



Policy Statement Bullying and Harassment

Aim of policy

To make sure employees are aware of our expectations and their responsibilities in relation to bullying and harassment. To set out what employees should do if they are experiencing bullying and harassment and the support options available.

Achieving our aims

We will achieve these aims by:

- Having effective and fair processes and procedures which promote the dignity of employees and deal with unacceptable behaviour.
- Providing advice, information and support to ensure we treat employees with dignity and respect.
- Telling employees about their personal responsibilities to ensure they respect the dignity of their colleagues.
- Raising awareness of the policy and procedures throughout the Council at all levels.
- Making sure we tell new employees about the policy at induction, emphasising that complaints will be treated seriously.
- Having appropriately trained harassment contacts and investigators.
- Monitoring the length of time taken to conduct and conclude investigations to prevent prolonged distress to everyone involved.
- Continually reviewing the effectiveness of our policy and procedures.
- Making sure employees have the confidence to make a complaint without fear of ridicule or reprisal.

Statement of commitment

We commit to having a workplace free from bullying and harassment. Together with our trade unions, we recognise the serious consequences of this to employees and to the Council. This won't be tolerated or condoned within work or outside work if it has an impact on working relationships. We will not accept any form of bullying, harassment, victimisation, intimidation or behaviour which causes an employee distress, for example because of their:

- Their age.
- The fact they are in a civil partnership.
- Their colour.
- The fact they have a criminal record.
- Any disability they have.
- Their ethnic or national background.
- Their sex.
- Their marital status.
- Their nationality.
- Their sexuality.
- The fact they are transgender or transsexual.
- Their social background.
- The fact they have, or may be seen to have, HIV or AIDS, or seen to be associated with someone who is HIV-positive.
- Their membership or non-membership of a trade union.



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- Their race.
- Their religion.
- Their personal characteristics.

This supports our [Equal Opportunities Policy](#) and the values detailed in our [People Strategy](#) where we commit to providing equality of opportunity and to creating a workplace where all employees are treated fairly and with dignity and respect.

What is workplace bullying and harassment?

We define this as unwanted and unwelcomed behaviour which makes the recipient feel unpleasant or uncomfortable. It can take many forms, for example:

- Physical contact ranging from touching to serious assault, including that of a sexual nature.
- Verbal and written harassment through jokes, offensive language, gossip, slander or sectarian songs.
- Visual displays of posters, graffiti or obscene gestures.
- Displaying or circulating offensive material or comments by email, mobile phone or social media sites from Council equipment during work or personal equipment in your own time.
- Isolation or non co-operation at work and exclusion from social events.
- Intrusion by pestering, spying or following another employee.

Definition of bullying

We define bullying as unwarranted offensive, intimidating, malicious or insulting behaviour towards an individual or group of employees. It's an abuse or misuse of power intended to undermine, humiliate, insult or injure the recipient. It's usually persistent and repetitive behaviour however; some bullying can be serious enough to be recognised even if the behaviour was a one off incident. It can range from extreme forms such as violence and intimidation to less obvious actions, such as deliberately ignoring someone.

Definition of harassment

We define harassment as unwanted conduct affecting the dignity of others. Unlike bullying, it's related specifically to age, sex, gender reassignment, race, religion or belief, sexual orientation, disability or any personal characteristic of an individual. It's unwanted conduct that:

- Violates another person's dignity; or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.



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It takes many forms including physical, verbal or non-verbal conduct. It can include comments, actions, jokes or suggestions that may be viewed as demeaning and unacceptable to the recipient. It may be an isolated incident or repeated actions that may create a stressful working environment.

Definition of victimisation

We define victimisation as less favourable treatment of an individual because they:

- Have made a complaint or intend to make a complaint about being bullied or harassed.
- Have or intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

For more information on defining bullying and harassment and the forms it can take read our [Definitions](#).

What is not workplace bullying and harassment?

Effective management

We expect our managers to lead and manage employees. This involves setting and making sure employees understand performance standards. It also involves dealing in a respectful and constructive way with employees who fall below the standards.

Organisational change

Organisational change is both essential and inevitable. It may be caused by many factors, for example, cuts in budget, economic downturn, the introduction of new legislation, service reform or changes to organisational strategy. It's vital that the Council changes to remain effective in the economic climate to ensure service delivery.

