



ANDOVER TOWN COUNCIL DIGNITY AT WORK POLICY – 2019 (March 2019)

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The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.

GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.

INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you



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provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.

- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.
- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.
- Our policy complies with UK law accordingly implemented including that required by the GDPR.
- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at www.knowyourprivacyrights.org.
- Except as set out in our GDPR policies (which can be found at www.andover-tc.gov.uk) we do not share, sell or disclose any personal data to any other organisation or third party.

THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined bases, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

EMAILS & WEBSITES

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.



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For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk. Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.

Purpose

1. Andover Town Council is committed to the provision of a healthy, safe and productive working environment for all its employees, prospective employees and others working in, or visiting its buildings.

Andover Town Council will not tolerate bullying, harassment, threat or intimidation by, or of, any employees, officials, contractors, visitors to the council or members of the public.

Andover Town Council is committed to the elimination of any form of intimidation in the workplace.

2. Every employee is required to;

- treat colleagues and customers with dignity and respect
- be aware of the effect that their own behaviour can have on others
- dress appropriately for the workplace
- support colleagues if they experience bullying, harassment or singling out
- inform the Town Clerk or union representative if they are aware of an incident
- set a positive example to new colleagues
- consider their language and attitudes and think before making personal comments to or about others

3. Everyone should be treated with dignity and respect at work and encouraged to meet their full potential. This cannot be achieved if bullying, harassment, threat or intimidation is accepted in the workplace and such behaviour will not be tolerated. Stress, loss of self-confidence and self-esteem caused by bullying or harassment, can lead to job insecurity, illness, absence from work and even resignation. Almost always, job performance is affected and relations in the work place suffer.

4. This policy applies to all forms of bullying and harassment.

Legislative Background

5. Bullying: There is currently no standard legal definition of bullying, however bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole.

Harassment: The legal definition of harassment as applied to sexual orientation, religion or belief and race and ethnic and national origin is ***'unwanted conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'***.



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Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.

This definition has been adopted by the Town Council as part of the Equality Policy. 'Bullying and harassment' are terms which are used interchangeably by most people and cover a range of behaviours which undermine the right of others to be treated with dignity at work. There are specific forms of bullying which may constitute offences under discrimination legislation. These relate to bullying, harassment or singling out because of;

- race, colour, nationality, ethnicity or national origins
- sex
- disability
- sexual orientation
- religion or belief
- the intention to undergo, be undergoing or have undergone gender reassignment.

6. In addition bullying or harassment because of age or other personal characteristics is equally unacceptable. Certain types of harassment such as stalking are covered in criminal law by the Protection from Harassment Act 1997 and the Criminal Justice and Public Order Act 1994.

Disciplinary Procedure

8. Bullying or harassment is a disciplinary offence. The Council's Disciplinary Procedure cites harassment and other offences against human dignity, assault and threatening behaviour at work as examples of behaviour which may constitute misconduct or gross misconduct.

9. Everyone should be able to work without the fear of mischievous or malicious complaints or allegations and anyone found to be making these will be subject to the disciplinary procedure.

Bullying or harassment of one employee by another

10. Bullying or harassment of one or more employee by another, or others, can take a number of forms. It is not always face to face but can involve written material, e.g. emails, telephone, text and it may occur on or off work premises, during work hours or non work hours.

The following are examples of behaviour which the Council considers unacceptable:

- physical aggression or intimidation
- practical jokes which embarrass or humiliate
- verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip, rumours or innuendo



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- abuse of an individual's right to personal privacy, for example intrusion into another employee's personal property or into their private life (this may also be a breach of the Data Protection Act 1998)
- deliberate exclusion of an employee from normal social or professional contact at the workplace
- deliberately and or constant undermining of a competent worker by overloading work and / or criticism.
- unwelcome sexual advances – assault, touching, standing too close, the display of offensive materials

Bullying or harassment of employees by the Town Clerk

11. In order to carry out their role it is necessary for the Town Clerk to;

- issue instructions to employees
- set work-related targets and objectives with the employee and monitor their achievement
- set standards of workplace performance and behaviour for their employees and monitor compliance with these
- manage performance including addressing poor performance or unacceptable behaviour on the part of employees, using the disciplinary procedure where appropriate.

12. These managerial functions should be carried out in a professional manner which does not undermine the dignity of employees.

13. The Town Clerk is expected to work within a framework of any corporate defined Management Behaviours; in addition, they must comply with their responsibilities under the Council's policies/schemes.

14. The following are examples of unacceptable behaviour by the Town Clerk, over and above those already mentioned in paragraph 5, which may constitute bullying or harassment;

- humiliation, for example reprimanding an employee in front of others
- singling out an employee, for example for unjustified criticism
- intimidation, for example aggressive behaviour or threats directed at an employee
- the persistent placing of excessive demands on employees, setting of unrealistic work targets or objectives, or the changing of targets or objectives without good reason
- instructions or requests to employees to perform inappropriate tasks which are outside the remit of the job, for example personal errands.

