



People & ICT



Bullying and Harassment in the Workplace Policy

Document Control

Version	Date	Authority	Change
1.0	04/09/18	Partnership Working Forum / Corporate Resources Committee	Standard policy format



Introduction

The Highland Council is committed to equality of opportunity in employment for all employees. In line with our Values we strive to offer an open and supportive environment where everyone is treated with respect. We do not tolerate bullying or harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken up to and including dismissal without notice.

Aims

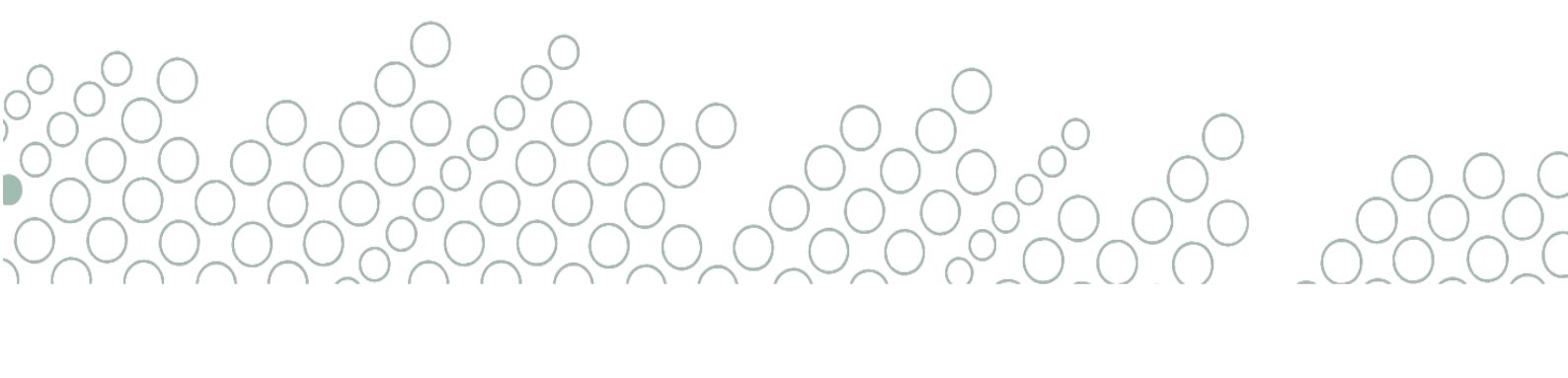
The Highland Council Bullying and Harassment Policy and Guidance aims to take all reasonable steps to prevent harassment or bullying, and to provide guidance where problems occur and to prevent any recurrence. Any complaint will be dealt with seriously, without undue delay and, where practicable, in confidence.

This Policy explains the support available and how employees can informally or formally address issues with bullying or harassment. The Highland Council accompanying **Guide to Dealing with Bullying and Harassment** (referred to as the Guide) provides further detail of the internal process and offers links to external support along with detailed information on bullying and harassment using examples and case studies. It also gives guidance on examples of acceptable and unacceptable behaviour.

This policy aims to address any behaviour that would constitute bullying and harassment. In particular, it supports the Council's commitment to provide equality of opportunity and to tackle unlawful discrimination under the terms of the Equality Act 2010 and the protected characteristics of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

This policy applies to all Highland Council employees and covers bullying and harassment in the workplace and in any work-related setting outside the workplace, for example, business trips and work-related social events.





Commitments

The Council will:

- Promote a workplace culture where bullying, harassment and discrimination are not tolerated and where employees are treated, and treat each other, with dignity and respect.
- Put in place procedures and guidance to inform and support employees to deal with unacceptable behaviour.
- Take concerns raised by employees seriously, investigate any complaint and take prompt and appropriate action.
- Regularly promote awareness of the policy and guidance to all staff to ensure staff understand that unacceptable behaviour can result in disciplinary action.
- Ensure employees are aware of their responsibility to treat colleagues with dignity and respect.
- Regularly review the effectiveness of the policy with employees and unions.

