



# **HELSTON TOWN COUNCIL**

## **DIGNITY AT WORK POLICY**

Reviewed: November 2023

Next Review due: November 2024

**Helston 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.**

### **Purpose**

Helston Town Council ('the Council') is committed to creating a working environment where all council employees, Councillors, contractors and others who come into contact with the Council in the course of our work, are treated with dignity, respect and courtesy. The Council aims to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, Helston Town 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. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

The Council recognises that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees; Councillors and volunteers in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### **Scope**

This policy covers bullying and harassment of and by clerks and all employees and volunteers who work with or at Helston Town Council. Should agency staff, or contractors have a complaint connected to their engagement with the Council this should be raised to their nominated contact, manager, or the Town Clerk in the first instance. Should the complaint be about the Town Clerk the complaint should be raised to the Mayor. The word representatives ('Representatives') will be used to describe staff, Councillors, employees and volunteers.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the Council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the Council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to, however, the Council will take appropriate action if any of its Representatives are bullied or harassed by employees, Councillors, members of the public, suppliers or contractors.

### **The position on bullying and harassment**

All staff and Council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Helston 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

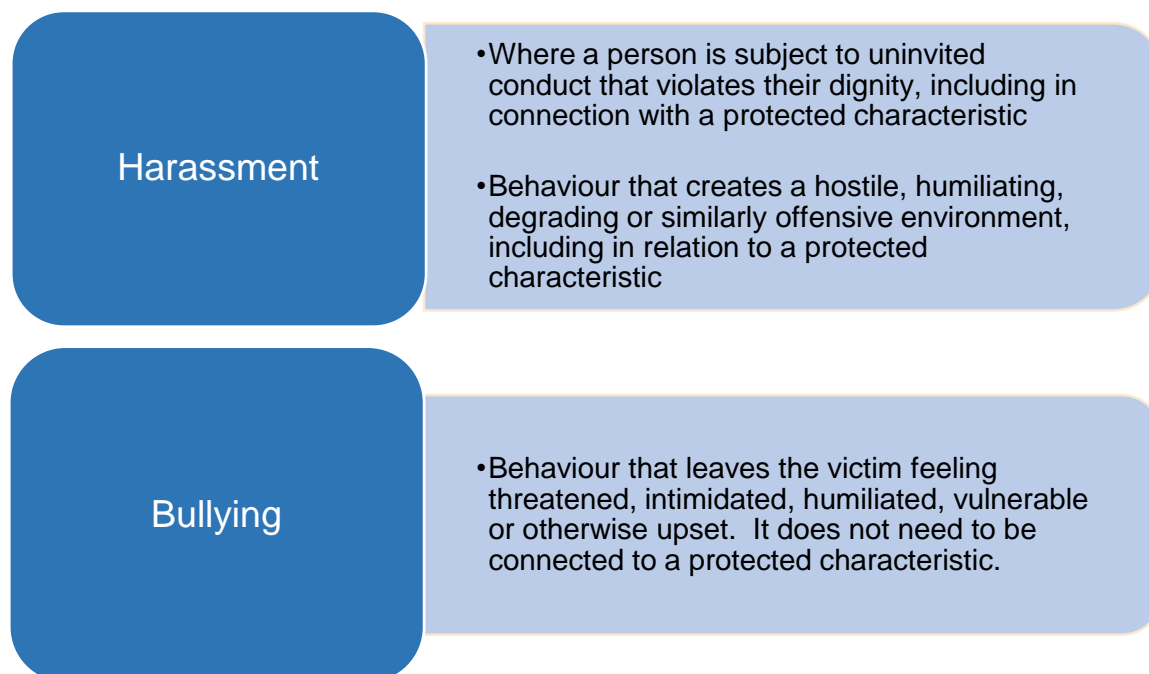
repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. The Council would also mention that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The Council expects all representatives of the Council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

The Council expects its representatives to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, and showing courtesy at all times.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Representatives and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Representatives and others have a responsibility not to make false allegations. Whilst the Council 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.



**What Type of Treatment amounts to Bullying or Harassment?**

'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; neuro divergence and for any other reason
- 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, Representatives and others should be aware that harassment will occur if behaviour continues after the recipient has advised the person committing that behaviour that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the Council's equality and diversity Policy.

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

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective 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.

### **Victimisation**

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.

Provided that a person acts in good faith, i.e. they genuinely believe that what they are saying is true, they 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 another person.

A person who makes a complaint that they know to be untrue, or who gives evidence that they know to be untrue, may have disciplinary action taken against them.

### **Reporting Concerns**

#### **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a Representative)**

If a person is being bullied or harassed by someone with whom they come into contact at work, they should raise this with their nominated manager in the first instance or, with the Town Clerk. Any such report will be taken seriously, and the person the matter is reported to will decide how best to deal with the situation, in consultation with the person reporting an issue.

**What you should do if you feel you are being bullied or harassed by a Councillor:** If a person is being bullied or harassed by a Councillor this should be raised with the Town Clerk in the first instance. The Town Clerk will then discuss the matter with the reporting person and decide how best to deal with the situation, in consultation with the reporting person. There are two possible avenues, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The Council will consider reasonable measures to protect the health and safety of the reporting person. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to be harassment or bullying:** If a person witnesses such behaviour they should report the incident in confidence to the Town Clerk (or the Mayor if the Town Clerk has committed the offending behaviour). Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you are being bullied or harassed by another member of staff:** If a person is being bullied or harassed by a colleague or contractor, there are two possible avenues, informal or formal. These are described below.

#### Informal resolution

If a person is being bullied or harassed, they may be able to resolve the situation themselves by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. Alternatively, they may wish to ask the clerk, their nominated manager or a colleague to put this on their behalf or to be with them when confronting the perpetrator(s).

If the above approach does not work or if the person subject to bullying or harassment does not want to try to resolve the situation in this way, or the person is being bullied by their own nominated manager, they should raise the issue with the Town Clerk. (If your concern relates to the Town Clerk, the matter should be raised with the Mayor or the staffing committee). The Mayor (or another appropriate person) will discuss with the reporting person the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the Council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing the reporting person's name, if this is what they want. The person dealing with the complaint will also stress that the conversation is confidential.

In certain circumstances it may be possible to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with the reporting person if it is appropriate.

If a complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely a serious allegation (or allegations) or in cases where a problem has happened before) it may be decided to investigate further and take more formal action notwithstanding that the reporting person raised the matter informally. The reporting person will be consulted before this step is taken.

#### Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, the reporting person can make a formal complaint about bullying and harassment through the Council's grievance procedure. The complaint should be made to the Clerk (or to the Mayor if the complaint relates to the Clerk). A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Town Clerk or the Mayor will appoint someone to investigate the complaint in line with the grievance policy. The reporting person will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),

- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by the reporting person to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told the reporting person's name and the details of the grievance in order for the issue to be investigated properly. However, the investigation will be carried out as confidentially and sensitively as possible. Where the reporting person and the alleged perpetrator(s) work in proximity to each other, consideration will be given to whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where the complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The Council will consider any adjustments to support the reporting person in their work and to manage the relationship with the Councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, the Council will ensure that individuals' personal data is handled in accordance with the data protection policy.

The Council will consider how to protect the reporting person's health and wellbeing whilst the investigation is taking place and discuss this with them. Depending on the nature of the allegations, the Investigator may want to meet with the reporting person to understand better their complaint (see the grievance policy for further information, and details of the right to be accompanied).

After the investigation, a panel will meet with the reporting person to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting the reporting person may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to the reporting person to inform them of the decision and to notify them of their right to appeal if they are dissatisfied with the outcome. The reporting person should put their appeal in writing explaining the reasons why they are dissatisfied with the decision. The appeal will be heard under the appeal process that is described in the grievance procedure.

### **The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, the Council believes that there is a case to answer and a disciplinary offence might have been committed, the Council will instigate the disciplinary procedure. The Council will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*