

Bullying and Harassment

Wealden Policy and Definitions

Wealden District Council considers that all employees must be treated fairly and consistently where bullying and harassment take place or are alleged to have taken place, as they cause stress, bad employee relations, poor performance and high turnover. Behaviour which constitutes harassment and bullying is unacceptable and discriminatory and may lead to disciplinary action.

Definitions

Examples or definitions of bullying or harassment are provided below for guidance. Those making a complaint usually define what they mean by bullying or harassment as behavior that is unwelcome and causes a detrimental effect. It is important to note that under the Equality Act 2010 any insulting or derogatory comments would be covered even if they are not about the employee themselves but an individual or group of people with whom the member of staff associates e.g. where a member of staff is taunted about their partner's religion.

Harassment – is unwanted conduct affecting the dignity of men and women in the workplace. The key is that actions or comments are viewed as demeaning or unacceptable to the recipients.

Bullying – is offensive, intimidating, malicious or insulting behaviour, and abuse or misuse of power through means intended to undermine, humiliate and denigrate or injure the recipient.

Although in extreme cases it is clear that bullying or harassment is taking place sometimes it is difficult to define so here are some examples below:

- spreading malicious rumours, or insulting someone (particularly on race, gender, disability grounds or on the grounds of religion or philosophical belief or age)
- ridiculing or demeaning someone – picking on someone and setting them up to fail
- exclusion or victimisation
- overbearing supervision and other misuse of power or position
- unwelcome sexual advances – 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
- less favourable treatment on the grounds of ethnic origin

It is in our interests to promote a safe, healthy and fair working environment. Employers also have a duty of care to their workers and liability under the following laws:

- The Employment Equality [Sexual Orientation] Regulations 2003
- The Employment Equality [Religion or Belief] Regulations 2003
- The Protection from Harassment Act 1997
- Human Rights Act 1998
- The Disability Discrimination Act 1995
- The Sex Discrimination Act 1975 (Amendment) Regulations 2008
- The Gender Reassignment Regulations 1999 (GRR)
- The Race Relations Act 1976 and the Race Relations Amendment Act 2000
- The Health and Safety at Work Act 1974
- The Equality Act Regulations 2006
- The Equality Act 2010

Allegations of bullying or harassment will be treated seriously and if necessary disciplinary action will be taken against any employee where allegations are proved.

Head of Service Responsibilities

To ensure:

- that advice and support is available if requested.
- managers have the skills to deal with sensitive issues such as harassment.
- ensure that confidentiality of the employee is maintained.

Line Managers Responsibilities

To:

- maintain strict confidence when dealing with a harassment issue.
- offer support and assistance during initial meeting and decide whether the harassment procedure is appropriate for dealing with the complaint.
- inform the Human Resources of any formal complaint so that it may be investigated.
- Human Resources will inform the racist incident caseworker if it is a racist incident.
- discuss the way in which the formal complaint is to be dealt with, with the complainant.
- take action following the investigation to initiate the disciplinary code, management action or no action if the claim is found to be unsubstantiated.

Employees Responsibilities

It is your responsibility to eradicate harassment by:

- avoiding any actions which could be considered harassment by yourself

- asking colleagues indulging in such behaviour to stop, check that perceptions are correct (the actions may be unwitting).
- Reporting any harassment you suffer or observe where you feel actions above are either insufficient, or you are unable to deal with the other person or you require security/support.

Procedure to deal with complaints of harassment or bullying

Where to go for advice

For complaints concerning bullying or harassment confidential advice may be sought from:

- Your Manager
- Your Senior Human Resources Officer
- Your Employee Representative
- You may ask to be referred to a Counsellor

Any alleged incident should be recorded with dates, times, place, any witnesses, the name of the person harassing you or another employee (if you wish to complain about behaviour towards another employee) .

A mutually agreeable solution should be found as soon as possible and, unless there are exceptional circumstances, within a month with specific time limits to be agreed between the parties. Where a Stage 2 complaint is made time limits apply as in the staff Grievance Procedure.

Where action under other procedures eg Capability or Disciplinary procedures is being commenced or is in progress it should continue and the complaint of bullying or harassment dealt with during consideration of the issues and further advice may be sought from Human Resources.

Informal Approach

You may choose to raise the matter with the perpetrator telling them that you object to their behaviour and wish it to stop. This can be done either verbally or in writing. Informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

Formal Procedure - Stage 1

In more serious cases you may ask the Manager to undertake a formal investigation. If the Manager is the subject of the complaint Human Resources will give advice about who to complain to for example a more Senior Manager. Unless there are exceptional circumstances your complaint should be in writing.

The investigation must be seen as objective and independent and records of any meetings must be kept. In these cases the Guidance Notes for Investigating Officers will be adhered to.

Outcome

The complaint will be considered by the Manager and Senior Human Resources Officer. The way in which the complaint will be dealt with will be discussed with you and the person against who the complaint has been made.

If the complaint is upheld the following action will be considered:

- initiation of the Disciplinary Code
- ensuring the perpetrator is aware of the effect of their behaviour on others and an apology should be given where appropriate
- helping them to change their behaviour
- agreement to change working practices where appropriate

There should be a monitoring and review plan to follow up the incident to ensure no victimisation occurs.

A record of the investigation and outcome must be kept confidentially (in a manner which complies with the Data Protection Act).

Formal Procedure – Stage 2

Where the complaint is not dealt with to the satisfaction of the complainant then Stage 2 of the Grievance Procedure should be followed as detailed in that procedure.