

# Corporate HR - Bullying and Harassment Guide



## EMPLOYMENT ZONE

### Our Commitment

Glasgow City Council is committed to creating and maintaining a safe and supportive working environment where all employees are treated with dignity and respect, and feel valued for the different skills and abilities they bring to the workplace.

Harassment, bullying or victimisation of any kind are unacceptable and will not be tolerated. Any employee who is subjected to harassment, bullying or victimisation has the right to complain and, as such, all complaints will be dealt with seriously, promptly and confidentially in line with our [Bullying and Harassment Policy](#).

The Council will take appropriate disciplinary action, including dismissal for serious offences against any employee who violates the policy. This may also include anyone who makes what are found to be malicious claims.

### About this guide

This guide provides information for employees affected by harassment, bullying or victimisation.

It should be read alongside our [Bullying and Harassment Policy](#) which provides clarification on the types of behaviour that are considered unacceptable conduct in relation to bullying and harassment.

It explains the procedures and framework of support in place to help resolve matters relating to bullying and harassment.

For ease of reference, we refer to the **Complainant** (the person raising the complaint) and the **Respondent** (the person who the complaint is directed towards).

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### 5 key steps to stop bullying and harassment

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Don't ignore the problem	Confide in someone	Know the policy & options open to you	Keep a record	Consider taking action
<p>Once bullying or harassment starts, it's likely to continue unless you take action to stop it.</p> <p>That's why if you experience or witness bullying and harassment you should never ignore it. It could become worse.</p>	<p>Don't suffer alone or in silence.</p> <p>You can seek confidential advice and support from:</p> <ul style="list-style-type: none"><li>• your manager or a more senior manager;</li><li>• a trusted colleague;</li><li>• our EAP Bullying and Harassment helpline - <b>0800 042 0135</b>;</li><li>• any of our trained <a href="#">Bullying and Harassment Contacts</a>;</li><li>• <a href="#">Equality Employee Support Network contact</a>;</li><li>• <a href="#">Service HR Champions</a>;</li><li>• Trade Union representative.</li></ul>	<p>Our <a href="#">Bullying &amp; Harassment Policy</a> provides an overview of your rights and responsibilities, the types of behaviour that may constitute bullying and harassment, and the support routes available to you if you have concerns.</p>	<p>You should always keep a record of the incidents which are causing you distress.</p> <p>Take note of the date, time and place of the incident, exactly what was said or done, the context in which it was said or done, how it made you feel and the action you took (if any).</p> <p>You should also note the names of any witnesses who were present and retain any related documents. This information will be relevant if you decide to talk to someone or make a formal complaint at a later stage.</p>	<p>In most cases, depending on the nature and frequency of the behaviour, it's usually better to tackle it informally, and as early as possible.</p> <p>If you feel the behaviour is serious and is happening repeatedly, you can make a formal complaint by completing the Bullying and <a href="#">Bullying and Harassment Complaint Form</a>.</p> <p><b>The following sections explain what you can do if you are affected by Bullying or Harassment</b></p>

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### Support for you

If you're affected by bullying or harassment, help is available from:

- Your line manager;
- A trusted colleague;
- [Employee Assistance Provider](#);  
(Bullying & Harassment helpline **0800 042 0135**)
- [Bullying and Harassment Contacts](#);
- [Equality Employee Support Networks](#);
- [Service HR Champions](#);
- Trade union representative.

For cases of bullying and harassment that are so serious, you feel there is no route to report it, refer to our [Whistleblowing Policy](#).

Incidents involving third parties (such as customers) should be reported to your line manager who will address such concerns through the [Unacceptable Actions Policy](#).

### Informal approach

Conflict can sometimes be an inevitable part of working life as we all have different personalities, values, and ways of communicating.

It is healthy to openly discuss and debate work issues, and this can prove to be a positive part of the creative and change process.

However, conflict can also be unhealthy. It can sometimes spiral out of control and lead to unacceptable behaviour if not dealt with at an early stage.

#### Informal discussion

If an employee feels they have been subjected to unacceptable behaviour, they should normally seek to address this informally in the first instance by talking to the person concerned.

