

Totton & Eling Town Council

Dignity at Work Policy

January 2024

1. PURPOSE AND SCOPE

1.1 Statement

In support of the Council's value to respect others, Totton & Eling Town Council 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 it serves.

The Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Council's policies on Grievance and Disciplinary handling as well as the Code of Conduct for Councillors.

1.2 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.

These definitions are derived from the ACAS guidance on the topic. 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, turnover, damage to the Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

1.3 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 or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 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 the Standards for England, 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, sometimes available from the Council's insurer, if such a matter arises.

1.5 The Legal position

The Council has a duty of care towards all its employees and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.

Discrimination, bullying or harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation, are all considered unlawful under the Equality Act 2010.

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. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for unlawful discrimination.

2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

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 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.

2.2.2 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 New Forest District Council, as included in the Complaints Procedure. Once the matter is reported to the Monitoring Officer, the Town Council's formal role ceases.

2.3 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 Lewes District Council 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.

2.4 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.

3. RESPONSIBILITIES

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 then each individual can challenge the perpetrator and ask them to stop.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

This policy has been approved & authorised by:

Name: Susan Cutler

Position: Town Clerk & Chief Executive

Date: January 2024

Signature: