



Burnham-on-Sea & Highbridge

Town Council

Anti-bullying & Harassment Policy

Adopted Minute No: 41/17/TC

Adopted: April 2017

Next Review: April 2019

1. PURPOSE AND SCOPE

- 1.1 **Statement:** In support of its value to respect others Burnham-on-Sea & Highbridge Town Council will not tolerate bullying or harassment of or by, any of its employees, officials, members, contractors, visitors to the council 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 and members in order to protect them from bullying and harassment. It should be read in conjunction with the council's policy on Grievance handling, and the staff handbook. The council will issue this policy to all employees as part of its induction and to all members as part of their Welcome Pack. It will also form part of the booking agreement at the Princess Theatre and Arts Centre and extends to contractors, visitors and members of the public.

Elected Members

Councillors undertake on accepting office to comply with the provisions of the Local Code of Conduct. The Code contains certain obligations (such as the requirement to treat people with respect and to do nothing to bring the Council or the councillors' office into disrepute). Elected Members will be expected to conduct themselves in a way that is consistent both with the provisions of their Code and, where applicable, the contents of this Policy.

Users of the Princess Theatre, Visitors and Members of the Public

Officers and volunteers at the Town Council and Princess Theatre and Arts Centre have a right to carry out their business without fear of harassment or bullying. This includes protection from threats to report staff to councillors if individuals are not granted their request. If an officer of the council is unable to grant a request and a visitor or member of the public is not happy

with the outcome they should put their request/complaint in writing to the Clerk. If councillors are approached by residents or users of the Princess with a complaint against an officer of the Council they should ask the complainant to put it in writing to the Clerk and not take up the matter individually.

1.2 Definitions

Bullying “Bullying may be characterized 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 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, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

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 in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council’s reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

1.3 **Examples** of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual’s promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 **Penalties:** Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Grievance Procedure at Gross Misconduct level and may result in summary dismissal from the council for employees or through referral to the Standards Board for England, as a contravention of the Members’ Code of Conduct which may result in penalties against the member concerned. In the case of visitors and users of the Princess Theatre or the Town Council Offices bullying will not be tolerated and may result in restricted access to the facilities, if a bullying or harassment complaint is upheld.

1.5 **The legal position:** Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, 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.

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.

2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

2.1 Informal approach – Anyone; employee, volunteer, contractor, member or visitor, who feels he or she is being bullied or harassed should 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.

2.2 Formal approach

2.2.1 Employees: Where the employee/volunteer feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with their line manager, the Clerk or Chair of the Council, 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 Grievance Procedure to be invoked.

2.2.2 Others - Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with the Clerk. A member of the public who feels he/she has been bullied or harassed by any member or officer(s) of the council should use the council's official Complaints Procedure.

Examples of Bullying and Harassment

This list is included to indicate some examples of bullying or harassment covered by this Policy (it is not an exhaustive list)

Physical: Unwanted physical contact or intimidation, including unnecessary touching, patting or brushing against a person, assault, coercing sexual behaviour, physical threats, insulting or abusive behaviour or gestures.

Verbal: Remarks about appearance, derogatory or lewd comments, innuendoes, persistent name calling, statements which are suggestive, unwelcome, abusive and offensive.

Other: Behaviour that denigrates or ridicules; intimidation or physical abuse; making threats; attempts to stir up hatred against an individual or group; display or circulation of material which is sexually or racially offensive or degrading.

The following list gives more specific examples of behaviour which may amount to bullying or harassment. It is not exhaustive:

- humiliating or ridiculing others about their work
- spreading rumours or gossip
- shouting or pointing your finger, invading personal space, shoving, blocking or barring the way
- threatening to report an individual who is not agreeing to your wishes
- suggesting that others should leave the organisation
- being hostile to others
- constantly criticising others' work and efforts
- ignoring the views of others
- setting unreasonable tasks or deadlines
- making false allegations against others or engaging in excessive monitoring of the work of others
- unreasonably obstructing an individual's progress at work by blocking promotion or training opportunities without a genuine business reason or causing embarrassment by disciplining staff in public

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