



Dignity at Work (Anti-Bullying and Harassment) Policy

Human Resources & Organisational Development



Dignity at Work (Anti-Bullying and Harassment) Policy

1. Policy Statement

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the Council. Harassment or bullying may make people unhappy, cause them stress and affect their health, family and social relationship. It may affect their work performance and can cause them to leave their job. The effects on the Council can include loss of morale, poor work performance, increase in turnover of staff, legal claims and damage to the Council's reputation.

The Council will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Employees found guilty of harassment or bullying may face disciplinary action, up to and including dismissal and could be personally liable to pay compensation in legal claims. In some instances harassment may be a criminal offence.

2. Background

2.1 Employee Code of Conduct

The people of Wirral are entitled to expect the highest standards of behaviour from everyone who works for their Council, and the Employees' Code of Conduct clearly sets out those standards. Everyone working for the Council is expected to act in accordance with the Code.

The principles which underpin the code are:

- Honesty
- Integrity
- Impartiality
- Objectivity
- Accountability

As employees of the Council we must all have respect for others, and must therefore:

- Treat others with respect
- Not discriminate unlawfully against any person
- Treat members and co-opted members of the authority professionally

The Council has put the Dignity at Work policy in place to support the Employee Code of Conduct and the Dignity at Work procedure provides a process to follow in respect of allegations of bullying and harassment.

2.2 Scope

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the Council, whether by direct contract with the Council or otherwise. This is a Wirral Council Policy. Schools in Wirral have their own policies for their employees.

If the complainant or alleged harasser is not employed by the Council, eg if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the Council could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, eg business trips and work-related social events.

2.3 Definitions and Principles

2.3.1 What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which would be likely to offend will be harassment without the recipient having to make it clear to the person that this is not acceptable, e.g. inappropriate touching.

Some situation may not be so clear that some other forms of behaviour would be unwelcome, or could offend, eg certain "banter", or flirting eg; asking someone for a private drink outside of work. In these cases, the first instance which may unintentionally cause offence may not be harassment. It would become harassment if the individual continues their behaviour after the recipient has made it clear (by words or conduct), that this is not acceptable.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (eg; perception that they are gay or disabled); when the recipient does not, have a protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with who they are connected or associated, eg; if their child is disabled, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is considered as misconduct, but dependent upon the nature of the allegations it is often considered to be gross misconduct. The level of disciplinary action will be determined following a full investigation and may lead to disciplinary action up to and including dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

2.3.2 Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter or email, through social media or by act.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic), eg an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines, calendars or pin-ups;
- the offer of rewards for going along with sexual advances, eg promotion, access to training;
- threats for rejecting sexual advances, eg suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- spreading malicious rumours or insulting someone, including comments/postings on social media and blogs;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- deliberately excluding someone from social activities.

It is a principle of the policy that bullying and harassment is about the impact of the behaviour on the recipient and not the intention. The individual's feelings are of paramount importance. Equally, it cannot be the case that if a person feels bullied or harassed that it is enough to conclude they have been.

In dealing with a complaint, the manager nominated to deal with it will, based on the evidence available, need to make a determination as to whether it was reasonable for the person to be offended and whether the alleged bully or harasser could reasonably have been expected to be aware of the impact of their behaviour.

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible

2.4 Manager's responsibility to manage people and performance

It is important to differentiate between the exercise of managerial responsibility and bullying or harassing behaviour.

Managers are responsible for ensuring that staff who report to them undertake their duties to an acceptable standard and conduct themselves appropriately. Managers have a responsibility to manage processes fairly and consistently with all employees within their team. Therefore legitimate, justifiable, and appropriate monitoring of an employee's behaviour or job performance does not constitute bullying or harassment.

Carrying out these functions in a fair, firm and consistent manner does not constitute an act of bullying or harassment, although it is recognised that some staff may feel stressed or anxious while the procedures are on-going. It is in the Council's interests that managers should be able to carry out their duties without threat of ill intentioned, malicious or vexatious complaints.

Where a complaint is made, a determination will be made as to whether a manager has bullied or harassed an employee or managed them fairly, but firmly and this will normally involve an investigation under the Council's Grievance Policy and Procedure.

2.5 What is victimisation?

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) 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. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

An employee is also protected from victimisation or detriment if they have raised a protected disclosure under the Council's Whistleblowing Policy.

