

WITHAM FOURTH DISTRICT INTERNAL DRAINAGE BOARD

POLICY IN RESPECT OF BULLYING AND HARASSMENT

In order to formalise a policy and to protect employees and others from bullying and harassment the Board are requested to approve the following document together with the attached statement, as recommended in the NCAS guidance to employers.

1. **Scope**

This policy relates to the conduct of Employees, members, contractors, visitors and members of the public.

2. **Background**

The 2002 Employment Act, which came into force April 2006, states that all employers should be given clear information regarding policies and procedures.

3. **Responsibilities**

All Employees have a duty of care towards their employees.

All parties to the Board 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.

4. **Legal Position**

Although it is not possible to make a direct complaint to an employment tribunal in respect of bullying, employees are protected from forms of victimisation and harassment through various Acts and regulations. For example, if an employee is being bullied this could cause undue stress causing the employee to resign. The employee could then claim constructive dismissal which includes the employer's responsibility to protect employees under the Health and Safety at Work Act 1974.

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 or a penalty and a right to damages for the victim. Also, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age-discrimination.

Employment Tribunals or other courts can award unlimited payments of compensation.

5. **Definitions**

(As derived from the NCAS guidance on the topic).

5.1 **Bullying**

"Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of the use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

5.2 **Harassment**

"unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age."