



SANDBACH TOWN COUNCIL

Supplementary Report to the Finance, Policy and Governance committee meeting on 2nd February 2022:

Review of the Dignity at Work Policy

Introduction.

Council considered a revised version of the Policy at Council on 18th January 2022. The Policy was referred to Committee for further consideration.

Dignity at Work Policy

The Dignity at Work Policy was last reviewed in June 2018. It is considered a comprehensive document, although it makes no reference to the Harvey v Ledbury Case.

The proposed revisions are set out in red, and are intended to expand it slightly, bring it up to date and cross reference it to other Council documents.

At Council, Cllr Adams suggested that the revised document should make reference not only to equality but also to diversity and inclusion.

Cllr Adams and I have subsequently worked on the document and the further recommended changes are identified in blue text.

Finally, we are recommending that the last section, on Exploitation of Workers is removed from the Policy and adopted by Council as a free-standing Statement.

Recommendations

1. To recommend Council to adopt the revised Dignity at Work Policy (Appendix 1)
2. To recommend Council to adopt a separate Statement on Exploitation of Workers.

Peter C Cooper
Cheshire Association of Local Councils

SANDBACH TOWN COUNCIL



Dignity at Work Policy

Adopted by Council on 18th January 2022

Latest Review Date: April 2024

This Policy replaces the Version of 13th June 2018.

Introduction

The Town Council is committed to creating a harmonious environment by ensuring equal opportunities and fair treatment for every employee in the workplace. This policy links with the Council's Equality, Diversity and Inclusion Policy, but concentrates particularly on eliminating bullying and harassment from the work place.

This policy aims to ensure a positive working environment where all staff feel comfortable because everyone is treated with respect and dignity, regardless of age, disability, sex, gender reassignment, marital status, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief (the protected characteristics of the Equality Act 2010) or any other personal factor or quality.

It is important that diversity is recognised and celebrated as the mosaic of people who bring a variety of cultural, social and historical backgrounds, styles, perspectives, values and beliefs as assets to the work environment and organisations with which they interact. It is ok to be different and respect each other's differences!

The work environment needs to feel inclusive. Employees feel included when, simultaneously, they perceive they are both similar to, and distinct from, their colleagues. The Council appreciate that to achieve this, it is necessary to value the diversity of talents, experiences and identities that employees bring, and at the same time, to build common ground – common mission, values and ethos.

This policy aims to ensure that there is no bullying and harassment of and by any employee, councillor, contractor, or anyone else engaged to work on Town Council premises. The purpose of this policy is to provide both protection (individual and group) and also a procedure to raise and effectively deal with a complaint either informally or formally, if you believe you have been harassed or bullied.

Bullying and Harassment

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, outlined above. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure another person.

Examples, though not an exhaustive list, which may constitute bullying are:

- threats, abuse, teasing, gossip and practical jokes;
- humiliation and ridicule either in private, at meetings or in front of customers, clients or member of the public;
- name calling, insults, devaluing with reference to age, appearance;
- setting impossible deadlines;
- excessive monitoring;
- removing responsibilities;
- withholding information.

Harassment, in general terms, is unwanted conduct related to a relevant protected characteristic, or other feature that:

- violates a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by a person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something which is meant to be 'banter' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Harassment may occur where an individual is subjected to unwanted conduct due to his/her association with another individual who has a protected characteristic.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she has a mistaken perception that the recipient has a protected characteristic. Harassment may also occur where an individual is subjected to unwanted conduct from a third party, such as a client or customer or member of the public. If you feel that you have been bullied or harassed by customers, suppliers, vendors or visitors, you should report any such behaviour in order that appropriate action is taken. Bullying or harassment of customers, suppliers, vendors or visitors or others by employees will be dealt with through the disciplinary procedure.

For the avoidance of doubt the Town Council will treat a single incident as harassment if it is sufficiently serious.

All bullying and harassment are misconduct and is a disciplinary offence which will be dealt with under the disciplinary procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Examples, though not an exhaustive list, of behaviour which may constitute harassment are:

- physical contact ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip and defamatory references;
- unwanted nicknames related to a protected characteristic;
- excluding an individual from social activities due to his/her association with someone with a protected characteristic;
- ignoring an individual because he/she has a protected characteristic when in fact he/she does not have the perceived protected characteristic;
- intrusion by pestering, spying, following etc.

The Town Council will treat all such complaints of harassment and bullying seriously and will investigate them promptly, efficiently and in confidence.

The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

Raising a Complaint

Anyone has a right to complain if treated in a manner that you believe constitutes harassment or bullying. This will include behaviour that has caused you offence, humiliation, embarrassment or distress.

In the case of an employee, apart from complaints about the behaviour of colleagues (employees or councillors), they also have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client, supplier or member of the public.

If you raise a complaint under this policy, you are automatically protected and under no circumstances will you be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

However, if it is established that you have made a knowingly false or malicious complaint against another person about harassment or bullying:

In the case of an employee- serious disciplinary action will be taken against you which may result in your dismissal.

In the case of a councillor-the matter may be reported to the Monitoring Officer as a potential breach of the Code of Conduct.

In the case of any other person, it will be dealt with under the Council's Complaints and Vexatious Policy.

As an employee, if you witness an incident that you believe to be the harassment or bullying of another member of staff you should report the incident in confidence to your manager who will consider all such reports seriously and will treat the information in strict confidence, as far as it is reasonably possible to do so.

Reporting a Complaint

Before raising a formal complaint, you are encouraged in the first instance to talk directly and informally to the person to whom you believe is harassing you and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence to you, and request that it stop. **The process for having complaints heard will be the same as the Council's Grievance procedure which is set out in detail in the Employee Handbook.**

It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach may resolve the matter without the need for formal action.

If you would like support in making such an approach, you should contact a Council manager or the Town Clerk. However, if you feel unable to take this course of action, or if you have already approached the person to no avail, or if the harassment is of a very serious nature, you may decide to raise a formal complaint.

In the case of staff, a complaint may be raised, in writing, with your manager or, if preferred, the Town Clerk. You may feel more comfortable speaking to them about it before putting it in writing, which is quite acceptable.

In the case of a councillor, a complaint may be raised, in writing, with the Town Clerk. You may feel more comfortable speaking to them about it before putting it in writing, which is quite acceptable.

In the case of a member of the public, contractor or client, a complaint may be raised, under the Council's Complaints and Vexatious Policy.

When lodging your complaint of harassment/bullying, you should state:

- the name of the person whose behaviour you believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any **anyone** who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that you have already taken to try to deal with the harassment or bullying.

Management Responsibility

When a complaint of harassment or bullying is received, there is a duty to investigate the matter thoroughly and objectively and to take corrective action in order to ensure compliance with the Dignity at Work Policy.

The Town Council will be responsive and supportive towards anyone who raises a genuine complaint of harassment or bullying. **The Town Clerk will assist any manager in dealing with complaints of harassment or bullying.**

The Council are very much aware they have a duty of care to their employees and indeed to councillors and the public, which means that they should take all steps that are reasonably possible to ensure their health, safety and wellbeing.

If the complaint is about a Councillor

The Council has in place a code of conduct which outlines the behaviour required of councillors. The High Court judgement of 15th May 2015 Harvey v Ledbury Town Council confines most cases of complaints against councillors to the code of conduct process. It is not appropriate for a council's grievance procedure to deal with complaints about councillors, even if the matter was raised as a grievance by an employee (as was the Ledbury case).

Where the Council suspects that a councillor may have breached the Code of Conduct, the matter must be referred to the Monitoring Officer of Cheshire East Council for investigation. The Town Council can only impose those sanctions proposed by the Monitoring Officer.

If the complaint is about an Employee

The Council may suspend you from duty pending investigation for harassment or bullying for a temporary period whilst investigations are carried out. Such suspension will be for as short a time as possible and will be on full pay.

If you are accused of harassment or bullying you will be informed of the exact nature of the complaint against you and afforded a full opportunity to challenge the allegations and put forward an explanation for your alleged behaviour in a confidential interview, with a companion present if you choose. It will not be presumed that following an allegation of harassment you are guilty.

All forms of harassment and bullying will be regarded as serious misconduct, and if you are found to have harassed or bullied a colleague you will be liable to serious disciplinary action up to and including summary dismissal.

Although not always necessary, if a complaint against you is not upheld, a voluntary transfer of either of the parties may be offered, if that is practicable. Such transfers will be consensual.

If it is agreed neither party will move, the Council monitor and check the situation in terms of our duty of care to determine whether there has been any form of victimisation or retaliation. Alternatively, where a complaint is upheld it may be necessary, if practicable to relocate or transfer one of the parties to another section or function.

Following the meeting, you will be informed in writing of the outcome within 5 working days and told of any actions the Council propose to take as a result of the complaint. If you are dissatisfied with the outcome, you may make an appeal.

Your appeal should be made in writing to the **Town Clerk or to the Mayor in the case of the Town Clerk**. You should clearly state the grounds of your appeal, i.e. the basis on which you say that our findings were inaccurate or inappropriate. This should be done within **5** working days of the written notification of the outcome of the grievance. An appeal meeting will normally be arranged to take place within **7** working days of the submission of your appeal.

Following the appeal hearing, you will be informed of the outcome within 7 working days.

The Council will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of **the Data Protection Legislation**.

If the complaint is about a member of the public, visitor, client or Contractor

We will fully investigate allegations and if necessary, bring in an independent investigator.

We will take whatever action we can to prevent bullying and harassment. If possible, we will resolve the matter amicably but will not hesitate to refer the matter to the Police or take private legal action where we believe it necessary under civil or criminal law.

Exploitation of Workers

There is an obligation on employers under the Modern Slavery Act (2015) to address the issues of slavery and human trafficking, and to commit to the prohibition and avoidance of the violation of human rights (not only within the employer's own operations, but also in relation to those businesses with which products and services are provided or received).

- The Council is forthright and steadfast in complying with these obligations, and fully embraces not only the legal aspects of these issues, but also the moral and ethical duties and responsibilities in identifying and, where necessary, eliminating potential breaches of basic human rights.
- It is therefore the policy of the Council that practices such as forced labour, debt-bonded labour, and human trafficking are totally unacceptable and will not be tolerated.
- Similarly, inhumane treatment such as corporal punishment or other inhumane threats are also viewed as totally unacceptable and will not be tolerated.
- Furthermore, we expect corresponding standards, duties, and responsibilities to be upheld and maintained by all our officers and members, guests, sub-contractors, and business associates.
- Through our existing policies and procedures, we will always seek to promote the highest moral standards and will voluntarily and wholeheartedly support all statutory legislation and regulatory guidelines aimed at eliminating these totally unacceptable and inhumane practices.
- We encourage all those within our organisation and services, whether directly or indirectly, to report (without fear of prejudice or recrimination) any issues or concerns relating to the potential breaches of human rights.