We recognise that changes can at times result in employees feeling apprehensive, upset, and resistant to change. Organisational change is never intended to undermine or humiliate employees but will always be aimed at improving Council services or meeting economic challenges. **Organisational change does not amount to bullying or harassment.**

For more information on defining effective management and organisational change read our [Definitions](#).

Legal context

It's against the law to subject a person to harassment on the grounds of:

- Age.
- Disability.
- Gender reassignment.



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- Sexual orientation.
- Religion or belief.
- Sex.
- Race.

If an employee is subjected to this they could claim victimisation. As well as discrimination claims, acts of harassment could also lead to criminal claims for assault or civil claims for harassment or negligence. Claims for breach of contract could also be made for example where an employee resigns because of harassment and then claims constructive dismissal.

What we expect from employees

Employees have a duty to understand how their behaviour affects others. They have a role to play in creating a climate where bullying and harassment is unacceptable. They can achieve this by having an awareness and sensitivity towards the issues of bullying and harassment and by making sure that their standards of conduct don't cause offence.

We understand that at times employees may not realise the effect of their behaviour on colleagues. That's why it's important all employees familiarise themselves with this policy and realise the possible effects of their conduct on others. This should ensure that employees:

- Treat fellow workers with dignity and respect.
- Think about their behaviour and actions, and how these may impact on others.
- Meet the requirements of Council policies introduced to ensure equal opportunity and non-discrimination.
- Don't bully, harass, or victimise colleagues or any other person on any grounds.
- Don't display behaviour or actions that are unwelcome or undermine fellow employees or any other person.
- Report suspected acts of unacceptable behaviour or practices that go against the bullying and harassment policy.
- Don't make false accusations with a deliberate attempt to damage another person's reputation, dignity and character.

Additional responsibilities expected of managers

Managers have a responsibility to uphold and promote the bullying and harassment policy. They should treat employees fairly and with dignity and respect and make sure the working environment is free from bullying, harassment and victimisation. They should:

- Encourage an atmosphere of tolerance and respect.
- Lead by example through a fair and open management style.
- Make sure that all employees they're responsible for are aware of, and understand the bullying and harassment policy.
- Be aware of their team member's behaviours and take steps to address any action which may cause offence or distress.



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- Be supportive of employees who come to them with concerns about unacceptable behaviour.
- Stop unacceptable behaviour and deal with any complaints they receive.

Dealing with bullying and harassment

It's preferable that complaints are dealt with within the service and informally where appropriate. The aim is to produce solutions quickly to resolve issues and reduce the impact on all involved. The informal procedure shouldn't be used to discourage employees from using formal procedures where they prefer that option.

Seek support and advice

Employees affected by bullying and harassment should not ignore the issue. The first step they should take is to talk to someone about their experiences. We have trained people to help with this who will listen in confidence to an employee's experiences or complaint. They are:

- Independent, experienced counsellors from our [Employee Assistance Provider](#) available 24 hours a day, every day on 0800 042 0135
- any of our [Harassment Contacts](#); or
- a trade union representative.

They'll advise them of the sources of support, and the options open to them to help stop the unacceptable behaviour. They won't attempt to resolve the situation directly but support and guide the employee to assist them to resolve the situation themselves.

Informal procedure

Acts of bullying and harassment aren't always intentional. Sometimes the person might not understand the impact of their behaviour on someone else. That's why dealing with the matter informally may be appropriate. By making the person aware of the impact of their behaviour it might resolve the matter.

The employee should talk to the person directly about their behaviour, explain how it has affected them and ask them to stop behaving in that way. If they find it too difficult to do this on their own they can ask a colleague, trade union representative or their line manager to do this for them. If the person is their line manager they can ask a more senior manager to talk to them. If the complaint is not resolved informally or if the employee wishes they may progress to the formal approach.



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Formal procedure

Making a complaint

The employee should complete the [Harassment Complaint Form](#). This asks for details of the complaint and what attempts they have taken to resolve the matter informally. They should then pass this preferably to their line manager, service HR or another manager. If however the complaint is about their line manager they should pass this to a more senior manager or a service based investigator.

