

## **Annex 2**

# **ANTI - HARASSMENT POLICY**

## **Harassment and Bullying**

All employees should treat members of the public, their colleagues, subordinates, and supervisors with respect and courtesy at all times. On occasions when this does not happen and this lack of respect persists so as to make the other person feel intimidated, threatened, or coerced, it is likely that the individual receiving this attention will feel harassed or bullied.

Legally harassment is defined as unwelcome physical, verbal or non-verbal conduct and can include:

- comments about the way a person looks or dresses
- indecent, racist or offensive remarks
- questions or comments about the person's life style
- any conduct which creates an intimidating, hostile, humiliating or degrading environment or violates their dignity.

Such acts are unlawful and have the potential for a legal challenge against both the Council and individual members of staff.

## **Examples of Harassment or Bullying**

The following list contains examples of behaviour where there is the potential for members of staff to follow a case of harassment against the Council at an employment tribunal, or for the Council, members of staff or members of the public to bring a case of harassment against an individual member of staff or member of the public in the civil courts:

- swearing at a colleague or member of the public, or using threatening behaviour
- making sexist jokes or jokes about people of a certain sexual orientation, people of a certain age, people of a particular ethnic background, people with a particular impairment or disability, people observing certain religious practices etc
- using offensive terms (it is important to be aware what terms some people might find offensive)
- displaying visually offensive material.

It is important that these examples are considered in the context of situation and proportionality. It is not anticipated that a charge of harassment would be regarded as well founded where the language or material would, in all circumstances, be regarded as inoffensive, but the perception of the complainant must always be given full regard.

## **The Council's Policy**

The Council has determined to be very clear in its intent not to tolerate any form of bullying or harassment. The Council regards harassment or bullying by members of staff against other members of staff, or members of the public as most serious

breaches of the Council's standards of conduct. Also, the Council will take a firm stance against bullying or harassment of employees by members of the public. The Council will ensure that staff can voice their concerns about bullying or harassment without fear of reprisal or being victimised.

It is recognised that harassment, bullying or victimisation could occur within the organisation, at any level, irrespective of the working relationships of the staff involved. All complaints by members of staff against other members of staff of bullying, harassment or victimisation will be investigated. If such an investigation reveals that there is a likelihood that bullying, harassment or victimisation did occur the charge will be examined in accordance with the Council's disciplinary procedure which entitles the alleged victim and the alleged perpetrator to be heard before a decision is taken. Any cases of bullying, harassment or victimisation will most likely result in disciplinary action. Severe cases will be regarded as gross misconduct warranting summary dismissal.

All employees have a responsibility to ensure a safe working environment, particularly managers who should:

- be responsive and supportive to any member of staff who makes a complaint of bullying, harassment or victimisation
- maintain confidentiality
- monitor the situation after the resolution of the complaint.

## **What to do**

If you believe that you have been the victim of harassment, bullying, victimisation, or that you may have witnessed such behaviour, you should discuss the matter with your manager, your Chief Officer or one of the Personnel staff who is most accessible to you, making it clear that you think that harassment, bullying or victimisation has occurred. If you wish to involve your Trade Union representative at this stage, you are entitled to do so.

Your complaint will be investigated promptly. If, for any reason, you believe the investigation has not occurred and concluded within a reasonable period of time, refer the problem to a senior member of the Personnel staff.

No retaliation of any kind will occur because you have reported an incident of suspected harassment or bullying, other than where you have reported an alleged incident frivolously, maliciously or for personal gain. In these circumstances you will be liable to investigation and the possibility of disciplinary action.

If a member of the public makes a complaint about bullying or harassment you should deal with the matter in accordance with the Council's Complaints Procedure.

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