Context

The effects of bullying and harassment on morale and productivity can be substantial and may result in particular undesirable consequences such as:

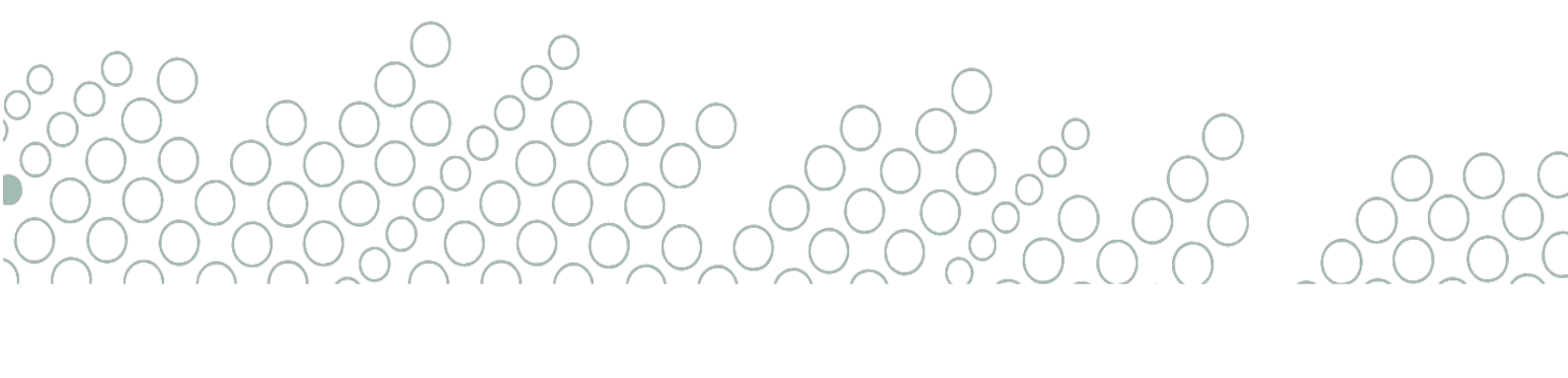
- loss of self-esteem and self confidence
- reduced productivity and competence
- an atmosphere of intimidation
- prolonged stress leading to health problems
- poor work relationships
- high levels of absenteeism
- high turnover of staff
- legal action


Bullying and harassment are often characterised as persistent and repeated behaviour, however a serious one-off incident can amount to an incidence.

Definitions

Bullying

There is no single, formal definition of bullying in the workplace; ACAS suggests it is characterised as being 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.' Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.





Examples of bullying can include but are not limited to:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority;
- unjustifiably excluding colleagues from meetings or communications.

Cyber-bullying

Cyber-bullying “involves the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others.” (Belsey, 2004). This can result from the use of mobile phones or the internet through emails, instant messaging, blogs and social networking websites.

Cyber-bullying can include continuing to send e-mails to someone who has said they want no further contact with the sender, but it may also include threats, sexual remarks, posting inappropriate pictures, offensive or intimidating language directed at another employee, sensitive personal information, pressure to join someone's online circle of 'friends' or work contacts and posting false statements as fact aimed at humiliation.

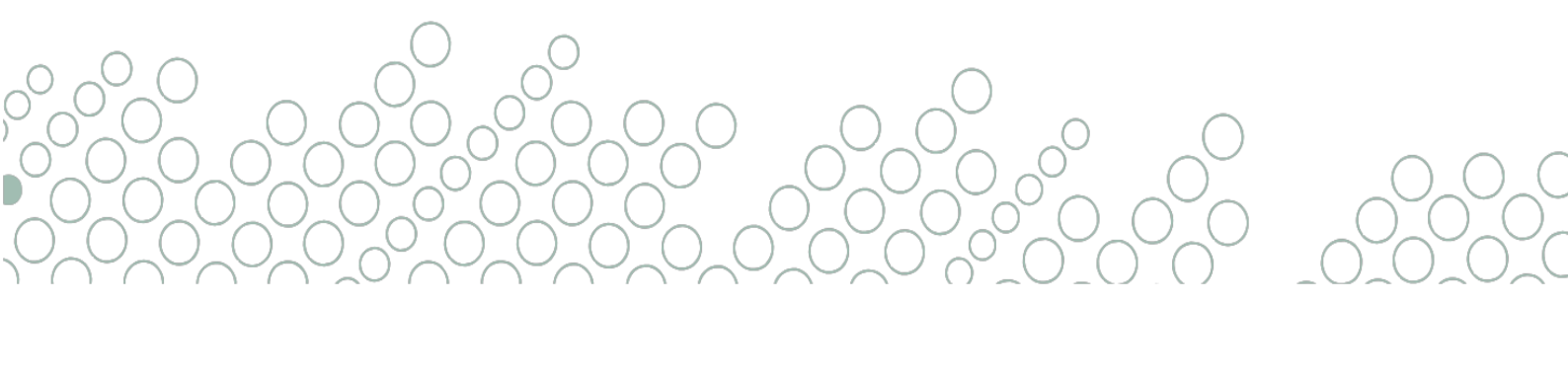
The nature of this type of bullying means it can occur outside working hours however if it is instigated by an employee against another employee it will still be dealt with under this policy. A manager or an employee might be targeted.

