



Dignity at Work (Bullying and Harassment) Policy

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1. Introduction

1.1 Employees are Carn Brea Parish Council's most valuable and important resource, and the Council has a legal, moral and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

1.2 As well as considering the welfare of everybody, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. Physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join or remain with Carn Brea Parish Council).

1.3 Carn Brea Parish Council believes that all its employees have the right to be treated with dignity and respect and that harassment and bullying, which includes sexual harassment, is totally unacceptable. The Council will take appropriate action with any form of harassment or bullying. In line with the Council's Policies, this may include disciplinary action, up to and including dismissal

The Council has adopted the Civility and Respect Pledge, and members agree to abide by its principles.

1.4 Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.

1.5 Members, the Clerk and employees should read this procedure carefully to ensure that they maintain the standards required and understand the procedure to be adopted when problems arise.

1.6 Carn Brea Parish Council have carried out an assessment to assess the risk of sexual harassment (including third party sexual harassment) and other different forms of harassment occurring in our workforce, including in different roles, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed annually.

1.7 Carn Brea Parish Council will review this policy at least annually and monitor its effectiveness. This will include monitoring the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation the Council receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved, and workforce training is targeted where needed.

2. Purpose of this Policy

2.1 The primary aim of the policy is to prevent behaviour that could be constructed as harassment or bullying in the workplace but where this does occur, to ensure appropriate and effective action is taken to prevent recurrence.

2.2 The information given below shows how harassment and bullying can affect both individuals and the Council. The specific objectives of the policy are to ensure:

- that all of the Council's employees are treated with dignity and respect.
- all employees and members are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour.
- all employees and members understand that the behaviour that constitutes harassment or bullying is unacceptable and that appropriate measures, including disciplinary action may be taken.
- a culture in which individuals feel confident in bringing forward complaints of harassment and bullying without fear of victimisation.
- outline the options available for raising a concern about harassment or bullying.
- members and the Clerk are aware of the processes to be followed once a complaint is raised.
- all allegations of harassment or bullying are responded to in a timely manner, positively and in confidence.

3. Carn Brea Parish Council is committed to:

- recognising and valuing the contribution of employees as individuals and team members.
- ensuring effective and open lines of communication.
- treating everyone respectfully and fairly, regardless of professional discipline, age, disability, race, colour, religion or belief, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity, trade union membership or non-membership.
- zero tolerance to physical, emotional or verbal abuse, harassment or victimisation of any of its employees for any reason, whether from Councillors, colleagues, members of the public or contractors.

4. Scope

4.1 This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities, Diversity and Inclusion Policy, Disciplinary Policy and Procedures and Grievance Policy and Procedures.

4.2 The policy covers harassment and bullying by Officers and Councillors. It does not cover harassment and bullying from the public or contractors. However, the Council has a duty of care towards its employees and, in these cases, employees should report any such behaviour to the Clerk or Chairman of Staffing who will decide upon the appropriate action. The principles of this document apply to all employees', Councillors, volunteers, contractors and hirers of Treloweth Community Hall.

5. Definitions/Glossary

5.1 In all cases of harassment, bullying or victimisation, it will be for the recipient to define what constitutes inappropriate behaviour. The defining principle is whether the behaviour is unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subject to it.

Harassment

5.2 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim, which is important, not whether or not the perpetrator intended to harass them. Harassment of bullying is unacceptable even if it is unintentional.

Unlawful harassment may involve conduct:

- related to a protected characteristic of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation;
- of a sexual nature (sexual harassment); or
- of treating someone less favourably because they have submitted, or refused to submit to, sexual harassment or harassment related to sex or gender reassignment e.g. where a manager gives a junior employee a poor performance review because they rejected the manager's sexual advances.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include (this is not an exhaustive list), for example;

- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;
- disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;
- offensive emails, text messages or social media content; or
- mocking, mimicking or belittling a person's disability.

Sexual harassment does not need to be sexually motivated; it only needs to be sexual in nature and may include (this is a non-exhaustive list), for example;

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- intrusive questions about a person's private or sex life or a person discussing their own sex life; or
- sending sexually explicit emails or text messages or sexual posts/contact on social media.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment; or sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

Harassment/sexual harassment and victimisation are unlawful and will not be tolerated.

