



## DIGNITY AT WORK POLICY

## DOCUMENT CONTROLSHEET

<b>Purpose of document:</b>	To provide guidance to manage and address issues of bullying and harassment in the workplace.
<b>Dissemination:</b>	This policy will be disseminated to all staff and council members and be made available on the parish website
<b>Implementation:</b>	This document will be accessible via the parish council website and is applicable to all staff and council members.
<b>Review:</b>	This document will be reviewed in 2021 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
<b>Documents replaced or superseded by this document:</b>	
<b>This document supports (enter Standards and Legislation:</b>	Equality Act 2010 ACAS Best Practice Guidelines Employment Rights Act 1996 Criminal Justice and Public Order Act 1994 Rehabilitation of Offenders Act 1974 Human Rights Act 1998 Human Rights Act 2000 Health and Safety at Work Act 1974 The Workplace Health, Safety and Welfare Regulations 1992
<b>Key related documents:</b>	Complaints Procedure Grievance Policy Disciplinary Policy
<b>Equality &amp;Diversity:</b>	An Equality and Diversity Impact Assessment has been carried out.
<b>Financial Implications:</b>	None (other than potential ET claims if not adhered to)
<b>Key word-search</b>	Dignity, Harassment, Harass, Bullying, Bully, Bullied, Discrimination, Discriminate, Intimidation, Intimidate, Victimisation, Victimise, Victim, Abuse, Violence

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### **3. POLICY STATEMENT**

This Policy is a formal, strategic level document and provides a 'statement of intent' about how the Parish Council will comply with the legislation and directives of its subject matter. This is a mandatory document and does not allow for variation of practice. It is relevant to all staff and council members including volunteers and third-party contractors.

Non-compliance with this Policy may result in disciplinary action. It provides a corporate framework and is supported by a number of Parish Council procedures and guidelines. It will be reviewed every 3 years unless there are changes in legislation, directive or agreed variation by full council.

### **4. INTRODUCTION**

Sacriston Parish Council (hereinafter referred to as the Council) is committed to ensuring that all employees and councillors within the organisation are treated with dignity and respect at work and to promoting a working environment that is free from all forms of discrimination, bullying and harassment.

This policy has been developed to give employees and councillors who believe they have been subjected to bullying or harassment a route to raise a complaint either formally or informally in order to resolve the situation.

As part of its overall commitment to equality for a diverse workforce, the Council recognises the right of all employees and councillors to be treated with dignity in all working relationships. This is irrespective of the protected characteristics as outlined in the Equality Act 2010:

- Pregnancy & Maternity
- Marriage & Civil Partnership
- Sexual Orientation
- Sex
- Religion or Belief
- Race
- Gender Reassignment
- Disability
- Age

The Council acknowledges that incidents of harassment and bullying in the workplace may place the recipient in a threatening and intimidating environment as well as adversely affecting his/her performance, health and well-being

The Council views harassment and bullying as wholly unacceptable behaviour, which contravenes the Councils policies.

Such behaviour will not be tolerated and may result in disciplinary action or legal action against the perpetrator.

## 5. OBJECTIVES

The Council recognises its duty to ensure that all employees and councillors are aware of the importance of a harassment free workplace. This policy informs employees of the types of behaviour that are unacceptable. It is the duty of employees and councillors to implement and comply with the policy. All employees and councillors carry responsibility for their own behaviour and will be held accountable as such.

## 6. DEFINITIONS

### **Bullying:**

*“ a pattern of individual or persistent offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair penal sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress”.*

### **Harassment:**

*“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. 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 including payment of legal fees and potentially unlimited compensation.

## 7. EXAMPLES

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; making threats of physical violence against a person or their family; deliberately undermining a competent worker by overloading work and/or constant criticism; blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

## **8. 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, 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 damages for personal injury and distress can be awarded under the Act.

## **9. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT.**

### **Informal approach**

Someone who feels he/ 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 record of the incidents.

### **Formal approach**

Employees Where an employee of the Council feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Parish Clerk. In the case of bullying or harassment of the Parish Clerk he / she should raise this with the Chair of Council in the first instance or the Vice Chairman of Council.

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 member of staff will be expected to provide evidence of the conduct about which he /she is complaining.

## **Others**

Anyone else who has business with the Council, other than an employee, who feels he / she is being bullied or harassed should raise their complaint with the Parish Clerk. The complaint will be investigated and a meeting held, if necessary, to discuss the facts and recommend the way forward. At all times the confidentiality of the complaint will be of paramount importance in order to maintain trust in the process. Details of the complaint will not be shared with the Council without prior approval by the aggrieved. The Council will undertake not to victimise the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

## **10.DISCIPLINARY ACTION**

Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an **employee** found to have been bullying / harassing others this will follow the Council's Disciplinary procedure and will be treated as Gross Misconduct.

