

DIGNITY AT WORK POLICY

1. Introduction

- 1.1 Crowborough Town Council believes that civility and respect are important in the working environment, and expect all councillors, officers, and the public to be polite and courteous when working for, and with the council.
- 1.2 Crowborough Town Council is committed to creating a working environment where all council employees, councillors', contractors, and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.
- 1.3 In support of this objective the Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word.
- 1.4 Following changes to the Sex Discrimination Act in April 2008, the council is duty bound to protect its employees from sexual harassment. Employees will be entitled to claim damages if the council fails to take reasonable steps to protect them after being made aware of any incidents.
- 1.5 The council has a duty of care towards all staff and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.
- 1.6 It is noted that the management of a situation may differ depending on who the allegations relate to e.g employees, contractor, councillors, however, the council will take appropriate action if any of its' employees are bullied and harassed by employees, councillors, members of the public, suppliers of contractors.

2. The position on harassment and bullying

- 2.1 All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Crowborough Town Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.
- 2.2 We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, the civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council. We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

2.3 Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. The Council's grievance policy sets out the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

2.4 False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

3. Definition of harassment or bullying

3.1 Harassment - Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic. Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic.

3.2 Bullying - Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

4. What type of treatment amounts to harassment or bullying?

4.1 'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work

- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend.

We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

- 4.2 It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

In cases of both harassment and bullying, it should be noted that it is the impact of the behaviour or conduct on the recipient that is most relevant and not necessarily the motive or intent behind it.

5. Victimisation

- 5.1 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

- 5.2 Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

6. Initial reporting procedure

6.1 In the first instance, all incidents must be reported to the staff member's line manager. In the case of the Clerk, all incidents must be reported to the chair of the Personnel committee. A comprehensive note of the incident must be made. Details should include:

- date
- time
- type of incident
- details of incident
- if known, the name of the person accused of harassment and/or bullying (and if that person is not a staff member or Councillor, their home address if known)
- the names of any witnesses to the incident (and if witnesses are not staff members or Councillors, their home address if known)

6.2 If the incident relates to correspondence received, either written or electronic (i.e. SMS text messages, direct social media messages or email), the correspondence should be retained as evidence and no response should be made.

6.3 If the incident relates to a telephone call which is recorded, or where a message has been left on an answering service, the message or recording should be retained as evidence and no response should be made.

6.4 If the incident relates to cyber-stalking or social media, screen shots should be retained as evidence and no response should be made.

6.5 Upon receipt of a reported incident, the Town Clerk must determine if the incident is severe enough to report to the police. In the case of physical assaults or violence, all incidents will be reported to the police.

7. Complaints procedure for harassment or bullying

7.1 If a staff member encounters bullying or harassment by another staff member or by a member of the Council, it is vital that they make the person responsible aware that their remarks or conduct are offensive to them. This should be done in a simple, straightforward way.

7.2 Staff members wishing to address this kind of behaviour may seek advice from the Town Clerk, in the first instance, or Chair of the Personnel Committee on how to address the matter. If appropriate an informal meeting with both parties may be held by the Town Clerk in order to address the matter in a conciliatory and constructive manner. Both parties need to agree to this approach.

7.3 If the informal approach fails or if the staff member believes that the harassment or bullying is of a very serious nature, they must bring the matter to the attention of the Clerk, in the first instance,

or the Chair of the Personnel Committee via a written formal complaint, including information referred to in clauses 6.2-6.5

7.4 The council will balance carefully the need for confidentiality to be maintained at all times by all parties involved in the investigation, with the need to investigate the complaint fully and consider the response of the person(s) alleged to have carried out the harassment or bullying.

7.5 If a staff member makes a formal complaint, it will be dealt with under the council's grievance policy and if appropriate the council will take action to separate the victim from the alleged harasser or bully.

7.6 If an investigation resulting from a formal grievance shows that there are sufficient grounds for a complaint of harassment or bullying against one or more staff members, the matter will be dealt with under the council's disciplinary policy. Staff members should be aware that harassment or bullying in breach of this policy can amount to gross misconduct.

7.7 If a staff member brings a complaint of harassment or bullying, they will not be victimised for having brought the complaint. However, if after a full investigation, the council has grounds to believe that the complaint was brought by a staff member with malicious intent, or is deemed vexatious in nature, they may be subject to disciplinary action under the council's disciplinary policy and procedure.

7.8 Staff members have the right to appeal any decision made as a result of a grievance raised, or resulting from disciplinary action and should refer to these specific policies for more details about the relevant appeal process.

8. Action resulting from a complaint of bullying and harassment

8.1 If the Town Clerk considers an incident serious enough to report to the police, the council will take advice from the police with regard to any appropriate sanction, excluding any sanction related to internal disciplinary action.

8.2 Any incidence of bullying and / or harassment should be reported to the Personnel committee either by the Town Clerk.

8.3 If it is determined that a member of the public has bullied or harassed a staff member, the council reserves the right to impose sanctions against that member of the public, including:

- Blocking the member of the public's email address and accepting no further emails
- Reporting emails to the member of the public's Internet Service Provider
- Banning the member of the public from the Council offices or other Council owned buildings

8.4 The Council considers bullying and harassment of staff members by councillors unacceptable. If a complaint is made and a grievance regarding bullying or harassment by a councillor is upheld, this will be reported to the monitoring officer.