

Dignity at Work Policy

(Appendix T – Local Conditions of Service)



"We respect and value ALL employees."



A copy of this document can be found on our website: www.bury.gov.uk
Copies are also available upon request in other languages, **large print**,
Braille, audio tape and disc.

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Our Commitment

Bury Council and its recognised Trade Unions are committed to providing a working environment where all employees are treated with dignity and respect, and are valued for the different skills and abilities that they bring into the workplace. Bullying or harassment of any kind will not be tolerated.

The vital importance of this is recognised through the Council's equality objectives – one of which states that: -

"the Council aims to have a workforce which reflects our diverse community, and will work to ensure all employees are treated fairly and with respect."

(Equality Strategy 2012-2016)

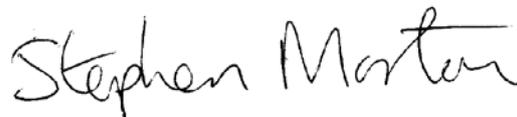
The Council values the contribution that all of its employees make to the provision of quality services. We recognise that such a contribution is most effective in conditions which are free from unnecessary anxiety, stress and fear, and where employees are able to work in an atmosphere which values them as individuals. The council will therefore take appropriate disciplinary action, including dismissal for serious offences, against any employee who violates this Dignity at Work policy. Violation of this policy may also include those employees who make what are later, after investigation, found to be malicious claims.

In addition, we will not tolerate victimisation of employees for making allegations of bullying and harassment in good faith, or for supporting someone who makes such allegations. Victimisation is a disciplinary offence.

Finally, it should be remembered that bullying and harassment can, in some circumstances, be considered to be a criminal offence, and that any employee found guilty of such could be held personally accountable for their actions under criminal law.



Tracy Murphy
Assistant Director of
Resources & Regulation (HR & OD)



Steve Morton
UNISON Branch Secretary

The Scope of this Policy

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work for the Council, whether by direct contract with the Council or otherwise. If the complainant or alleged harasser is not employed by the Council (for example 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.

This policy applies to bullying and harassment that takes place during normal working hours and also outside normal working hours, where an individual's actions adversely affect the Council or have a bearing on any workplace relationship (for example on business trips or work-related social events) or through the use of social media.

This policy does not cover bullying and harassment by customers, suppliers, vendors, visitors or other members of the public. The Council and its recognised Trade Unions are however committed to eliminating such bullying and harassment against employees (see the Anti-Social Behaviour Policy and the Domestic Violence Policy).

In the event of any bullying or harassment of customers, suppliers, vendors, visitors or other members of the public by employees, this would be dealt with through the disciplinary procedure.

Employees rights under the disciplinary and grievance procedures are not affected by this policy, and nor is an individual's right to legal redress.

Legislation

Bullying and harassment at work may be in breach of a number of pieces of legislation, including: -

- Equality Act 2010
- Employment Rights Act 1996
- Health and Safety at Work Act 1974
- Trade Union and Labour Relations (Consolidation) Act 1992
- Management of Health and Safety at Work Regulations 1999
- Protection for whistleblowers under the Public Interest Disclosure Act 1998
- Criminal Justice and Public Order Act 1994
- Public Order Act 1986
- Protection from Harassment Act 1997
- Malicious Communications Act 1988
- The Defamation Acts 1952 and 1996
- Human Rights Act 1998

Our Aims

Bullying and harassment at work can have very serious consequences for all those involved.

For individuals – it may affect their morale, health, work performance, or family and social relationships, or could cause them to leave their job.

For the Council – it can adversely affect the working environment, reduce productivity, impair performance, increase absence rates and staff turnover, create legal claims and cause damage to the Council's reputation.

We therefore aim through this policy to:-

- Ensure the dignity at work of all employees
- Respect and value differences
- Ensure that employees are aware of the types of behaviour which may constitute bullying and harassment
- Identify individual responsibilities in preventing such behaviour
- Provide procedures which recognise and take account of the sensitivity of the issues raised
- Provide procedures which enable complaints to be investigated promptly and appropriately, within agreed time limits
- Provide a framework to ensure any bullying and harassment is dealt with effectively, and that action is taken to prevent any recurrence
- Provide a working environment in which employees feel confident to bring forward complaints of harassment and bullying without fear of victimisation
- Provide access to mediation in appropriate circumstances
- Provide access to confidential counselling and medical support/reasonable adjustments where appropriate
- Provide appropriate training and guidance for all individuals involved in the handling of bullying and harassment complaints

Confidentiality

All parties concerned will treat complaints of harassment or bullying in confidence as far as reasonably possible. Any violation of this could result in disciplinary action.

Rights and Responsibilities

Everyone at Bury Council has a responsibility to help create and maintain an environment free from bullying and harassment, where everyone is treated with dignity and respect.

The Council

The Council will: -

- accept its legal and moral responsibility to deal effectively with bullying and harassment in the workplace using this policy in conjunction with the guidelines for investigators and, if appropriate, the disciplinary procedure.
- ensure that all employees are aware of this Dignity at Work Policy and Procedure – for example by including it in induction and management development programmes
- provide guidance and training to all employees responsible for dealing with complaints of bullying and harassment

Managers

It is the responsibility of every manager to: -

- implement the Dignity at Work policy and ensure that employees are issued with a copy of the **Employees Guide to Dignity at Work** (Appendix 1) and made aware of their responsibilities under the policy
- ensure that the work environment is non-threatening and supportive and take steps to prevent bullying or harassment
- behave in a way which does not harass/bully another person
- treat complaints of harassment seriously, sensitively and confidentially.
- be familiar with and follow the **Managers Guide to Dignity at Work** (see Appendix 2)

Employees

It is the responsibility of every employee to: -

- respect the personal dignity of all colleagues
- behave in a way that is not offensive to others
- support the Council in its efforts to eradicate any such behaviour that may threaten the Council's commitment to ensuring the dignity at work of all its employees.
- be familiar with and follow the **Employees Guide to Dignity at Work** (see Appendix 1)

It is the right of every employee to: -

- be treated with respect and dignity in the workplace.
- challenge inappropriate behaviour and raise complaints under this procedure without fear of reprisal

Trade Unions

Trade Unions recognised by the Council will: -

- support the Council in its efforts to provide a working environment free from harassment and bullying
- help inform the workforce of this Dignity at Work policy and encourage employees who may have a problem to use the procedure available to them

- advise members of their rights and responsibilities under the policy and to represent members as and when appropriate.
- advise members accordingly in cases where they appear to be making malicious claims

Definitions of Harassment and Bullying

Differences of attitude and culture and the misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not seem so to another. The following definitions and examples should be used as a guide to assist in understanding what may or may not be considered unacceptable, rather than an exhaustive list of types of unacceptable behaviour.

