

Corporate HR - Bullying and Harassment Policy



EMPLOYMENT ZONE

Our Commitment

Glasgow City Council is committed to creating and maintaining a workplace where all employees are treated with dignity and respect, and feel valued for the different skills and abilities they bring to the workplace. This is supported by our [Equal Opportunities Policy](#).

Harassment, bullying or victimisation of any kind are unacceptable and will not be tolerated.

The Council will take appropriate disciplinary action, including dismissal for serious offences, against any employee who violates this policy. This may also include anyone who makes what are found to be malicious claims.

It should also 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.

Everyone should ensure that they take the time to read and understand this policy and act in accordance with its aims and objectives. If you need support reading or understanding this policy you should speak to your line manager.



Annemarie O'Donnell
Chief Executive



Christine Brown
Head of Human Resources

Purpose and scope

This policy:

- gives a clear statement on the standards of conduct expected of all employees towards each other at work;
- provides clarification on what is considered inappropriate and unacceptable conduct in relation to bullying and harassment;
- outlines a fair process by which any employee can raise concerns or seek redress if they are affected by bullying and harassment;
- provides information on the support available to anyone affected by bullying and harassment at work.

The policy applies to all employees, contractors, agency staff and anyone else engaged to work at the Council. It also includes Elected members. The policy covers incidents that take place during working hours and also outside working hours, where an individual's actions adversely affect the Council or have a bearing on any workplace relationship (for example on business trips, work social events, or through social media).

It does not include bullying and harassment by third parties such as customers, visitors or other members of the public. Employees are encouraged to report incidents involving third parties to their manager who will address such concerns in line with our [Unacceptable Actions Policy](#).

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What is harassment and bullying?

Harassment:

Unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Unwanted conduct can happen through any kind of behaviour including spoken or written words, images, physical gestures, facial expressions, mimicry, jokes or pranks. [See examples](#) on p 4-5.

The Council has a legal obligation under the Equality Act 2010 to ensure that the following types of harassment do not take place at work:

- Harassment related to the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation and religion or belief;
- Sexual harassment; *and*
- Less favourable treatment of an employee because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.

Duty of care & Safeguarding

We also have a duty of care under the Health and Safety at Work Act 1974 to ensure that, so far as reasonably practicable, the health, safety and welfare of all employees are protected. If we become aware of a situation that gives us cause for concern for the health, safety and welfare of an employee or employees we will take action to protect them.

For cases of harassment & victimisation that are so serious, a complainant or witness feels they have no route to report it, our whistle blowing arrangements can be accessed [here](#).

Some forms of harassment, including sexual assault and other physical threats and hate crimes, are a criminal matter and will be reported to the Police. If the complaint is reported to the police, or criminal court proceedings are being pursued, a complaint must still be investigated by the Council as an employment matter – which may include proceeding to disciplinary.

The Act makes it clear that:

- Conduct which is intended to be friendly could also amount to harassment – it is about what the recipient deems to be offensive, not about what was intended;
- The recipient of the behaviour decides whether or not it is unwanted;
- Unwanted conduct does not need to be directed at a person. It can be witnessed or overheard;
- It does not matter whether the conduct is acceptable to others or is common in the person's work environment;
- 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.

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Examples of harassment

Gender and/or Sex:

- Sexual comments, jokes or gestures;
- Suggestive looks, staring or leering;
- Unwelcome touching, hugging, massaging or kissing;
- Intrusive questions about a person's private or sex life, and discussing your own sex life;
- Displaying pornographic photographs, drawings, or posting comments on social media sending e-mails with materials of a sexual nature;
- Unwanted or derogatory comments about clothing or appearance;
- Humiliating and/or offensive comments towards a pregnant employee.
- Criminal behaviour including sexual assault, stalking, indecent exposure and offensive communications of a sexual nature.

It should be noted that an individual can experience unwanted conduct from someone of the same or different sex, and that sexual conduct that has been welcomed in the past can become unwanted.

Trans Identity:

- Transphobic comments, jokes and name calling;
- Unwanted comments on dress and/or appearance;
- 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 (which may be a criminal offence)
- Excluding a person from conversation or activities;
- Asking intrusive questions.

