



Human Resources

**DIGNITY AT WORK (HARASSMENT &
BULLYING) POLICY**

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1. INTRODUCTION

Redcar & Cleveland Borough Council's employees play a key role in providing quality services to the people of Redcar & Cleveland. To make the best use of their talents and to protect their well-being, the Council aims to promote a supportive working environment and a healthy workforce in which its employees have a right to be treated with consideration, dignity, and respect. The Council wants employees to work in an environment free from discrimination, harassment, sexual harassment, bullying and victimisation.

The Council will not tolerate or condone harassment, sexual harassment or bullying in any form.

Complaints of harassment and / or bullying will be taken very seriously and will be dealt with promptly and sensitively following the procedures outlined in this policy. Strict confidentiality will be maintained throughout the process and information relating to complaints will only be shared with relevant parties.

External bodies may need to be involved in cases where an employee is appointed under the Joint Negotiating Committee for Chief Officers of Local Authorities or Local Authority Chief Executives to reflect the seniority of the postholder concerned.

2. PURPOSE

The aim of this policy is to develop and reinforce a culture within the Council in which bullying and harassment is known to be unacceptable, and employees feel confident enough to confront cases with the support of the Council without fear of ridicule or victimisation.

This policy has been written with a view to promoting fairness for all and avoiding any adverse impact it may have on any individual based on age, disability, gender, gender reassignment, sexual orientation, religion or belief, race, marital status, pregnancy and maternity (Equality Act 2010).

3. SCOPE

This policy applies to all Redcar and Cleveland Borough Council staff¹ and it also applies to extension of the workplace, for example official workplace functions (e.g., Christmas parties, external training events and leaving parties). It sets out the process that needs to be followed when raising allegations of bullying and harassment.

4. REPRESENTATION

When submitting a complaint of harassment and bullying the employee is entitled to be accompanied by a trade union representative or work colleague at all formal stages of this process and during any formal meetings. Staff are encouraged to seek support from their trade union at an early stage. Where unreasonable delay may be caused by awaiting the availability of the chosen representative, management reserve the right to proceed with the date set and to advise the employee to seek an alternative representative.

¹ Redcar and Cleveland Borough Council's definition of staff includes employees, officers, consultants, contractors, volunteers, casual workers, and agency workers

In order to avoid any unnecessary delays due to the lack of availability of a trade union representative or work colleague, the Council reserves the right to proceed with meetings/interviews in their absence where there is no statutory right to representation. In all cases, the trade union representative or work colleague must be unconnected to the complaint/concern or related matters. This includes being in a personal relationship with the employee they are representing.

5. HARASSMENT AND BULLYING

All employees have the right to work in an environment free from discrimination, harassment and bullying and the Council is committed to ensuring:

- All employees are treated with respect and dignity in the workplace.
- Managers and supervisors at all levels establish and maintain a workplace free from harassment or bullying.
- Complaints of harassment or bullying receive a confidential, prompt and efficient response.
- No employee should fear victimisation by management for bringing a harassment or bullying complaint.

WHAT IS HARASSMENT?

Harassment is “unwanted conduct 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”. This could be through either unwanted behaviour or inappropriate language and may be persistent or an isolated incident. The unwanted conduct does not need to be intentional. The key is that the actions or comments are viewed as unwanted to the recipient.

It should be noted that the Equality Act 2010 protects employees, applicants and others within the field of work from harassment on the grounds of the following "protected characteristics": age; sex; race; disability; religion or belief; sexual orientation; gender reassignment; marriage or civil partnership; and pregnancy and maternity. Under the Act, employees are able to complain about behaviour that they find offensive, even if it is not directed at them (indirect harassment). For example, if they overhear offensive comments. Furthermore, employees are able to complain about harassment on the grounds that they are perceived to possess a protected characteristic or are associated with someone who has a protected characteristic (perceptive and associative harassment). For example, if someone is harassed for being homosexual when they are heterosexual.

