

Bullying & Harassment Policy

Effective Date	September 2014
Applicable To	All employees / elected Members
Review Date	September 2016
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1.0 Introduction

- 1.1 The Council is committed to ensuring equal opportunities and fair treatment in the workplace for all employees. One of the key aims of this policy is to enable the Council to provide a working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of sex, gender reassignment, race, disability, sexual orientation, religion or belief and age.
- 1.2 The Council will not tolerate bullying or harassment of any kind. All allegations of bullying and harassment will be thoroughly investigated in line with the Council's Grievance Procedure and, if appropriate, the Disciplinary Procedure will be invoked.
- 1.3 Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including summary dismissal and could be personally liable to pay compensation in legal claims. Serious harassment may also be a criminal offence.
- 1.4 The organisation will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.
- 1.5 Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

2.0 The scope of this policy

- 2.1 This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. work-related social events.
- 2.2 This policy covers bullying and harassment of and by managers, employees, contractors, agency staff, and anyone else engaged to work at the Council, whether by direct contract with the organisation or otherwise.
- 2.3 If the complainant or alleged harasser is not employed by the organisation, (e.g. if the worker's contract is with an agency) this policy will apply with any necessary modifications (e.g. that the Council could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after their own in-house investigation and disciplinary proceedings). Gloucester City Council will co-operate fully with such an investigation. This will include ensuring that they appointed Investigating Officer has access to all evidence, the complainant and any witnesses, as appropriate.
- 2.4 If an elected Member believes they are being harassed or bullied by an employee of the Council, they can complain as if they were a member of the public.
- 2.5 Where Officers believe they are being harassed or bullied by elected Members, this may amount to a breach of the Protocol on Member – Officer Relations and a breach of the Member Code of Conduct. Both of these documents are set out in the Council's Constitution, which can be found on the Council's website.

3.0 What is bullying & harassment?

- 3.1 Bullying is offensive, intimidating, malicious or insulting behaviour, and / or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.
- 3.2 Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
 - 3.2.1 has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person;
or
 - 3.2.2 is reasonably considered by that person to have the effect of violating his / her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him / her, even if this effect was not intended by the person responsible for the conduct.
- 3.3 Conduct may be harassment whether or not the person behaving in that way intends to offend. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.
- 3.4 Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them.
- 3.5 It may not be so clear in advance that some other forms of behaviour would not be welcome by, or could offend, a particular person, e.g. certain "banter". In these cases, first-time conduct which unintentionally causes offence will not be harassment but it could become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him / her.
- 3.6 Harassment may also occur where a person engages in unwanted conduct towards another because he / she perceives that the recipient has a protected characteristic when the recipient does not, in fact, have that protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated (for example if their child is disabled, wife is pregnant or friend is devoutly Christian).
- 3.7 A single incident can be harassment if it is sufficiently serious.
- 3.8 All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Council's disciplinary policy. Bullying or harassment will often be gross misconduct which can result in summary dismissal.

- 3.9 Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age.
- 3.10 Serious bullying or harassment may amount to other civil or criminal offences (e.g. a civil offence under the Protection from Harassment Act 1997 and a criminal offence of assault).

4.0 Examples of bullying or harassment

- 4.1 Bullying and harassment may be conduct that is physical, verbal or non-verbal, e.g. by letter or email.
- 4.2 Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):
- 4.2.1 physical conduct, ranging from unwelcome touching to serious assault;
 - 4.2.2 unwelcome sexual advances;
 - 4.2.3 demeaning comments about a person's appearance;
 - 4.2.4 unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
 - 4.2.5 questions or comments about a person's sex life;
 - 4.2.6 unwanted nicknames related to a person's age, race or disability;
 - 4.2.7 the use of obscene gestures;
 - 4.2.8 excluding an individual because they are associated or connected someone with a protected characteristic (e.g. their child is gay, spouse is black or parent is disabled);
 - 4.2.9 ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic (e.g. an employee is thought to be Jewish, or is perceived to be a transsexual);
 - 4.2.10 the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person (e.g. magazines, calendars or pin-ups);
 - 4.2.11 spreading malicious rumours or insulting someone;
 - 4.2.12 picking on someone or setting them up to fail;
 - 4.2.13 making threats or comments about someone's job security without good reason;

- 4.2.14 ridiculing someone;
- 4.2.15 isolation or non-cooperation at work;
- 4.2.16 excluding someone from social activities.

5.0 What is victimisation?

- 5.1 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or they have supported someone to make a complaint or given evidence in relation to a complaint.
- 5.2 This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- 5.3 Provided that you act in good faith (i.e. you genuinely believe that what you are saying is true), you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Council will take appropriate action to deal with any alleged victimisation, which may include taking disciplinary action against anyone found to have victimised you.