The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment. All employees are encouraged to report any harassment/sexual harassment or victimisation they are a victim of, or witness, in accordance with this policy. Harassment/sexual harassment or victimisation may lead to disciplinary action up to and including dismissal without notice if they are committed:

- a. In a work situation
- b. During any situation related to work, such as at a social event with colleagues.
- c. Against a colleague or other person connected to us outside of a work situation, including on social media.
- d. Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take. If any harassment/sexual harassment or victimisation of an employee occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further employee training and taking disciplinary action against the perpetrator.

Victimisation

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts;

- a. Bringing proceedings under the Equality Act 2010.
- b. Giving evidence or information in connection with proceedings under the Equality Act 2010.
- c. Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- d. Alleging that a person has contravened the Equality Act 2010.

Victimisation may include (this is a non-exhaustive list), for example;

- a. Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment/sexual harassment.
- b. Excluding someone because they have raised a grievance about harassment/sexual harassment.
- c. Failing to promote someone because they accompanied another employee to a grievance meeting.
- d. Dismissing someone because they gave evidence on behalf of another employee at an employment tribunal hearing.

What is third-party harassment?

Third-party harassment occurs where a person is harassed/sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, or unwelcome sexual advances, from a contractor, member of the public or supplier visiting the employee's premises, or where a person is visiting a contractor, member of the public or suppliers premises or other location in the course of their employment.

While an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third-parties. All employees are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy. Any harassment by an employee against a third-party may lead to disciplinary action leading up to and including dismissal.

The Council will take active steps to try to prevent third-party harassment of employees. Action may include:- providing regular training for line managers and employees to raise awareness of rights related to sexual harassment and of this policy; provide specific training for line managers to support them in dealing with complaints; take steps to minimise occasions where employees work alone; where possible ensure that lone workers have additional support; carry out a risk assessment when planning events attended by the public or contractors. If any third-party harassment of an employee occurs, the Council will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from the Council's premises, reporting any criminal acts to the police.

Workplace Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

5.3 Examples of Bullying and Harassing Behaviour

5.3.1 Bullying and harassment behaviours are not necessarily face to face. They may be written communications, electronic email and by telephone, including mobile texts and on-line social networking sites.

5.3.2 Harassment may be intentional or unintentional and may involve action/behaviour/verbal/non-verbal conflict, or physical conflict which is found objectionable or causes offence.

5.3.3 It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. Councillors.

5.3.4 Some further examples of unacceptable behaviour are given in Appendix 1.

5.4 Fair but firm management or bullying and harassment?

5.4.1 The difference between a manager who is firm but fair and a manager who is bullying and harassing employees' is often difficult to define.

5.4.2 As part of the everyday management process the Clerk is required to provide employees with feedback concerning their performance, e.g. conduct, punctuality etc. The Clerk is also responsible for workplace monitoring, this will involve visiting areas worked at. If any of these areas have been unsatisfactory the feedback may be critical of the worker concerned. If criticism is delivered in a constructive way it can be beneficial to the employee, providing them with the opportunity to reflect on their behaviour and make any necessary improvements. Destructive criticism on the other hand can have a detrimental effect.

5.4.3 Constructive criticism will focus on:

- actions and behaviour, focusing on what the employee has done or not done.
- facts, with specific examples of behaviour that has been inappropriate and an explanation of why it was not appropriate.
- future improvement, for example, requiring the employee to do something differently or make changes.

5.4.4 Destructive criticism may involve;

- aggressive behaviour, such as shouting/yelling.
- personal insults or put downs.
- allocating blame rather than responsibility.

6. Ownership and Responsibilities

6.1 Role of the Clerk

6.1.1 The Clerk has the responsibility to ensure that they set the standards that other employees should apply. Their role model behaviour is critically important.

6.1.2 It is the responsibility of the Clerk and Staffing Committee to be aware of any harassment, bullying or victimisation within the Council, to discourage it and seek to prevent it from taking place by:

