

# Gainford & Langton Parish Council

## Protocol on bullying and harassment

### 1. **Background**

1.1 The relationship between Councillors and the Clerk is an essential ingredient that should contribute to the successful working of the Council. This relationship within the Council should be characterised by mutual respect, informality, and trust. Councillors and Clerk must feel free to speak to one another openly and honestly. Nothing in this protocol is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. The protocol gives appropriate guidance.

1.2 Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no one's interest and should not be tolerated in the workplace.

### 2. **What is bullying and harassment?**

2.1 Examples and definitions of what may be considered bullying, and harassment are provided below for guidance. For practical purposes those making a complaint usually define what they mean by bullying or harassment – something happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

### 3. **How can bullying and harassment be recognised?**

3.1 There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate, or injure the recipient.

3.2 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality, or any personal characteristic of the individual and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

3.3 Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. Examples of what is unacceptable behaviour include:

- “Inappropriate behaviour”
- intimidation/humiliation
- excessive criticism
- autocratic/dictatorial behaviour
- shouting
- browbeating
- haranguing
- swearing
- ridiculing
- expressions of intolerance
- general discourtesy

3.4 Bullying and harassment are not necessarily face to face, they may be by written communication, and telephone.

#### **4. Why does the Council need to take action on bullying and harassment?**

4.1 There is an implied trust and confidence in every contract of employment. Where the Parish Council is aware of a situation of bullying or harassment of an employee by one of its councillors, but fails to act to stop it, it will be in breach of that implied term of employment contract and may be held liable for constructive dismissal of that employee.

4.2 It is every employer’s interest to promote safe, healthy and fair environment in which people can work.

4.3 A Parish Council’s duty of care to an employee relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken, then the Parish Council could be at fault and compensation could be sought.

#### **5. The Members Code of Conduct**

5.1 Members are obliged by paragraph 2 of the Code of Conduct to:

- “Promote equality by not discriminating unlawfully against a person”.
- “Treat others with respect” and
- “not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority” all of which are relevant to the Clerk and his or hers staff.

5.2 A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Member involved is liable to be reported to the Standards Board for England. The Standards Board for England has

indicated that it regards such allegations very seriously and are therefore unlikely to the matter for local investigation or determination.

5.3 If there are instances of bullying or harassment by Members towards officers or other members, then it is the duty of those Members who are aware of the incident to report it to the Standards Board for England.

5.4 If members or officers do witness incidents of bullying or harassment, they should report the matter to the Standards Board for England, or if unsure what to do or how to report the matter, they should seek the advice of the Clerk or the Monitoring Officer (Democratic Services) at Durham County Council.

## **6. Grievance and disciplinary procedures**

6.1 Obviously it is best to try to avoid things getting to a state where an employee considers themselves dismissed or issues a personal injury claim against the Council. This can be done through having an accessible and useable grievance procedure.

6.2 By law all employers are required to have disciplinary and grievance procedures. These cover disciplinary rules and procedures for handling discipline, grievance and appeals. Details must be included in the employee's written statement of employment particulars or reference made to a separate document which is readily accessible to the employee.

6.3 A grievance procedure enables individual employees to raise concerns, problems or complaints with management about their employment. It should allow for both an informal and formal approach.

A grievance procedure provides an open and fair way for employees to make known their concerns, problems or complaints. It enables such grievances to be resolved quickly before they fester and become major problems. An employee who fails to raise a grievance with their employer using the statutory procedure may be prevented from taking a claim relating to that grievance to employment tribunal.

It should allow grievances to be dealt with fairly, consistently, speedily and should include:

- how and with whom to raise the issue
- whom next to appeal to if not satisfied.
- time limits for each stage
- the right to be accompanied by a fellow worker or trade union representative.
- the statutory grievance procedure

Approved Sept 2010