REMEMBER: when a case is investigated under the Dignity at Work Policy, conclusions will be reached based upon the balance of probabilities and absolute proof is not necessarily what determines the outcome.

Harassment

Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

If a person engages in unwanted conduct with the purpose of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment then it amounts to harassment irrespective of its actual effect on the person.

However, in some cases, conduct which is intended to be friendly could also amount to harassment. Even if there is no intention to create one of the negative environments described above, conduct will amount to harassment if it has the effect of creating such an environment.

When deciding if conduct has such an effect, each of the following must be taken into account: -

- **the perception of the complainant**
- **the other circumstances of the case**
- **whether it is reasonable for the conduct to have that effect.**

Example:

- An employee with learning disabilities is teased by colleagues who tell him to go to the stores and ask for non-existent items such as a "long weight". Other new employees have been through the same sort of teasing and shared the joke but this worker finds it humiliating and upsetting.

The Equality Act 2010 protects against three particular types of harassment: -

- harassment related to the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation and religion or belief
- sexual harassment
- less favourable treatment of an employee because s/he submits to or rejects sexual harassment or harassment related to sex or gender reassignment.

Unwanted conduct can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour. Examples include: -

- Threats or insults
- Offensive or suggestive comments, including those by phone, text, on social media etc.
- Unwanted attention, including leering and touching or personal intrusion from pestering/spying/stalking
- Mimicking someone's accent
- Using derogatory or informal slang about people's characteristics
- Pressure for dates
- Offensive jokes or teasing, including those sent by text or email
- Offensive gestures or looks
- Display of offensive posters, photos or graffiti
- Circulating offensive or suggestive letters or e-mails
- Posting offensive messages on blog sites or websites
- Using a mobile phone to film, photograph or record someone
- Asking intrusive questions about someone's personal life
- Gossiping about colleagues with other people
- Physical assault
- Failure to safeguard confidential information

A single act of harassment which is sufficiently serious can lead to a complaint – harassment should always be considered in terms of the impact it has on an individual.

Examples:

- Repeated jokes swapped across the office over a number of weeks about Muslim people and Islam, even if there is no malicious intent and they are not directed at anyone, could be viewed as harassment to a worker who is not known to be Muslim.
- A group of workers exclude a Muslim colleague from the staff room during a break on the grounds that "you might be carrying a bomb". This could be harassment even if it only happens once, and was intended as a joke.

Harassment can be said to be related to a protected characteristic if the person being harassed has that protected characteristic or if there is any connection with that protected characteristic.

Examples:

- Where women in an office are referred to as dumb blondes, dollybirds or floozies an individual woman may be able to establish that she has been subjected to unwanted conduct.

Examples (continued):

- An employee, A, who has a disabled child has to work alongside a colleague, B, who expresses the view that disabled people are given far too much favourable treatment by society. B continually and unfairly criticises the work of a third colleague, C, who is disabled. Although B does not know that A has a disabled child and his criticisms are aimed at C, this could amount to harassment of A because it is related to a protected characteristic.

Harassment occurs even if the person harassed does not have the characteristic – a person might be perceived wrongly to have the characteristic, or be harassed because of their association with someone who has the characteristic such as a family member, carer, friend, or partner.

Example:

- A male worker who is very youthful is called “sonny” by his manager is frequently asked if he has started to shave, and is subjected to other banter implying that he is not yet an adult. Although the manager knows that the worker is in fact an adult and the banter may be genuinely funny rather than offensive, this may amount to harassment related to age.

Protection is also provided where someone is subjected to harassment related to a protected characteristic even where it is known that they do not have that characteristic.

Example:

- If an employee is subjected to homophobic banter and name calling, even though his colleagues know that he is not gay and he is aware that they know he is not gay, this may amount to harassment related to sexual orientation.

Any conduct does not have to be directed at the complainant – it will still be unlawful if it is related to a protected characteristic, and has the purpose or effect of violating a person’s dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Example:

- If a trainer makes comments of a sexual nature to a mixed audience this may amount to harassment where it creates a humiliating or offensive environment for a person in the audience.

Examples of some forms of harassment by protected characteristic are: -

Forms of Harassment	
Race	Racial abuse; racially explicit derogatory statements; offensive jokes; racist graffiti; display of offensive material; an offensive or dismissive manner; insulting someone on the grounds of their race; refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin; unfair work allocation