They can choose to do this alone, with support, or through someone else acting on their behalf.

#### Preparing for meeting

The employee should:

- Prepare and read through any notes they have of the incident(s);
- Gather any supporting evidence;
- Think about what they will say to the person;
- Think about what they want from the discussion. Are expectations reasonable? Are they willing to compromise, if appropriate, in order to reach a resolution?

They should let the individual know if they are planning on taking someone along for support to the meeting, or are sending someone else on their behalf - this can be a trusted work colleague, manager or trade union representative.

Our guidance [Working Well together: Resolving Conflict](#), and [Having a difficult conversation](#) may help all parties prepare for and achieve a resolution acceptable to both parties.

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### At the meeting

#### Tips for **Complainant**:

- Politely but firmly let the Respondent know that their behaviour is unwelcome, offensive or is interfering with work;
- Clearly explain the behaviour you found unacceptable and why;
- Talk through any records of the incident(s), state what actually happened, and how this made you feel;
- Explain that you'd like the unacceptable behaviour to stop, and would prefer to resolve it informally at this stage.

#### Tips for **Respondent**:

- Listen carefully to what's said and don't dismiss the complaint just because you didn't intend on causing offence;
- Ask what aspects of your behaviour they found unacceptable;
- Try not to be defensive even if you feel the complaint is not justified;
- Remain calm and ask for time to consider the matter if you do feel emotional;
- Discuss ways in which you could resolve the matter and work together more positively in the future;
- Review the way you've behaved and consider whether you can make changes.

### Manager led informal meeting

Managers should be mindful of any conflict arising within their team and work to resolve issues at an early stage. Where a manager may be unaware of an issue, an employee can seek support from them (or a more senior manager as appropriate) to make an informal approach to resolve conflict at this stage.

The manager will facilitate the discussion in a safe environment, allowing both parties to discuss their point of view with the aim to achieve an agreement about behaviour and future conduct.

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### Mediation

Mediation is a voluntary, confidential process where an independent mediator helps two (or more) people in dispute to attempt to reach an agreement.

Mediation can be a good way of supporting employees in conflict where earlier informal discussions have failed to resolve the matter satisfactorily, or where you feel that the matter needs addressed more formally.

It is most likely to be successful if both parties:

- understand what mediation involves;
- enter the process voluntarily;
- are seeking to repair the working relationship.

It is unlikely to be appropriate in dealing with serious and/or deliberate or malicious acts of bullying, harassment or victimisation.

We have impartial third party ACAS trained mediators who can help find a way forward and rebuild working relationships.

Mediation can be arranged through an employee's line manager or [Service HR](#) in the first instance. They can help employees to decide if their situation is suitable for mediation and help organise it if appropriate.

More information about our mediation service, including FAQ's, can be found [here](#).

### Formal approach

#### Making a formal complaint

If informal attempts to resolve the matter have failed or if the harassment or bullying is of a more serious nature, then a formal complaint can be made in writing using the [Bullying and Harassment Complaint Form](#).

The employee should normally submit the complaint form to their line manager, unless the complaint involves their line manager - in which case, it can be submitted to:

- another manager or more senior manager;
- Bullying & Harassment HR Service Champion; or
- Service HR.

#### **Remember**

Unwanted conduct does not need to be directed at a person - it can be witnessed or overheard.

Even if you're not the recipient of the unwanted conduct, you can still complain about it if you find it offensive.

#### Support available

As with the informal approach, an employee can choose to make the complaint on their own, with support, or through someone else, acting on their behalf. This can be a work colleague, their line manager (or senior manager), or trade union representative.

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Our trained [Bullying and Harassment Contacts](#) can provide confidential assistance to complete the form, and can give guidance on what to expect during the investigation process.

### **Complaint assessment**

Initially a service based investigator will independently and impartially review the information provided.

To allow a complaint to be fully assessed, the investigator may need to meet with the complainant to gather more information.

The employee can attend the meeting alone or take whoever they have chosen to support them.

