



ANTI-BULLYING & HARRASSMENT POLICY

Scope

This policy and procedure applies to all employees and members of this Council.

Policy

Our aim is to provide a working environment that respects the rights of employees and where colleagues treat each other with respect. Any behaviour that undermines this aim is unacceptable.

The Council does not tolerate any form of harassment or bullying under any circumstances. While implementing and upholding the policy is the duty of all of our councillors, employees have a responsibility to ensure that harassment does not occur in the Council.

Related policies and procedures

This policy is to be read in conjunction with the Council's Disciplinary, Dismissal & Grievance Policy.

Principles and procedures

The following procedure has been designed to inform councillors and employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. The Council will not tolerate harassment or bullying of:

- Job applicants
- Employees
- Contractors
- Agency workers
- The self-employed
- Ex-employees

This policy also applies to work related functions which are held outside of normal working hours, either on or off the Council's premises, such as Christmas parties, leaving celebrations, working lunches, etc.

Harassment

Definition - Harassment is unwanted conduct related to a relevant protected characteristic (an area covered by discrimination legislation) which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Where it cannot be established that there was an intention to offend, conduct will only be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment if, taking all the circumstances into account, it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds. Some examples are:

- Sex-based (purely because of gender) or sexual (sexual in nature)
- Sexual orientation
- Trans-sexualize (gender reassignment)
- Being married or a civil partner
- Race, nationality, ethnic origin, national origin or skin colour
- Disability itself or a reason relating to it
- Age
- Employment status, e.g. part-time, fixed-term
- Membership or non-membership of a trade union
- Carrying out health and safety duties
- Religion or religious beliefs or lack of either
- Deeply held personal beliefs or lack of them
- Political beliefs
- Criminal record
- Health, e.g. AIDS/HIV sufferers, mental health conditions
- Physical characteristics
- Social class
- Willingness to challenge harassment – being ridiculed or victimised for raising a complaint

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it re-occurs, once it has been made clear by the victim that they consider it offensive. One incident may constitute harassment; however, if it is sufficiently serious, harassment on any grounds, including the above, will not be tolerated.

Harassment at work is unlawful under the Equality Act 2010 (+ updates to 2018)

The Council together with any councillors, who fail to take steps to prevent harassment or investigate complaints may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee who has committed the act of harassment. There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

The Council will also be liable for harassment that comes from a third party if that harassment occurs on at least two occasions, the organisation is aware that it has happened and does nothing to stop it happening.

Harassment on any grounds is also a criminal offence, primarily under the Protection from Harassment Act 1997 (+updates to 2018). This means that colleagues who suffer harassment may contact the police, in the case of harassment from fellow employees or harassment by third parties. Those found guilty face fines or periods of imprisonment of up to two years.

Additionally, an employee harassed by a colleague may sue that colleague personally for the damage and distress caused. The Council may be held vicariously liable under the Protection from Harassment Act for any harassment perpetrated by an employee whenever the behaviour in question is closely connected to the employment relationship.

Examples of harassment

Councillors and employees must recognise that what is acceptable to one employee may not be acceptable to another.

Examples of harassment include:

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs.
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screen-savers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects.
- Physical – unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion.
- Coercion – pressure for sexual favours (e.g. to get a job or be promoted) and pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion – following, pestering, spying, stalking etc.

Bullying

Definition - Bullying is a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth in the workplace and society as a whole.

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- Shouting or swearing at people in public and private
- Persistent criticism
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort
- Dispensing disciplinary action that is totally unjustified
- Spontaneous rages, often over trivial matters

The less obvious:

- Withholding information or supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets
- Setting individuals up to fail by imposing impossible deadlines

- Levelling unfair criticism about performance the night before an employee goes on holiday
- Removing areas of responsibility and imposing menial tasks
- Blocking applications for holiday, promotion or training

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

The impact of harassment and bullying

Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict that harassment and bullying creates, should not be underestimated. The result is not just poor morale, but higher labour turnover, reduced productivity, divided teams, poor service and poor product quality.

Public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention.

Enforcement

Any harassment or bullying will be classed as gross misconduct, for which an employee may be summarily dismissed.

All councillors and employees will be informed of The Council's policy towards harassment and bullying at induction training. It will be stressed that all complaints of harassment will be treated seriously.

The Council expects all councillors to ensure that this policy and procedure is adhered to at all times and expects all councillors and employees to respect the dignity of their colleagues. The policy will be regularly monitored by Council to ensure that it is achieving its aims and those councillors and employees are confident about its application.

Training, communication and awareness

The Council recognises that a written policy is not sufficient to eliminate harassment and bullying. Prominent and regular communication, training and awareness sessions are important to ensure that all employees:

- Understand our commitment to prevent harassment and bullying
- Understand their responsibilities and role in the process
- Know how to seek advice and guidance
- Know how to make complaints and are confident they will be handled effectively

The Council is committed to communicating the policy effectively through:

- Training and awareness programmes for all staff
- Briefings for employees
- Induction

Procedures

Advice

The Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. The Council operates an open-door policy to discuss workplace problems and employees can discuss the matter with their manager or supervisor on an informal basis.

Solutions

It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

Informal

Employees can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague or a union representative who can accompany the victim when speaking to the harasser or bully.

A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

Formal

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance. This procedure will consider the sensitivities of such situations. Each step and action under the formal complaints' procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

Monitoring

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The Council will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Malicious complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to The Council's

Disciplinary, Dismissal & Grievance Policy, as will any witnesses who have deliberately misled The Council during its investigations.

Complaints to an employment tribunal

Whilst the Council trusts that employees will use the internal procedure to resolve any concerns they have about harassment; claims can be lodged with an employment tribunal where harassment is on the grounds of:

- sex
- gender reassignment
- race
- disability
- sexual orientation
- religion
- belief
- age

Abuse of this policy

Any abuse in the application of this policy will be dealt with in accordance with the Council’s Disciplinary, Dismissal & Grievance Policy and may possibly result in disciplinary action being taken, up to and including dismissal.

Alterations and amendments to this policy

This policy does not form part of an employee’s contract of employment. The Council reserves the right to amend or withdraw this policy at its absolute discretion, in accordance with the needs of the council.

Additional information

For further information, please contact the Council Chairman in the first instance.

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