



Mutual Respect and Dignity at Work Policy

ABSTRACT

“It is important that people recognise the destructive impact that ridicule, intimidation and harassment and bullying in the workplace can have.”

Kay Twedde, Deputy Town
September 2020

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Purpose and Scope

Policy Statement

Peterlee Town Council is committed to the fundamental principle of upholding behaviours that support mutual respect and dignity in the workplace. This principle is recognised as key to the establishment of productive elected member and employee relations. All people, whether elected members or employees, should be able to undertake their roles without fear of ridicule, intimidation, bullying or harassment. In support of this core value the Town Council will not tolerate inappropriate behaviour including bullying and/or harassment by, or of, any of their employees, officials, members (councillors), contractors, visitors to the council or members of the public from within the workplace or from within the community which we serve.

It is important that people recognise the destructive impact that ridicule, intimidation and harassment and bullying in the workplace can have. This can manifest itself in such things as:

- poor morale,
- adversarial employee relations,
- grievances
- disciplinary action
- reduced collective productivity,
- poor individual performance,
- increased sickness absence,
- lack of respect for others including respect for Members, managers and colleagues,
- resignations,
- damage to the Council's reputation,
- Employment Tribunal or other court cases which could result in the payment of compensation which can be considerable should actions be linked to any protected characteristic identified in the Equality Act 2010 (see paragraph 1.5 below).

This Policy has clear links to:

- a) Code of Conduct for Members
- b) Member/Employee Relations Protocol
- c) Code of Conduct for Employees
- d) Disciplinary and Grievance procedures

Definitions

As harassment and bullying are two behaviours most likely to undermine or destroy respect and dignity it is appropriate to consider definitions of such behaviours.

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse 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.

These definitions are derived from the ACAS guidance on the topic. Both harassment and bullying are behaviours which are unwanted by the recipient.

Bullying and harassment may occur face-to-face, in meetings, through written communication including e-mail, by telephone or through autocratic supervision or management styles. It may occur on or off work premises, during work hours or non-work time.

Examples of unacceptable behaviour

The following are some examples of unacceptable behaviour which may give rise to claims of bullying and harassment (this list is not exhaustive and can apply equally to relationships between members, relationships between members and employees and interpersonal relationships between employees):

- a) spreading malicious rumours or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation, religion or belief, or age),
- b) ridiculing or demeaning someone,
- c) setting someone up to fail,
- d) exclusion or victimisation,
- e) unfair treatment,
- f) overbearing supervision or other misuse of position or power,

- g) supervision of work by persons without the authority to do so,
- h) inappropriate methods of supervision such as covert observance of working practices without due cause,
- i) overt observance of work and working practices where the intention or perception of the intention is to intimidate,
- j) unwelcome sexual advances (touching, standing too close, displaying offensive materials),
- k) making threats or comments about job security without foundation,
- l) deliberately undermining a competent worker by overloading work and/or constant criticism,
- m) deliberately undermining a competent employee by overloading and constant criticism,
- n) blocking or refusing an individual's promotion or training opportunities,
- o) curtailing opportunities for people to contribute or express their opinions at meetings (this includes council and committee meetings).

Sanctions (penalties)

Harassment and bullying 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 Full Council for members which may result in sanction/penalties against the member concerned. However the Council does not have the ability to suspend or disqualify members from membership of the Council.

The Legal position

Employers have a duty of care towards all their workers with liability under common law arising out of the Employment Rights Act 1996, the Health and Safety at Work Act 1974 and the Equality Act 2010. Under the equality Act bullying or harassment may be considered unlawful discrimination if it is connected to any of the following protected characteristics;

- a) Age
- b) Disability
- c) Gender reassignment
- d) Marriage and civil partnership
- e) Pregnancy and maternity
- f) Race
- g) Religion or belief
- h) Sex
- i) Sexual orientation

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment and a right to damages for the victim.

Process for dealing with complaints of Harassment and Bullying

The informal approach referred to below can be used by anyone at any time. However the formal approach is intended to apply to circumstances other than those where a complaint relates to inappropriate behaviour in the relationship between individual employees and/or supervisors or managers. In these circumstances the formal elements of the employee grievance and disciplinary procedures become the appropriate processes for dealing with such complaints and associated outcomes.

