

Bullying and Harassment Policy



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1 Introduction

Chelmsford City Council operates a zero-tolerance approach to bullying, harassment or victimisation in the workplace, and will treat any incidents in a sensitive and timely way, supporting a working environment where everyone is treated with dignity and respect.

This policy outlines the approach the Council will take should an incident of bullying, harassment or victimisation occur between employees and provides:

- Definitions of bullying, harassment and victimisation
- The process to follow to report any incidents
- The way the Council will investigate any incidents

2 Scope

This policy applies to all employees and covers their treatment by other employees of the Council.

3 Responsibilities

Manager

- Role model behaviours that promote an inclusive environment where people are treated with dignity and respect as per the Council's standards and values.
- Support any employee that raises an incident
- Deal with any incidents promptly, fairly and with the appropriate level of confidentiality and the rights of all parties respected at all times

Employee

- Treat colleagues with dignity and respect and take responsibility for their own behaviour as per the Council's standards and values.
- Discuss any concerns about bullying, harassment or victimisation whether it has directly affected you or you have witnessed it with your line manager or HR

HR

- Provide advice and guidance on this policy to managers and employees

- Ensure that support is available for any employee who has concerns about bullying harassment or victimisation

4 What is bullying, harassment and victimisation

Bullying, harassment and victimisation may be an isolated incident or happen as a result of a number of incidents. It could be the result of the actions of an individual or group of people.

The defining factor is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

4.1 Harassment

Harassment is any form of unwanted verbal, non-verbal or physical conduct which has the purpose or effect of violating the dignity of a person, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is related to protected characteristics of age, sex, race, disability, sexual orientation, gender identity, religion, nationality or any personal characteristic of the individual. If a person is treated less favourably, due to having rejected unwanted conduct, this is also considered harassment.

Harassment applies whether an employee has the protected characteristic themselves or not. This could be where they are perceived to have a protected characteristic, they are associated with someone with a protected characteristic, or they witness harassment because of a protected characteristic irrespective of whether they share the protected characteristic of the employee who is being harassed.

The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient or other people.

4.2 Bullying

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which undermines, humiliates, denigrates or injures the person on the receiving end. Bullying can be by one person against another or can

involve groups of people. Bullying may be overt or subtle. Whatever form it takes, it is unwarranted and unwelcome to the person on the receiving end of it.

4.3 Victimisation

Victimisation refers to the less favourable treatment of someone compared to their peers because they have complained (whether formally or informally) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint, or given evidence in relation to a complaint.

4.4 Sexual Harassment

Sexual harassment is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct can also be considered as sexual harassment.

Organisations are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

5 Perception of bullying, harassment and victimisation

The Council considers bullying, harassment or victimisation behaviours as those *perceived* as such by the person on the receiving end. This means what an employee believes as offensive is a key issue in determining whether bullying, harassment or victimisation has occurred.

However, the Council will also consider whether, on the balance of probability, a reasonable person would view the behaviour as offensive if they were in the same circumstances as the individual finding the behaviour offensive.

6 Recognising bullying, harassment and victimisation

Bullying, harassment and victimisation can be:

- face to face

- written
- by e-mail
- by text (including WhatsApp and instant messaging)
- on social media e.g. Facebook (including 'trolling')
- by phone

Most people will agree on extreme cases of bullying, harassment and victimisation, but it can also be subtle, this may make someone doubt what is happening to them. It can happen off-site, or outside of work hours i.e. at social events with colleagues.

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 emails, 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.
- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions.
- Leering, whistling or making sexually suggestive gestures.

7 What is not bullying, harassment or victimisation

Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying or harassment. Effective management obtains results whilst ensuring that employees are treated with dignity and respect. This means the Council will not condone bullying, harassment and victimisation under the guise of a particular management style.

A complaint made in good faith, is not considered malicious or vexatious regardless of whether the complaint is upheld. However, an employee may be subject disciplinary action if a malicious or vexatious complaint is made or supported.

8 Support for employees who are concerned about bullying, harassment and victimisation

The HR team are available to any employee who is concerned about bullying, harassment and victimisation and will be able to provide confidential advice and support to any employee affected either first hand or because they feel they have witnessed it.

If a complaint is investigated formally, a member of the HR team will provide personal support throughout to the employee making the complaint.

Support is also available from the Employee assistance programme details of which are available on the intranet.

Trade union members may also benefit from support from their Trade Union.

9 Reporting incidents of bullying, harassment and victimisation

The way in which incidents of bullying, harassment and victimisation can best be managed will depend on the nature of the incident. In some situations, an informal approach can be effective. This may resolve matters quickly, fairly and discreetly and prevent them from escalating. There is no obligation for an employee to tackle matters in an informal way first, if they are not comfortable to do so.

Serious allegations would not be appropriate to deal with informally and the Council will always deal with such allegations through formal processes. In some situations, this may

mean that the Council will investigate the matter under the disciplinary procedure rather than the grievance procedure.

To report the issue and to help decide the best course of action employees should discuss the issue with their manager. If the issue is caused by their manager, employees should contact their manager's manager and/or their HR Business Partner.

9.1 Informal approach

Employees may consider talking to the person causing the offence and explain how it made them feel as soon as possible. The person may not realise how their behaviour has caused offence and asking them to stop may be all that is needed. It may be helpful for the employee to consider having someone else present or to ask someone else to speak to the person that has caused offence.

9.2 Formal approach

If the complaint needs to be handled on a formal basis, then the Council's grievance procedure will ensure the matter is investigated and resolved in a timely and sensitive way.

Support and assistance from HR will be available to both the employee making the complaint and the person that is the subject of their allegations. HR will be able to advise on what stage of the grievance policy the incident should be raised.

10 Investigating incidents of bullying, harassment and victimisation

In certain circumstances, arrangements may need to be made to separate the person(s) concerned within the workplace pending the outcome of an investigation. This will be arranged on a case-by-case basis depending on the circumstances.

Complaints of bullying, harassment and victimisation will be investigated in line with the Council's Grievance Procedure.

Where the complaint is upheld, the Disciplinary Procedure will guide the outcome for the perpetrator

11 . Complaints relating to third parties

Harassment, bullying and victimisation by third parties, such as customers, suppliers or contractors, will not be tolerated.

If an employee is experiencing harassment, bullying or victimisation by a third party, they should report this to their line manager or HR as soon as possible, to enable advice and support to be provided on the best course of action.

12 Links to other policies

1. Code of Conduct
2. Equality, Diversity and Inclusion Policy
3. Grievance Procedure
4. Disciplinary Procedure