearance.
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
- Spreading malicious rumours or insulting someone.
- Lewd or suggestive comments or gestures.
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job.
- Practical jokes, initiation ceremonies or inappropriate birthday rituals.
- Physical abuse such as hitting, pushing or jostling.
- Rifling through, hiding or damaging personal property.
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person.
- Isolation or non-cooperation at work.
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others.
- The use of obscene gestures.
- Abusing a position of power.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media or by telephone. It may occur on or off work premises, during work hours or non-work time.

#### Penalties

Bullying and harassment by any employee can be considered as serious misconduct which will be dealt with through the council's disciplinary procedure.

If elected members are bullying or harassing employees, contractors, fellow councillors, or others then a referral to the monitoring officer, reported as a contravention of the member's Code of Conduct may be required.

If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, (sometimes available from the council's insurer).

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. 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.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named respondents.

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. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes.

Process for dealing with complaints of bullying and harassment.

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, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

Formal approach - Employees who feel unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the chairman of the staffing committee or another member of the staffing committee if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal grievance procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

Others - Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to a member has been unsuccessful at eliminating the problem. The

complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the council's official complaints procedure. It is important that the member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

Grievance – employees only. This will be dealt with under the provisions of the council's grievance procedure. Any disciplinary action will be taken under the councils HR policies.

For members - The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment are limited but do 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 under the Code of Conduct to the monitoring officer. There may also 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. This list is not exhaustive.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

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 anyone can ask the individual to stop. This includes on any social media/ email etc as well as face to face.

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.