For **members** whom the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be appropriate.

The range of disciplinary sanctions available to the Council, where a member 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;
- unsupervised contact (directly or indirectly) either in person, by telephone or by e-mail with the employee concerned, with 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). This list is not exhaustive.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

## **11.PENALTIES**

Bullying and harassment by any employed persons of one another can be 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.

If elected members are bullying or harassing Council employees, contractors, fellow councillors, or members of the public a referral to the Monitoring Officer as a contravention of the Code of Conduct may be an initial appropriate measure. If this is unsuccessful then referral to the Council's solicitors may follow.

If an employee is experiencing bullying or harassment from a member of the public the Council will act reasonably in upholding its duty of care towards its own employees. Such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.

In some cases, harassment can constitute a criminal offence and the Council will take appropriate legal advice and action if such an issue arises.

The Contact Officer/Councillor will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the employee. Any employee who talks to the Contact Officer / Councillor about bullying is not under any obligation to take further action. The designated Contact Officers/Councillor are:

- The Parish Clerk
- The Chairman
- The Vice Chairman
- The Chairperson of the Personnel Committee (Where active)

An employee may initiate the Council's Grievance Procedure with or without having approached a Contact Officer/Councillor.

## **12.BEHAVIOUR THAT CONSTITUTES A CRIMINAL OFFENCE**

Where an individual is alleged to have committed a criminal offence related to work (e.g. during work time, on work premises or involving a service user), the Council recognises its duty to notify the Police, but responsibility to pursue such claims rests with the victim of the offence

Victims of harassment may be able to seek a civil injunction against behaviour, which has caused distress, or may cause distress in the future. A trade union or legal adviser can provide information about this option.

It is possible that the Council could be found liable under law for incidents of harassment or bullying behaviour in the workplace. The alleged harasser/bully could also be personally liable for acts of harassment, discrimination or assault.

Employees who feel they have experienced unlawful or unreasonable treatment during the course of their work are strongly encouraged to follow this procedure and bring the matter to the attention of any of the designated contacts within this policy, before taking further action.



### **13.UNFOUNDED ALLEGATIONS OF BULLYING OR HARASSMENT**

If an employee makes an unfounded allegation of bullying or harassment for malicious reasons, this will be investigated and dealt with fairly and objectively under the Council's Disciplinary Procedure.

Whenever a case of bullying or harassment arises, the Council will take the opportunity to examine its policy, procedures and working methods to see if they can be improved.

A review of the policy shall be undertaken as appropriate; necessary amendments will be undertaken by the Parish Clerk and reported to the Council for approval.

### **14.EQUALITY & DIVERSITYSTATEMENT**

The Council will ensure that this document is applied in a fair and reasonable manner that does not discriminate on such grounds as race, gender, disability, sexual orientation, age religion or belief.

### **15. APPENDIX 1**

#### **EXAMPLES OF BEHAVIOUR/ACTIONS THAT CONSTITUTE BULLYING, HARASSMENT, VICTIMISATION, DISCRIMINATION**

##### **HARASSMENT**

Harassment in general terms is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. (ACAS definition)

Harassment can be deliberate and conscious, or it can be unintentional. Whilst the intention of the perpetrator may provide an explanation for the harassment, it can never be an excuse. It is the perception and interpretation of the person who feels harassed that must be central to the consideration of any complaint.

Intentional Harassment is a criminal offence under the Criminal Justice and Public Order Act and all employees should be aware that whilst the Council has separate internal procedures, a person(s) who is subject to harassment might choose to raise a complaint with the police.

##### **SEXUAL HARRASSMENT**

Sexual harassment is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010 as is harassment of a sexual nature related to gender reassignment.

Sexual harassment is the unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work. This can include unwelcome physical,

verbal or non-verbal conduct. It can take the following forms: unnecessary body contact, displays of sexually offensive material, requests for sexual favours, threatened or actual sexual violence, any unwanted sexual advances, sexist jokes, banter, insults, taunts, gibes, literature, graffiti, shunning people because of their sex, making sexist insinuations, being condescending about dress or the way someone speaks etc.

