

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 ACAS guidance to employers.

1. **Scope**

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

2. **Background**

The 2008 Employment Act, which came into force April 2009, states that all employees should be given clear information regarding policies and procedures.

3. **Responsibilities**

All Employers 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 as 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 ACAS 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 this 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** is 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.

6. Unacceptable behaviour

The following list gives examples of what the Witham Fourth IDB regarded as unacceptable behaviour. This list is not exhaustive

- spreading malicious rumours
- insulting someone
- ridiculing or demeaning someone
- exclusion or victimisation
- unfair treatment
- overbearing supervision
- misuse of position or power
- unwelcome sexual advances
- making threats about job security
- deliberately undermining a competent worker by overloading work and/or constant criticism
- preventing an individual's promotion or training opportunities.

Bullying and harassment will not be tolerated face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods, on or off work premises, during work hours or non-work time.

7. Reporting Incidents

Any employee or member who feels they have been bullied or harassed in connection with their business with the Board should report the matter to the Chairman or Chief Executive. The normal Grievance procedures will come into place once the complaint has been put into writing. Anyone else should make a complaint through the Board's complaints procedure.

(Forms available on line or at the office)

The Chief Executive or Chairman (or member appointed by the Chairman) will hold a meeting discuss the complaint with you within 10 working days. A full investigation will then be made.

8. Penalties

Bullying and harassment are considered examples of serious misconduct which will be dealt with as follows pending investigations and/or legal advice:

8.1 Employees

Through the Disciplinary Procedure at Gross Misconduct level in accordance with the Association of Drainage Authorities (Lincs Branch) Conditions of Service and may result in summary dismissal from the Board.

Note : Under the 2008 Employment Act if either employees/employers fail to adhere to the procedures set out for Grievances and Disciplinary matters a tribunal can adjust any compensation by 25%.

8.2 Members

As a contravention of the Member's Code of Conduct, and will be dealt and investigated accordingly, and may result in penalties against the member concerned.

8.3 Contractors

Immediate suspension from the contract and expulsion from the Board's premises or site.

8.4 Others

Immediate expulsion from the Board's premise/site.

9. False Allegations

False allegations will be treated as gross misconduct and dealt with accordingly.

10. **Board's undertaking**

The Board undertakes to ensure that every employee and member receive a copy of this policy and to issue a Statement of their respect to others.

11. **Review**

This Policy will be reviewed annually or as appropriate.

12. **Formal Statement.**

In support of our value to respect others The Witham Fourth District Internal Drainage Board will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the Board or members of the public from the community which we serve. The Board is committed to the elimination of any form of intimidation in the workplace.

The Board's policy reflects the spirit in which the Board intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. The Board will issue this policy to all present and new employees / members. A copy of this policy will also be placed on the Board's website and general notice board to enable it to be shared with contractors, visitors and members of the public.