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 a person as lesbian, gay or bisexual without their permission;
- Ignoring or excluding someone because they are lesbian, gay or bisexual;
- Asking a lesbian, gay or bisexual colleague intrusive questions about their personal life;
- Making assumptions and judgements about a colleague based on their sexual orientation;
- Displaying homophobic or biphobic materials;
- Physical threats or attack;
- Incitement of others to commit any such acts.

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Examples of harassment continued

Religion or Belief:

- Mocking or deriding people because of their religious or other beliefs;
- Making unwanted comments on dress;
- Making it unnecessarily difficult for people to conform to their religions or beliefs;
- Pressurising others to participate in political/religious groups;
- Incitement of others to commit any such acts.

Disability:

- Derogatory remarks, mocking, mimicking, staring;
- Asking invasive personal questions;
- Ostracising an individual because they have an impairment;
- Making assumptions about an individual's ability because of their impairment;
- Assuming that a mental disability means that a person lacks intelligence;
- Failing to direct comments to a disabled person;
- Use of derogatory language;
- Unreasonably highlighting a person's disability;
- Consistent or repeated failure to provide clearly identified facilities or requirements in order to support a person in performing their duties.

Age:

- Age related remarks or jokes;
- 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;
- Being ignored and/or excluded from activities because of age;
- Pressuring someone to retire.

Race:

- Racially explicit derogatory statements;
- Remarking on a person's skin colour or other cultural traits;
- Discussing harmful racial stereotypes;
- Offensive jokes;
- Racist graffiti or the display of offensive material;
- Behaving in an offensive or dismissive manner or 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.
- Incitement of others to commit any such acts.

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Bullying:

Offensive, intimidating, malicious or insulting behaviour. It is typically an abuse or misuse of power through means that undermine, humiliate or injure the recipient.

Again, it is the impact of any conduct rather than the intent which is the key. As a guide, such conduct includes:

- Spreading malicious rumours;
- Ridiculing or demeaning someone - picking on them or setting them up to fail;
- Overbearing supervision or other misuse of power or position;
- Deliberately undermining a competent worker by overloading and constant criticism;
- Belittling efforts and undervaluing contribution;
- Making threats or comments about job security without foundation;
- Withholding information or opportunities with the intent of deliberately affecting a colleague's performance or development;
- Open aggression, threats, shouting, abuse and obscenities, persistent negative attacks or persistent unwarranted criticism;
- 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;
- Cyberbullying - using information and communications technology (particularly mobile phones, the internet and social media) to upset and humiliate someone.

Victimisation:

Less favourable treatment of an individual because they have:

- Made a complaint or intend to make a complaint about being bullied or harassed; or
- Intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

Remember when evidence is considered in bullying and harassment cases:

- Absolute proof is not necessary in employment law.
- The outcome will be determined on the balance of probabilities that an incident is more likely to have occurred than not.
- This is unlike criminal proceedings, in which the standard of proof is beyond reasonable doubt.

Harassment, bullying and victimisation are unacceptable and will not be tolerated.

Malicious complaints

If an employee is found to have made a malicious complaint which doesn't have grounds, substance or evidence and was made to deliberately cause upset and distress we may take action in line with our [Disciplinary and Appeals Procedure](#).

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Witnesses

The evidence an employer will often ultimately rely on is the verbal account given by other employees, summarised in the form of witness statements.

To ensure that any resulting disciplinary process is fair, it is crucial to disclose to the respondent as much material as possible in advance of the hearing. This should include copies of any documents, witness statements or any other evidence which has been gathered in the investigation.

If there is a need to protect the identity of a witness, consideration should be given to anonymise their statement. Recognising this does not preclude a witness being identified, we will support witnesses throughout the process as well as after any disciplinary outcome as required.

Organisational behaviour

The Council is committed to supporting all employees to be the best they can be at work, and in ensuring that all staff and managers feel fully supported within a positive and safe working environment.

We aim to ensure that all employees are supported to manage our organisational challenges and that no employee is subjected to bullying or harassment as a result of service reform, organisational change, performance management, capability matters, or any other challenging circumstances in the workplace.

We will do this through the best practice contained within our [Competencies Framework](#) and our approach to developing employees within the organisation as set out in our Employee Development pages on Connect which can be viewed [here](#).

