

MILTON PARISH COUNCIL

DIGNITY AT WORK POLICY AND PROCEDURE

Note: This policy should be used in conjunction with the Council's Disciplinary and Grievance procedures.

Milton Parish Council is an equal opportunities employer and as such is committed to eliminating harassment and bullying to create a productive environment where everyone is treated with respect.

Every employee should be aware that all forms of harassment are unacceptable and that everyone has a duty to behave in an acceptable and appropriate manner. Colleagues are required to set professional standards of behaviour and to take appropriate action with regards to other employees who exhibit unacceptable behaviour. This can range from seeking and giving informal advice and guidance to disciplinary action depending on the nature and seriousness of the problem.

MPC undertakes to treat reports of harassment with understanding and support in order that unacceptable behaviour and practices are brought into the open and eliminated. A level of confidentiality consistent with effective investigation and any subsequent action will be maintained by all those involved in any formal or informal procedure.

Allegations of harassment may be resolved through informal or formal procedures. Where an allegation can not be resolved informally, formal allegations can be pursued through a grievance or disciplinary investigation.

1. PURPOSE AND SCOPE

1.1 Statement: In support of our value to respect others Milton Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. 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. The council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors and members of the public.

1.2 Definitions

Bullying "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. This policy 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. These definitions are derived from the ACAS (Arbitration and Conciliation Service) 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 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, 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 Standard Board of 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: Councils have 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. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. 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 sexual, racial, disability or age 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 Chairman of the Staffing Committee or another member of that committee if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

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 raise their complaint with a councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure.

2.3 Grievance - Employees only – See Grievance Procedure

2.4 Disciplinary Action – see Disciplinary Procedure

2.5 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 Standards Board.

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 undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

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

Source: SLCC SC 15/11/10

Reviewed and Adopted by Council 6th December 2010