## **RACIAL HARRASSMENT**

Racial harassment can either be blatant discrimination and/or harassment of an individual or it can be more subtle, which is equally distressing. As with sexual harassment, it can take the following forms: racist jokes, banter, insults, mimicry, taunts, gibes, literature, graffiti, deliberate exclusion from conversations, shunning people because of their race, colour, nationality or ethnic background, making racist insinuations, threatened or actual violence on racial grounds, being condescending about dress or the way someone speaks etc.

## **HARRASSMENT ON THE GROUNDS OF RELIGION/BELIEF AND SEXUAL ORIENTATION**

Under the Equality Act 2010, harassment on the grounds of religion or belief includes any religion. It also includes a lack of religion. Belief means any religious or philosophical belief or a lack of such belief.

Harassment can include subjecting another person to harassment on the grounds of their religion/belief or sexual orientation, when they engage in unwanted conduct which has the intention or effect of violating the dignity of that person or creating an environment which is intimidating, hostile, degrading, humiliating or offensive.

## **HARRASSMENT ON THE GROUNDS OF AGE**

Harassment on the basis of age may be about an individual's age or it may be about the age of those with whom the individual associates. It may not be targeted at an individual but consist of a general culture which, for instance, appears to tolerate the telling of ageist jokes. As with the above definition's harassment can take a number of forms, for example, inappropriate comments, offensive jokes, exclusion from informal groups such as social events or being discounted from development opportunities.

## **HARRASSMENT IN RELATION TO DISABILITY**

Harassment in relation to disability can include mimicking the effect of a disability or speech impairment, excluding, ostracising, freezing out, ignoring, use of inappropriate terms, inappropriate personal questions/comments about a disability, touching a visibly impaired person or using belittling or patronising comments or nicknames.

## **BULLYING**

Workplace bullying can be defined as: "Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient." (Source: ACAS website)

Bullying can occur at any level and is not confined to management or supervisory relationships. Generally, bullying takes the form of a pattern of behaviour rather than a single event. People who are bullied, may find that they are:

- Singled out for unfair treatment by a work colleague or superior
- Subjected to trivial fault finding
- Overruled, ignored, side-lined or isolated
- Criticised, degraded, ridiculed or patronised
- Threatened, blackmailed, shouted at and humiliated in front of others or in private
- Set unrealistic goals and unachievable deadlines
- Denied information or knowledge necessary for undertaking work
- Denied employee benefits such as leave
- Recipients of unpleasant or threatening calls or harassed with intimidating memos, notes or e-mails
- Denied trade union representation Although a less common occurrence, managers may find themselves bullied by subordinate staff who use the threat of higher powers or formal procedures to make unreasonable demands.

## **VICTIMISATION**

Victimisation is treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has made a complaint or giving him or her worse work.

## **FURTHER EXAMPLES**

One trivial incident will not constitute bullying or harassment, but a series of such incidents, particularly where an employee has expressed a dislike of such behaviour, or has asked for it to stop, will be considered bullying/harassment.

Harassment, bullying and victimisation can take any form, including physical actions, verbal put downs or electronic transmissions of words or material that cause offence. The following list is not exhaustive, but provides further examples of the type of behaviour that the Council considers unacceptable:

- Unlawful violence, eg. physical blows;
- Unnecessary and unwanted physical contact ranging from touching to serious assault;
- Indecent or sexual assault;
- Shouting and/or sarcasm;
- Personal insults and name calling;
- Public humiliation, derogatory or belittling remarks concerning job performance or personal attributes;
- Constant unfounded criticism of the performance of work tasks;

- Sexual innuendo;
- Unwelcome advances, attention, invitations or propositions;
- Unwelcome or lewd references to a person's physical features; figure or dress;
- Coercion including promises of rewards in exchange for sexual favours;
- Unwelcome discussion of the effects of a disability on an individual's personal life;
- Oral and written harassment (eg. via offensive letters, telephone or email) through jokes, racist remarks, taunts offensive language, gossip and slander, threats, derogatory name-calling or ridicule for physical or cultural difference, physical impairment, or religious belief;
- Suggestive and unwelcome comments or attitudes, insulting behaviour or obscene or offensive gestures;
- Intrusion of privacy, e.g. by pestering, spying, following and stalking;
- Removing areas of responsibility without good reason;
- Punishing with trivial tasks;
- Persistently ignoring or patronising a person;
- Setting an individual up for failure with impossible workloads and deadlines;
- Visual displays (hard copies or images on computer monitors) of posters, graffiti, emblems or other offensive material (such as pin-ups or degrading/indecent/pornographic material, racially offensive material);
- Isolation or non-co-operation at work, exclusion from social activities, staring and leering; and/or
- Electronic transmission of pornographic, racist, degrading or indecent material.
- The Council also prohibits the display of offensive material, e.g. pin ups and posters, and will if necessary, inspect work areas and remove the offending material.