The investigator will ask about what happened and when, who was involved, and how the employee felt as a result.

After the initial meeting, the appointed investigator will decide if the complaint falls within the definition of bullying and harassment and if so, start a formal investigation.

If the complaint falls within the definition of bullying and harassment as outlined in the [Bullying and Harassment Policy](#) they will begin a prompt, thorough and impartial investigation.

If they decide that the complaint doesn't fall under the definitions they will refer it back to service HR or management.

### **Precautionary Action**

Following the complaint assessment or during the investigation process if the investigator feels that either party is at risk they may decide to take some form of precautionary action pending the outcome of the investigation. This could be the suspension of the respondent or a temporary move of either party. Where a temporary move is being considered this will be in consultation with both employees involved and service HR.

### **Confidentiality**

Confidentiality is of prime importance and we are committed to protecting the identity of the complainant, respondent and any witnesses. Any breach of confidentiality may result in disciplinary action.

### **Duty of Care**

Any discussions with a manager, Bullying and Harassment Contact, or Service HR are treated as confidential with the decision to progress a complaint being the employee's.

In exceptional circumstances where an employee may be unwilling to pursue a complaint, this must be balanced with our Duty of Care to ensure the welfare of all our employees.

Where there are unacceptable risks, steps may have to be taken to pursue the matter further. This will only be done in consultation with the employee concerned.

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### Investigation

#### *Meeting with the **Complainant**:*

After the complaint assessment, the investigator will arrange to meet with the employee to discuss their complaint in detail. Again, the employee can take whoever is supporting them.

The investigator will ask the employee to confirm what happened, when it happened, who was involved, and how the employee felt as a result.

Any record of the incident(s) will be discussed at the meeting, and the names of any witnesses should also be provided.

#### *Meeting with the **Respondent**:*

A copy of the complaint will be given to the Respondent prior to the meeting to allow them to fully consider allegations made against them, seek guidance or support needed, and prepare their response before the meeting takes place.

The Respondent can bring someone to represent them at the meeting if they choose.

The investigator will ask the Respondent to provide their recollection of what happened - including details about the incident(s), if there were any witnesses, and any written evidence the Respondent has collected.

The Respondent may refute the allegations and feel they are the one being subjected to unacceptable behaviour – in which case counter allegations may be made during the meeting and will be fully explored.

#### *Meeting with **Witness**:*

The investigator will also speak with any witnesses they feel are appropriate. Even if the witness hasn't reported what they observed, they may still be called to give evidence during a formal investigation. This would be in circumstances where the person experiencing the behaviour submits a formal bullying and harassment complaint and provides your name as a witness to the events.

They will request a witness's attendance in writing, confirming the date, time and location of the meeting. The witness can bring a representative to this meeting.

The investigator will not ask for the witness's opinion on whether or not they feel bullying or harassment occurred, but will ask them to confirm what was witnessed - if anything.

The investigator will limit the details of the complaint to a "need to know" basis to preserve confidentiality.

They may also want to speak to the Complainant and/or the Respondent again if they require clarification on any points, or if further information emerges.

Notes taken at each interview, will be typed up to form separate statements of each party's version of events. These statements will then be checked with each of the employees to confirm their accuracy.

Every effort will be made to complete the investigation within 30 working days to help reduce distress to those involved. If circumstances out with the control of the investigator arise, all parties involved will be notified of revised timescales.

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### Investigation outcome

Once the investigation is complete, the investigator will review all of the information and come to a decision.

They will meet separately with the Complainant and the Respondent to inform them of the outcome of the complaint.

#### **Remember**

- Absolute proof isn't necessary by law when considering evidence in bullying and harassment investigations.
- The outcome will be determined on the balance of probabilities that incident is more likely have occurred than not.
- This is unlike criminal law, in which the standard of proof is beyond reasonable doubt.

The complaint will either be:

**Upheld**, as there is a case to answer;  
or

**Rejected**, as there is no case to answer.

### Complaint upheld

If the complaint is upheld, then appropriate action will be taken. The investigator may recommend discipline, or action short of discipline such as training or behavioural coaching.