The Act also makes employers potentially liable for harassment of their employees by third parties. A third party is someone who is not an employee of the organisation, such as customer, contractor or service user. Managers should be aware that an employer may be treated as subjecting an employee to third party harassment if they fail to take such steps as would have been reasonably practical to prevent it.

Examples of harassment may include:

- Spreading malicious rumours or insulting someone (particularly on an equality issue).
- Unwelcome sexual advances (such as touching/physical contact, standing too close, the display of pornographic or offensive materials, etc.)
- Unwelcome remarks on dress or physical appearance or an issue relating to an equality issue.
- Exclusion or victimisation.
- Ridiculing or demeaning someone.

- Overbearing supervision or other misuse of power or position.
- Excessive or repetitive criticism of an individual.
- Inappropriate language (unwelcome sexual remarks, foul language, etc.).
- Jokes, offensive language, gossip, slander, sectarian songs or letters.
- Inappropriate posters, graffiti, obscene gestures, flags, bunting and emblems.

The above examples are not exhaustive as harassment can occur in many different ways. Some types of harassment are easy to identify whereas others are much more difficult to define.

WHAT IS SEXUAL HARASSMENT

Sexual harassment is unwanted behaviour of a sexual nature.

The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees
- agency workers and contractors
- self-employed people hired to personally work for the council
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

It can be carried out or experienced by anyone of the same gender or different gender.

You could experience sexual harassment from anyone you encounter because of your job, including someone you work with, a manager, supervisor, or someone else in a position of authority or someone high profile or influential. You can also experience sexual harassment from a customer, client or member of the public.

The person engaging in unwelcome behaviour does not have to intend to be sexually harass the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

WHAT IS BULLYING?

Bullying may be characterised as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”. It does not need to relate to a protected characteristic. Examples of bullying may include:

- A culture endorsing an aggressive and intimidating style of management.
- Undermining, wearing down gradually and making unreasonable demands.
- Criticising excessively, including in front of others.
- Deliberately ignoring or excluding individuals from activities.
- Overloading with work and setting impossible deadlines/unreasonable targets.
- Making subjective and critical judgements about performance which are not substantiated.

- Not offering support to address performance issues.
- Overbearing supervision or misuse of power.
- Blocking training or promotion opportunities.
- Personal insults.
- Cyber-bullying, e.g., emails/text messaging and posts/comments on social media.

The above examples are not exhaustive as bullying can also occur in many different ways. Some types of bullying are more obvious whereas others are much more difficult to explain.

Harassment and bullying can combine a variety of different approaches so it can often be hard to recognise. This type of behaviour may not be obvious to others and may be insidious and can be experienced from senior to subordinate or vice versa, peer to peer or individual/group to individual/group. Such behaviour can undermine the ability and confidence of the individual who is suffering from it. It can lead to fear, de-motivation, isolation, poor concentration, reduced work output, symptoms of stress and a high sickness absence level.

6. SUBMITTING A COMPLAINT OF HARASSMENT AND/OR BULLYING

Any complaint of harassment and bullying should be raised promptly following the incident or events occurring. In cases where a grievance has been submitted that involves an element of bullying/harassment then it will usually be dealt with under the Dignity at Work (Harassment and Bullying) Policy.

An employee who is experiencing any form of harassment and/or bullying may make a complaint by following the process outlined below.

In some cases, it may be deemed appropriate for the employee who has submitted the complaint to be temporarily relocated to an alternative job role or work location whilst the complaint is investigated. This will not be done without first discussing and agreeing any relocation with the member of staff who has made the complaint, however in some cases management may feel it is more appropriate to move the employee being investigated to temporarily implement alternative management arrangements.

Any complaints of harassment and bullying will be investigated promptly and objectively, sensitively, and respecting confidentiality.