## **EFFECTS OF BULLYING/HARASSMENT/VICTIMISATION/DISCRIMINATION**

It is important to know the effects of harassment and bullying since the conduct itself may well go unnoticed for some time. Many incidents will occur when no witnesses are present and recipients of such behaviour may not wish to inform anyone of the situation. Harassment and bullying may be very subtle and does not always leave visible scars.

Some of the indicators of potential harassment or bullying in the workplace are:

- poor or deteriorating morale or self-esteem;
- poor or deteriorating work performance;
- high labour turnover;
- high absence levels;
- apparent lack of commitment.

## 16. APPENDIX 2

### ESTABLISHING THE DIFFERENCE BETWEEN FIRM BUT FAIR MANAGEMENT OR BULLYING & HARASSMENT

Line managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of an employee's behaviour or job performance does not, therefore, constitute bullying or harassment.

It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although some staff may feel stressed or anxious while the procedures are ongoing. However, abuse of these procedures may constitute bullying or harassing behaviour.

The differences between a manager who is firm but fair and a manager who is bullying and harassing staff are often ambiguous. The department of work and pensions has developed a framework to make clear distinction between the two management styles:

<b>FIRM BUT FAIR MANAGEMENT</b>	<b>BULLYING &amp; HARASSMENT</b>
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Know their own mind and is clear about their own ideas, but willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believes they know best and not prepared to value or consider other people's opinions
Insists upon high standards of service in quality and behaviour in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived deterioration before forming a view or taking action and does not apportion blame on others when things go wrong	Loses temper, regularly degrades people in front of others, threatens official warnings without listening to explanations
Asks for people's views, listens and assimilates feedback	Tells people what is happening and does not listen

## 17. RAPID EQUALITY AND DIVERSITY IMPACT ASSESSMENT

<b>In which areas are there concerns that the POLICY could have a different impact (either positive or negative) on different groups?</b>	
Minority ethnic including Gypsy/travellers, refugees and asylum seekers	Negative
Disabled people	Negative
Older people	Negative
Children and young people Negative Lesbian, gay, bisexual and transgender people	Negative
Marriage and Civil Partnership status	Negative
Maternity status	No Impact
People of low income	Negative
People with learning disabilities	Negative
People with mental health problem	Negative
Homeless people	No Impact
People involved in criminal justice system	No Impact
Staff	Negative
Any other groups	No Impact
<b>Will the POLICY have any impact on the social environment? things that might be affected include:</b>	
Social status	No Impact
Employment (paid or unpaid)	Negative
Social family support	No Impact
Stress	No Impact
Income	No Impact
Any other areas	No Impact
<b>Will the POLICY have any impact on:</b>	
Discrimination	No Impact
Equality of opportunity	No Impact
Relations between groups	No Impact
Any other areas	No Impact
<b>Will the POLICY have an impact on the physical environment? for example, will there be impacts on:</b>	
Living conditions	No Impact
Working Conditions	Positive
Pollution or climate change	No impact
Accidental injuries or public safety	Positive
Transmission of infectious disease	No Impact
Any other areas	No Impact
<b>Will the POLICY affect access to and experience of services?</b>	
Health care	No Impact
Transport	No Impact
Social services	No Impact
Housing services	No Impact
Education	No Impact
Any other areas	No Impact
<b>Rapid Impact Assessment: Summary sheet Negative impacts:</b>	
Negative Impacts: Groups affected	

Action Plan	Not Required	
Will there be any negative impacts remaining after implementation of action plan?	N / A	
Summarize impact:	No impact if policy implemented correctly	
What is the likelihood of this occurring? (enter score from table)	0	What is the consequence of this occurring? (enter score from table) 0

**Risk Score:**

likelihood            consequence

$$0 \times 0 = 0$$

See Risk Assessment Policy for definitions	LIKELIHOOD					
	<b>Impossible 0</b>	<b>Rare 1</b>	<b>Unlikely 2</b>	<b>Moderate 3</b>	<b>Likely 4</b>	<b>Certain 5</b>
<b>CONSEQUENCES</b>						
Negligible - 0	0	0	0	0	0	0
Minor - 1	0	1	2	3	4	5
Moderate - 2	0	2	4	6	8	10
Serious - 3	0	3	6	9	12	15
Major - 4	0	4	8	12	16	20
Critical - 5	0	5	10	15	20	25