Management will be responsible for carrying out any actions that are required such as arranging any training or taking the matter to a disciplinary hearing.

The Complainant will be advised that further action will be taken but won't be told what that action is.

What will be important to the Complainant is that the bullying and harassment should stop.

If the complaint is upheld and progresses to a disciplinary hearing, the Complainant may be called as a witness as set out in our [Code of Discipline, Disciplinary and Appeals Procedure](#).

If a disciplinary hearing is recommended, the investigator would usually present the case for management and the Respondent or their representative would put forward their case.

If the chair of the hearing finds that there is a case to answer they have several options available to them.

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They may issue a disciplinary warning or they may consider action such as a disciplinary transfer or demotion. In very serious cases, dismissal will be a consideration.

The Respondent will have the right to appeal against any disciplinary action that is taken and further details on this can be found in the [Code of Discipline, Disciplinary and Appeals Procedure](#).

During the bullying and harassment investigation the identity of witnesses will be protected.

If however the complaint is upheld and progresses to a disciplinary hearing, they may be named and called as a witness as set out in our [Code of Discipline, Disciplinary and Appeals Procedure](#).

### **Complaint rejected - appeals procedure**

If the complaint is rejected, the complainant has the right to appeal this decision on the grounds that the procedure wasn't followed, the assessment was flawed, or that the behaviour has not stopped.

They should submit their appeal in writing, detailing the grounds for appeal, within 7 working days of receipt of the letter confirming the outcome of the investigation.

A senior officer will be appointed to review the case.

The decision of the appeal review is final.

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### Policy Support Framework - Responsibilities

Employees
<ul style="list-style-type: none"><li>• Read and understand the <a href="#">Bullying and Harassment Policy</a> and its <a href="#">arrangements</a> so they know their rights and responsibilities under the policy and what to do if they experience bullying or harassment or see it happening to someone else;</li><li>• Set examples and standards of positive behaviour in line with the <a href="#">Bullying and Harassment Policy</a> and in our <a href="#">Employee Code of Conduct</a>, <a href="#">Competencies Framework</a> and individual role profiles;</li><li>• Raise with your manager any difficulties with your working environment as soon as possible;</li><li>• Follow the <a href="#">5 key steps to stopping Bullying and Harassment</a> if you experience or witness unacceptable conduct.</li></ul>
Managers
<ul style="list-style-type: none"><li>• Read and understand the <a href="#">Bullying and Harassment Policy</a> and its <a href="#">arrangements</a>; and ensure these are communicated to all employees within their area of responsibility so they know what to do if they experience or witness bullying or harassment;</li><li>• Participate in training and development activities as and when required to support the implementation of our policy and procedures;</li><li>• Set examples and standards of positive behaviour in line with the <a href="#">Bullying and Harassment Policy</a> and in our <a href="#">Employee Code of Conduct</a>, <a href="#">Competencies Framework</a> and individual role profiles;</li><li>• Be aware of working relationships within their teams and intervene promptly to any issues or concerns that arise at an early stage to avoid unnecessary escalation of these into bigger problems;</li><li>• Take prompt action through the appropriate procedures in relation to any complaint of bullying and harassment, or any incident of bullying and harassment witnessed by them.</li></ul>
Employee Assistance Provider (EAP)
<ul style="list-style-type: none"><li>• Provide the free, independent and confidential Bullying and Harassment Helpline for our employees - available 24 hours a day, 7 days a week on <b>0800 042 0135</b>;</li><li>• Professional counsellors who understand our Policy and Procedures will listen to what has happened, talk things through with employees, provide details of the options available to them, and recommend further specialised counselling if needed;</li><li>• The Council will receive information on the number of calls made to the Bullying and Harassment Helpline – this is for monitoring and statistical purposes only and will not include any personal information that would allow identification of anyone using the counselling service;</li><li>• Provide <a href="#">online information and advice</a> to assist employees in a range of personal matters at work and at home.</li></ul>