With cyber bullying, bystanders can easily become perpetrators – by passing on or showing to others images designed to humiliate, for example, or by taking part in online polls or discussion groups. They may not recognise themselves as participating in bullying, but their involvement compounds the misery for the person targeted.

The Highland Council can check emails and social networking sites if an employee reports instances of cyber bullying and will seek guidance from the Head of People & ICT before doing so.

Employees who use social networking sites, emails or other forms of social media for example to air their grievances regarding their employment or other employees, defame or breach the confidentiality of The Highland Council, could be seen as representing The Highland Council and may lead to disciplinary action being considered.

Cyber-bullying is a form of bullying and will be dealt as such under this policy.





Harassment

Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of: violating an individual’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment does not depend simply on the intention of the offender, but also the impact of their behaviour on the victim.

It may be unlawful discrimination when behaviour relates to the relevant protected characteristics of:

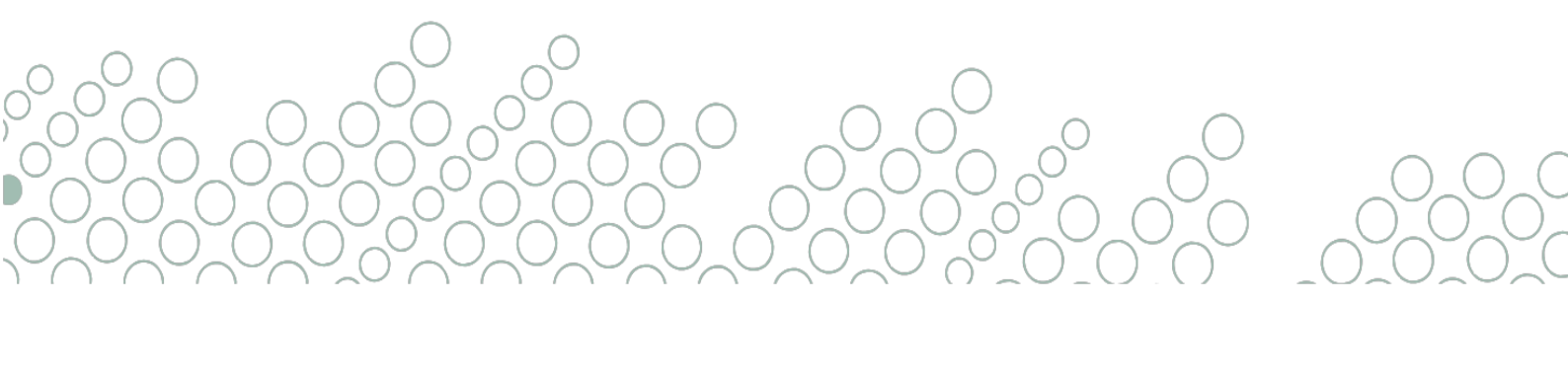
- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation

An employee may also be harassed on the basis that they are associated with someone with a protected characteristic or perceived to have a protected characteristic, e.g.

Association - an employee is harassed because his or her spouse has a particular religious belief.

Perception – an employee is harassed because they are perceived to be gay or lesbian (even if they are not).

A single incident of unwanted or offensive behaviour to one individual can amount to harassment. Examples of harassment can include but are not limited to:

- Making negative comments about an employee's personal religious beliefs
 - Using racist slang, phrases, or nicknames
 - Making remarks about an individual's skin colour
 - Displaying racist drawings, or posters that might be offensive to a particular group
 - Making offensive gestures
 - Making offensive reference to an individual's mental or physical disability
 - Sharing inappropriate images, videos, e-mails, letters, or notes of an offensive nature
 - Making derogatory age-related comments
 - Exhibiting Homophobic /Transphobic behaviour
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Sexual Harassment

Harassment of a sexual nature is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010.

Sexual harassment isn't limited to making inappropriate advances. It has the purpose or effect of violating the dignity of a worker and includes any unwelcome verbal or physical behavior that creates a hostile work environment.

Examples of harassment can include but are not limited to:

- Sharing sexually inappropriate images or videos, such as pornography
- Sending suggestive letters, notes, or e-mails
- Displaying inappropriate sexual images or posters in the workplace
- Telling lewd jokes, or sharing sexual anecdotes
- Making inappropriate sexual gestures

Any sexual action that creates a hostile work environment is considered sexual harassment, and the victim of the harassment may not be just the target of the offense, but anyone who is affected by the inappropriate behavior.

