

# Wendover Parish Council

## DIGNITY AT WORK

### A POLICY TO ADDRESS HARASSMENT OR BULLYING BEHAVIOUR IN THE WORKPLACE

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## **1. Introduction**

1. The Wendover Parish Council is striving to be an equal opportunity employer and, as such, opposes all forms of unlawful and unfair discrimination. We believe that all people have the right to be treated with dignity and respect.
2. The council is aware that harassment in its many forms has a detrimental and negative effect on individuals and therefore operational efficiency. By putting our equal opportunities policy into practice, the council has resolved to create a working environment that supports the dignity of women and men at work and is free from harassment, intimidation, bullying and victimisation.
3. Where a complaint is made by a member of the public against an employee, the council's Corporate Complaints Procedure should be used.
4. All employees have a clear role to play in helping to create a climate at work in which harassment or bullying behaviour is unacceptable. In particular, employees should be aware of their own conduct, avoid colluding with inappropriate behaviour and cooperate fully in any complaints procedure. Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.
5. This policy will be communicated to employees.

## **2. Aims and objectives**

- 2.1. The primary aim of this policy is to prevent behaviour that could be construed as harassment or bullying in the workplace. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.
- 2.2. The specific objectives of this policy are to:
- Ensure that all employees are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour;
  - Ensure that all employees understand that behaviour that may constitute harassment or bullying is unacceptable and that appropriate measures, including disciplinary action, may be taken;
  - Promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation;
  - Ensure that all allegations of harassment or bullying are responded to quickly, positively and in confidence;
  - Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved.

### **3. What is harassment at work?**

- 3.1. Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 3.2. Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some employees may cause embarrassment, distress or anxiety to others. It is recognised, therefore, that harassment or bullying relates essentially to the perceptions and feelings of the recipient.
- 3.3. This policy deals with situations where employees are being harassed or bullied by colleagues, subordinates, managers or supervisors. Customers, clients and contractors may be involved, either as harassers or recipients and others who are present can sometimes be affected as adversely as those directly involved.
- 3.4. There may be occasions where the council employees are working alongside employees of other authorities or agencies where an issue of harassment or bullying may arise. In such circumstances, the complaint should be handled jointly by the council and partner agency, taking account of the respective policy arrangements.
- 3.5. Harassment on the grounds of gender, race, disability, sexuality, age or religion or belief is unlawful and will not be tolerated in any form.
- 3.6. A racist incident is any incident which is perceived to be racist by the victim or any other person.
- 3.7. Any attention by an employee towards another employee, or group of employees, which is offensive to the recipient and creates an intimidating, hostile or offensive work environment for one or more employees is unacceptable. Harassment also includes the display of material that is offensive to employees in the workplace.

3.8. Whilst harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment under this policy.

3.9. Harassment can take many forms, an illustration of which is below and may include:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
- verbal conduct such as sexist, racist and homophobic comments or innuendo; derogatory remarks about disability or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language;
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
- display, storage or circulation of offensive material (including information held on computer);
- conduct that denigrates, threatens, ridicules, intimidates or abuses, undermines or undervalues an individual because of characteristics such as gender, sexuality, disability, race, age or religion or belief including derogatory or degrading remarks or insults or offensive comments about appearance or dress;
- unwanted sexual attention or advances;
- suggestions that sexual favours may result in career advancement or some other employment benefit (or that refusal of such suggestions may result in some form of detriment);
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on characteristics such as age, culture, disability, ethnic origin, gender, race, religion or sexuality.

This is by no means an exhaustive list and harassment may come in another form not shown here.

3.10. The essential characteristics of harassment are that it is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct that distinguishes harassment from behaviour between employees that is welcome, mutual and appropriate in a working environment.

#### **4. What is bullying at work?**

- 4.1 Although harassment is often related to matters such as race, gender, disability, sexuality, age or religion or belief it is apparent that a more general form of harassment may take place that is not based on any one clearly identifiable aspect of the person concerned. This form of harassment may be described as bullying or aggressive or intimidatory behaviour by one person towards another.
- 4.2 Bullying is increasingly recognised as a serious management issue and is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it.
- 4.3 Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour or unfair use of sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self confidence. It can manifest itself in many other conditions such as nervousness, stress, poor work performance, absenteeism etc.
- 4.4 Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.
- 4.5 At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure. Examples of bullying covered by this Policy could include:
- persistently criticising unnecessarily;
  - shouting at colleagues in public or private;
  - deliberate isolation by ignoring or excluding a person;
  - withholding information or removing areas of responsibility without justification;
  - spreading malicious rumours;
  - making inappropriate personal comments;
  - blocking leave or training applications without reason;

- setting objectives with impossible deadlines with the deliberate
- intention of undermining an individual;
- deliberate misrepresentation of the views of senior management;
- undermining a person's self respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans.

4.6 Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument of itself may not constitute bullying.

4.7 It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

## 5 The legal position

- 5.1 Behaviour that can be construed as harassment, bullying and/or victimisation, and the failure to deal with such incidents or allegations, may expose the council and individual employees to a number of legal consequences.
- 5.2 Harassment based on race, gender, sexuality, disability, age and religion or belief are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Employment Equality (Sexual Orientation) Regulations 2003, the Disability Discrimination Act 1995, the Employment Equality (Age) Regulations 2006, the Employment Equality (Religion or Belief) Regulations 2003 , *the Human Rights Act 1998*, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or Equal Opportunities Codes of Practice.
- 5.3 Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.
- 5.4 Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability, age or religion or belief may have direct recourse to the law through an Employment Tribunal. Whilst other forms of harassment may not be in breach of the law, they may contravene Council policy and as such are unacceptable.
- 5.5 Any legal claims against the Authority for bullying would be concerned with breach of contract and unfair dismissal. That is, that the failure by an employer to deal with bullying related issues may result in a fundamental breach of one of the following implied terms: -
- To keep employees safe from harm;
  - To support and assist;
  - Trust and confidence.