STAGE ONE – INFORMAL COMPLAINT

Wherever possible the Council encourages employees to try and resolve matters on an informal basis. The objective of the informal procedure is to end the behaviour of the alleged bully/harasser who is affecting the dignity of the complainant. Sometimes people are not aware that their behaviour is unwelcome, and an informal discussion can lead to a greater understanding and an agreement that the behaviour will cease.

Where the employee feels they are able, it may be appropriate for the employee to raise the problem with the perpetrator, pointing out the unacceptable behaviour. However, this may not always be possible or appropriate depending upon the individual circumstances in which case the concern can be raised with the relevant line manager, a human resources advisor or trade union representative.

When a manager is made aware of a complaint the matter needs to be investigated swiftly and confidentially, ensuring that the rights and dignity of all the employees involved are preserved.

For instances where the situation cannot be resolved informally or due to the serious and distressing nature of some harassment and bullying situations, an employee is also able to raise a formal complaint of harassment and bullying directly with their Human Resources Advisor under Stage Two of this process.

Additionally, in the event that the employee's line manager is linked to the allegations or that the employee's concerns relate directly to their line manager's own conduct, the employee or the Council may consider it more appropriate to proceed directly to Stage Two. Such instances will be considered on a case-by-case basis but the general expectation is that the Stage One procedure will be followed in most cases.

STAGE TWO – FORMAL COMPLAINT

If the matter cannot be satisfactorily resolved on an informal basis, or the nature of the complaint is not suitable for Stage One, the employee should raise the matter formally by setting out their complaint in writing to Directorate HR Advisory Team. The HR Advisor must consider the content of the complaint within 5 working days of receipt, and this may involve an initial meeting with the employee to discuss the allegations further. A decision will then be taken on appointing an appropriate investigating manager, who will be responsible for considering the allegations. Where an employee's complaint relates directly to their line manager, an appropriate manager, who is independent to either party, will be appointed to consider the allegations.

The investigating manager will invite the employee to attend a meeting to discuss their complaint and any allegations they have made. It is important to remember that this meeting is not the same as a disciplinary meeting and open discussion should be encouraged in order to identify how they would like it resolving or identify an amicable solution.

The manager, accompanied by a HR Advisor, should adjourn the meeting to consider all the facts presented and identify whether it is necessary to investigate any of the issues raised. Taking into account all the circumstances, the manager should aim to complete Stage Two of the procedure within 20 working days of receiving the complaint, if possible.

Upon the conclusion of Stage Two, the manager must inform the employee in writing of their response and any decisions they intend to take in respect of the employee's complaint.

As allegations of harassment, bullying or any intimidating behaviour should be treated as potential disciplinary offences, the outcome of Stage Two may result in a formal disciplinary investigation being invoked in accordance with the Council's Disciplinary Procedure.

Alternatively, upon the conclusion of Stage Two, if the manager does not feel that the employee's allegations are founded and, therefore, no formal disciplinary proceedings are to be invoked against any individual, the manager must notify the employee of this decision. The employee must be informed that they have the right to appeal to Stage Three if they feel that their complaint has not been dealt with satisfactorily or feel dissatisfied with the outcome. Any appeal must be made in writing, clearly outlining the grounds of their appeal, and forwarded to their Directorate HR Advisory Team, within 10 working days of the decision being issued to them.

STAGE THREE – FORMAL APPEAL

If an employee who remains dissatisfied following the outcome of Stage Two and chooses to appeal, they must provide specific grounds for this giving full reason for the appeal. The appeal must be submitted within 10 working days of the decision being issued to them, an appeal hearing will then be arranged in order to consider their complaint further.

Any appeal should be heard within 6 weeks of the Stage Two outcome, where practicable. Any appeal should be heard by a relevant Director or Assistant Director, accompanied by a Senior HR Advisor and the decision taken by the Director or Assistant Director will be final. After the appeal, the employee will be informed of the decision in writing as soon as is reasonably practical. Where an Assistant Director has already been involved, such as if the employee's concerns relate directly to their line manager's conduct, an alternative Assistant Director may be appointed to hear the final appeal.