6.0 Right to report harassment & bullying

- 6.1 Employees have an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress.
- 6.2 Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party (for example, a customer, client, elected Member or supplier).
- 6.3 Employees who raise a genuine complaint under this policy will, under no circumstances, be subjected to any unfavourable treatment or victimisation as a result of making a complaint.
- 6.4 However, if it is established that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.
- 6.5 Any employee who witnesses an incident that they believe to be the harassment or bullying of another member of staff should report the incident in confidence either to their line manager or to Human Resources. The Council will take all such reports seriously and will treat the information in strict confidence, as far as it is possible to do so.

7.0 How to make a complaint

- 7.1 Before raising a formal complaint, the employee is encouraged in the first instance to talk directly and informally to the person whom they believe is harassing them to

explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop.

- 7.2 It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.
- 7.3 Where an employee would like support to make such an approach, they should contact Human Resources.
- 7.4 If, however, the employee feels unable to take this course of action, or if they have already approached the person to no avail, or if the harassment is of a very serious nature, the employee may elect to raise a formal complaint.
- 7.5 Formal complaints may be raised with either the employee's line manager, or, if preferred, with Human Resources. If the complaint is about an elected Member, it needs to be raised with the Council's Monitoring Officer.
- 7.6 In bringing a complaint of harassment / bullying, the employee should be prepared to state:
 - 7.6.1 the name of the person whose behaviour they believe amounts to harassment or bullying;
 - 7.6.2 the type of behaviour that is causing offence, together with specific examples if possible;
 - 7.6.3 dates and times when incidents of harassment or bullying occurred, and where they occurred;
 - 7.6.4 the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
 - 7.6.5 any action that the employee has already taken to try to deal with the harassment.

8.0 Responsibility of line managers to deal with complaints

- 8.1 Managers who receive a complaint of harassment or bullying have a duty to investigate the matter, in line with the Council's Grievance Procedure, thoroughly and objectively and to take corrective action. If the complaint is about a clear and serious breach of the Council's policies then the matter will be dealt with under the Council's Disciplinary Procedure.
- 8.2 Line managers should be responsive and supportive towards any worker who raises a genuine complaint of harassment or bullying. Human Resources will assist any line manager in dealing with complaints of harassment or bullying.
- 8.3 The Council reserves the right, at its discretion, to suspend any employee who is under investigation for harassment or bullying for a temporary period whilst

investigations are being carried out. Such suspension will be for as short a time as possible and will be on full pay.

- 8.4 Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against them and afforded a full opportunity to challenge the allegations and put forward an explanation for their behaviour in a confidential interview, with a companion / recognised trade union representative present if they wish. No employee will be presumed to be guilty following an allegation of harassment or bullying made against them.
- 8.5 The Council regards all forms of harassment and bullying as serious misconduct, and any employee who is found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.
- 8.6 The Council will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 1998.

9.0 How can I help prevent bullying and harassment?

- 9.1 We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:
 - 9.1.1 being aware of how your own behaviour may affect others and changing it, if necessary – you can still cause offence even if you are “only joking”;
 - 9.1.2 treating your colleagues with dignity and respect;
 - 9.1.3 taking a stand if you think inappropriate jokes or comments are being made;
 - 9.1.4 making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
 - 9.1.5 intervening, if possible, to stop harassment or bullying and giving support to recipients;
 - 9.1.6 making it clear that you find harassment and bullying unacceptable;
 - 9.1.7 reporting harassment or bullying to your manager or Human Resources and supporting the organisation in the investigation of complaints; and
 - 9.1.8 if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.
- 9.2 Managers have a particular responsibility to:
 - 9.2.1 set a good example by their own behaviour;
 - 9.2.2 ensure that there is a supportive working environment;

- 9.2.3 make sure that staff know what standards of behaviour are expected of them;
- 9.2.4 intervene to stop bullying or harassment; and
- 9.2.5 report promptly to Human Resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

10.0 What happens if I am accused of bullying or harassment?

- 10.1 If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.
- 10.2 You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, this may well be the end of the matter.
- 10.3 If a formal complaint is made about your behaviour, it will be fully investigated in line with the Council’s Grievance Procedure, and may result in the Disciplinary Procedure being invoked. Where the matter is sufficiently serious or clear-cut then the Council’s Disciplinary Procedure may be invoked from the start.
- 10.4 In the case of complaints about elected Members, these will be investigated in line with the Council’s standards arrangements.

Revision History			
Version	Made By	Effective Date	Amendment
1.0			
1.1			
1.2			