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Responsibilities under the policy

Everyone working in Glasgow City Council has a responsibility to help create and maintain an environment free from harassment, bullying and victimisation, where everyone is treated with dignity and respect.

Council

The Council will:

- fulfil its legal and moral responsibility to deal effectively with harassment and bullying in the workplace using this policy and its [arrangements](#) in conjunction with best practice guidelines for investigators and, if appropriate, the disciplinary procedure;
- ensure that all employees are aware of our bullying and harassment policy and procedures; understand their rights and responsibilities under the policy; and know where to get information and support with any concerns;
- provide guidance and training to all employees responsible for dealing with complaints of harassment and bullying;
- monitor and review the effectiveness of this policy and procedures in line with best practice.

Managers

It is the responsibility of managers to:

- read and understand this policy and its [arrangements](#); and ensure these are communicated to all employees within their area of responsibility;
- set examples and standards of positive behaviour in line with this policy and in our [Employee Code of Conduct](#), [Competencies Framework](#) and individual role profiles;
- be aware of working relationships within their teams and respond promptly to any issues or concerns raised at an early stage to avoid unnecessary escalation of these into bigger problems;
- take early action to deal with behaviour that may be construed as harassment or bullying under this policy - even if a complaint hasn't been made;
- be supportive of any employees who come to them with concerns about unacceptable behaviour.

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Employees:

It is the responsibility of every employee to:

- read and understand this policy and its [arrangements](#) so that they know what is expected of them, and what to do if they are affected by harassment and bullying in the workplace;
- set examples and standards of positive behaviour in line with this policy and in our [Employee Code of Conduct](#), [Competencies Framework](#) and individual role profiles;
- support the council in its efforts to eradicate bullying and harassment by challenging inappropriate behaviour they may experience or witness and by seeking, or encouraging colleagues to get support and assistance.

Trade Unions:

Trade Unions will:

- support the Council in its efforts to provide a working environment free from harassment, bullying and victimisation;
- read and understand this policy and its [arrangements](#) so that they know how to support members who may be affected by bullying and harassment in the workplace;
- participate in training and development activities as and when required to support the implementation of this policy;
- help inform the workforce of our bullying and harassment policy and encourage employees who may have a problem to seek to resolve this through the policy and procedure available to them;
- advise members of their rights and responsibilities under the policy and represent members as and when appropriate.

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Procedure for dealing with harassment and bullying

For the purpose of this procedure “Complainant” refers to the employee experiencing the bullying or harassing behaviour; “Respondent” refers to the person against whom the complaint is brought.

Advice and support

Employees who feel that they are affected by harassment or bullying can seek advice and support from:

- their manager;
- a trusted colleague;
- any of our trained [Harassment Contacts](#);
- our [Employee Assistance Provider](#);
- EAP Bullying and Harassment helpline 0800 042 0135;
- [Equality Employee Support Network contact](#);
- [Service HR Champions](#);
- Trade union representative.

Informal action

The respondent might be unaware that their behaviour is inappropriate or their words or actions may inadvertently have caused offence.

In some cases, therefore, it may be possible to approach them informally - either by speaking to them directly about their behaviour, or writing them an e-mail or letter explaining how the behaviour has affected them and asking for it to stop.

It may be that the complainant will choose to do this themselves, or they may choose to do so with support from their manager, colleague or any of the specialist services mentioned above.

An employee can also approach their manager with their situation, as it may be appropriate for the manager to take the lead in working to resolve any conflict between the employees at this stage.

Mediation

Mediation can be used where informal discussions have failed to resolve the matter satisfactorily, or where a complainant feels that the matter needs addressed more formally.

Both sides must voluntarily agree to participate in mediation with our ACAS trained mediators. Mediation is an opportunity to use an informal process to find a way forward when a relationship breaks down. You can view our information and guidance relating to Mediation [here](#).

Formal action

A formal approach may be appropriate due to the seriousness of the complaint, or where an informal approach may not have been successful.

Making a complaint

The employee should complete the [Harassment Complaint Form](#). This asks for details of the complaint and what attempts they have taken to resolve the matter informally. They should then pass this preferably to their line manager, service HR or another manager.

If however the complaint is about their line manager they should pass this to a more senior manager or a service based investigator.