Disability	Derogatory remarks; mimicking; invasive personal questions; staring; ostracising, which is directed at any individual with an impairment, or group of disabled people, which results in the individual feeling threatened or compromised; making assumptions about an individual's ability because of their impairment; assuming that a disability means that the individual is inferior; assuming that a mental disability means that the person lacks intelligence; excluding people from social activities; failing to direct comments to a disabled person; use of words specific to impairment being used in a derogatory way (eg. spastic); unreasonably highlighting a person's disability
Gender/Sex	Unwelcome sexual advances; touching; standing too close; forms of sexual assault; sexual jokes; displaying pornographic photographs or drawings or sending emails with material of a sexual nature; unwanted or derogatory comments about clothing or appearance; leering or suggestive gestures or remarks
Gender Identity	Transphobic comments, 'jokes' and name calling; verbal or physical abuse or intimidation; refusing to treat a person as of their new gender when they transition; failing to address a person by their preferred name and correct gender pronouns; denying people access to the appropriate single sex facilities such as toilets/changing rooms; outing a person as transgender/ non-binary without their consent or spreading rumours (this may also be a criminal offence); excluding a person from conversation or activities; sexual harassment; intrusive questions
Age	Considering someone as too young or too old for promotion; making derogatory remarks or assumptions about someone's ability or competence based upon their age; pressuring someone to retire
Sexual Orientation	Making homophobic or biphobic insults or threats; making unnecessary and degrading references to an individual's sexual orientation; engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation; outing an individual as LGB without their permission; ignoring or excluding a colleague because they are LGB; spreading rumours or gossip about an individual's sexual orientation; asking an LGB colleague intrusive questions about their private life; making assumptions and judgements about a colleague based on their sexual orientation; using religious belief to justify anti-gay bullying and harassment; displaying or circulating homophobic or biphobic materials; assuming that everyone is heterosexual; assuming that all gay men are HIV positive
Religion or Belief	Mocking or deriding people's religious or other beliefs; making unwanted comments on dress; making it unnecessarily difficult for people to conform to their religions or beliefs; pressure to participate in political/religious groups

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour towards another individual or group of people. It is typically an abuse or misuse of power which is meant to undermine, humiliate or injure the recipient.

Bullying can be obvious, or it can be subtle and insidious. Examples taken from both types of behaviour include:

- Malicious rumours and allegations, including fabricating complaints from clients and other members of staff
- Open aggression, threats, shouting, abuse and obscenities, persistent negative attacks or persistent unwarranted criticism
- Sending aggressive emails (avoid CAPITALS – they have the same impact and effect as shouting!).
- Humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- Undermining professional status
- Withholding information, opportunities or training with the intent of deliberately affecting a colleague's performance or development
- Picking on one person when there is a common problem
- Ostracising, isolating and marginalising an individual, excluding the person from any discussion or decision making
- Unreasonably or unnecessarily removing areas of responsibility or imposing inappropriate tasks which are not in keeping with the duties and level of the post
- Insulting or offensive remarks made about your appearance, lifestyle, habits or attitudes
- Unfair allocation of work, setting unfeasible deadlines and over monitoring
- Making threats or comments about job security without foundation
- Making jokes about someone in front of others with intent to isolate them from the group, or excluding them from social gatherings
- Cyberbullying – using Information and Communications Technology (particularly mobile phones, the internet and social media) to upset someone else

It is important to note that bullying does not consist of a manager legitimately carrying out their management responsibility in a proper and reasonable manner.

Procedure for dealing with Harassment or Bullying

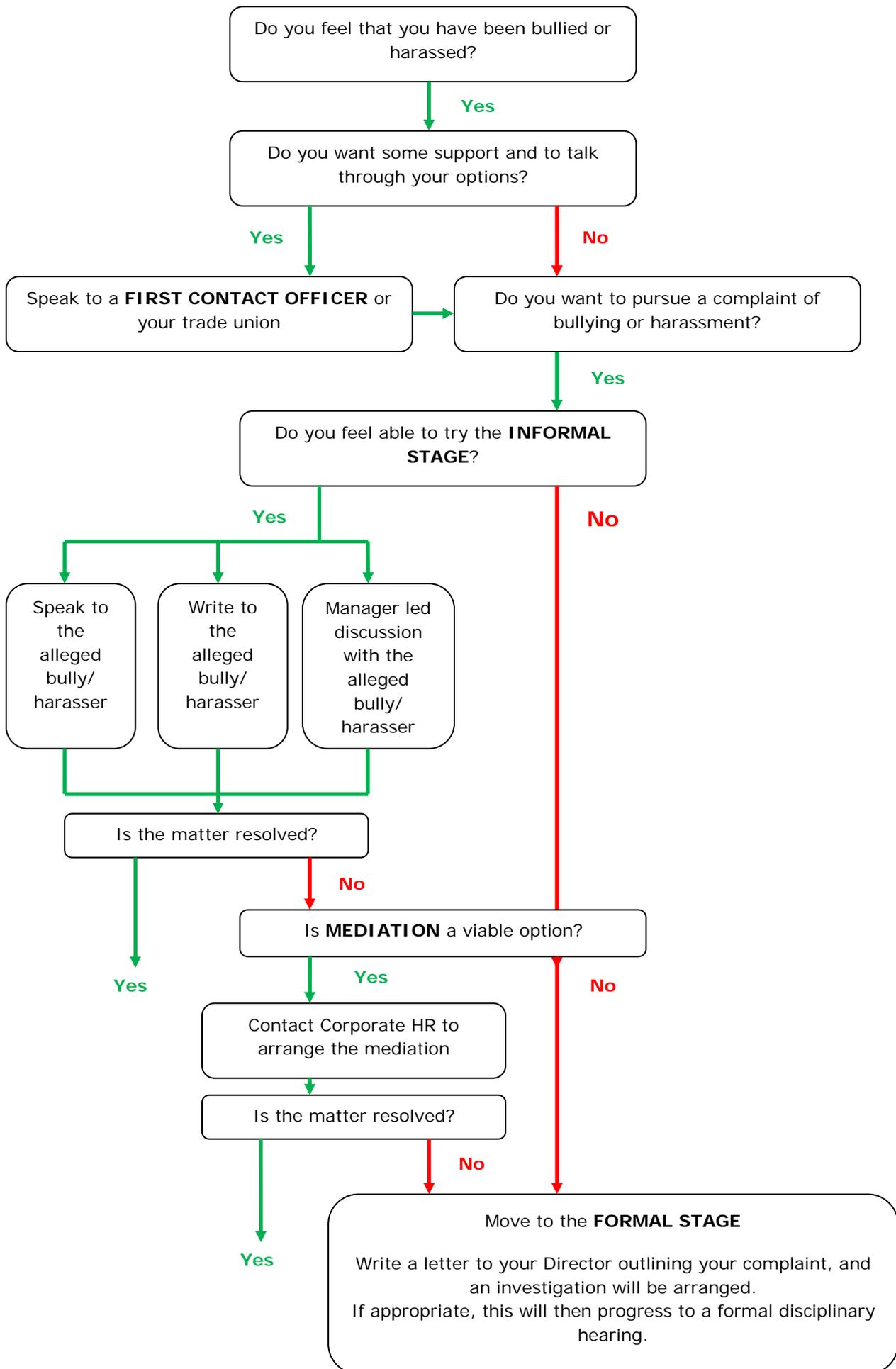
Allegations of harassment and bullying need to be dealt with in a sensitive and timely manner, ensuring minimal stress for both the complainant and the alleged perpetrator, and also allowing a degree of flexibility appropriate to the individual circumstances of each case.

