

BULLYING AND ANTI-HARASSMENT POLICY

1.0 Scope of policy

1.1 This policy covers the actions of all members of the council, its employees and any volunteers or partners working alongside the council. Where the term employee is used in this policy, that should be taken to include any volunteers or partners.

2.0 General principles

2.1 This council recognises that harassment and bullying or victimisation is unlawful under the Equality Act 2010. As such, harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable and will not be tolerated.

2.2 Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. For the purposes of this policy, it also includes bullying.

2.3 Bullying is understood to be targeted, persistent, offensive, intimidating, malicious or insulting behaviour towards an employee and can include the abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient.

2.4 Whatever form it takes, personal harassment and bullying is always taken seriously and is totally unacceptable.

2.5 This council recognises that personal harassment and bullying can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

2.6 This council deplores all forms of personal harassment and bullying and seeks to ensure that the working environment is sympathetic to all our employees. The aim of this policy is to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment and bullying with a means of redress.

2.7 This council recognises that it has a duty to implement this policy and all employees are expected to comply with it. The council will also endeavour to review this policy at regular intervals in order to monitor its effectiveness.

3.0 Examples of personal harassment

3.1 Personal harassment can take many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- insensitive jokes and pranks
- lewd or abusive comments
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- abusive, threatening or insulting words or behaviour
- name-calling
- picking on someone or setting them up to fail
- exclusion or victimisation
- undermining their contribution/position
- demanding a greater work output than is reasonably feasible
- blocking promotion or other development/advancement.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment. Where any member of the council is accused under this policy, that will be dealt with under the Code of Conduct regime in place at the time albeit that such an action would not preclude a civil or criminal action being launched.

4.0 Examples of sexual harassment

4.1 Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:

- lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body
- unwelcome touching of a sexual nature
- displaying sexually suggestive or sexually offensive writing or material
- asking questions of a sexual nature
- sexual propositions or advances, whether made in writing or verbally.

4.2 Sexual harassment can also take place where an employee is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities.

5.0 Examples of victimisation

5.1 Victimisation takes place when an employee is treated unfavourably as a direct result of raising a genuine complaint of discrimination or harassment. Furthermore, any employee who supports or assists another employee to raise a complaint is also subjected to victimisation if they are treated unfavourably.

6.0 Third party harassment

6.1 The council operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees by a third party, such as a member of the public. All employees are encouraged to report any and all instances of harassment that involve a third party in line with the reporting procedure, as outlined below.

6.2 If the council finds that the allegation is well-founded, it will take steps it deems necessary in order to remedy this complaint. This can include, but is not limited to:

- warning the individual about the inappropriate nature of their behaviour
- banning the individual from council premises
- reporting the individual's actions to the police.

6.3 In addition to this, the council will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

7.0 Responsibilities

Employee responsibilities

7.1 The council requires its employees to behave appropriately and professional at all times during the working day, and this may extend to events outside of working hours which are classed as work-related such as community events. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.

7.2 Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:

in a work situation

during any situation related to work, such as a council organised community event

against a colleague or other person connected to the employer outside of a work situation, including on social media

against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

7.3 A breach of this policy by will be treated as a disciplinary manner.

Council responsibilities

7.4 The council will be responsible for ensuring all members of the council and employees understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related community events. The council will promote a professional and positive workplace and be alert in identifying areas of risk and incidents of harassment, sexual harassment and bullying.

7.5 The council will also take into account aggravating factors, such as abuse of power or position when deciding what disciplinary action to take against an employee.

7.6 Where an incident is witnessed, or a complaint is made under this policy, the council will take prompt action to deal with this matter. All incidents will be deemed serious and dealt within in a sensitive and confidential manner.

8.0 Complaining about harassment and/or bullying

Informal method

8.1 The council recognises that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for an employee to raise the issue through the normal grievance procedure. In these circumstances employees are encouraged to raise such issues with a colleague of their choice, or their professional body, or their trade union or through an external support body such as ERNLLCA.

8.2 If an employee is the victim of minor harassment they should make it clear to the harasser that their behaviour is unwelcome and ask the harasser to stop. If unable to do this verbally, the employee should hand a written request to the harasser, one of the organisations described in the paragraph above will be able to help.

Formal method

8.3 Where the informal approach fails, or if the harassment is more serious, employees should bring the matter to the attention of the Chairman of the council's personnel committee or (where

no such committee is in existence) to the Chairman of the Council, as a formal written grievance and again one of the organisations described in the paragraph 8.1 above will be able to help. If possible, employees should keep notes of the harassment so that the written complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment.

8.4 Where it is not possible to make the formal complaint to one of the post holders above, for example where they are the alleged harasser, employees should approach another member of the council in whom they have confidence.

8.5 On receipt of a formal complaint the council will make every endeavour to cease, or limit, the employee's contact and take action to separate them from the alleged harasser to enable an uninterrupted investigation to take place.

8.6 On conclusion of the investigation, which will normally be within 28 days of the complaint being raised, a report of the findings will be submitted to the committee of the council which will hold the grievance meeting.

8.7 The mechanism by which grievance hearings are conducted are contained within the council's Grievance Procedure.

8.8 If the decision is that the allegation is well founded, the harasser (if an employee) will be liable to disciplinary action in accordance with the council's disciplinary procedure up to and including dismissal. Where the harasser is a volunteer or partner of the council, this may result in the termination of joint working.

8.9 Where the harasser is a member of the council, the matter will have been dealt with under the Code of Conduct regime in place at the time, other than where the allegation is made against the council as a corporate body in that it has failed to follow its Duty of Care over its employee. In such circumstances, the council commits to taking external advice as to the way forward.

8.10 The council is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

9.0 Adoption

9.1 This policy was adopted on 21 November, minute reference 22-11-7