

PREVENTION OF BULLYING AND HARASSMENT AT WORK

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Review Date <i>when under review, this policy should continue to be used</i>	March 2024
This policy is non-contractual	
Version <i>This policy may be amended prior to the review date to comply with any new, relevant legislation or organisational change that affects how this policy is used</i>	1
Related Policies	Grievance Policy Disciplinary Policy Health & Safety

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1. Purpose

- 1.1 We are committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give their best. Everyone in the council and those who have dealings with the council has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by equality and human rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
- 1.2 This policy applies to all staff working within the council and to all employees working off the premises. It extends to include non-permanent workers such as secondees, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
- 1.3 We have a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

2. Scope

- 2.1 This policy applies to all employees of the council regardless of gender, gender reassignment, race, religion or belief, disability, sexual orientation, age, trade union membership or public interest disclosure status. It also applies to part time and fixed term employees.

3. Principles

- 3.1 The council will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the council must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
- 3.2 Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of

bullying or harassment which they witness, or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.

3.3 Harassment is generally defined in the Equality Act 2010 as any conduct which is:

- “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”

3.3 Harassment may be an isolated occurrence or repetitive; it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

3.4 Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting or misuse of power through means that undermine, humiliate, denigrate or injure a recipient. Bullying includes but is not limited to:

- Conduct, which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail or social media (This should be borne in mind where employees are working remotely and are managed through online means. Care and sensitivity should be practised regarding the choice of context and language)
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

We believe bullying takes many forms such as physical, verbal, social exclusion and cyber, and can include the misuse of mobile phones, technical devices and Internet social networking websites. Cyber bullying can take on the form of text messages, emails, rumours or pictures/videos sent by electronic technologies or posted on social networking sites. It is everyone's duty to look out for all signs of bullying and to take the appropriate action to stop it. We will deal with all incidents of alleged bullying.

- 3.5 Harassment and bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

4 **PROCESS**

4.1 **INFORMAL STAGE**

Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager, if they feel able to do so.

FORMAL STAGE

- 4.2 Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, see Appendix I, then a formal resolution should be sought using the Grievance Policy.

When a complaint of harassment or bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the council's Disciplinary Procedure.

- 4.2 If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the council will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the circumstances of the case and advice from senior management. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
- 4.3 All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be

necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

- 4.4 No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
- 4.5 All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to HR.
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- 4.6 For allegations of bullying and/or harassment by a councillor to an officer a separate procedure is used which can be found at [insert details].

This policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

APPENDIX 1

Informal Resolution

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to senior management.

Where the employee's line manager is the subject of concern, the matter should be dealt with by the next level of line management. A manager from another service area can also be called upon if it is appropriate in the circumstances.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised
- Respect the other person's point of view; everyone has a right to work in an environment free from harassment/intimidation
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important
- Agree the aspects of behaviour that will change
- Review their general conduct/behaviour at work and with workplace colleagues.