If at any stage in the procedure an individual does not receive a response as required within this policy, or where the response is considered inappropriate, the individual is entitled to raise a grievance in the usual manner.

An individual who believes they are suffering from harassment or bullying is advised to keep a personal record of the event(s). Such records should include details of the date, time and place of the event, the name of the alleged harasser, details of the incident, names of witnesses, if any, and any action taken to attempt to remedy the problem. These records should be made as soon as practicable after the event(s) occurred.

A flowchart summarising the different options for dealing with allegations of bullying and harassment can be found on the following page. Detailed guidance is set out on the subsequent pages.

Flowchart for dealing with Harassment or Bullying



First Contact Officers

The Council recognises that there may be difficulties in raising the issue of bullying or harassment, particularly if: -

- the immediate line manager is doing the harassing
- the employee is too embarrassed or reluctant to raise the matter with their line manager, or feels the manager may lack the skills, knowledge or sensitivity to deal with complaints of harassment
- the employee finds the prospect of using the formal complaints procedures intimidating.

It is important that such potential difficulties are overcome, and allegations of bullying and harassment raised and acted upon. To help ensure this, each Department and Employee Group will have available suitably trained nominated First Contact Officers to provide confidential advice as to the courses of action available under this policy.

Their role is to:

- arrange an initial meeting with the employee who feels they are being bullied or harassed at work. This will be in a quiet, comfortable location that is acceptable to the complainant.
- provide sympathetic and confidential advice on the options available, and how they work, so that the complainant can make an informed decision about how they wish to proceed.
- assure the complainant that no action will be taken unless he/she requests them to do so (unless they are told something of such a serious nature – for example where someone's safety is at risk - that they are duty bound to report it)
- channel the complaint to the appropriate manager for action if the employee decides to take the matter further.

It is not the role of the First Contact Officer:

- to take sides in a dispute
- make decisions on behalf of the person making a complaint
- investigate complaints of harassment or bullying.

The Council will ensure that all First Contact Officers receive appropriate training to carry out their role.

First Contact Officers will discuss cases in confidence and will not divulge information to any other person without the agreement of the employee unless, as above, they are told something of such a serious nature – for example where someone's safety is at risk – that they are duty bound to report it.

Any employee who talks to a First Contact Officer is under no obligation to take the matter further.

Employees who have been bullied or harassed need not refer their complaints to a First Contact Officer – it is entirely their choice to do so. Nomination of First Contact Officers is an additional means of ensuring that such employees are not discouraged from bringing forward complaints.

A list of First Contact Officers can be found at www.bury.gov.uk/dignityatwork or alternatively please call Corporate HR on 0161 253 6371.

Employees are also entitled at any stage of the process to seek assistance from their Trade Union.

Informal Stage

There are 3 ways to deal informally with concerns about bullying or harassment:

- the complainant can speak to the alleged bully or harasser directly
- the complainant can write to the alleged bully or harasser
- there can be a managerially led discussion between the two parties

Wherever possible, an employee who believes that he or she has been the subject of harassment or bullying should in the first instance make the alleged harasser or bully aware that his/her behaviour is offensive, unwanted and unacceptable and ask them to stop it.

Help may be sought from a First Contact Officer, Trade Union representative, colleague, manager or HR officer. A colleague may be of assistance particularly where they have been a witness to the events. Employees are therefore encouraged to be supportive of anyone needing help in challenging harassment/bullying at work.

If the complainant finds it too difficult to speak to the alleged harasser/bully directly, the complainant may wish to consider writing to the individual. Failing that, a managerially led discussion could be arranged with both parties.

The initial, informal approach should be made as soon as possible after the events have occurred and concluded within a reasonable timescale (this would usually be within 2 months). The complainant may exercise their right to move to formal procedures where matters at this stage are not being dealt with in a timely manner.

Where informal action has been taken to resolve the complaint, any records maintained should merely record the action taken and should not contain any implied decision that harassment had or had not taken place.

Employees do not have to deal with the bullying or harassment informally before progressing to the formal stage of the policy, and it is entirely the decision of the complainant as to which route to choose. That said, it is the Council's preferred method, although we recognise the discomfort an employee may feel in adopting this approach and that sometimes the harassment or bullying is so serious that it is not appropriate to deal with it using the informal process.

How and when to try the informal approach

1. Talking to the alleged harasser

This is appropriate when there are times when your working relationship is necessary and relatively acceptable, the problems are recent, and both parties are assertive (i.e. not passive or aggressive).

It is not appropriate when there have been threats or threatening behaviour, or you feel unable to deal with the potential responses or to talk about the difficulties directly.

Before the meeting you should: -

- identify the specific behaviours that you find unpleasant or bullying and the impact they are having upon you
- be specific (times, frequency where possible)
- keep a diary of events

At the meeting: -

- clearly describe the behaviour to the offending person and explain to them the impact it is having upon you
- say that it is unwanted
- describe the appropriate behaviour that should be used
- seek agreement

The benefits of this approach are that issues can be resolved quickly and relationships can be improved.

2. Writing a letter to the alleged harasser

This is appropriate when talking to the person has not brought about the expected results, or a meeting is not possible (e.g. distance, timing).

It is not appropriate when you are unable to deal with the potential responses to the letter or address the difficulties directly.

