

# Human Resources

# Bullying & Harassment Policy



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## **1. Introduction**

- 1.1. The purpose of this Policy is to assist in developing and encouraging a working environment and culture in which bullying and harassment are unacceptable.
- 1.2. The Policy:
  - Explains the Council's commitment to eradicating any forms of bullying and harassment from its workplaces
  - Ensures that all employees are aware of the types of behaviour which may constitute bullying and harassment and raise awareness of the legal position for the Council and employees
  - Identifies the roles of managers, HR and employees in preventing such behaviour and treating incidents seriously
  - Provides a working environment in which employees feel confident to raise any incidents of bullying and harassment and information on the support and help available.

## **2. Eligibility**

- 2.1. This policy covers all employees of the Council and those engaged from employment agencies.

## **3. The Council's Commitment**

- 3.1. Chelmsford City Council aims to provide a working environment where all employees are treated with dignity and respect.
- 3.2. The Council is firmly opposed to all forms of bullying and harassment at work and understands the detrimental and negative effect that such behaviour can have on people and the organisation. Every employee has the right to carry out their duties without the fear of being subjected to unreasonable behaviour.
- 3.3. The aim of the Council is to create a working environment and culture where forms of bullying and harassment are readily identifiable and are not tolerated. Where individual complaints arise the Council will take these very seriously, will look to resolve the issue in a

professional manner, as quickly as possible, with sensitivity to those involved and observing confidentiality wherever possible.

- 3.4. An employee will be able to raise a complaint without the fear of victimisation, although the Council will take seriously any unproven complaints which have been made maliciously.
- 3.5. All employees must be made aware of this policy and comply with it. Failure to comply with the policy could be treated as a disciplinary matter.

## **4. What are Bullying and Harassment**

### **4.1. Harassment:**

Harassment occurs when a person is subjected to unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment on these grounds would be unlawful discrimination and may result in court proceedings for both the perpetrator(s) and the Council.

### **4.2. Bullying:**

There is no legal definition of bullying. To a certain extent it overlaps with harassment. Bullying is characterised as offensive, intimidating, malicious or insulting behaviour by one or more individuals.

## **5. Examples of Unacceptable Behaviour**

- 5.1. Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. The following list provides a range of examples (this is not exhaustive).
  - Spreading malicious rumours or insulting someone by word or behaviour
  - Copying e-mails that are critical about someone to others who do not need to know

- Ridiculing or demeaning someone - belittling remarks concerning job performance or personal attributes, shouting and/or sarcasm, personal insults and name calling
- Unwelcome or lewd references to a person's physical features, figure or dress, innuendo
- Unwanted verbal and written comments – offensive letters, jokes, taunts, nick names, which are treated as the norm.
- Unnecessary and unwelcome physical contact – touching, standing too close
- Persistently ignoring or patronising a person, isolation or non-co-operation at work, exclusion from social activities.
- Visual displays of posters, emblems or other offensive material (such as pin-ups or degrading material, racially offensive material).
- Deliberately undermining a competent worker by overloading, constant criticism and removing areas of responsibility without good reason.

5.2. Bullying and Harassment may be as a result of a number of incidents or an isolated incident. It could be the result of the actions of an individual or group of people. The key is that the action or comments are viewed as demeaning and unacceptable to the recipient.

5.3. An employee who feels they have to resign because of the way they have been treated may also be able to lodge a claim of constructive dismissal. It is therefore important that where complaints arise they are handled in a proper manner.

## **6. What is not Bullying and Harassment**

6.1. This policy does not seek to diminish Managers' ability to manage employee performance and issue reasonable instructions to meet the operational needs of the Council. Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying or harassment. However it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

6.2. False or malicious allegations may also lead to disciplinary action.

## 7. What to do if you feel Bullied or Harassed

- 7.1. There are various ways in which incidents of bullying and harassment can be handled. In most situations it is better to try and resolve the matter informally unless the situation is or has become serious. Normally informal measures to address complaints are in everyone interests to ensure issues do not escalate and are dealt with quickly, fairly and discreetly.
- 7.2. However if you feel that the matter is serious then a more formal approach would be appropriate. Equally where a complaint comes to the attention of a Manager they may feel that it should be handled formally even though the employee would prefer an informal approach. In situations like this, advice should be sought from your HR Business Partner and the preferences of the individual taken into account.

## 8. Informal Approach

8.1. Informal Approach: You should keep a personal record of the event(s) so he/she is clear on what has happened. The note should include details of the:

- Time, date and place
- What happened
- Your feelings at the time and your reactions
- The reaction of the protagonist
- Any witnesses and the effect on your work subsequently.

Speak to a close colleague or in confidence to a member of HR or a trade union representative about what to do. The Council's EAP is also available for support.

8.2. You could consider talking to the person causing the offence and explain how it makes you feel. The person may not realise how their behaviour has affected you and asking them to stop may be all that is needed. If you feel this will be difficult for you consider asking for someone else to be present or use them as a third party to speak to the person.

- 8.3. Ideally you should alert your manager to the problem and discuss with them how you would like the matter dealt with. They are also then able to monitor the situation. If the problem is caused by your manager you could speak to their superior. Again HR would be able to help with this. Due to the informal nature of the issue at this stage and the need to preserve confidentiality the Director of Service would not normally be advised at this stage.
- 8.4. The initial informal approach should be made as soon as possible after the events have occurred. This policy does not define time limits for making an informal complaint however both complainants and advisers should be aware that legal redress may be time limited to within three months of the event(s).

