

Anti-Harassment & Anti-Bullying Workplace Guidance

NEDDC

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North East
Derbyshire
District Council

NEDDC ANTI HARASSMENT AND ANTI BULLYING **WORKPLACE GUIDANCE**

Introduction

The Council believe that having a culture that is diverse, equitable and inclusive is core to everything the organisation strives to achieve and the workplace environment, the Council wish to protect.

One key to protecting our culture and our employees is seeking to eradicate bullying or harassment at work. This workplace guidance document details the Council's workplace expectations in respect of harassment and bullying together with how the Council will support those affected.

The workplace guidance complements and references the Council's:

- Equalities Policy
- Dispute Resolution and Grievance Procedure
- Disciplinary Policy
- Whistleblowing Policy and
- Code of Conduct

Scope

This workplace guidance applies to anyone working for us, including employees, workers, contractors, volunteers and apprentices. The guidance also relates to job applicants and is relevant to all stages of the employment relationship. The guidance also applies to bullying or harassment by third parties.

Our Commitment to You

The Council believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our employees to work better because they can be themselves and feel they belong within the organisation.

The Council are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.

The Council adopt a zero-tolerance approach to instances of bullying or harassment.

What the Council expect from You

The Council expect you, and every one of our employees to take personal responsibility for observing, upholding, promoting and applying this workplace guidance. Whatever your job is, this is part of your role.

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

For more information on workplace behaviour, discrimination, bullying, harassment and victimisation, please refer to the Council's Equalities Policy, Dispute Resolution and Grievance Procedure, the Code of Conduct and the Disciplinary Policy.

If any of our employees are found to have committed, authorised or condoned an act of bullying or harassment the Council will take action against them (for those to whom it applies) under the Council's Disciplinary Policy.

There is no justifiable reason to bully or harass someone else. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, the Council encourage you to speak up without delay and to ask for appropriate support. Details as to who you can speak to and report incidences to are included within this document and also within the Dispute Resolution and Grievance Procedure and the Disciplinary Policy.

Who is Protected From Harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age

What is the approach at the Council

The Council consider harassment on any grounds to be unacceptable.

Meaning of Harassment

Harassment is unwanted conduct related to a protected characteristics that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic.

Examples of Harassment

Harassment can occur in many forms and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Meaning of Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of Sexual Harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;

- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is no legal definition of bullying. However, the Council regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of Bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

Workplace Relationships

The Council aim to strike a balance between an employees' right to a private life and the organisation's right to protect its business interests. The Council wish to ensure that all employees behave in an appropriate, professional and responsible manner at work and personal relationships can potentially impact on this.

Employee's are expected to declare any relationship in confidence to their manager as soon as reasonably practicable where the relationship may give rise to a real or perceived conflict of interest, trust issue or breach of confidentiality. This includes a relationship with a Councillor or a third party such as a customer, contractor or supplier.

This is particularly important where the relationship is between a manager and one of their direct reports, because of the risk of the manager affording the employee more

favourable treatment or less favourable treatment if the relationship subsequently breaks down.

The Council will treat each case based on the circumstances and advise employees of workplace expectations which will be aligned to the Council's Code of Conduct, Contract of Employment and this workplace guidance document.

What to do if you are being Bullied or Harassed?

Informal Route

Bully/Harasser is a Colleague or Councillor

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you. Please refer to the Council's Dispute Resolution and Grievance Procedure or Whistleblowing Policy.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking for support

- your manager
- a colleague
- the HR Team
- your Trade Union Representative
- an NEDDC Safeguarding Link Officer

You may or may not want them to talk to the individual on your behalf and, where possible, the Council will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, the Council may have to approach the individual and instigate a formal investigation, under the Council's Disciplinary Policy or Dispute Resolution and Grievance Procedure. In such a case the Council will, where possible, discuss this with you first.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you.

To contact our Employee Assistance Programme, please telephone 0800 023 9324, this is available 24/7, 365 days a year or you can visit www.vivup.co.uk to register and access the extensive range of information on the website. If you are struggling to access the service, please contact Vivup Customer Services on 01252 784 540 or email customersupport@vivup.co.uk or contact the HR Team.

Bully/Harasser is a Third Party

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, the Council encourage you to report this without delay so that they can advise and support you and decide on the best course of action. Please report this to either:

- your manager
- a colleague

- the HR Team
- your Trade Union Representative
- an NEDDC Council Safeguarding Link Officer

Formal Route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, please refer to the Council's Dispute Resolution and Grievance Procedure or Whistleblowing Policy.

The Council will investigate fully every formal complaint in an objective and confidential way, while also ensuring that the Council respect your rights as well as the rights of the alleged bully/harasser. Investigations will be undertaken in accordance with the Council's Dispute Resolution and Grievance Procedure and Disciplinary Policy.

The Council will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, the Council may need to adjust the procedure followed to ensure the Council conducts the appropriate investigations.

Support For Those Affected or Involved

The Council understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and the Council will do everything reasonably possible to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, the Council will consider seriously any requested changes to your working arrangements during our investigation into the matter.

For emotional support, you can access free, confidential counselling from our EAP. To contact our Employee Assistance Programme, please telephone 0800 023 9324, this is available 24/7, 365 days a year or you can visit www.vivup.co.uk to register and access the extensive range of information on the website. If you are struggling to access the service, please contact Vivup Customer Services on 01252 784 540 or email customersupport@vivup.co.uk or contact the HR Team.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager or the HR team as soon as possible.

Regardless of the outcome of your complaint, the Council will consider carefully how to best approach any ongoing working relationship between you and the individual concerned.

Sensitivity and Confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, the Council may take disciplinary action, in accordance with the Disciplinary Policy or other appropriate action for non-employees.

Consequences of Breaching this Guidance

If, following an investigation, the Council find that you have committed, authorised or condoned an act of bullying or harassment, the Council will deal with the issue as a potential case of misconduct/gross misconduct, under the Disciplinary Policy or Whistleblowing Policy.

Training

All new starters must attend equality training as part of their Induction programme.

Every employee must attend regular equality training on at least a three yearly basis. The Council expect all employees to proactively support our equality and anti bullying and harassment initiatives by attending events and workshops to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.

Record-keeping

The Council process personal data collected in relation to bullying or harassment complaints in accordance with the Council's data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation, in line with the Council's Disciplinary Policy and Dispute Resolution and Grievance Procedure.

Monitoring and Review

The Council analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis for example, to assess any particular risk areas.