Before writing the letter you should: -

- identify the specific behaviours that you want the person to change
- identify alternative, reasonable and appropriate behaviours

When writing the letter: -

- clearly and specifically describe the negative behaviours
- explain why the behaviours are unwanted and the impact they have upon you
- describe the alternative, reasonable and appropriate behaviours
- say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter)

It is important that you don't: -

- make the letter too long or overly complex

- personalise the bad behaviours (e.g. say 'the behaviour was disrespectful' rather than 'you are disrespectful')
- be too emotional/emotive in your language

The benefits of this approach are that: -

- it allows preparation time
- it enables you to say what you want
- it acts as a record

3. Managerially led discussion

When the complainant does not feel able to talk or write to the alleged bully or harasser, but has a working relationship with that person that could be maintained, a managerially led discussion can be arranged. This discussion should be facilitated by an appropriate line manager, who wherever possible has the most immediate responsibility for both parties.

At the request of either party, an HR Officer can also be present to support the line manager to chair the meeting, ensure that the process is conducted fairly and to advise all parties in respect of HR policy and procedure. The HR Officer should ideally be from Corporate HR or a Department other than that of the two parties involved.

The meeting must be informal and confidential, with all parties willing to find a way forward. The focus of the discussion should not be on apportioning blame. No record of the meeting is required beyond setting out what future actions or behaviours have been agreed. The record should not contain any implied decision that bullying or harassment has or has not taken place. If during the meeting it becomes obvious that the matter is more serious, the meeting should be adjourned. All parties should be advised that the matter should be continued with mediation or under the formal part of the policy.

This procedure also allows employees the right to be accompanied by a trade union representative or work colleague during the informal stage. It is the employee's responsibility to make these arrangements. The companion should be allowed to address the meeting in order to:

- present the employee's case
- sum up the employee's case
- respond on the employee's behalf to any view expressed at the meeting
- confer with the employee during the meeting

However, the companion cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the other party from explaining their case.

Mediation

Mediation can be a valuable resource in helping to resolve harassment and bullying complaints. It can be used where informal discussions have failed to resolve the matter satisfactorily or where a complainant feels that the matter needs raising more formally. Both sides must agree to mediation and either side

has the right to withdraw during the process. If mediation does not resolve the issue then the complainant still has recourse to the formal procedure.

Where required, the Council's Mediation Service can be commissioned via the Corporate HR team.

Formal Stage

The nature of the harassment/bullying will influence whether an attempt at informal resolution is appropriate. Subject to the complainant's agreement, informal measures should be encouraged in most circumstances.

Formal action may be appropriate when:

- the harassment/bullying is too serious to be open to informal resolution
- the harassment/bullying persists after informal attempts at resolution
- the person complaining of harassment/bullying prefers to use the formal procedure.

Any action that is taken should be within a reasonable timescale and as soon as possible after the events that have occurred.

Where formal action is appropriate, the following procedure should be used:

1. The complainant should submit their complaint, in writing to their Director. The complaint should give:
 - the name of the alleged harasser(s)
 - the nature of the problem
 - the dates and details of any incidents
 - details of any informal action taken.
2. An employee may ask a union representative or other officer to submit a written complaint on their behalf. In the case of another officer, the complainant must clearly authorise that individual to act in that capacity.
3. The Director receiving the complaint should formally acknowledge receipt of the complaint within 5 working days, and ensure that mediation has been considered. Should mediation be deemed to be appropriate at this stage, both parties should be asked to consider undertaking it and to respond to the Director advising whether or not they are prepared to do so within 5 working days.
4. If mediation is not an appropriate or viable option, the Director should then appoint a nominated Chief or senior officer to consider the case.
5. Following receipt of the complaint, the nominated Chief or senior officer will convene an investigating panel of two officers unconnected with the case – **ideally from another Department or Corporate HR** - to carry out an investigation in accordance with the Guidelines for Investigators in the Disciplinary Toolkit. At least one officer will be trained in conducting

investigations. The investigation should be completed within an agreed reasonable timescale which will be regularly reviewed.

6. Wherever possible, steps will be taken to ensure that the selection of Investigators is sensitive to the nature of the complaint for example, in cases of sexual harassment it may be appropriate to have both a male and a female as the investigating team to ensure a balanced investigation.
7. The alleged bully/harasser should be informed in writing of the nature of the allegation made against them and given the opportunity to respond. Where appropriate, action may be taken to separate the complainant and the alleged harasser in the workplace during the investigation. Dependent on the nature of the allegation the alleged harasser may be suspended on full pay in accordance with the provisions of the Council's Suspension Guidelines. When considering the separation of the alleged harasser and victim, account will be taken of any potential claim of victimisation as a result of such a move.
8. The complainant, the alleged harasser and any witnesses are entitled to representation by a work colleague or Trade Union representative throughout the procedure.
9. The Investigators will be responsible for carrying out a thorough investigation of the complaint. They should follow the process outlined below, unless permission is granted for them to do otherwise by the complainant or his/her representatives: -
 - Meet with the complainant and establish their version of events.
 - Interview the alleged harasser/bully and establish their version of events.
 - Identify potential witnesses and others who may have relevant knowledge
 - Interview potential witnesses and, where appropriate, obtain signed written statements from them
 - Collect and examine documentary and any other evidence relevant to the claim
 - Compile a report on the outcome of the investigation
 - Ensure that all investigation documentation is completed and sent to Corporate HR
10. Where the Investigators disagree on the outcome of the investigation, both sets of recommendations should go into the report.
11. The Investigators will submit their report to the nominated Chief or senior officer, outlining the details of the case and their recommendations. Once a decision has been made as to whether the case will be taken further, the complainant and the alleged harasser will be advised of the outcome and any next steps.
12. If at the end of the investigation, it is decided that harassment may have occurred, a disciplinary hearing will be convened as soon as is reasonably practicable in accordance with the Council's Disciplinary Procedure.

13. Where the complaint is not upheld no record of the investigation will be kept on the alleged harasser's personal file.
14. Should a complaint be found to be malicious then appropriate disciplinary action may be taken against the complainant.
15. Where a complaint of harassment is made against a Chief Officer or Director it will be investigated by another Chief Officer or Director and a member of Corporate Human Resources and the Chief Executive will consider the report.
16. Where a complaint of harassment is made against the Chief Executive it will be preliminarily investigated by three elected members appointed by the Leader of the Council in accordance with the JNC Disciplinary Procedure for Chief Executives of Local Authorities.

