

# Harlow Council Dignity at Work Policy

## Document Information

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## 1.0 Introduction

Harlow Council is serious about tackling harassment and bullying in the workplace and this policy forms a key part of this commitment.

Whilst examples of such behaviour are rare, every organisation needs a strategy/ policy for dealing with such cases when they arise.

The council recognises that confidentiality is a crucial element in encouraging staff to come forward.

The aims of this policy are to help end bullying or harassment in any form and to offer support to any council member of staff who feels that they are being bullied or harassed or victimised by another council member of staff or by a third party. It aims to assist in developing and encouraging an inclusive working and learning environment and culture in which bullying and harassment is known to be unacceptable.

This policy should be read in conjunction with the council's Grievance Policy however, issues related to bullying and harassment can follow the informal procedure as set out in this document. Should an issue persist or be deemed too serious for informal resolution then the formal grievance procedure should be followed.

## 2.0 The Council's Commitment

The council takes grievances or issues about unacceptable behaviour towards staff seriously and wants individuals to have the confidence to report harassment without fear of victimisation.

The council as an employer is committed to:

- Promoting equality for all and recognises that harassment and bullying is an organisational or individual issue that can adversely affect an individual's working life.
- Taking all reasonable steps to promote dignity and respect at work, and prevent and eliminate all forms of harassment, bullying, and discrimination.
- Exercising its responsibility to protect its non-staff (independent contractors, agency staff), from harassment and bullying.
- Ensuring that all managers and staff are aware of the council's Dignity at Work policy and understand what the expected standards of behaviour are.
- Maintaining a culture where harassment and bullying is prevented through good HR management and a 'zero tolerance approach'

This policy focuses on informal resolution and prevention supported by the council's grievance procedure. In most cases the individual will use the grievance procedure to address their concerns. This includes both informal and formal resolution. However, in complex cases where both parties agree the council will consider the use of mediators to investigate complaints of bullying or harassment.

In cases where serious bullying and harassment is alleged to have happened, management reserves the right to move individuals or groups of individuals to protect the complainant. Whilst this will usually be the alleged perpetrator, each case will be carefully considered on its merits and the council's ability to protect the individual whilst maintaining key services.

### **3.0 Staff responsibility**

All staff including officers, managers, and other workers (such as agency workers) have a contractual responsibility to uphold the policies of the council. Whatever your job, it is your responsibility to challenge harassment and/or victimisation where it occurs, and to provide adequate support to colleagues who are mistreated in this way.

Where an individual/group of individuals have witnessed or been advised of harassment or bullying and fail to report it to management, they could be deemed as condoning the behaviour.

Any dealing our staff have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

If any of our staff is found to have committed, authorised or condoned an act of bullying or harassment, we will take appropriate action (for those to whom it applies) under our disciplinary procedure up to and including dismissal.

## **4.0 Definition of Harassment Bullying and Victimisation**

### **Harassment**

Harassment is defined under 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 related to the following 'protected characteristics' (as defined by the Equality Act 2010):

- |                                |                         |
|--------------------------------|-------------------------|
| • Race                         | • Age                   |
| • Disability                   | • Gender reassignment   |
| • Marriage & Civil Partnership | • Pregnancy & maternity |
| • Sex                          | • Sexual Orientation    |
| • Religion & belief            |                         |

Harassment may take many forms and includes behaviour related to a protected characteristic outlined above. However, harassment can occur without being related to any of the above. Examples of behaviour which is likely to constitute harassment are given below. The list is not exhaustive and other forms of harassment will be viewed equally as seriously:

- Behaviour of a racist, sexist, homophobic, ageist or disablist nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, verbal or physical abuse etc.
- Offensive sexual behaviour such as, lewd or suggestive comments, offensive flirtations, unwanted sexual advances or demands for sex and compromising invitations.
- Offers of favoured treatment in return for sexual acts (or threats of disadvantage if refused).
- Unnecessary bodily contact or the invasion of personal space.
- Threatening behaviour
- Deliberate exclusion from conversations or work activities on the basis on the characteristics outlined above
- Using email, the internet, text, instant messaging services or other electronic media for the purpose of bullying or making offensive remarks.
- Displaying offensive material (on paper or electronically).
- Drawing unwelcome attention to or abusing someone's religious beliefs.

'Sexual harassment' includes unwanted sexual behaviour or advances, requests for sexual favours or unwanted verbal, written or physical behaviour of a sexual nature. Sexual harassment also includes harassment based on sex, sexual orientation, or gender re-assignment.

The word 'unwanted' means essentially the same as 'unwelcome' or 'uninvited'. It does not mean that expressed objection must be made to the conduct before it is deemed to be unwanted.

