



## **EMPLOYEES ANTI-HARASSMENT AND BULLYING POLICY**

### **Purpose of policy**

The purpose of this policy is to ensure that all our workers are treated with dignity and respect and are free from harassment or other forms of bullying at work.

This policy is for guidance only and does not form part of your contract of employment.

Breach of this policy will be dealt with under our disciplinary procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

### **1. Legislative framework**

1.1 Under the Health and Safety at Work Act 1974 we have a duty to provide our workers with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.

1.2 We are also responsible for ensuring that workers are not harassed, bullied or discriminated against on the grounds of their sex, sexual orientation, marital status, gender reassignment, race, religion, colour, nationality, ethnic or national origin, disability, HIV positive/AIDS status or age.

1.3 In some situations we may, in addition to a worker, also be responsible for the actions of that worker towards their colleagues and third parties.

1.4 This policy confirms our commitment to identifying and eliminating all forms of harassment, intimidation and bullying.

### **2. Who is covered by this policy?**

2.1 This policy covers every individual working for us, irrespective of their status, level or grade. It therefore includes senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time or fixed-term employees, casual and agency staff (collectively referred to as workers in this policy).

### **3. What are harassment and bullying?**

3.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of affecting a worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Physical conduct ranges from touching,

pinching, pushing or brushing past someone, to grabbing, shoving, punching and other forms of physical assault.

In addition to the manner in which workers speak to and about one another, written material and pictures (including that disseminated by interactive and digital technologies) can be used to harass. This includes e-mails, text messages, film clips and photographs taken using cameras in mobile phones, as well as content uploaded onto websites.

3.2 Harassment commonly, but not exclusively, targets the sex, sexual orientation, marital status, gender reassignment, race, religion, colour, nationality, ethnic or national origin, disability, HIV positive/AIDS status or age of the victim.

3.3 A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

3.4 Non-exhaustive examples of harassment include:

- a) unnecessary or unwanted physical contact, which the offender might perceive to be “horseplay”, and which can include the invasion of personal space, touching or brushing against another worker’s body as well as assault or coercing sexual relations
- b) unwelcome sexual behaviour, which might be perceived by the offender to be harmless flirting, and which may involve suggestions, advances, propositions or pressure for sexual activity
- c) suggestions that sexual favours may further an employee’s career or that refusal of sexual favours may hinder it
- d) continued suggestions for social activity within or outside the workplace, after it has been made clear that such suggestions are unwelcome
- e) inappropriate behaviour, whether in the form of offensive or intimidating comments or gestures, or insensitive jokes or pranks
- f) the display or circulation of offensive pictures, objects or written materials which, for example, may be considered pornographic or offensive to particular ethnic or religious groups
- g) unwanted conduct or conduct that has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment on the grounds of their sex, race, sexual orientation, disability, religion or age including abuse or insults about cultures, customs appearance or dress
- h) ignoring or shunning a worker, for example, by deliberately excluding them from a conversation or a workplace social activity

3.5 Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others

through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct. Physical conduct includes perceived horseplay, touching, pinching, pushing as well as grabbing, shoving and other forms of physical assault. In addition to the manner in which workers speak to and about one another, written material and pictures (including that disseminated by interactive and digital technologies) can be used to bully. These include e-mails, text messages, film clips and photographs taken using cameras in mobile phones, as well as content uploaded onto websites.

3.6 Bullying does not include legitimate and constructive criticism of a worker's

3.7 Non-exhaustive examples of bullying include:

- a) shouting at, being sarcastic towards, ridiculing or demeaning others
- b) making physical or psychological threats
- c) overbearing supervision and making inappropriate and/or derogatory remarks about a worker's performance
- d) abuse of authority or power by those in positions of seniority
- e) unjustifiably excluding colleagues from meetings/ communications

3.8 This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of the Council and on or off its premises.

3.9 Workers who believe they are being subjected to harassment or that they are being bullied should not hesitate to use the procedure set out below.

#### **4. What to do if you are being bullied or harassed: informal procedure**

4.1 If you consider that you are being bullied or harassed and you feel able to, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that their behaviour is not welcome and that it offends you or makes you uncomfortable.

4.2 If it is not possible to resolve matters informally or, if after informal steps have been taken, the conduct continues, you should follow the formal procedure set out below.

#### **5. What to do if you are being bullied or harassed: formal procedure**

5.1 The informal procedure may not be appropriate, due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with us.

5.2 As a general principle, the decision to progress a complaint rests with you. However, we have a duty to protect all our workers and may be obliged to pursue a complaint independently if, in all the circumstances, we consider it appropriate to do so.

5.3 If you wish to make a formal complaint, you should write to your manager, setting out full details of the unwanted conduct. These details should include the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) when the harassment or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment or bullying.

## **6. Formal procedure: investigation**

6.1 Complaints will be managed in a timely and confidential manner, via an independent investigation, to establish full details of what happened. Your name and the name of the alleged harasser or bully will not be divulged, other than on a “need to know” basis to those individuals involved in the investigation. At the outset, an investigator with no prior involvement in the complaint will be appointed and a timetable will be set down and communicated to all parties. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

6.2 Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily or suspended on full pay, or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

6.3 As part of the investigation, the investigator will meet with you to hear your account of events leading to your complaint. You have the right to be accompanied by a work colleague or a trade union official of your choice. The investigator will also meet with the alleged harasser or bully. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

6.4 At the conclusion of the investigation, the investigator will submit a report to a manager nominated to consider the complaint. The manager will usually report their findings back to you within two weeks of your complaint first being reported. A copy of the investigator’s report, together with the manager’s report findings will be provided to you and to the alleged harasser.

6.5 If the manager finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under our disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

## **7. Formal procedure: appeal**

7.1 If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within 14 days of being notified of the outcome. You should submit your full written grounds of appeal. The person hearing your appeal will meet with you to discuss your appeal. You may be accompanied by a work colleague or a trade union official of your choice. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure.

## **8. Protection for those making complaints or assisting with an investigation**

8.1 Workers who make complaints, or who participate in any investigation conducted under this policy in good faith, will be protected from any form of intimidation or victimisation as a result of their involvement.

8.2 Any worker who is, after investigation, found to have provided false information or to have acted in bad faith will be subject to action under our disciplinary procedure.

## **9. Confidentiality**

9.1 Confidentiality is an important part of the procedures provided under this policy. Every worker involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required.

9.2 Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.