Disciplinary Proceedings and Appeals

Should the complaint progress to a disciplinary hearing, the investigation undertaken under this policy will serve as the investigation for the purposes of the Council's Disciplinary Procedure.

Following the hearing, the complainant will be informed in writing of whether or not the complaint was upheld. This will be on the clear understanding that this information is confidential to the complainant. The complainant has no right of appeal against the outcome of any disciplinary hearing in respect of the alleged harasser.

Where a complaint is upheld and it has been agreed that it is necessary and feasible to transfer one party, the complainant should be given the choice of remaining in their post or transferring to another location.

Where a complaint is not upheld, consideration could be given – subject to service requirements - to transferring or rescheduling the work of one of the employees concerned, rather than requiring them to work together. Where this is not possible, mediation could be provided.

Support for Complainants and Alleged Harassers

It is important that employees realise that the investigation of a complaint of bullying or harassment is not a presumption of guilt. The purpose of an investigation is to gain information surrounding the complaint, the background and any other facts supporting or contradicting the complaint. It is also important to note that suspension (if appropriate) is a neutral act which can serve to protect either the complainant or the alleged harasser and allow for a fair investigation to be undertaken.

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

- The Authority's Occupational Health Service (including medical support and the counselling service) is available for all staff involved in the investigation of an harassment/bullying complaint. It is possible to self-refer and appointments can be made by contacting the Occupational Health Unit – Tel: 0161 253 5156.
- A nominated officer who is not involved in the investigation should make an initial contact with the suspended employee and should serve as a point of contact for any queries. Regular contact should be maintained with the suspended employee keeping them up to date on the progress of the investigation and expected timescales.
- Contact with the complainant should be maintained by the nominated officer throughout the investigation, providing updates on procedural issues.
- The return to work of a suspended employee should be managed sensitively. Employees from within the same team should be informed prior to their return and any fears or concerns managed.
- If appropriate mediation by the Council's Mediation Service between team members may be required, and offered, and be beneficial for rebuilding relationships (contact should be made with the Corporate HR team to facilitate this).

Victimisation

Victimisation is treating someone less favourably than others because he/she has, in good faith, either: -

- complained (formally or otherwise) that someone has been bullying or harassing him/her or someone else, or
- supported someone to make a complaint, or
- given evidence in relation to a complaint.

Providing that an employee acts in good faith (ie. genuinely believes what they are saying to be true) then 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. This may result in disciplinary action being taken against any employee found to be victimising another employee, up to and including dismissal.

However - should an employee make a complaint which they know to be untrue, or give evidence which they know to be untrue, this may lead to disciplinary action being taken against them.

Monitoring

Records of complaints and the circumstances involved will be logged on the Council's HR system and monitored by Corporate Human Resources, to identify problem areas and possible corrective action. Reports will be produced every quarter and forwarded for consideration to the Governance Panel for further scrutiny.

This policy was last updated in June 2014 and will be reviewed every 2 years.

Appendix 1: Employees Guide to Dignity at Work

Employee Rights and Responsibilities

It is the responsibility of every employee to:

- Respect the personal dignity of all colleagues
- Behave in a way that is not offensive to others
- Support the Council in its efforts to eradicate any such behaviour that may threaten the Council's commitment to ensuring the dignity at work of all its employees.

It is the right of every employee to:

- Be treated with respect and dignity in the workplace.
- Challenge inappropriate behaviour and raise complaints under this procedure without fear of reprisal

What can you do to prevent harassment and bullying

All employees have a personal responsibility to prevent complaints of personal harassment or bullying by:

- Ensuring at all times their own behaviour cannot be construed as harassment or bullying
- Making their work colleagues aware that certain conduct or behaviour is causing concern or offence to either themselves or others
- Providing support to the person who is being harassed or bullied
- Encouraging colleagues to report any incidents that cause them personal distress.

Employees who feel they are being harassed or bullied should:

- Make it clear to the harasser/bully that their behaviour is unacceptable and unwelcome. (In many cases this action may be sufficient enough to stop the harassment.)
- Report the harassment/bullying to their line manager or to a First Contact Officer.

Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive or which could be construed as offensive?
- Stand too close to people or make physical contact with them?
- Express personal views that may hurt or discriminate against others?
- Reveal your dissatisfaction in ways that may offend or frighten others?

Would you:

- Say or do these things to colleagues of the same sex or ethnic background?
- Like a member of your family to be on the receiving end of similar behaviour?
- Wish to be on the receiving end of such behaviour yourself?

What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, **do not ignore it**.

You may witness unacceptable behaviour where the individual who has been subjected to the action feels unable to ask the perpetrator to stop. In these circumstances you should remember that everybody has a responsibility to attempt to try to prevent behaviour which is likely to result in upset or distress.

Inaction of a witness, particularly one in a more senior role, could also be construed as silent agreement or support for the alleged harasser or bully.

If you witness unacceptable behaviour you should:

- Inform those involved that the behaviour is unacceptable and why
- Ask that the behaviour stops
- If it has personally upset or offended you, explain this to those involved.

Remember harassment/bullying is not:

- An occasional raised voice or disagreement between colleagues
- Constructive criticism of an employee's behaviour/performance.

How to spot if a colleague is suffering from harassment/bullying

Harassment/bullying affects different people in different ways, but even what some may perceive to be low level problems, have the potential to make the most resilient people unhappy.

Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint. Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

Tell-tale signs may be:

- A change in behaviour, e.g. becoming withdrawn, depressed, and/or emotional
- Physical signs such as stomach aches, headaches or sleeping difficulties
- Bingeing on food, alcohol or cigarettes.

If you suspect that there may be a problem with one of your colleagues, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell you exactly what the problem is. Do not force the issue - let the employee know that if there is a problem support is available either from yourself, their line manager or a First Contact Officer.