Staff can complain of harassment that they find offensive if it relates to a protected characteristic, even if it is not directed at them. The complainant need not possess the relevant characteristics themselves.

Protection from harassment is also given because of perception and association. Harassment occurs even if the person harassed does not have the characteristic but is wrongly perceived to have the characteristic or harassed because of their association with someone who has the characteristic, such as a family member, friend or partner. In order for the council to take action, harassment or bullying does not have to be so serious and/or unrelenting that the person who is being or has been harassed feels it necessary to

change their job although the council recognises that this may be a consequence of harassment, if no action is taken to stop the harassment.

### **Third Party Harassment**

Where an aggressive incident has occurred, staff should report the incident following the staff safety register process detailed in Kaonet – <https://www.harlow.gov.uk/kaonet/safety/staff-safety-register>

Staff and managers should always work towards a resolution that maintains staff safety while continuing to provide necessary services. Assistant Directors should seek advice from Legal Services when considering the withdrawal of a service and this should always be a last resort.

Staff who have been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by management and should be offered suitable support.

### **Bullying**

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. Inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. Examples of bullying are given below. These are just a small number of the many forms bullying can take, and other forms will be viewed equally as seriously:

- Unreasonable supervision, shouting, verbal, written or published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- The deliberate undermining of an individual through unfair work allocation and/or constant unwarranted criticism.
- Inconsistent management style where there is evidence of unfavourable treatment.
- Public ridicule, sarcasm or humiliation.
- Ostracising or excluding colleagues from work events or social activities.

Bullying does not include appropriately conducted constructive feedback of staff behaviour or job performance by their line manager.

### **Victimisation**

Victimisation is where an member of staff is singled out for using their workplace complaints procedures or exercising their legal rights. Victimisation may present itself in many ways. For example, it may be that individuals are refused requests for time off, denied promotion or training, ignored by their manager or colleagues, criticised continually for their work, continual changes to their work allocation.

## 5.0 Scope of the Policy

This policy is in place to ensure that all allegations of harassment, bullying and victimisation are dealt with in a rigorous, systematic and confidential manner. The emphasis is on informal resolution and prevention.

This policy links in to but does not replace the informal stage of the council's grievance procedure. What it does add, however, is the option to use mediation in complex cases, where the council thinks it is appropriate, and both parties agree. Mediation is the most common form of alternative dispute resolution.

Mediation may be arranged to facilitate informal/formal resolution of complex grievances. Mediation exists as an 'optional addition' (if appropriate and agreed by all parties) to the existing grievance procedure designed to focus on prevention and informal conflict resolution.

For all formal complaints of harassment and bullying, managers and staff need to refer to the council's grievance procedure (which can be found on Kaonet under Human Resources, key documents).

Managers and supervisors need to ensure they set appropriate standards of behaviour and take appropriate action if they suspect that a member of staff is experiencing any form of harassment or bullying.

If members of staff are subjected to harassment or bullying by members of the public, they should report this to senior management who would be expected to deal with situations in line with the corporate policies.

The council wishes to ensure that all services provided to users meet essential quality standards. In situations where it is felt that interest of the council (and/or individual/service users/vulnerable groups) are being put at risk by the actions of an individual/group of staff it may be appropriate to refer the matter to senior management.

## 6.0 Managers/Supervisors Responsibilities

Managers and supervisors have a responsibility to familiarise themselves with the principles of, and act in the spirit of this policy.

Manager's/supervisor's responsibility is essentially the same as it is for any other form of unacceptable work behaviour, to take action to prevent it happening and to deal with it promptly. To do this, a manager/supervisor must acknowledge that the problem exists and possess a clear understanding of the issues involved.

Managers/supervisors have a duty to intervene at the earliest opportunity if they are aware of such harassment and provide the necessary support and advice to staff experiencing harassment and or bullying.

The failure to deal with cases of harassment and bullying will be seen as a failure to implement managerial/supervisory responsibility in upholding and promoting council policy, and as such may be seen as misconduct or incapacity to do the job.

In extreme cases it may be seen as gross misconduct/negligence.

## **7.0 Misuse of Policy**

Any abuse of this policy will be a disciplinary offence; this includes any complaints that are found to be malicious.

## **8.0 Additional Information**

Appendix 1: Guidelines for any council member of staff if being Harassed or Bullied or Victimised.