- outlining and ensuring employees understand what behaviour constitutes harassment and bullying and that such behaviour is unacceptable.
- making it clear that harassment, bullying or victimisation may be treated as a disciplinary matter.
- Ensuring employees and Individuals who work at Carn Brea Parish Council are protected from abuse and treated with dignity and respect.
- publicly promoting this policy.
- ensuring potentially offensive material is not displayed or circulated in the workplace.
- ensuring they understand the procedures to be adopted when concerns are raised.
- taking prompt action to stop any form of harassment, bullying or victimisation as soon as it is identified.
- where offensive behaviour or comments/discussions are taking place, bringing this to the attention of the individual concerned, advising them to stop immediately.
- being supportive of individuals who state they have been harassed, bullied or victimised and taking full account of their feelings and perception of the situation.
- ensuring they fully understand this policy and are able to offer advice on the procedural guidance when required to do so.
- maintaining confidentiality relating to all aspects of cases of harassment, bullying or victimisation at all times and not mention or discuss the case with any person not involved in the resolution/investigation.
- ensuring that the Staffing Committee is kept up to date with matters concerning Harassment, Bullying and Victimisation complaints.

6.2 Role of Carn Brea Parish Council Employees, Councillors, Volunteers and Contractors

6.2.1 All Carn Brea Parish Council employees, Councillors, volunteers and contractors working on Council premises:

- have a personal responsibility for their own behaviour and to set a positive example by treating others with respect at all times and ensuring that they comply with this policy.
- must ensure that they do not harass, bully, victimise or contribute to the harassment of a colleague or colleagues, or condone harassment of a colleague or colleagues, or condone harassment or victimisation by others.
- found to be responsible for harassment can also be held personally liable and may be deemed to have committed a criminal act and be liable for prosecution.
- who feel that they have been harassed, bullied or victimised should, in the first instance (and only if they feel able to), tell the alleged harasser or bully that their behaviour is not welcome and ask that it stops.
- are encouraged to report any cases of harassment, bullying or victimisation they witness. In the first instance, this should be to the Clerk, or in the case of a complaint against the Clerk, the matter should be raised with the Chairman of the Staffing Committee.
- are expected to provide sympathetic support to a colleague who experiences harassment, bullying or victimisation in the workplace.

6.2.2 Any employee found to be responsible for inciting, perpetrating or condoning harassment, bullying or victimisation may face disciplinary action up to and including dismissal.

6.2.3 Councillors / volunteers found to be responsible for inciting, perpetrating or condoning harassment, bullying or victimisation may be referred to the monitoring officer.

6.2.4 Any contractor working on Council Premises or on behalf of the Council who is found to be responsible for inciting, perpetrating or condoning harassment, bullying or victimisation will be reported to an appropriate person within their organisation.

6.3 Role of the Staffing Committee

The Staffing Committee have a responsibility to ensure that this policy and guidance is followed fairly and consistently. Their duties will involve:

- advising the Clerk on the application of the policy.
- advising the Clerk and employees where individuals feel that they are being harassed, bullied or victimised in the course of their employment.
- ensuring the effective implementation of the policy.

6.4 Role of Councillors and Employees

Councillors and employees will have the following responsibility:

- compliance with the Policy; and
- treating everyone with dignity and respect.

7. Standards and Practice

7.1 Procedure for Handling Allegations of Harassment, Workplace Bullying or Victimisation

7.1.1 Any actions, which can be described or construed as harassment, workplace bullying or victimisation, will be thoroughly investigated and may be treated as a disciplinary matter by the Council. All complaints must be taken seriously, in a non-judgemental manner and dealt with promptly.

7.1.2 The Council will not tolerate victimisation as a result of reporting incidents of harassment and bullying. If an employee feels that they are being victimised, then every possible support will be given. All matters will be treated in the strictest confidence to ensure the dignity of the person(s) concerned.

7.1.3 Those found to be responsible for harassment can also be held personally liable and may be deemed to have committed a criminal act and be liable for prosecution.

7.1.4 If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

7.2 Informal Resolution Procedure

7.2.1 Even with promoting a culture of civility and dignity within the Council there may be the rare occasion where a situation occurs resulting in upset through another employee's inappropriate behaviour.

7.2.2 If you decide to take the matter further, you may feel able to discuss the issue directly with the person who has caused you concern by giving examples and explaining why their behaviour has been unacceptable; and that you would like it to stop. Alternatively, you may prefer to write to the person (keeping a dated copy of the letter) or ask a colleague or trade union representative to speak to the individual causing concern.

7.2.3 This may often be sufficient to prevent further upset, harassment, bullying or victimisation, particularly if the other employee is unaware that they have been causing offence by their actions.

7.2.4 This action should be taken as soon as the incident or episodes of incidents become apparent. Any information or action taken to prevent further harassment, bullying or victimisation should be recorded with a note of the date and what was said by all of those involved in case this is needed as evidence should the harassment, bullying or victimisation continue or recur.