What to do if you are approached by a colleague who believes they are being harassed or bullied

If you are approached by an employee who believes he/she is being harassed or bullied you should not ignore the situation. Whilst the information may be given in confidence the reality is that he/she is asking for help and support.

You should listen carefully to what it is they are complaining about and try to find out how they want you to help.

In the first instance you should encourage them to approach the alleged harasser/bully and ask them to stop whatever it is they are doing. This is often the quickest and most effective way of resolving a problem, especially when it is due to a lack of sensitivity rather than a deliberate attempt to cause discomfort.

If you are asked by the person making the complaint to speak on their behalf, and you are willing to do so, it is advisable to arrange to meet the person who is the subject of the complaint to:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress.

It is important to keep a note of any meeting that takes place as this may be used as evidence if the situation cannot be resolved informally.

If you do not feel able to intervene, then you should encourage the complaint to raise their complaint with either their line manager or a nominated First Contact Officer.

What to do if your behaviour is challenged

If your behaviour/conduct is challenged, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable, however, bear in mind that harassment is not just about intention but also about how it is perceived by the victim. It is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a normal working relationship. If you feel the accusation is justified, be ready to apologise. A harassment/bullying complaint can cause stress and anxiety for all those involved. First Contact Officers, HR Teams and Trade Unions are available to give help and assistance to both the complainant and the alleged perpetrator.

How to deal with harassment/bullying if it's happening to you

- Admit to yourself that you're being harassed/bullied and that the behaviour being aimed at you is unfair, unjustified and unwarranted
- Tell the harasser/bully how their behaviour is affecting you. In some cases this may be all it takes to make them realise that their behaviour is unacceptable
- Don't suffer in silence - talk to someone you trust such as a colleague in your team.
- Keep a written record of the harassment/bullying.

Appendix 2: Managers Guide to Dignity at Work

Manager Responsibilities

It is the responsibility of every manager to:

- Implement the Dignity at Work policy and ensure that employees are issued with a copy of the **Employees Guide to Dignity at Work** (Appendix 1) and made aware of their responsibilities under the policy
- Ensure that the work environment is non-threatening and supportive and take steps to prevent bullying or harassment
- Behave in a way which does not harass/bully another person
- Treat complaints of harassment seriously, sensitively and confidentially.

What can you do to prevent harassment and bullying

Managers must make every effort to ensure that harassment and bullying do not occur, particularly in work areas for which they are responsible by:

- Leading by good example
- Creating a non-offensive working environment
- Being alert to, and correcting, unacceptable behaviour
- Reviewing and amending workplace practices
- Giving employees access to training on diversity/dignity issues
- Ensuring employees know how to raise harassment and bullying complaints
- Dealing with any complaints sensitively and fairly, and in accordance with the Council's policy.

Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive or insulting?
- Single out employees for unwarranted or public criticism?
- Use aggression behaviour or threats to get your point across?
- Stand too close to people or make physical contact with them?
- Place constant excessive demands on employees?
- Set employees unrealistic work targets?
- Withhold access to appropriate development opportunities for employees?

Managers have a right to discharge managerial duties. In doing so you may need to adopt an assertive management style. This is acceptable providing that employees are not demeaned, devalued or intimidated in the process. Harassment/bullying is not reasonable management behaviour.

What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, **do not ignore it**.

You should:

- Inform those involved that the behaviour is unacceptable and why
- Insist that the behaviour stops.

You should remember that the inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the alleged bully or harasser.

How to spot if an employee is suffering from harassment/bullying

Don't assume that harassment or bullying is not a problem just because there have not been any complaints. Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint. Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

It may be that staff who are being harassed or bullied feel that there is no point in making a complaint as:

- It would not be taken seriously
- They do not want the harasser or bully to get into serious trouble
- They are afraid of reprisals.

Harassment/bullying affects different people in different ways, but even low level problems have the potential to make the most resilient people unhappy and unproductive.

Tell-tale signs may be:

- A change in behaviour, e.g. a lack of concentration, becoming withdrawn, depressed, and/or emotional
- Physical signs such as stomach aches, headaches or sleeping difficulties.
- Bingeing on food, alcohol or cigarettes.

If you suspect that there may be a problem, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell their manager what has happened, especially where the harasser/bully is a more senior member of staff.

Let the employee know that if there is a problem you are there to support them. It is important not to question victims intently or ask anything that might make them feel that they've done something wrong.

How to deal with a complaint

If you are approached by an employee who believes he/she is being harassed or bullied, or someone approaches you on their behalf, you should not ignore the situation.

You should try to establish:

- The nature of the complaint?
- If this is the first incident or have there been others?
- If there are any witnesses to the incident(s)?
- If they have kept a record of what has been happening to them?
- Whether or not they have asked the individual they are complaining about to stop whatever it is that they are doing?

Where appropriate you should talk the employee through the Dignity at Work policy and advise them of the options open to them. It is important that the employee feels that their complaint has been taken seriously.

If you decide to speak to the alleged harasser/bully informally you should:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress
- Try to facilitate a resolution to the problem regarding future working arrangements.

At this initial stage witnesses should not be called.

A record of the incident, the discussions that have taken place and the desired outcome should be kept as this may be used as evidence if the situation cannot be resolved informally.

It is important that the situation is monitored carefully in order to ensure that there is no subsequent harassment/bullying, and that neither the complainant nor the person complained about is ostracised.

Where it has not been possible to resolve the matter in this way, or if you feel that the allegations are of a serious nature (eg. sustained malicious or calculated behaviour) the complainant should be supported in making a formal written complaint.

What to do if your behaviour is challenged

If your behaviour/conduct is challenged, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable. However, it is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a normal working relationship. If you feel the accusation is justified, be ready to apologise.

A harassment/bullying complaint can cause stress and anxiety for all those involved. First Contact Officers, HR Teams and Trade Unions are available to give help and assistance to both the complainant and the person being complained about. It is important however that both parties are not supported/represented by the same person.