Provided that the person acted in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

Making a complaint that a person knows to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

2.6 Roles and Responsibilities

2.6.1 What can employees do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. Employees can help to do this by:

- being aware of how their own behaviour may affect others and changing it, if necessary - they can cause offence even if they are "only joking";
- treating their colleagues with dignity and respect;
- taking a stand if they think inappropriate jokes or comments are being made;
- making it clear to others when they find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that they find harassment and bullying unacceptable;
- reporting harassment or bullying to their line manager or Human Resources and supporting the Council in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

2.6.2 Managers have a particular responsibility to:

- report promptly to Human Resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.
- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment;

The failure by a line manager to deal with allegations of harassment could be a disciplinary matter. The line manager should deal with any matter decisively and promptly, in line with the Council's grievance timescales of 1 month.

2.7 Support

The Council acknowledges that issues of bullying and harassment can be very difficult and very upsetting for both the complainant and the alleged harasser. If an employee feels that they are being bullied, raising the issue or making a complaint can be a significant step and if they are accused of bullying or harassment, this can be hurtful and damaging.

There are various mechanisms for support for complainants, the alleged harasser and witnesses (if appropriate). These include:

- Dignity at Work Advisors are available (See below) to offer advice and support on a confidential basis

- Employees can access free, confidential and independent advice on a range of issues from the Employee Assistance Programme. They can be contacted 24hrs a day, 7 days a week and 365 days per year on 0800 882 4102 or via website www.pamassist.co.uk and entering the following codes: User Name - Wirralb, Password - Council. More information is available on the Council's Intranet.
- Human Resources colleagues are available to offer objective and confidential advice and support to parties involved in a complaint.
- A management referral to the Council's Occupational Health Service (including medical support and the counselling service) is available if required in the investigation of harassment/bullying complaint. The employee will be told in advance of a referral to Occupational Health. The referral will be shared with the employee prior to the appointment.

2.7.1 Trade Unions

Trade Unions are available to advice and support their members involved in a complaint.

2.7.2 Dignity at Work Advisor

Dignity at Work Advisors can offer confidential advice and support to employees who may be experiencing problems at work.

The role of Dignity at Work Advisors is to listen, signpost and ensure that an employee is aware of all options available to them.

Dignity at Work Advisors are employees and managers from a range of services and backgrounds across the Council who have volunteered to provide support and confidential advice to employees. They have undertaken specific training on Dignity at Work issues.

The names of Dignity at Work Advisors will be published on the Council's intranet site. [Insert link](#)

Mediation

In some cases mediation offers an employee an alternative informal process to resolving perceived bullying and harassment issues rather than by pursuing concerns/complaints through the Council's Grievance Policy and Procedure. It can be a more effective way to resolve such matters informally although it may also be used at any stage of the Grievance Procedure. If an employee agrees to take part in mediation, this does not prevent them from pursuing their bullying and harassment complaint through the formal Grievance Procedure in the event that mediation does not resolve the issue.

It is the responsibility of line managers to try and resolve day to day workplace differences and independent mediation cannot be used to resolve all disputes or problems.

Further information can be obtained from Human Resources who will also advise managers on use of mediation in particular cases.

3. Commitment to Equality

Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful discrimination, harassment and victimisation



To advance equality of opportunity



To foster good relations between different groups of people



The Dignity at Work (Anti-Bullying & Harassment) Policy is fundamental to the Council's commitment to a working environment which promotes equality and diversity and complies with legal requirements.

4. Procedures

The Council has informal and formal procedures for the management of bullying and harassment. Please refer to the separate procedure. Formal complaints will be managed under the Council's Disciplinary and Grievance policies and procedures

The Council will determine the working arrangements that should be in place for employees involved in a complaint whilst the issue is being informally or formally managed. The Council has to balance the rights of all employees to be fairly treated in all concerned in this process.

A further determination of appropriate working arrangements will be made when the matter is concluded.

5. Supporting Documentation

- Dignity at Work Procedure
- Dignity at Work Guidance for Managers
- Dignity at Work Flowchart
- Dignity at Work FAQs
- Guidance on Mediation

6. Related Policies

- Grievance Policy
- Employee Code of Conduct
- Disciplinary Policy
- Whistleblowing Policy

- Capability Policy
- Domestic Abuse Policy
- Equality & Diversity Policy

7. Consultation

Consultation has taken place with trade unions. This policy change aims to ensure that services are delivered in accordance with corporate objectives and improves performance in accordance with the Council's Corporate Plan.

8. Communication and Awareness

This policy is considered:

Internal	External
[For Members, Officers and Contractors]	[For our Residents, Customers and Service Users]
<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Council will ensure all new and existing employees are aware of the requirements of the policy through regular communication and awareness raising.

Specific training will be provided to line managers about their role in managing complaints and concerns, promoting dignity at work and role modelling standards of behaviour in the workplace.

9. Monitoring and Review

The Dignity at Work (Anti-Bullying & Harassment) Policy will be reviewed every three years as part of the Human Resources and Organisational Development Policy Review Programme. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

The Council will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The Council will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

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