7.3 Formal Resolution

7.3.1 You may decide it is necessary to raise a formal complaint. This may be for the following reasons:

- the conduct continues after a direct information approach has been made to the alleged harasser.
- retaliatory behaviour is experienced.
- you feel too frightened to approach the alleged harasser with or without the help of others.

7.3.2 In this case you will need to put your complaint in writing to the Clerk (or in the case of the Clerk to the Chairman of the Staffing Committee), within **ten working days** of the alleged incident or event, giving details of the specific actions/incidents about which, you are complaining.

7.3.3 Once you have done this, the matter will be investigated under the Council's Grievance Procedure.

7.3.4 The Clerk (or in the case of the Clerk, members of the Staffing Committee) will discuss your complaint with you and the employee should be informed of the decision and if appropriate any action taken.

7.3.5 In accordance with Carn Brea Parish Council's Grievance Procedure you will be invited to attend a Grievance Hearing. The panel of Councillors appointed to hear your grievance may make arrangements for further investigations to be carried out and the hearing will be reconvened following further investigation. A formal response will be issued to you with the outcome of the hearing

7.3.6 Decisions will be made after the hearing about the appropriate actions to be taken. These could include taking disciplinary action against the bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; or taking no further action.

7.3.7 It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel. Nor do you have the right to raise a grievance about any decision affecting the harasser/bully following a disciplinary hearing or investigation.

7.4 Employee Support

7.4.1 Employees who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Council's Disciplinary Procedure.

7.4.2 Being involved in dealing with harassment, bullying and victimisation can be difficult for all parties concerned. It is important that all parties are offered support, including the staff member accused of the inappropriate behaviour. This could include the support of a colleague, trade union/professional body representative and Occupational Health.

Support and guidance can also be obtained from the following external services:

- a. The Equality Advisory & Support Service (www.equalityadvisoryservice.com)
- b. Protect (www.protect-advice.org.uk)
- c. Victim Support (www.victimsupport.org.uk)
- d. Rights of Women (England and Wales) (www.rightsofwomen.org.uk)

7.5 Confidentiality

7.5.1 Claims of harassment and bullying will always be treated seriously and be dealt with in utmost confidence, with information being shared on a need-to-know basis to enable investigation to be undertaken and resolution to be achieved.

7.5.2 Confidentiality is vitally important to provide parties concerned with a degree of security and to ensure that all procedural aspects are dealt with sympathetically, impartially and objectively. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

7.6 Complaint About Other Parties

7.6.1 If the matter involves a complaint against the Clerk, you should inform the Chairman of the Staffing Committee, or in their absence, the Vice Chairman of the Staffing Committee, who will determine the most appropriate means of dealing with the complaint. Whoever receives the complaint will report to the Staffing Committee as a matter of urgency in line with the Grievance Policy.

7.6.2 If the matter involves a complaint in relation to a Councillor's conduct, you should inform the Clerk, and consideration will be given regarding the need to consult the Monitoring Officer to establish the most appropriate way to deal with the matter.

7.7 Malicious/Unfounded Complaints

7.7.1 This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However, making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

Appendix 1. Examples of Unacceptable Behaviour

Examples of unacceptable behaviour that can be considered to constitute bullying or harassment (this list is illustrative not exhaustive):

- spreading malicious rumours, or insulting someone by work or behaviour;
- bullying by exclusion – this may take the form of social isolation and/or exclusion from meetings;
- the deliberate withholding of information or resources with the intention of affecting colleague's performance;
- unfair and / or destructive criticism;
- intimidating behaviour e.g. unwanted physical contact, physical threats or abusive gestures;
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions based on sexual advances being accepted or rejected;
- verbal abuse e.g. propositions or remarks, innuendos, jokes, lewd comments or abusive language or spreading of unfounded rumours;
- dehumanisation or ridicule;
- setting unrealistic deadlines;
- deliberately setting someone up to fail a task that is beyond their remit or capability;
- deliberately undermining a competent worker through work overload and constant criticism;
- criticism in public;
- copying of emails that are critical about someone to others that do not need to know;
- victimisation because of religion;
- victimisation because of sexual orientation;
- behaviour – inappropriate jokes and/or comments;
- inappropriate comments on social networking sites.