Responsibilities of employees

15. It is the responsibility of all employees to maintain appropriate standards of behaviour in the workplace and to ensure that they do not contribute to the creation of a working environment in which bullying or harassment is condoned or encouraged.

16. Employees should challenge bullying or harassment on the part of others where appropriate and should report any incident of bullying or harassment to the Town Clerk.



Responsibility of the Town Clerk

17. It is the responsibility of the Town Clerk to prevent harassment and bullying wherever possible and to take appropriate action against such behaviour when necessary. In particular, the Town Clerk must;

- be alert to the possibility of bullying or harassment occurring
- correct any behaviour which could be seen as contrary to this policy and remind employees of the policy when appropriate
- ensure that this policy is communicated to newly appointed employees during their induction and is reinforced at regular intervals in routine section meetings, briefings etc
- provide a supportive framework for any employee with a complaint of bullying or harassment
- take prompt action to deal with bullying or harassment as soon as it is identified, including disciplinary action where appropriate
- keep records of any incidents of harassment or bullying reported or observed.
- treat all cases of harassment or bullying with appropriate confidentiality but consult the Town Clerk for advice where appropriate. Given the severity of the effects of bullying and harassment and the need to eradicate it, in some cases it may be appropriate to continue with an investigation or disciplinary process even when an allegation is withdrawn by an employee.

Contact points for employees

18. The Council aims to provide a wide range of initial contact points for employees who wish to discuss an issue relating to bullying or harassment. Employees should contact one of the following people in the first instance;

- the Deputy Town Clerk
- the Town Clerk
- their trade union representative
- the Occupational Health Service
- the Chairman of the Staffing Sub-Committee

Procedure for dealing with cases of bullying or harassment – informal

19. Employees who wish to raise a bullying or harassment issue informally should approach the Deputy Town Clerk or the Town Clerk.

20. It can be helpful to keep a diary of all incidents – records of dates, times, any witnesses etc.

21. In minor or isolated cases of bullying or harassment, it may be possible and desirable for the issue to be settled informally and confidentially between the parties themselves; for example by one employee asking another to refrain from a particular type of intimidating behaviour and by the manager monitoring that there is no reoccurrence. If an employee finds it difficult to tell the person directly, this can be done by another person, e.g. colleague, trade union official or Town Clerk.



Procedure for dealing with cases of harassment or bullying – formal

22. If this approach fails or if a more serious form of harassment or bullying is involved, the employee should bring the situation formally to the attention of the Deputy Town Clerk.
23. An employee who feels that they are being bullied or harassed by the Deputy Town Clerk should bring the situation to the attention of the Town Clerk.
24. The employee may, if they prefer, ask a colleague, trade union representative to raise the matter with the Deputy/Town Clerk on their behalf.
25. The Deputy/Town Clerk should arrange for an immediate and thorough investigation, and then take appropriate action. The Deputy Town Clerk should seek advice from the Town Clerk on whether formal disciplinary action is appropriate and whether the alleged bullying or harassment is based on discrimination relating to particular personal characteristics.
26. The Deputy Town Clerk should take steps to ensure confidentiality and fairness to both parties. It is particularly important that no-one should be victimised as a result of making a complaint or being the subject of a complaint of bullying or harassment.

Bullying or harassment by elected Members

28. Elected Members are expected to treat Council employees with respect and dignity. An employee with a complaint of bullying or harassment against an elected Member should discuss this with the Town Clerk. The Town Clerk may then address the individual Member and/or Party Group Leader is responsible for informing the Monitoring Officer if the Party Group Leader becomes involved. In this event, the employee would be fully supported and kept informed of the progress and outcome of their complaint.

Bullying or harassment by members of the public

29. The procedure for dealing with cases where an employee is bullied, harassed, threatened or intimidated by a member of the public (including users and clients of Council services) is included in the Council's Policy Statement on Violence to Employees at Work. This covers any incident in which an employee is verbally abused, threatened or attacked by a member of the public in the course of their employment.

Counselling and support

30. Counselling and support for both the person raising a concern about bullying and harassment and the alleged perpetrator is available through the Occupational Health Service, Unions may also be able to offer support.



If a complaint is not resolved

31. If an employee is not satisfied that a complaint has been dealt with speedily and effectively then she/he should use the Council's Complaints or Grievance Procedure.

Related Policies

- _ Disciplinary Procedure
- _ Equality Policy
- _ Grievance Procedure

Sources of Information and advice

'Bullying and Harassment at Work: Guidance for Employees' and 'Bullying and Harassment at Work: A Guide for Managers and Employers

www.acas.org.uk

Tel: 08457 474747

Commission for Racial Equality (CRE)

Tel: 020 79390000

www.cre.gov.uk

Disability Rights Commission

Tel: 08457 622633

www.drc.org.uk

Equal Opportunities Commission

Tel: 08456 015901

www.eoc.org.uk

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