



Carn Brea Parish Council

Dignity at Work (Bullying and Harassment) Policy

Reviewed by the Staffing Committee on:
Approved by Full Council on:
Minute Number:

4th March 2021
18th March 2021
21/03/13

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 its employees, 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 is totally unacceptable. The Council will deal effectively with any form of harassment or bullying and take appropriate any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.
- 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.

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.
 - ensure all employees and members are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour.
 - ensure all employees and members understand the behaviour that constitutes harassment or bullying is unacceptable and that appropriate measures, including disciplinary action may be taken.

- promote 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
- ensure members and the Clerk are aware of the processes to be followed once a complaint is raised
- ensure all allegations of harassment or bullying are responded to quickly, positively and in confidence.

3 Carn Brea Parish Council is committed to:

- recognising and valuing the contribution of staff 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 staff for any reason, whether from Councillors, colleagues, members of the public or contractors
- supporting staff in balancing work and home commitments.

4. Scope

- 4.1 This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities 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 staff, 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 The Advisory, Conciliation and Arbitration Service (ACAS) offer some definitions for clarification:

5.2.1 Harassment as defined in the Equality Act 2010 is:-

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

In general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Workplace Bullying

5.2.2 Definitions of bullying are given in this policy, but harassment and bullying are closely linked.

5.2.3 Workplace Bullying – may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying at work involves repeated negative actions and practices that are directed at one or more workers. The behaviours are unwelcome to the recipient and undertaken in circumstances where recipients have difficulty in defending themselves. The behaviours may be carried out as a deliberate act or unconsciously.

Victimisation

5.2.4 Victimisation – is where a person is treated less favourably than others because they have either given evidence or brought a complaint of bullying, harassment or discrimination. Victimisation is unlawful and will not be tolerated.

5.2.5 Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as a result. Carn Brea Parish Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

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 staff is often difficult to define. A framework which illustrates the distinctions between the two styles is given in Appendix 2.
- 5.4.2 As part of the everyday management process the Clerk is required to provide staff 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 member of staff, 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 staff 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 staff understand what behaviour constitutes harassment and bullying and that such behaviour is unacceptable
- making it clear that harassment, bullying or victimisation will be treated as a disciplinary matter
- ensuring staff 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, volunteers and contractors

All Carn Brea Parish Council employees, 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 inciting, perpetrating or condoning harassment, bullying or victimisation may face disciplinary action up to and including dismissal
- 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 he/she feels able), 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 should this be inappropriate to the Chairman of the Staffing Committee
- are expected to provide sympathetic support to a colleague who experiences harassment, bullying or victimisation in the workplace.

6.3 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 staff 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

Councillors will have the following responsibility:

- compliance with the Policy; and
- Treating employees 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 a member of staff 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 member of staff'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 member of staff is unaware that he/she has been causing offence by his or her 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 find it 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 Staffing Committee), 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 If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Clerk (or in the case of the Clerk members of the Staffing Committee), will thoroughly investigate the complaint in accordance with the Grievance Procedure.
- 7.3.6 In accordance with Carn Brea Parish Council's Grievance Procedure you will be invited to attend a Grievance Hearing. You will be given written notification of the outcome of this hearing and will have the right to appeal.
- 7.3.7 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.
- 7.3.8 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 Staff Support

7.4.1 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.

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 Council or the Chairman of the Staffing Committee who will determine the most appropriate means of dealing with the complaint.

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. Following investigation, a report will be submitted to the Staffing Committee.

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;
- humanisation 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 memos 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.

Appendix 2.

Examples of firm but fair management versus bullying/harassment behaviours.

Firm but fair behaviour	Bullying and Harassment behaviour
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their ideas but is willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believes they know best and is not prepared to value other people opinions
Insists on high standards of quality of work and of behaviours of the team	Insists upon high standards of quality of work and of behaviours of team but blames others if things go wrong
Will discuss in private any perceived concerns before forming views of taking action and does not apportion blame on others when things go wrong	Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening and does not listen
Treats staff with dignity and respect at all times	

This list is illustrative not exhaustive.