



## **BOROUGHBRIDGE TOWN COUNCIL**

### **DIGNITY AT WORK POLICY**

#### **1. PURPOSE AND SCOPE**

- 1.1 Statement:** In support of our value to respect others, Boroughbridge Town 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 Disciplinary and Grievance Policy.

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 (From ACAS website last updated by ACAS 09.01.2025)**

##### **Bullying:**

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

##### **Harassment:**

In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Harassment and **bullying** are often confused. Bullying behaviour can be harassment if it meets the definitions above.

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** or unacceptable behaviour are as follows: (this list is not exhaustive)

Examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media

Bullying can also happen from staff towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

**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 process, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned (NB the alternative arrangements post-Standards for England are yet to be determined). 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 Equality Act 2010 bullying or harassment may be considered unlawful discrimination and 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 create 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.

## **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:** 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 Mayor, Chair of the Finance and Human Resources Committee or another councillor 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 members 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 officials of a council should use the council's official Complaints Procedure.
- 2.3 Grievance - Employees only:** There will be an investigation of the fact following a written complaint being received and will be held under the provisions of the council's Grievance Procedure (See Boroughbridge Town Council's Grievance Policy Para. 5). This investigation will consider the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the Chair/Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectively and impartially. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal as established by statute. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the complainant.

The council will commit not to victimize the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

**2.4 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, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.

For **Members** who 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 more appropriate than a penalty. 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, a referral to the Standards Board (or equivalent) by the council and/or the aggrieved victim. 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) in the most extreme cases. This list is not exhaustive.

**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 process.

### **3. RESPONSIBILITIES**

All councillors and staff have a responsibility to ensure that their conduct towards others does not harass, 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 employees 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 each year (or as appropriate) and necessary amendments will be made by the Clerk and reported to the Full Council for approval.

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

### **4. USEFUL CONTACTS**

- ACAS [www.acas.org.uk](http://www.acas.org.uk) tel: 0845 7474747
- Standards for England [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk) or tel: 0845 078 8181
- Local Government Ombudsman for Wales [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) tel: 01656 641150

- Equalities and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- SLCC [www.slcc.co.uk](http://www.slcc.co.uk)