Initially a service based investigator will independently and impartially review the information provided. They will determine if the behaviours fall under the definitions of bullying and harassment and decide if an investigation is required. If they decide that the complaint doesn't fall under the definitions they will refer it back to service HR or management.

In exceptional circumstances or if the complaint is against a senior employee in grades 12-14 the harassment complaint form should be forwarded to the Chief Executive. If it's against the Chief Executive it should be passed to the Executive Director of Corporate Services. An appropriate investigator will be appointed to review the information provided.

False accusations

If in good faith an employee makes an accusation which following investigation is not confirmed as bullying and harassment we won't take any action against the employee. If however an employee makes a malicious complaint which doesn't have grounds, substance or evidence and was made to deliberately cause upset and distress we may take action in line with our [Code of Discipline, Disciplinary and Appeals Procedure](#).

Investigation process

The investigator will complete a thorough impartial investigation to find out if bullying and harassment has taken place and decide what action needs to be taken. They'll keep an open mind, looking at all the information and evidence which supports the complaint and evidence against it. They will consider the welfare of everyone involved and will act with sensitivity and respect for the rights of everyone with an aim to complete this within 30 working days.

Normally employees involved can continue to work together, however there may be extreme circumstances when this is not appropriate. The investigator will then consider all relevant factors and make a decision in the best interests of all employees. They may decide to suspend or redeploy employees; normally this will happen to the person who the complaint is made against however sometimes that's not possible. Any employee suspended will continue to receive full pay. Suspensions will be reviewed regularly.



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Anyone involved in the process at any stage has the right to representation by a trade union representative, line manager or colleague of their choice. This person must not have an active role in the investigation process, for example as a witness.

Initially the investigator will advise everyone involved of the planned approach to dealing with the complaint, proposed timescales and how they'll confirm the outcome. They'll interview the complainant to clarify full details of the complaint, followed by the respondent and any witnesses in order to gather all relevant evidence. They'll then review the information to establish the facts of the case and prepare a report summarising their findings and conclusions. The report will confirm whether they have upheld or rejected the complaint and detail recommendations of appropriate action for management to take.

Investigation outcome

The investigator will advise management, the complainant and the respondent of the outcome. They'll advise whether or not the complaint has been upheld or rejected:

- **Upheld** – It is believed that the bullying and harassment took place.
- **Rejected** - It is believed that the bullying and harassment didn't take place.

Appeals procedure for complainant

If the complaint is rejected, the complainant has a right to appeal this decision. They should do this in writing detailing the reasons for the appeal within seven working days of receiving the letter confirming the outcome. Dissatisfaction with the outcome of the investigation is not valid grounds for an appeal to be made. Where possible the appeal review process will usually be arranged within 10 working days of receipt of the appeal. The decision of the appeal review is final.

Modified procedure for ex-employees

If possible employees should raise any complaints of bullying and harassment before they leave our employment. If they've left before the bullying and harassment procedure starts or finishes, the complaint should be made in writing to the Head of Service. The Head of Service or nominated officer will arrange to investigate and respond in writing.

Compliance

All employees should know about and comply with this policy. This will support the Council to stop and prevent all forms of bullying and harassment. We will consider incidents of bullying and harassment as misconduct. Where we established that there is a case to answer disciplinary action may be taken against employees. This could include dismissal for serious offences.



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Responsibilities

Executive Directors, Heads of Service and managers have a responsibility to:

- Promote and enforce the bullying and harassment policy.
- Act as role models.
- Support the principles and uphold the culture of no tolerance of bullying and harassment, whether intended or not.

Support and training for employees

At any stage, employees including complainants, respondents or witnesses may wish to speak to someone if they're affected by unacceptable behaviour at work. They can do this by contacting any of our harassment contacts and or speaking to a qualified counsellor from our employee assistance provider.

We are committed to raising awareness of the bullying and harassment policy and procedures and to make training and learning available to all employees.

Monitoring

Services have a responsibility to ensure that they record all informal and formal complaints of unacceptable behaviour. We will collect data on complaints of bullying and harassment and related timescales on a quarterly basis.

Further Guidance

Information, help and advice on all aspects of this policy is available from Corporate HR and service HR or via the [Working for Us](#) pages on Connect.