### Bullying and Harassment Contacts

- Be an initial point of contact for any employee who experiences, witnesses, or is accused of bullying or harassment - listening to their concerns and helping them to identify, understand and summarise the key aspects of their situation;
- Advise employees of their rights and responsibilities under our [Bullying and Harassment Policy](#), in addition to the possible options and the routes of support open to them;
- Take appropriate action if at any point they become aware of potential risks to an employee's health, safety and welfare; or if there's a reason to believe that a criminal act may have taken place;
- Seek support and guidance as appropriate from their [Bullying and Harassment Service Champion](#);
- Act as a support mechanism for other [Bullying and Harassment Contacts](#);
- Participate in training and development activities as and when required to support the implementation of our policy and procedures;
- Attend support and policy update meetings as appropriate;
- Support the monitoring of the [Bullying and Harassment Policy](#).

### Bullying and Harassment Investigators

- Assess formal complaints of bullying and harassment to establish whether they fall within the scope of the [Bullying and Harassment Policy](#);
- Conduct prompt, fair and impartial investigations in line with our [Bullying and Harassment Policy](#) and [arrangements](#);
- Gather, examine and record all relevant evidence from available documentation;
- Conduct interviews with complainants, respondents, and witnesses to establish the facts;
- Ensure the restoration of a safe and respectful working environment during the investigation, applying interim measures such as precautionary suspension or transfer if felt appropriate;
- Take appropriate action if at any point they become aware of potential risks to an employee's health, safety and welfare; or if there's a reason to believe that a criminal act may have taken place;
- Summarise findings and recommendations in an investigation report, and present to management;
- Attend support and policy update meetings as appropriate;
- Support the monitoring of the [Bullying and Harassment Policy](#).

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### Bullying and Harassment Service Champions

- Be a point of contact for the bullying and harassment support framework - providing expert advice and support to all parties;
- Oversee the management of bullying and harassment cases within their service;
- Take appropriate action if at any point they become aware of potential risks to an employee's health, safety and welfare; or if there's a reason to believe that a criminal act may have taken place;
- Participate in training and development activities as and when required to support the implementation of our policy and procedures;
- Attend and contribute to support and policy update meetings as appropriate, to raise and discuss any issues with the implementation of the Bullying and Harassment Policy and contribute to the resolution of these;
- Support the monitoring of the [Bullying and Harassment Policy](#).

### Equality and Diversity Employee Support Networks

- Be a point of contact for network members who are affected by bullying or harassment - listening to their concerns and helping signpost them to our [Bullying and Harassment Policy](#) and its [arrangements](#);
- Help employees access support from our [Bullying and Harassment Contacts](#) where necessary;
- Take appropriate action if at any point they become aware of potential risks to an employee's health, safety and welfare; or if there's a reason to believe that a criminal act may have taken place;
- Participate in training and development activities as and when required to support the implementation of our policy and procedures;
- Support the monitoring of the [Bullying and Harassment Policy](#).

### Trade Union Representatives

- Read and understand our [Bullying and Harassment Policy](#) and its [arrangements](#) so that they know how to support members who may be affected by bullying and harassment;
- Help inform the workforce of our [Bullying and Harassment Policy](#) and encourage employees who may have a problem to seek to resolve this through the policy, procedures and support available to them;
- Advise members of their rights and responsibilities under the policy and represent members as and when appropriate;
- Participate in training and development activities as and when required to support the implementation of the [Bullying and Harassment Policy](#);
- Work with Council HR team to raise any issues with the implementation of the [Bullying and Harassment Policy](#) and contribute to finding appropriate solution.

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### Further information and support

#### Policies

[Bullying and Harassment Policy](#)

[Equal Opportunities Policy](#)

[Code of Conduct for Employees](#)

[Code of Discipline, Disciplinary and Appeals Procedure.](#)

#### Forms

[Bullying and Harassment Complaint Form.](#)

#### Guidance

[Bullying and Harassment Connect Pages](#)

[Working Well Together - Resolving Conflict](#)

[Working Well Together - Having a difficult conversation guide](#)

#### GOLD e-learning

[Bullying and Harassment Awareness](#)

[Dealing with Conflict](#)