Procedure

Employee Action

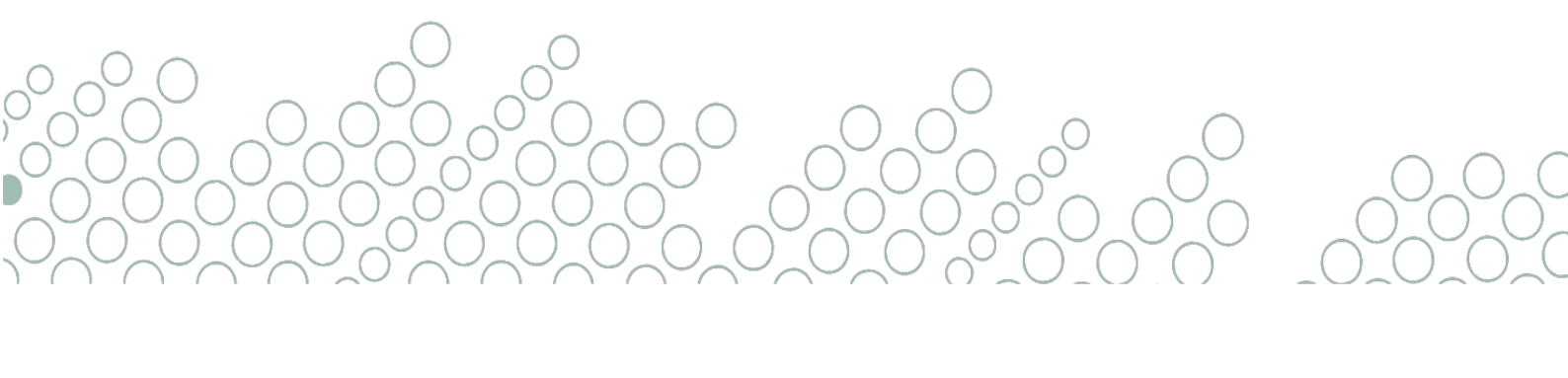
Employees who feel they are affected by bullying and harassment should seek support and advice.

Bullying and Harassment Contacts have been identified and trained as initial points of contact to listen and discuss incidents and allegations, outline options and support available as appropriate in a confidential manner. In addition, internal support can be sought from Line Managers and the HR team. Alternatively, employees may prefer to discuss with a friend or colleague in the first instance.

Employees may wish to seek informal advice from their Line Manager, Bullying and Harassment Contact, Trade Union Representative or a colleague. Where a concern is raised directly to a manager, they should address the issue promptly and informally where possible.

External support services (found in the Guide) are available to help employees get the appropriate advice.

Employees can use the informal or formal processes to resolve a complaint. Where possible, The Highland Council encourages employees to try to resolve any problems informally in the first instance but this may not be appropriate in all cases.





Informal procedures

If a person believes they are being subjected to Bullying or Harassment it is recommended that, where possible and appropriate those involved should attempt to resolve the situation informally in the first instance. However, this should not discourage use of the formal procedures where considered appropriate.

In certain circumstances it may be possible for the complaint to be resolved quickly by the employee explaining directly to the harasser the effect their behaviour is having and that they want it to stop. The employee can make it clear that if the behaviour continues a formal complaint will be made.

Where possible the employee should keep a diary of all incidents including details of dates, times, any witnesses and how they were personally affected. Copies of any documents that may be relevant, for example reports, emails, notes of any meetings that relate to the issue should also be kept.

Formal procedure

Where it has not been possible to resolve the matter informally, the decision whether to progress a complaint rests with the individual employee.

However, where an employee is reluctant to take formal action despite alleging serious bullying and/or harassment, the Bullying and Harassment Contact has an obligation to inform the Head of Service who must take action.


Formal complaints of bullying and/or harassment should be made in writing using the [Grievance Procedure](#) and addressed to one of the designated Heads of Service below:


Nominated Bullying and Harassment Head of Service:

- 1 Caroline Campbell – caroline.campbell@highland.gov.uk
- 2 Colin Howell – colin.howell@highland.gov.uk
- 3 Ed Foster – Edward.foster@highland.gov.uk

Guidance

Guidance, information and tools will be developed and maintained in partnership through The Highland Council Partnership Framework. The Bullying and Harassment guidance will:

- Provide employees with information on support services available both internal and external.
 - Provide links to external support
 - Provide detailed information on bullying and harassment using examples and case studies.
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- Provide guidance on examples of acceptable and unacceptable behaviour.
 - Provide an overview and awareness of the relevant legislation in terms of the Equality Act 2010, including the Public Sector Equality Duty and each of the Protected Characteristics.
 - Provide clear information on the various categories of discrimination, harassment and victimisation.

Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- Human Rights Act 1998

Monitoring

The application of this policy will be monitored through The Highland Council Partnership Framework and the Highland Council Corporate Resources Committee.