Appendix 3: Guidance for First Contact Officers

First Contact Officers play an important role in the Dignity at Work Procedure. It is their responsibility to provide guidance and support to employees who are feeling bullied or harassed. Their role is to:

- arrange an initial meeting with the employee who feels they are being bullied or harassed at work. This will be in a quiet, comfortable location that is acceptable to the complainant.
- provide sympathetic and confidential advice on the options available, and how they work, so that the complainant can make an informed decision about how they wish to proceed.
- assure the complainant that no action will be taken unless he/she requests them to do so (unless they are told something of such a serious nature – for example where someone’s safety is at risk or a crime has been committed - that they are duty bound to report it)
- channel the complaint to the appropriate manager or trade union representative for action if the employee decides to take the matter further

It is not the role of the First Contact Officer:

- to take sides in a dispute
- make decisions on behalf of the person making a complaint
- investigate complaints of harassment or bullying or be involved in the investigation

First Contact Officers will be fully trained, but some basic guidance is set out below: -

What do I do when an employee contacts me to ask for help?

- Take down basic information about the complainant – including their name, job title, service area and a contact telephone number
- Agree to meet with the employee as soon as reasonably possible, subject to service requirements for both of you.

Where should I meet the employee?

- Ask where the employee would feel comfortable meeting you. If you make a suggestion, always check that they are happy with it.
- Ideally the meeting should be:-
 - away from the complainant’s place of work
 - somewhere comfortable where you can chat in confidence
 - in a Council building. Never visit an employee at home. If you are having difficulties finding an appropriate location, speak to a Corporate HR or Unison, and they may be able to provide a room.

What to do before the meeting

- Ask your line manager for permission to meet an employee in your role as First Contact Officer. You should not disclose any details of the employee

that you are meeting or the circumstances, but you should be clear with your line manager how long you intend to be away from the workplace.

- Ensure that you are familiar with the Dignity at Work Policy

What to do at the meeting

- Introduce yourself.
- Explain what your role as a First Contact Officer is – and what it is not. Check that the employee understands this, and is still happy to proceed.
- Establish a time limit for the meeting at the outset – it is envisaged that an hour would be appropriate.
- Reassure the employee that any discussions are strictly confidential (unless you are told something of such a serious nature – for example where someone's safety is at risk - that you are duty bound to report it).
- Also make it clear that any decisions are to be made by the employee – you are only there to support and advise.
- At all times listen to what the employee has to say, keep calm and do not take sides.
- It is useful to take notes, but you are not there to take down all the facts – the Investigators will do that in due course if appropriate. Also, remember that copies of your notes may be requested at a later stage by the complainant or as part of the evidence if the case progresses.
- Provide a copy of the Dignity at Work Policy if the employee does not already have one.
- Clearly explain the different options available to the employee under the Dignity at Work Policy.
- Explain that employees may obtain assistance from a trade union representative or another colleague at any point in the process.
- Provide information on alternative sources of support where necessary – for example, the Council's mediation service, or the counselling service which is available through the Occupational Health Unit (employees can access this directly without needing to inform their manager).
- At the end of the meeting, check that the employee has all the information that they need to make their decision. Check that they have your contact details in case they have any further queries.

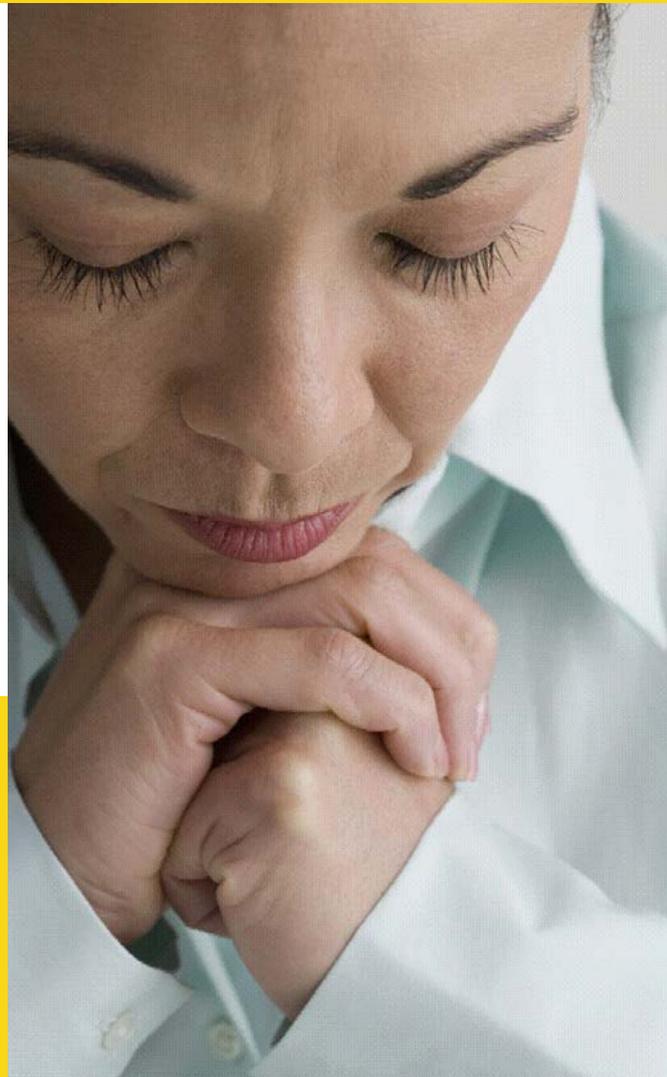
Remember – you are there to listen and advise. It is not your responsibility to solve the employee's problems or investigate the complaint. If, at any stage, you are unsure about something, contact Corporate HR for assistance (telephone 0161 253 6371).

Are you being bullied or harassed at work?

The Council is committed to providing a working environment where all employees are treated with dignity and respect, and are valued for the different skills and abilities that they bring into the workplace.

Bullying or harassment of any kind will not be tolerated.

Further information and a copy of the Council's Dignity at Work Policy can be found at www.bury.gov.uk/dignityatwork



Confidential advice and support can be provided by a First Contact Officer of your choice or your Trade Union Representative (Unison 0161 253 5176).

Alternatively please contact Corporate HR on 0161 253 5721.

