



HILLINGDON

LONDON

Bullying and Harassment Policy

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Related Policies

- [Grievance Policy](#)
- [Disciplinary Policy](#)



1. Scope

This Policy applies to all employees of the Council. It does not apply to staff in schools. The JNC grievance procedure applies to Chief Officers, but where that procedure is silent, this policy will apply.

2. Purpose

This Policy covers all forms of bullying and harassment in the work place. It provides a clear statement of the Council's expectations and intent in relation to bullying and harassment in the work place and a clear framework through which issues can be identified and appropriate action taken.

3. Policy

All employees have the right to be treated with dignity and respect at work and it is expected that they treat other employees with the same dignity and respect in return.

Workplace harassment is legally defined as 'unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.' It can have a serious impact on both the mental and physical health of employees which can lead to a rise in sickness absence, a reduction in productivity, lower efficiency, divided teams and increased turnover.

The protected characteristics provide for protection under current discrimination legislation on the basis of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

The council will not tolerate inappropriate behaviour on these or other grounds and will respond to any bullying or harassment of its employees by colleagues, service users, councillors, members of the public or third parties (such as contractor employees) promptly, objectively and independently.

The nature of bullying and harassment can vary. For example, it may be a series of incidents or an isolated incident. It may involve one employee against another or a group of employees. It may occur in public, private or through a variety of forms whether face to face, written communications such as internet, email or by telephone.

Bullying or harassment is very personal and it is important to recognise that individuals react to how they are treated in different ways. What may be acceptable to one person may not be to another. It is the perception of the individual alleging the bullying and harassment that is of paramount importance.

If it is found that bullying and harassment has occurred, action will be taken under the Disciplinary Policy.

4. Procedure

If an employee believes that they have been bullied or harassed they should report this to their line manager immediately who will look into and investigate this in line with the [grievance procedure](#). In some circumstances the employee may wish to report this to an alternative manager at the same level as their line manager in the same group and in these cases HR advice must be sought.

5. Management Guidance

i Definitions

ACAS defines bullying and harassment as follows:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Examples of bullying behaviour include:

- Behaviour, on more than one occasion, that is offensive, abusive, malicious, insulting or intimidating.
- Unjustified criticism on more than one occasion.
- Punishment imposed without reasonable justification.
- Changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification.
- Misuse of power or position to undermine or intimidate the employee.

The reason for the emphasis on repeated behaviour is because while such behaviour could happen accidentally or unwittingly, if repeated, it is more likely to meet the definition for bullying at work.

A single, significant act could warrant immediate action for example, if the behaviour meets the “Disciplinary Code” definition of “offensive or abusive behaviour”.

Harassment can take a number of forms that may include:

- Sexual - verbal or non verbal behaviour that is unwelcome and of a sexual nature.
- Racial - behaviour that is threatening, abusive or insulting to individuals or groups because of their colour, race, nationality or ethnic origin.
- Disability - behaviour that is threatening, abusive or insulting to individuals because they have some form of physical or mental disability.
- Sexual orientation - behaviour that is threatening, abusive or insulting to employees on the basis of their sexual orientation.

The following list is not exhaustive but provides examples of behaviour that constitutes harassment at work and is unacceptable in the workplace:

- Unwanted physical contact, ranging from touching to serious assault.
- Unwanted personal or derogatory comments.
- Circulation or display of offensive and/or inappropriate material including e-mail.
- Victimisation because of a complaint made or due to acting as a witness of harassment.
- Any other unwanted behaviour or situation, rooted in the definition, in which the employee feels they have been subjected to harassment.

The perception and interpretation of the person who feels harassed is central to the consideration of any complaint of harassment. It is the effect not the intention that determines what forms of behaviour might constitute harassment.

Behaviour that is acceptable to one employee may be regarded as unacceptable by another, for example making comments about an employee’s appearance can be harassment if the recipient indicates that the approach is unwelcome and the person who made them persists.

Clearly, some behaviour is unacceptable in any circumstances and in some cases, may be unlawful, for example, racist banter and abuse. The context is irrelevant and any use of it in the workplace will be viewed as gross misconduct.

ii Context

It is important to recognise that individuals react to how they are treated in different ways and what is acceptable to one employee may be regarded as bullying or harassment by another.

It is also important that employees are able to differentiate between constructive criticism and reasonable actions to improve performance and persistently offensive and intimidating behaviour. If an employee is unsure, but feel that they are being bullied or harassed, they should refer to the support options outlined below.

iii. Support options

There is a range of sources of advice and support available to employees to help them decide how best to deal with harassment and bullying:

Confidential Care helpline – 24 hour telephone - Free and confidential information, support and counselling service provided through our [Employee Assistance Programme](#) (EAP).

If an employee believes that they are being bullied or harassed at work it may be helpful for them to have a confidential discussion with someone who can offer objective advice, support and assist a decision on how to deal with the issue. Our EAP provider will appoint a Counsellor to work with the caller to establish the best way of handling the problem through the council's procedures, and provide emotional support.

It can be particularly helpful to speak to someone outside the organisation, to step back from what may be a highly emotional experience to see it with a measure of detachment and objectivity. Counselling may resolve the issue and is available to help the person accused as well as the complainant.

Trade Union – Employees who are members of a trade union can seek support and advice from their trade union. This will be in confidence and will not mean at this stage that a formal complaint will be made automatically. An employee may choose to be accompanied by a trade union representative or other person of their choice at any formal or informal stage or meeting in this process. In addition, the employee's chosen representative may raise the matter on the employee's behalf at the informal stages. Representatives will also offer help with raising a formal complaint, if it goes that far, giving advice and support throughout the procedure.

Line manager or supervisor – an employee can take the matter up with their line manager. If the line manager is the person accused of bullying or harassing, then the matter should be taken up with the line manager's manager.

Work colleague – although normally, bullying and harassment takes place in private, an employee may well find that he or she is not the only one who has suffered. Speaking to work colleagues who may also be suffering from the effects of the same behaviour may be beneficial.

HR Adviser – a representative from Human Resources will provide employees with advice about Council policies and procedures that they can access.

General practitioner – this is an option for employees who might be experiencing adverse medical symptoms as a result of the bullying or harassment at work.

Legal advice - an employee can seek legal advice from their own sources at their own expense. Employees who are members of a trade union may wish to consult their trade union representative before taking alternative legal

advice from other sources because an employee may only be represented by one party. If a trade union member instructs or is represented by a solicitor or another party, their trade union may withdraw representation for the employee in the matter.

Friends or family

iv. Mediation

Mediation is a possible means of resolving bullying or harassment at work issues. A mediator is an independent person who can mediate with the employees involved to seek a positive way forward.

Mediation is voluntary, confidential and can only take place if both parties agree to the process.

The main aim of mediation is to seek to find a positive and constructive resolution of issues rather than to be focussed on the past or retrospective apportionment of blame.

Not all complaints will be appropriate for mediation. The decision to go down the mediation route can be made at anytime during the process and can only take place with the agreement of the employees involved and the Corporate Director or Head of Department.