

BULLYING AND HARASSMENT POLICY

STATEMENT OF COMMITMENT

→ Darmstadt Town Council fully supports the right of all people to be treated with respect and dignity in the workplace. The Council recognizes 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 while at work. Prolonged harassment or bullying can cause both serious psychological and physical health problems, such as stress and depression. Darmstadt Town Council is therefore committed to promoting a working environment free from any form of bullying or harassment.

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

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

Town Council also recognizes that it has a responsibility to protect employees, clerks and officials from bullying or harassment at work by members of the public. Bullying and harassment of staff 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, email, 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 behavior 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 recognized 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 rumors
- ridiculing or demeaning someone
- exclusion or victimization
- 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 behavior 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, race, disability, religion, ethnic origin, nationality or any personal characteristic of the individual. Harassment is normally unlawful, as it is commonly unwarranted behavior covered by certain legislation. In addition to the Protection from Harassment Act 1997, specific types of harassment may be in breach of the Sex Discrimination Act 1976, Race Relations Act 1976, Public Order and Criminal Justice Act 1994, Disability Discrimination Act 1995, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003 and Age Discrimination Act 2006.

PREVENTION OF BULLYING AND HARASSMENT

Informal Approach

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

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.

Colleagues who witness another colleague being harassed or bullied will be able to report it to the appropriate supervisor, without fear of reprisal. Any victimization arising from making a complaint (informal or formal) will not be tolerated.

Grievance Procedure

In the event that an employee or official 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. Appropriate disciplinary action may be taken following Town Council's Disciplinary Procedure.

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

Contacts

Step one of the Council's Grievance Procedure requires the employee to discuss the matter with an appropriate supervisor or board member. Town Council recognizes that this may not be appropriate if it is the immediate supervisor or board member who is conducting the bullying or harassment.

In such a case, the employee may approach a designated 'Contact Officer/Member' should they wish to. 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 official 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 Board President
- The Town Clerk
- The Town Superintendent

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

Bullying or Harassment by Officials

If the Grievance Procedure has proven that an official has bullied or harassed an employee, another official or a member of the public, 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 the Ethics Standards Board, which is also the prerogative of the aggrieved employee.

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

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