7. MEDIATION

At any stage of this procedure, whether as a result of an employee's grievance or a complaint of harassment and/or bullying, circumstances may lead the Council to think that some or all of an employee's concerns might be linked to a breakdown in relationships with one or more individuals. In such cases, the Council might suggest (or any of the individuals concerned may request) mediation. Mediation is a voluntary process that is used to resolve workplace conflict but, for mediation to be successful, both or all parties have to agree to participate. Although mediation is not compulsory, the Council would hope that all employees would at least consider participating in such a process. The Council has internal mediators but may, in some circumstances, consider the use of mediation via external organisations, which will be funded by the Council.

8. SAFEGUARDS

The Council is committed to best practice and high standards and wants to be supportive to its employees. It also recognises that the decision to raise a concern can be difficult but, where an employee raises a concern in good faith, they are fulfilling their duty to their employer and to service users and should have nothing to fear.

Any instances of harassment, sexual harassment, bullying or victimisation, as a result of reporting a concern, will be treated as a serious disciplinary offence and could result in dismissal.

Any investigation into allegations of potential malpractice which are made genuinely and in good faith will not influence or be influenced by any disciplinary or redundancy procedures that already affect the employee.

9. WHERE THE BEHAVIOUR MAY BE A CRIMINAL ACT

There may be situations where you think harassment at work could be a crime for example, if an employee tells you they've been:

- physically attacked
- sexually assaulted
- the victim of a hate crime, for example racist or homophobic abuse
- threatened with violence

In these cases, managers should talk to the employee about whether they want to report it to the police and support them if they choose to do so. It is advisable that prior to any report being made appropriate advice has been sought.

Management should support the employee decision where possible however there may be circumstances, for example an ongoing risk to their safety or the safety of others, where the employer feels that the matter needs to be reported to the police. Prior to taking this action the Council will discuss this with the person making the complaint and seek appropriate advice.

It is unlikely that the Council will need to wait for the criminal process to finish before investigating the complaint, but it is advisable to check with the police to make sure there is no risk of prejudicing the criminal process.

10. SUPPORT AND ADVICE

Counselling

The Council provides a confidential counselling service, the Staff Support Network which can be contacted by phoning 07815195910. Alternatively, employees can access support from the [Employee Assistance Programme](#)

Occupational Health

Any employee who is involved on a bullying and harassment case may find it useful to talk to the occupational health service. A referral can be made at the employee's request if necessary.

Trade Unions

Employees who are member of a recognised trade union may want seek advice or support from their trade union representative.

Name	Trade Union	Email Address
Dawn Parker	Unison	dawn.parker@redcar-cleveland.gov.uk
Sharon Bailey	Unite	Sharon.Bailey@unitetheunion.org
	GMB	durhamtees@gmb.org.uk

11. CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, employees should note that it may be difficult or impossible to resolve some types of concern if confidentiality is to be maintained (e.g., a complaint which relates only to the employee and cannot be substantiated by documentary evidence or statements from third parties). Should an employee wish to raise a concern anonymously they may consider using the Whistleblowing Policy instead of this policy.

Depending on the nature of the concerns that an employee raises, if necessary, the employee may ultimately be needed as a witness in any disciplinary or criminal proceedings. Where this is required, the Council will arrange for the employee to be given advice about the procedure and will fully support them throughout.

12. MALICIOUS COMPLAINTS OR BEHAVIOUR

The Council treats concerns raised by its employees very seriously. Similarly, it will view the raising of unfounded concerns for vexatious or malicious purposes, or for personal gain, very seriously and actions of this nature will be considered as potential disciplinary offences.

13. LINKS TO OTHER HUMAN RESOURCES POLICES AND PROCEDURES

Other relevant policies and procedures include:

- Disciplinary Procedure
- Grievance Procedure
- Sexual Harassment Policy
- Whistleblowing Policy (Council's Independent Whistleblowing Hotline 0800 9179 247)