2.1 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 that their conduct is unacceptable, offensive or causing discomfort.

2.2 Formal approach

2.2.1 Employees: Where an employee has a complaint against a Member and feels unable to resolve the matter informally the matter can be raised confidentially and initially informally, with the Town Clerk, the Chair of the Council, or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable a formal process to be invoked should this be necessary. If the intervention of others fails to resolve matters informally then the issue will be dealt with in accordance with paragraph 2.3 below.

2.2.2 Others: Any member or other party to the Council who feels he or she is being bullied or harassed or subjected to other unacceptable behaviour should raise their complaint with the Town Clerk, local Councillor (in the event the person is external to the Council) and request that the complaint be investigated to discuss the facts and recommend the way forward. If unresolved the way forward may include referring the complaint/grievance to the Appeal Committee and a formal hearing being convened by that committee, as per the Council's Complaint policy.

2.3 Implications (Employee Grievance against a member) – Should an informal approach fail to resolve or be an inappropriate method of resolving a complaint a full investigation of the complaint will be held by a person appointed by the Town Clerk or the Chair of the committee responsible for handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Committee's decision will be confirmed to the employee in writing. If a complaint is upheld an action plan (if appropriate) should be made

available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the Council should contact NALC, NEREO or ACAS to this effect or it may be viewed that counseling is appropriate and appropriate arrangements will be made. Should the employee be dissatisfied with the decision of the Committee the employee will have a right of appeal to a differently constituted panel of members. At all times the confidentiality of the complaint/grievance will be of paramount importance in order to maintain trust in the process hence details of the complaint/grievance will not be shared with the full Council prior to resolution without prior approval by the complainant or until it is appropriate to do so.

2.4 Disciplinary Implications - Following a complaint/grievance hearing feedback will be provided to all parties. Should disciplinary action against the perpetrator of the alleged action/behaviour be a consideration or a recommendation this will follow the Council's Disciplinary Procedure should the perpetrator be an employee. Should the perpetrator be a member the matter will be reported to Full Council for consideration and determination of sanction.

Any sanction against a member must be reasonable and proportionate and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be more appropriate than a sanction.

The range of disciplinary sanctions available to the Council, where a Member has been involved in inappropriate behaviour including bullying and/or harassment includes:

- Instruction to provide a formal written apology to a complainant,
- admonishment formally recorded in council minutes 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,
- in the most extreme cases referral to the Police under the Protection from Harassment Act 1997.

2.5 False or malicious allegations of harassment or bullying

False or malicious allegations will not be tolerated but even more so if they are intended to damage the reputation of a fellow employee/member. All such allegations will be dealt with as serious misconduct under the Disciplinary Procedure where this involves allegations from employees. Where this involves allegations by members the Council will commit fully to taking the strongest possible action open to them in applying appropriate sanctions.

3. Commitment

The Council is committed to the elimination of any form of intimidation in the working environment and associated delivery of services. The Council further commit not to victimise a complainant for raising a complaint related to the operation of any aspect of this policy.

All parties to the Council have a responsibility to ensure that their conduct does not harass, bully, intimidate, ridicule 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. If unacceptable behaviour continues the Council is committed to taking action as appropriate.

The Council undertakes to share this policy with all members, employees and others as appropriate and request that each party signs to demonstrate that they understand the policy and commit to behaviours that underpin the core value of treating people with respect and dignity.

A review of the policy shall be undertaken as appropriate with any necessary amendments being undertaken by the Town Clerk.

The Council commit to ensuring that its members and employees have sufficient knowledge and support to effectively apply the processes required by this policy and to understand the associated behavioural requirements. Should anyone need assistance with understanding or applying behaviours appropriate to this policy employees should initially speak with their line manager who will then discuss matters with the Town Clerk, members should speak with the Town Clerk directly.

4. Useful contacts

- ACAS www.acas.org.uk tel: 0845 747 47 47
- Andrea Adams Trust, a charity committed to tackling workplace bullying www.andreaadamstrust.org or tel: 01273 704 900
- SLCC www.slcc.co.uk Advisory Note 24

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