

## FC94. MOTION

### Members' Conduct

Notice of the following motion had been intimated by Councillor Dennis Goldie:-

“Council affirms the following principles:-

- All Council employees are entitled to a safe working environment free from harassment and bullying and where everyone is treated with dignity and respect.
- This should apply whether the source of the bullying or harassment is another employee or a Councillor.
- Employees should have access to means of having a complaint of harassment or bullying by a Councillor dealt with in an effective way.

Council agrees that while the current Dignity at Work Policy applies to Councillors, in reality it does not make adequate provision for the action to be taken where a Councillor is found to have engaged in bullying or harassing behaviour or provide the necessary support for a manager asked to investigate the actions of a Councillor.

Council accordingly agrees that the Dignity at Work Policy should be reconsidered with a view to incorporating the following changes:-

- (1) All complaints of bullying or harassment of an employee by a Councillor must be investigated by the Chief Officer of the Service of the employee making the complaint.
- (2) Where the outcome of the investigation is that bullying or harassing behaviour has taken place the outcome will be reported to Council.
- (3) Council will consider the appropriate action to be taken against the Councillor and, in particular whether a referral should be made to the Standards Commission.

Council requests the Chief Governance Officer and the Head of Human Resources to report to the next scheduled meeting of the Council with proposals for changes to the Policy to give effect to these changes.”

With the consent of the Provost, Councillor Dennis Goldie, seconded by Baillie Paterson, moved the terms of the motion, with the final paragraph extended as follows:-

“...recognising that discussions with trade unions (and, if necessary, the JCC) will need to take place and that the report may include proposals or advice to Council on alternative mechanisms to address the issue identified in this motion”. It was also accepted that this work may not be completed by the next scheduled meeting of Council and that the report would be made to a further meeting of Council.”

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved, in substitution for the motion, that Council:-

- “(1) recognises that the Dignity at Work Policy October 2010 offers protections to staff; and
- (2) furthermore agrees that the Standards Commission’s primary role is to ensure the National Code of Conduct for elected members is implemented. Any political breaches of the Code should be reported and investigated by the Commission and they should be the sole body responsible for penalties.”

In terms of Standing Order 22.4(i), a vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (14) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie and Turner.

### **Decision**

**Council agreed the adjusted motion.**

Councillor Dennis Goldie left the meeting following consideration of the previous item.