Appendix 2: Responsibility of managers and supervisors

Appendix 3: Additional information for any council member of staff and managers

Conditions of the Mediation



## **Appendix 1 - Guidelines for any Council Member of Staff if being Harassed or Bullied or Victimised**

1. If you experience harassment or bullying or victimisation at work you will be given full support to ensure it stops.
2. Depending on the seriousness of the allegation, the council will assist you to solve things informally. The emphasis is on informal resolution and empowering individuals to affect positive change.
3. If you believe you are being harassed or bullied or victimised, keep a written log of all relevant incidents and of any intimidating behaviour which concerns you. Make a note of the place, the dates and times, the names of any witnesses and what was said and done. This information will be useful if you decide to make a complaint.
4. Try to act quickly and do not delay until the situation becomes intolerable or your personal wellbeing is seriously affected. In some cases, it may be that the person against whom you have a complaint may be unaware that their behaviour is inappropriate or offensive, or it may be that their words or actions have been misinterpreted. In cases like this, a misunderstanding can be cleared up promptly.

If you feel you can, tell the person/s to stop. Be direct wherever possible, say explicitly that you feel you are being harassed and that you feel their behaviour is inappropriate and unacceptable.

It is always important that you keep records of conversation or actions including dates and times, as this evidence may be needed.

You may choose to do this in person or alternatively write a letter (which you are advised to keep for future reference). If you do not feel you can do this alone, you may wish to ask an appropriate colleague, trade union representative manager or HR to support you.

If you prefer not to approach the person/s directly, you have a number of other options available to help stop the harassment or bullying behaviour, such as:

- a) Contacting your Manager/Senior Manager (as per the Grievance procedure).
- b) Contacting your Trade Union representative.
- c) Contacting HR.
- d) Asking a work colleague to speak on your behalf.

## **Appendix 2 – Responsibility of Managers and Supervisors**

1. Managers/supervisors have a responsibility to ensure that they and staff under their jurisdiction take actions to assist in the elimination of all forms of harassment and bullying and undertake to investigate any complaint in accordance with the relevant council policies (i.e. grievance, disciplinary and conduct policy).
2. If a member of staff has been found in breach of the dignity at work policy/related grievance procedure then that staff member may face disciplinary action.
3. Managers/supervisors must be aware of the possibility of harassment, bullying and victimisation in the workplace and take prompt action where they identify issues. They should be aware of potential breaches of policy and unacceptable behaviour, even where this does not necessarily lead to a formal complaint.
4. Where someone who has been allegedly harassed or bullied or victimised raises their concerns, then initially the manager/supervisor or relevant member of the HR team should ensure that the complainant has access to a copy of this policy and related grievance procedure.
5. In all cases where a person has been subject to harassment and/or bullying it is essential that the matter is dealt with promptly and sensitively. Managers/supervisors should be mindful of the fact that the investigation process may be distressing for the individual and that special adjustments in the workplace may be required during or after the investigative process.
6. Managers/supervisors must ensure that during any investigation and also after any action is taken, the person who has been allegedly harassed is supported in the workplace and any further intimidation or victimisation is dealt with promptly and effectively.

## **Appendix 3 - Additional Information for any Council Member of Staff and Managers**

### **Outline of process**

Any council member of staff is entitled to:

1. Raise the matter informally with their manager as a prevention measure.
2. Where the complaint/allegation concerns the manager in question, any council member of staff can raise the matter with the manager's line manager or HR.
3. If the issue is not resolved informally, any council member of staff has the right to pursue a formal complaint under the council's grievance procedure.
4. If any council member of staff is a trade union representative and he/she feels that they are subject to bullying, harassment or victimisation because of their trade union duties then the matter needs to be referred to the council's Assistant Director HR and Organisational Development.

The manager will, in an informal, no blame setting:

1. Explore the issues promptly with any council member of staff concerned.
2. Take stock and decide if the matter can be dealt with informally.
3. Will take cases/complaints of harassment, bullying and victimisation seriously, and investigate cases promptly, sensitively, and confidentially.
4. Take appropriate action.
5. Try and resolve the issues informally, offering mediation where appropriate.
6. Will outline timescales for the investigation and keep the council member of staff apprised of progress.
7. Will keep records of any incidents of bullying, harassment and victimisation as required.
8. Need to ensure that neither party is victimised/discriminated against during/after the investigation, or as a result of the complaint.
9. Need to ensure that the council member of staff are aware of support mechanisms available to them.
10. Following completion of an investigation, managers may decide that further action is warranted in which case an investigation may be conducted under the council's Discipline procedure.

## Conditions of the Mediation

Mediation is a structured process which enables parties to identify, consider, and discuss their own and each other's current and future needs:

- Mediation is voluntary and has to be agreed by both parties.
- Confidentiality will apply throughout the process and the mediator will not divulge any information to one party without the consent of the other.
- Mediation will not replace any formal grievance or supersede the right to lodge and proceed with a formal grievance.
- Either party may be accompanied by a TU representative or a work colleague.
- Either party may withdraw from the mediation at any stage.

The outcome of the mediation will not be confirmed in writing unless the grievance is satisfactorily resolved; if the grievance is not resolved, the aggrieved party may progress matters through the formal grievance procedure.