

RETTENDON PARISH COUNCIL



BULLYING AND HARASSMENT POLICY

(to be used in conjunction with RPC Disciplinary and Grievance Procedures)

Rettendon Parish Council's Bullying and Harassment Policy is committed to the elimination of any form of bullying, harassment or intimidation in the workplace.

1. 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

Harassment is unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality or ethnic origin.

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 are not necessarily face to face, they may show themselves in some of the following ways. (the list is not exhaustive.)

- physical contact,
- written communications,
- e-mail,
- jokes,
- offensive language,
- suggestive remarks.

It may occur on or off work premises, during work hours or non-work time.

It may be directed at an individual or group, and it can be difficult to recognise, insidious or unintentional.

Bullying and harassment in the workplace can lead to (the list is not exhaustive):

- poor morale,
- poor employee relations
- loss of respect,
- poor performance,
- lost productivity,
- absence,
- resignations,
- damage to the council's reputation,
- employment tribunal or other court cases and payment of unlimited compensation.

Unacceptable behaviour

Examples of unacceptable behaviour are as follows (this list is not exhaustive):

- spreading malicious rumours or gossip,
- insulting someone (particularly on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality or ethnic origin),
- ridiculing or demeaning,
- exclusion or victimisation,
- unfair treatment,
- coercion,
- threatening behaviour,
- criticism, without substance,
- belittling,
- unwelcome sexual advances,
- making threats or comments about job security without foundation,
- undermining a competent employee
- preventing an individual's progression by intentionally blocking promotion or training.

2. Penalties

Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level.

It may result in dismissal for employees or referral to Chelmsford City Council's (CCC) Monitoring Officer as a contravention of the Member's Code of Conduct for Councillors, which may result in penalties against the Councillor concerned. In extreme cases, harassment can constitute a criminal offence and RPC will take appropriate legal advice, if such a matter arises.

3. The Legal position

RPC has a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996, and Health and Safety at Work Act 1974. Under the Equality Act 2010, bullying or harassment may be considered unlawful discrimination. 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.

4. Process for Dealing with Complaints of Bullying and Harassment

Informal discussion

Anyone who feels he or she is being bullied or harassed should try to resolve the problem informally, if possible. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

Formal discussion

Employees

Where an employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally with the HR Committee, RPC Chairman or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal RPC Grievance Procedure to be invoked.

Councillors

Any councillor who feels he or she is being bullied or harassed should raise their complaint with the Clerk, Chairman or another Councillor, where possible. The complaint will then be investigated and a hearing held to discuss the facts and recommend a way forward. If after the hearing, RPC have not been able to eliminating the problem, where a councillor as been directly involved in bullying or harassment, the Monitoring Officer at CCC will be contacted.

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 and would normally be treated as Gross Misconduct.

For Councillors 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. The range of disciplinary sanctions available to the council, where a councillor 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 CCC Monitoring Officer by the council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/councillor will not be tolerated and will be dealt with as a serious misconduct under the Disciplinary Procedure and/or a referral to the CCC Monitoring Officer.

5. Responsibilities

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

Adopted by Rettendon Parish Council at the full Council meeting held on 24th April 2018.

Minute No. 281-17/18

Signed _____

CLlr Mark Fleming, Chairman