

Chetwynd Aston & Woodcote Parish Council

Dignity at Work Policy

Chetwynd Aston & Woodcote Parish Council 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.

Purpose and Scope

Chetwynd Aston & Woodcote Parish Council is committed to creating a working environment where all 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, Chetwynd Aston & Woodcote Parish Council 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.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees/councillors in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

This policy covers bullying and harassment of and by clerks and all employees engaged to work at Chetwynd Aston & Woodcote Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Chetwynd Aston & Woodcote Parish Council this should be raised to the Chairperson of the Council, in the first instance. Should the complaint be about the chairperson of the council the complaint should be raised to the vice-chair.

Complaints about a potential breach of the Code of Conduct shall be referred to that policy and other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

Our statement on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Chetwynd Aston & Woodcote Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

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 residents, 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 Protection from Harassment Act 1997 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.

Definitions of bullying and harassment

Bullying: Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

Harassment: Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic and behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

Examples of unacceptable behaviour are as follows (this list is not exhaustive):

- spreading malicious rumours,
- release of confidential information,
- 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, and
- preventing an individual's promotion or training opportunities.

Reporting your concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague): If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the chairperson/clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the chairperson/clerk/or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the chairperson/clerk/or a councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the clerk). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff/councillor
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator from another council) to facilitate a resolution of the problem. The chair (or clerk) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint via the steps set out in this procedure.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer.