



## CHESHAM TOWN COUNCIL

### BULLYING AND HARASSMENT POLICY

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#### STATEMENT OF COMMITMENT

Chesham Town Council fully supports the right of all people to be treated with respect and dignity in the workplace. The Council recognises that bullying is not only unacceptable on moral grounds and harassment on legal grounds, but that either can have a negative affect on both individuals and operational efficiency. Under the *Health & Safety at Work Act 1974*, employers have a general duty of care to protect employees' health, safety and welfare whilst at work. Prolonged harassment or bullying can cause both serious psychological and physical health problems, such as stress and depression. Chesham Town Council is therefore committed to promoting a working environment free from any form of bullying or harassment.

All employees and Councillors will be made aware of Chesham Town Council's policy forbidding bullying and all employees and Councillors are expected to adhere to this policy. Bullying and harassment will not be tolerated by anyone at Chesham Town Council. Appropriate disciplinary action may be taken against employees who breach this policy. This policy applies to staff both on and off the premises during the course of their employment, as well as Councillors.

All employees and Councillors are required to help create a working environment in which bullying and harassment are unacceptable. Employees and Councillors should in particular ensure that they do not collude with bullying or harassing behaviour and that they fully co-operate with any complaints procedure. Managers are responsible for raising awareness of the issue, responding constructively to any complaints, and challenging and stopping bullying and harassment at work.

Chesham Town Council also recognises that it has a responsibility to protect employees and Councillors from bullying or harassment at work by members of the public. Bullying and harassment of staff and Councillors by the public will be dealt with separate to this policy.

#### DEFINITION OF BULLYING AND HARASSMENT

Bullying and harassment may occur 'face-to-face', by written communications (including email, texts and the internet), phone and automatic supervision methods if these are not applied universally to all staff, e.g. recording of telephone conversations or computer recording of downtime from work.



## **Bullying**

Bullying is generally behaviour that is identified as a misuse of power. Bullying is primarily intimidating in nature, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee. Bullying may occur as an isolated incident, but is commonly persistent.

Examples of bullying covered by this policy are:

- physical violence against a person
- damage or theft of personal belongings
- spreading malicious rumours
- ridiculing or demeaning someone
- exclusion or victimisation
- persistent, unnecessary criticism
- making inappropriate, personal comments
- blocking leave or training applications without valid reasons
- shouting at colleagues in public or in private
- overbearing supervision
- making threats or comments about job security without foundation

## **Harassment**

Harassment is generally described as conduct or behaviour that is unwelcome, unwarranted and is detrimental to the well-being and self-esteem of the person affected.

Harassment may be related to age, sex, sexual orientation, race, disability, gender reassignment, religion and belief, race or any personal characteristic of the individual. Harassment is normally unlawful, as it is commonly unwarranted behaviour covered by legislation. In addition to the *Protection from Harassment Act 1997*, specific types of harassment relating to those protected characteristics listed above will be in breach of the *Equality Act (2010)*.

## **Cyber Bullying or Harassment**

Social media tools, such as smart phones and social networking sites, make it easier for bullying and harassment to be conducted outside of working hours and away from work premises. This policy covers cyber bullying and harassment that takes place outside the workplace and out of working hours.

## **PREVENTION OF BULLYING AND HARASSMENT**

### **Informal Approach**

A few people are not aware that their behaviour is unacceptable and an informal discussion can lead to greater understanding and an agreement that the behaviour



will cease. It may be that the individual will choose to do this themselves, or they may obtain support from a colleague, or an external source in the case of a Councillor.

### **Contact Officers**

An employee may approach one of the council's designated Contact Officers/Member for advice and assistance. The Contact Officer/Member will be able to:

- provide sympathetic assistance to employees with complaints of bullying/harassment
- explain to the employee how the grievance procedure operates
- establish the main details of the complaint
- channel the complaint to the appropriate manager for action if the employee decides to take the matter further

The Contact Officer/Member will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the employee. Any employee who talks to the Contact Officer/Member about bullying is not under any obligation to take further action.

The designated Contact Officers/Members are:

*The Town Mayor*

*The Town Clerk*

*The Policy and Projects Officer*

An employee may initiate the Council's Grievance Procedure with or without having approached a Contact Officer/Member.

### **Grievance Procedures**

In the event that an employee wishes to make a formal complaint, the Council's Grievance Procedure will be implemented immediately and complaints will be investigated swiftly in an objective and independent manner. If it has been proven through the Grievance Procedure that bullying or harassment has occurred, appropriate disciplinary action will be taken following the Council's Disciplinary Procedure.

### **Disciplinary Procedures**

All complaints of bullying and/or harassment, or information from staff relating to such complaints, will be taken seriously and dealt with fairly, sensitively and confidentially in line with the Council's Disciplinary Policy and Procedure.

### **Protection of Employees**

In the event of a case which appears to involve serious misconduct, the Council



recognises that it has a duty to ensure that the complainant is safeguarded and arrangements must be put in place; generally this will be to ensure that the complainant is not left alone at any time so that the course of unacceptable conduct cannot continue behind closed doors. Colleagues who witness another colleague being harassed or bullied will be able to report it to the appropriate manager, without fear of reprisal. Any victimisation arising from making a complaint (informal or formal) will not be tolerated.

### **Bullying or Harassment by Councillors**

If the Grievance Procedure has proven that a Councillor has bullied or harassed an employee, the Council has sanctions within its power:

- admonishment and an undertaking not to repeat the conduct
- banning from all committees of the Council and representation on all outside bodies
- a formal complaint by the Council to Chiltern District Council's Audit and Standards Committee, which is also the prerogative of the aggrieved employee

### **Unfounded Allegations of Bullying or Harassment**

If an employee makes an unfounded allegation of bullying or harassment for malicious reasons, this will be investigated and dealt with fairly and objectively under Chesham Town Council's Disciplinary Procedure.

### **Policy Monitoring and Revision**

This policy will be reviewed every four years, and will also be revised in the light of changing needs, changes in legislation and guidance.

Furthermore, whenever a case of bullying or harassment arises, Chesham Town Council will take the opportunity to examine its policy, procedures and working methods to see if they can be improved.

Version 4 Adopted: 20 March 2017

Policy Due for Review: 20 March 2021

