

BULLYING AND HARASSMENT POLICY

1. INTRODUCTION

- 1.1. The Council fully supports the rights of people to seek, obtain and hold employment without discrimination, and recognises that harassment and bullying are unlawful. The Council also recognises the right of employees to be treated with dignity and respect.
- 1.2. The Council is committed to the prevention of harassment and bullying, and will take appropriate action, which can and will include disciplinary proceedings within the Council's disciplinary procedure to deal with all complaints.
- 1.3. The Council will not tolerate harassment and bullying amongst its employees.
- 1.4. This policy applies to all Council employees irrespective of grade.
- 1.5. Harassment of employees by customers or elected Members will be dealt with separately.

2. DEFINITION

- 2.1. Harassment means unwanted conduct affecting the dignity of men and women in the workplace. It may be (but does not have to be) related to age, gender, race, disability, religion, nationality, sexual orientation, marital status or any personal characteristic of the individual, and may be persistent or an isolated incident.
- 2.2. Bullying is offensive, intimidating, malicious or insulting behaviour. A persistent abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- 2.3. Examples may include (but are not limited to):-
 - spreading malicious rumours about an individual
 - humiliating or criticising someone in the presence of other colleagues
 - shouting at, ridiculing or demeaning someone
 - picking on someone or setting them up to fail
 - refusing reasonable requests
 - overbearing supervision or other misuse of power or position
 - conduct that is offensive to someone because of his/her age, gender, race, religion, sexual orientation or disability

- unwelcome sexual advances including touching, standing too close, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or relevant training opportunities.
- undervaluing someone's contribution, such as ignoring his/her opinion but acknowledging the same opinion from another person.
- 'cold shouldering' someone or 'sending to Coventry'.

3. DUTY OF SUPERVISORS AND MANAGERS

- 3.1.** All those who are responsible for others have a duty to prevent any harassment or intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all of the responsibilities of their own position.
- 3.2.** No person responsible for others shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances or discomfort at certain behaviour will be used as a basis for an employment decision affecting that employee. Such conduct, once proven, will be regarded most seriously and treated as a serious disciplinary offence.

4. GUIDANCE FOR DEALING WITH COMPLAINTS OF HARASSMENT

- 4.1.** Employees should advise Personnel and/or Union Representative that there is a potential case of harassment/bullying.
- 4.2.** Wherever possible, an employee who believes that he or she has been the subject of harassment should, in the first instance, ask the person responsible to stop the harassing/bullying behaviour. If this is likely to cause the victim embarrassment, or make him/her feel awkward, he/she should approach his/her immediate line manager, or the immediate line manager of the harasser/bully, who will make an informal approach which can lead to greater understanding and an agreement that the behaviour will stop. An informal approach may be better for all concerned as solutions can be reached speedily, with minimum embarrassment and risk to confidentiality. In certain circumstances, mediation may be beneficial and it is most likely to be applicable where there is breakdown in relationships.
- 4.3.** Any allegations of continued harassment/bullying will be dealt with by the line manager and/or Personnel in a timely and confidential manner under the grievance procedure. Managers should obtain statements relating to the alleged harassment/bullying at the earliest opportunity.



- 4.4. Before any hearing takes place, the complainant's line manager or Personnel should explain the reason why it is important to use the grievance procedure and should ensure that the complainant has been provided with adequate support to enable him/her to go through the procedure.
- 4.5. When an incident of harassment/bullying is formally investigated using the grievance procedure, both the complainant and the alleged harasser/bully will be entitled to representation by a union representative or work colleague. The investigation will be conducted by a designated representative of a Head of Service.
- 4.6. If an investigation concludes that an allegation is substantiated, prompt attention and disciplinary action (in accordance with the disciplinary policy) designed to stop the behaviour immediately and prevent its recurrence will be taken. In such circumstances, if redeployment proves necessary, every effort will be made to redeploy the harasser/bully and not the victim.
- 4.7. Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting an investigation. Retaliating against an employee for complaining about harassment or bullying is a disciplinary offence and could amount to serious or gross misconduct.
- 4.8. If an allegation cannot be substantiated following a formal investigation, and there is reasonable belief that the complainant acted maliciously, he/she is rendered liable to disciplinary action. The complainant should be tactfully reminded before an investigation begins that making false accusations constitutes a disciplinary offence.
- 4.9. Cases of retrospective harassment will be dealt with after considering individual circumstances.

5. DISCIPLINARY ACTION

- 5.1. There can be no hard and fast rules about what stage of the disciplinary procedure is appropriate when a complaint is investigated and substantiated.
- 5.2. When disciplining officers for harassment, managers should consider the severity of the offence, the extent of the effect on the victim's feelings and the effect on the victim's work and the service/section as a whole.

6. ROLE OF PERSONNEL SERVICES

- 6.1. The Head of Human Resources has a responsibility for advising managers on all aspects of the operation of the policy, and for helping to maintain consistency of application. It is important, therefore, that Personnel Services is consulted at all stages of the proceedings. A Personnel representative should be present at formal interviews.

Personnel Services

First Implemented: May 2010
Next Review: May 2011



INVESTOR IN PEOPLE

7. GENERAL NOTES

- 7.1. References to Head of Human Resources shall include any person acting on his/her behalf.
- 7.2. References to Personnel or Personnel Representative shall mean a person of at least Personnel Officer level or equivalent.
- 7.3. Where examples, including lists, are given these are intended to illustrate typical circumstances and are not exhaustive or exclusive.

8. Mediation

In the event of mediation being required regarding the application of this policy an individual should raise their concerns with Personnel. Where this fails to produce a solution the individual may utilise the grievance procedure. The use of mediation or the grievance procedure does not extend to where formal action has been taken as a separate appeals procedure exists for this purpose.

9. Equality and Diversity Statement

South Hams District Council is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Equality and Diversity in Employment Policy Statement in the staff handbook.

Implementation date: May 2010

Review date: May 2011

