



## **Stradbroke Parish Council Anti-Harassment & Bullying Policy (Non-Staff)**

### **A. Purpose and Scope**

In support of our value to respect others Stradbroke Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. 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 members in order to protect them from bullying & harassment.

All employees should refer to the Anti-Harassment & Bullying Policy (Staff).

### **B. Definitions**

#### **Bullying**

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

#### **Harassment**

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Both bullying and harassment are behaviours which are unwanted by the recipient.

Bullying and harassment are not necessarily face to face, they may show themselves in different ways including the following:

- Physical contact, from touching to serious assault.
- Written communication, visual display. (eg pictures or poster which could cause offence)
- Email or telephone conversations
- Jokes, letters, offensive language, suggestive remarks or gossip – which may be directed at an individual or group and it can be difficult to recognise, insidious or unintentional.

Bullying and harassment in the workplace can lead to:

- poor morale & poor employee relations
- loss of respect for managers, supervisors & others
- poor performance
- lost productivity
- absence
- resignations
- damage to the council's reputation
- employment tribunal or other court cases and payment of unlimited compensation

### **C. Unacceptable behaviour**

Some examples of unacceptable behaviour are:

- spreading malicious rumours or gossip, insulting someone (particularly on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality or ethnic origin)
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- coercion (e.g. pressure to take a particular course of action)
- overbearing supervision or other misuse of position or power
- threatening behaviour, constant unwanted criticism, belittling
- unwelcome sexual advances – touching, standing too close, display of offensive materials, indecent or suggestive remarks, over-familiar behaviour, obscene gestures, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading work and/or constant criticism
- preventing an individual's progression by intentionally blocking promotion or training opportunities
- discrimination on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality, ethnic origin or just because someone sees you as different in some way

### **D. Penalties**

Bullying and harassment are considered examples of serious misconduct which will be dealt with as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the parish council will take appropriate legal advice, if such a matter arises.

The Legal position Councils have 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 Equality Act of 2010 bullying or harassment may be considered unlawful discrimination. 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.

## **E. Process for dealing with complaints of bullying and harassment (non-Staff)**

### **Informal approach**

Anyone 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. *[Employees should refer to the Anti-Harassment & Bullying Policy (Staff).]*

### **Formal approach**

Any party to the council who feels he or she is being bullied or harassed should raise their complaint with 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.

A member of the public who feels he or she has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure. *[Employees should refer to the Anti-Harassment & Bullying Policy (Staff).]*

### **Disciplinary Action**

The Monitoring Officer will investigate any complaint of bullying or harassment made against a Member, which takes place whilst undertaking council activities. Any action to be taken will be advised by the Monitoring Officer. Such action could include guidance on issuing an apology and attendance at training.

There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow member will not be tolerated and will be dealt with under the Code of Conduct.

### **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 can challenge the perpetrator and ask them to stop.

The council undertakes to share its policy with all Members via the induction documentation for new Councillors. All Members are bound by the Parish Council's standing orders, policies and code of conduct when signing their declaration of acceptance of office.

This procedure will be reviewed from time to time.