## **9. Link to Grievance Procedure**

- 9.1. If the complaint needs to be handled on a more formal basis then the Grievance Procedure is appropriate.
- 9.2. If the matter is serious this would be the appropriate route to follow. However it is recognised that bullying and harassment complaints require special attention. Therefore support and assistance will be available to both the employee making the complaint and the person that is the subject of their allegations. A representative of HR can be used for this purpose and a work colleague or trade union representative could also provide support. (Please note that where a HR representative supports the employee a different HR representative will advise on the grievance process).
- 9.2. Due to the need for confidentiality it may not always be appropriate for a work colleague to provide support, particularly if they may be required to participate in the investigation process. Advice from HR should be sought prior to seeking support from a work colleague.
- 9.3. Confidentiality must be maintained by all parties throughout any investigation. Should anyone involved in the investigation breach confidentiality they may be subject to disciplinary action.
- 9.4. The first stage of the grievance process is the informal stage. Whether this stage is appropriate depends on what has happened with the case up to the point it is raised as a formal grievance. If an informal approach has already been tried (as outlined above) but the problem has continued or the approach was unsuccessful then it would be appropriate to consider the grievance under Stage I of the Procedure.

## **10. Approaching the Alleged Harasser/Perpetrators**

- 10.1. As stated above where a complaint has been raised it is necessary to approach the alleged harasser(s)/perpetrators. This can be difficult and needs to be handled sensitively and some suggestions are given above. The person(s) against whom the complaint has been made may not be aware of how their behaviour is affecting the complainant and this may come as a shock.
- 10.2. If the complaint is made against an official of the trade union (in relation to their union duties) no contact should be made until the matter has been discussed with a branch or regional official.
- 10.3. If the individual can understand how their actions could have caused offence and agrees to change their behaviour then that could be the end of the matter. This is provided the incident is not a serious one (which could result in disciplinary action e.g. deliberate and persistent bullying and harassment).
- 10.4. If the individual challenges the complaint and the version of events then the complaint would need to be referred to the formal grievance procedure probably at Stage 1.

## **11. Formal Investigation**

- 11.1. In certain circumstances, arrangements may need to be made to separate the person(s) concerned within the workplace pending the outcome of a formal investigation. In cases where disciplinary action may be taken the normal Disciplinary Procedures apply and this could result in suspension on full pay pending a disciplinary hearing.
- 11.2. Where a formal investigation is undertaken a copy of the Investigation Officer's report will be given to the person who is allegedly causing the problem. Please note that details of any witness statements obtained by the Investigation Officer can be made available to all parties.

## **12. Role and Responsibilities**

- 12.1. Managers:
  - Need to look at their own behaviour and ensure that they treat employees with dignity and respect.
  - Act as champions for the policy ensuring all employees are aware of the Policy and that it is complied with in all areas under their control. Advise new employees as part of their Induction.
  - Support staff that make a complaint before during and after the complaint has been resolved. Ensure that there is no victimisation or retaliation.

- Deal with complaints promptly, fairly and with total confidentiality. The rights of all parties should be respected at all times.
- Create a working environment to foster good working relations and behaviour and does not allow scope for bullying and harassment.
- Monitor the behaviour of staff and take appropriate action where trends and patterns come to light.

#### 12.2. Employees:

- Treat colleagues with dignity and respect and take responsibility for their own behaviour.
- Not to harass any other member of staff and to discourage any form of bullying and harassment and offer support to colleagues being bullied.

#### 12.3. Human Resources:

- Provide advice and guidance on the Policy to managers and employees.
- Ensure that support is available for any employee who has experienced bullying or harassment.
- Provide training for managers and employees on the Policy.
- Provide information on staff morale, management style, sickness levels, staff turnover, changes in behaviour, direct information from complainant, alleged perpetrator and witnesses for investigation purposes when necessary.
- Keep the policy under review and monitor its operation.

### 13. **Keeping Records**

- 13.1. A record of informal complaints and/or incidents will be kept by HR Services. Therefore a copy of any notes or other records taken by a manager on any case should be sent to HR. These details will be kept for monitoring purposes and will not be placed on the personal file of any employee. They could be referred to in future if patterns of behaviour concerning any employee arise.
- 13.2. Racial incidents will be recorded in accordance with the Council's normal reporting procedure.
- 13.3. A record of any formal complaints raised as part of the Grievance Procedure (the informal and formal stages) will be placed on the personal file of the complainant and the person(s) complained against together with a record of the decision made. This will also be recorded on the HR monitoring file referred to under (1) above.

## 14. **Victimisation**

- 14.1. All employees are protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Individuals who retaliate against an employee for complaining about bullying and harassment or assisting in an investigation will be dealt with in accordance with the Council's Disciplinary procedure. Such conduct will be regarded as a serious disciplinary matter which may result in action being taken, up to and including dismissal

## 15. **Support and Advice**

- 15.1. The Council is committed to achieving informal resolution of complaints relating to bullying and harassment, wherever possible. There are a number of options in place to support all staff involved, be they complainants, alleged perpetrators or witnesses.
- Employee Assistance Programme (EAP)
  - Occupational Health Service
  - Trade Union

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