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Once received, if a complaint is considered to be of a criminal nature or may pose an immediate threat to the health and safety of an employee, then the complaint will be assessed in line with our duty of care.

Initially a service based investigator will independently and impartially review the information provided. They will determine if the behaviours fall under the definitions of bullying and harassment and decide if an investigation is required. If they decide that the complaint doesn't fall under the definitions they will refer it back to service HR or management.

In exceptional circumstances or if the complaint is against a senior employee in grades 12-14 the harassment complaint form should be forwarded to the Chief Executive. If it's against the Chief Executive it should be passed to the Executive Director of Corporate Services. An appropriate investigator will be appointed to review the information provided.

Investigation process

The investigator will complete a thorough impartial investigation to find out if bullying and harassment has taken place and decide what action needs to be taken. They'll keep an open mind, looking at all the information and evidence which supports the complaint and evidence against it. They will consider the welfare of everyone involved and will act with sensitivity and respect for the rights of everyone with an aim to complete this within 30 working days.

Normally employees involved can continue to work together, however there may be extreme circumstances when this is not appropriate.

The investigator will then consider all relevant factors and make a decision in the best interests of all employees. They may decide to

suspend or redeploy employees; normally this will happen to the person who the complaint is made against however sometimes that's not possible. Any employee suspended will continue to receive full pay. Suspensions will be reviewed regularly.

Investigation outcome

The investigator will advise management, the complainant and the respondent of the outcome. They'll advise whether or not the complaint has been upheld or rejected:

Upheld - if believed that the bullying and harassment took place.

Rejected - if believed that the bullying and harassment didn't take place.

Appeals

If the complaint is rejected, the complainant has a right to appeal this decision on the grounds that the procedure was not followed, the assessment was flawed or that the behaviour has not stopped. They should do this in writing, detailing their reasons, within seven working days of receiving the letter. A senior officer will be appointed to review the case within 10 working days. The decision of the appeal review is final. The respondent has the right of appeal through the disciplinary policy if the complaint is upheld.

Modified procedure for ex-employees

If possible employees should raise any complaints of bullying and harassment before they leave our employment. If they've left before the bullying and harassment procedure starts or finishes, the complaint should be made in writing to the Head of Service. The Head of Service or nominated officer will arrange to investigate and respond in writing.

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Complaints against Elected Members

Employee complaints must be reported to the Director of Legal and Administration, who will liaise directly with the relevant Business manager, out with our employment arrangements. You can view the elected member's code of conduct [here](#).

Historic allegations

Historical complaints will be dealt with in accordance with this policy. All efforts will be made to obtain evidence and witness statements subject to their availability in the organisation at the time of the investigation.

Confidentiality

Confidentiality is of prime importance and we are committed to protecting the identity of the complainant, respondent and any witnesses.

There will be no disclosure of information to anyone who is not involved with the investigation. Exceptions to this are where it is considered that an individual or individuals are in immediate danger or if there are potential criminal activities or safety implications. Any breach of confidentiality may result in disciplinary action.

Complaint monitoring

Services have a responsibility to ensure that they record all formal complaints made in accordance with this policy. We will collect data on complaints of bullying and harassment and related timescales on a quarterly basis.

Council support

Further information relating to this policy can be found on [Connect](#).

Help and advice is also available from your Service HR, Corporate HR or from:

- your manager;
- trusted colleague;
- any of our trained [Harassment Contacts](#);
- our [Employee Assistance Provider](#);
- EAP Bullying and Harassment helpline 0800 042 0135;
- [Equality Employee Support Network contact](#);
- [Service HR Champions](#);
- Trade union representative.

External support

Samaritans (24 Hour counselling service) Freephone: 116 123

Victim Support Scotland – information & support for victims and witnesses of crime. Call: 0845 603 9213 or visit www.victimsupportsco.org.uk

Archway Glasgow – Emotional and practical support after a rape/sexual assault. Call: 0141 211 8175 or visit: <http://archway.sandyford.org/>

UK National Workplace Bullying Advice Line www.bullyonline.org

Hate Crime Scotland - Find out more about the campaign to combat Hate Crime and Glasgow's Third Party Reporting Centres at <http://www.hatecrimescotland.org/>

Further information and support