DIGNITY AT WORK POLICY

Purpose & Scope

Great Coates Village Council is committed to ensuring that all employees and councillors 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 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:

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

Objectives

The Council recognises its duty to ensure that all employees and councillors are aware of the importance of a bullying and 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. This policy should be read in conjunction with the Council's policies on Grievance and Disciplinary handling as well as the Code of Conduct for Councillors.

The Legal Position

Great Coates Village Council has a duty of care towards all their employees and a liability under the Employment Rights Act 1996, the Health and Safety at Work Act 1974 and the Harassment Act 1997. 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 can be considered unlawful discrimination

which could lead to an Employment Tribunal claim for discrimination against the employer, the council and the perpetrator(s) as individual named Respondents.

Definitions

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

Unacceptable behaviour
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. It may occur on or off work premises, during work hours or non-work time.

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 N.E.L.C as a contravention of the Member's Code of Conduct, which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice.

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 that their conduct is unacceptable, offensive or causing discomfort.

Formal Approach

Employees : 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 the Chair of the Personnel Committee. 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 : Any other party to the Council, other than an employee, who feels he or she is 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 N.E.L.C., as included in the Complaints Procedure. Once the matter is reported to the Monitoring Officer, the Village Council's formal role ceases.

Possible Outcomes

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 N.E.L.C. 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

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.

Responsibilities

Councillors and Council employees 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 then each individual can challenge the perpetrator and ask them to stop. The Council will undertake to ensure that its members and employees adhere to the processes required by this policy as deemed appropriate.