



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Dignity at Work Policy
Adopted by Hale Parish Council
on 10th February 2021

Introduction

Dignity at work is about individuals feeling respected, valued, included and able to contribute fully in a positive environment free from bullying and harassment.

The Equality Act 2010 took effect on 1 October 2010 and replaces the previous anti-discrimination legislation, simplifying the law and removing inconsistencies. It is understood this simplification makes it easier for people to understand and comply with the law, whilst strengthening the enforceability of law in order to help tackle discrimination and inequality.

This Policy sets out the Council's aim to be an environment where everyone is treated with dignity and respect, equality is promoted, and diversity is valued. The policy also outlines the rights and responsibilities associated with this commitment.

A positive working and learning environment which supports dignity at work is vital to the success of the Council. Dignity and respect should underpin day-to-day behaviours, and the rights and responsibilities under this policy apply to all Councillors, employees and volunteers.

Such rights include, but are not limited to:

- Being treated with dignity and respect.
- Working and learning in an environment free from discrimination, bullying and harassment.
- Being valued for skills, abilities and contribution.

Such responsibilities include, but are not limited to:

- Behaving in an appropriate manner, and in ways that are not derogatory to others.
- Playing a part in ensuring the creation of a positive working environment that is tolerant and supportive through treating each others with dignity and respect.
- Tactfully challenging inappropriate behaviour with confidence.
- Adhering to this policy so that these rights and responsibilities are mainstreamed into the core of Council business.

The following are features of a respectful working environment:

- All employees, Councillors and volunteers are respected and treated politely and with courtesy.
- The views of all employees, Councillors and volunteers will actively be sought, where appropriate, in order to contribute to the development and / or improvement of Services.
- A collaborative atmosphere is promoted and championed.
- An ethos of 'distributed', or shared leadership which enables people to feel safe to take on roles and responsibilities without undue scrutiny or micro-management, develop their skills, support colleagues, take forward initiatives.

Positive outcomes from the above features would be that employees, Councillors, and volunteers:

- Can actively contribute and see that their efforts make a difference.
- Feel a sense of engagement; people are motivated and they have a sense of belonging to and a pride in the Council.
- Feel they are trusted to take responsibility, where appropriate, to act independently within their remit.
- There is a sense of having a meaningful role within the organisation.

Bullying, Harassment and Intimidation

In Support of our value to respect others, the Council will not tolerate bullying or harassment by, or of, any of their employees, officials, Councillors, contractors, visitors, volunteers, or members of the public.

The Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment.

This policy should be read in conjunction with the Council's Grievance and Disciplinary Procedures.

The Council will issue this policy to all employees as part of their induction and to all Councillors as part of their welcome pack. The Council may also wish to share this policy with contractors, volunteers, visitors and members of the public.

Legal Position

The Council recognise that an employment tribunal can increase the compensatory award of an employee by up to 25% if the employer has not followed the ACAS Code of Practice.

The Council recognise that some forms of behaviour may be serious enough to constitute a criminal offence.

The Council will adhere at all times to the ACAS Code of Practice.

ACAS states "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."

ACAS states "Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

This Policy covers, but is not limited to, harassment on the grounds of:

- Sex
- Marriage & civil partnership
- Sexual orientation
- Race
- Colour

- Nationality
- Ethnic origin
- Religion
- Belief
- Disability
- Age

ACAS states “bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, and a lack of respect for others”. Bullying, harassment and intimidation can damage the Council’s reputation and ultimately lead to an Employment Tribunal, or other court cases, and payment of unlimited compensation.

Examples of unacceptable behaviour include, but are not limited to:

- Aggressive or abusive behaviour
- Spreading malicious rumours
- Insulting or humiliating someone
- Ridiculing, degrading or demeaning someone
- Exclusion, victimisation, or non-cooperation
- Unfair treatment
- Persistent and unreasonable criticism
- Creating an offensive environment
- Threatening behaviour
- Offensive comments
- Overbearing supervision, or other misuse of position or power
- Unwelcome sexual advances, physical contact or stalking
- Making threats about job security
- Unreasonable demands and impossible targets
- Deliberately undermining a competent worker by overloading work and/or constant criticism
- Coercion, such as pressure to subscribe to a particular political belief
- Preventing an individual’s promotion or training opportunities
- Any behaviour which an individual or group knows could have the potential effect of offending, humiliating, intimidating or isolating an individual or group.

Examples of where Bullying and Harassment may occur:

Face-to-face, in meetings, through written communication, over a telephone, or through automatic supervision methods. It may occur on or off work premises, during work hours, or non-work time.

Consequences of Bullying and Harassment

Bullying and harassment are considered examples of misconduct which will be dealt with through the Council’s Disciplinary Procedure for employees, or through referral to the Monitoring Officer as a contravention of the Member’s Code of Conduct which may result in penalties against the member.

In extreme cases, harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council’s insurer, if such a matter arises.

Duty of Care

The Council has a duty of care towards all their workers and liability under Common Law arising out of the Employment Rights Act 1996 (updated 2008 (ch24)) and the Health and Safety at Work Act 1974 (updated 2005 part 4 s27)).

Under the following laws bullying or harassment may be considered unlawful discrimination:

- Sex Discrimination Act 1975 (Amended 1986)
- Race Relations Act 1976 (Amended 2000) - now encompassed in Equality Act 2010
- Disability Discrimination Act 1995
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sex Discrimination) 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2010 – which fundamentally replaces the anti-discrimination legislation.

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. Furthermore, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

Implementation

The Council will adhere to the following approach if a matter is reported informally:

Anyone, be it an employee, contractor, member or visitor, who feels he or she is being bullied, harassed, intimidated or victimised may try to resolve the problem informally in the first instance.

It may be sufficient to explain to the person(s) involved in the unwanted behaviour, that their conduct is unacceptable, offensive or causing discomfort.

The Council will adhere to the following approach if the matter is reported formally or an informal approach is inconclusive:

- i) Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially in line with the Grievance Procedure. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked.
- ii) Any complaint about the harassment or bullying by an employee can be raised confidentially in line with the Disciplinary Procedure.
- iii) Where any other party to the council, other than an employee, who feels he or she is being bullied or harassed by a Councillor, should raise their complaint to the Proper Officer where possible, or the Monitoring Officer. If an informal notification to a member has been unsuccessful at eliminating the problem, or where a member is directly involved in the bullying or harassment and an informal approach is not appropriate, the complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward.
- iv) Where a member of the public feels s/he has been bullied or harassed by any members or officers of the Council, the matter should be reported via the Complaints Procedure.

False or Malicious Allegations

Any false or malicious allegations of harassment or bullying, which damage the reputation of an employee or Councillor, will not be tolerated and will be dealt with as under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

Responsibilities

All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully, or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual may challenge the perpetrator and ask them to stop.

This policy is to be reviewed annually.