

Draft

**Tackling Bullying,
Harassment and
Victimisation
Policy**

December 2019

1 Introduction

1.1 This Tackling Bullying, Harassment and Victimisation Policy is one of a set of policies and guidelines around equality, diversity, inclusion and human rights issues. The other policies in the set are:

- Equality, Dignity and Respect Policy
- Accessible Communication Protocol
- Domestic Violence and Abuse Policy
- Tackling Hate Crime Together Policy.

2 Our values and behaviours

2.1 Our values and behaviours clearly describe how we should behave as colleagues of DCC...

- We are **Bold** and have the courage to speak up
- We are **Strong** and have the confidence to ask for help
- We are **Great People Working As One Team** and get the best out of each other
- We **Care** about the wellbeing of all our colleagues

If we all follow and work to these values and behaviours then there should not be any bullying, harassment and victimisation, because we are all being kind to each other. But, we know it sometimes happens and so it is important we have a robust policy and procedure for dealing with it.

3 Our commitment to tackling bullying, harassment and victimisation

3.1 We believe that any type of harassment, bullying and victimisation at work is completely unacceptable and we will not put up with it. We owe it to our colleagues and volunteers, as well as it being our legal responsibility, to provide a safe, healthy working environment where dignity is respected and everyone can feel safe, work effectively, confidently and competently.

3.2 We will do everything we can to stop bullying and harassment happening, but if it does we will take action promptly against any bullies

and harassers through our disciplinary procedures. Where customers bully and harass our colleagues we will contact them about their behaviour and, where we legally can, will withdraw our services from them. There is no place for people who bully or harass others at DCC.

- 3.3 All colleagues have the right to challenge behaviour that is causing them concern or offence without the fear of reprisal. They also have a right for the Council to investigate complaints promptly, thoroughly, transparently, sensitively and in confidence on a need to know basis, unless there are safeguarding issues. Our process will not reinforce victimisation.

4 Aim

- 4.1 This policy applies to all colleagues, contractors, volunteers and councillors. It applies on and off the premises including those working away from their base and also at work related social events. Our aim is to:

- create a culture where bullying and harassment is not tolerated
- minimise the risk of bullying and harassing behaviour
- encourage a proactive approach to the early recognition of bullying and harassment
- resolve conflicts, sensitively, effectively and speedily.

5 Roles and responsibilities

The Council

- 5.1 The Strategic Director of Corporate Resources/Deputy CEO is accountable for the effective implementation of this policy and as a Council we will make sure that:
- all colleagues, volunteers and councillors are made aware of this policy and complaints procedure and their own personal responsibility not to bully or harass anyone
 - we provide appropriate training to support this policy. This applies to colleagues, but also to people who investigate formal complaints, and those who support and advise individuals who complain or who are complained about

- all colleagues have access to our Employee Assistance Programme for counselling, advice and support and also the Chaplaincy Service and our three Employee Equality Networks.

Managers

5.2 It is essential that managers implement this policy by:

- making sure that there is good communication with and between colleagues by being approachable and discussing bullying and harassment issues at team meetings
- setting examples and standards of behaviour at work, including not bullying or harassing colleagues and being aware of how their own behaviour affects other people
- creating an environment and culture where destructive behaviour is quickly recognised and not tolerated and where everyone is treated with respect and dignity
- creating an environment where concerns raised by colleagues are listened to and acted on
- making sure that colleagues know about this policy and know how to raise harassment and bullying issues
- working to find solutions to bullying and harassment cases
- supporting colleagues who may feel they are being harassed or bullied
- dealing with any complaints fairly, thoroughly, quickly, and confidentially, respecting the feelings of all concerned
- making sure that there is no retaliation against the person who makes a complaint
- recognising that gossip about bullying and harassment can be destructive and not taking part in such dialogues and closing any down they encounter.

Employees, volunteers and councillors

5.3 All colleagues, volunteers and councillors are responsible for following this policy and must:

- treat all colleagues with dignity and respect and be aware of how behaviour can affect other people. For example, where inappropriate workplace banter has developed into a workplace culture and there may be colleagues suffering in silence

- support colleagues who are being bullied or harassed and inform line managers, or other appropriate senior managers so they can take action.

6 Procedures

6.1 There are guidelines to support this policy, but we will also make sure that:

- we deal with complaints promptly, fairly and consistently and will protect the rights of both the complainant and the alleged bully or harasser
- colleagues feeling bullied or harassed by other colleagues can take informal or formal action using our Grievance and Collective Grievances Policy and Procedures
- while we recognise that colleagues may prefer to resolve complaints informally, we will launch a formal investigation, irrespective of a colleague's wishes if it's necessary to meet our legal obligations to provide a safe working environment
- where colleagues are bullied or harassed by our customers we should use the Abuse, Aggression and Violence Policy and Procedures and action will be taken by managers as appropriate
- any colleague who makes malicious or false allegations of bullying and harassment may face disciplinary action.

7 Hate crimes and incidents

7.1 In some circumstances, the harassment and bullying may constitute a hate crime or incident, so the necessary procedures need to be followed, which are highlighted in our Tackling Hate Crime Together Protocol.

8 Definitions and examples

8.1 **Harassment** is defined under the Equality Act 2010 as:

'unwanted conduct related to a relevant protected characteristic, age, disability, gender reassignment, race religion or belief, sex or sexual orientation, 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'.

8.2 We have also adopted The International Holocaust Remembrance Alliance working definition of **antisemitism** which says that

‘Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities’

This means we oppose all forms of antisemitism, hatred and harassment towards people who belong to the Jewish faith, and people with a Jewish ethnic or cultural background.

- 8.3 **Bullying** can be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, criticises or injures the recipient. It is also the misuse of power or position that undermines a person’s ability, or leaves them feeling hurt, frightened, angry or powerless.
- 8.4 **Stalking** is repeated, unwanted contact from one person to another which causes the victim to feel distressed or fearful. It differs from harassment in that a stalker will have an obsession with or fixation on the individual they are targeting. It is a criminal offence and some occupations are more at risk of stalking, including those that are public facing and caring roles. Types of this behaviour include, following someone, sending gifts or letters, causing criminal damage, computer hacking, visiting someone’s place of work and making false complaints to employers or the police, nuisance telephone calls and emails and even death threats.
- 8.5 **Victimisation** is where someone is treated badly because they have complained about discrimination or they have helped someone who has been discriminated against. Victimisation is unlawful under the Equality Act 2010.
- 8.6 Extreme cases of bullying and harassment are relatively easy to identify, but it’s the more subtle forms of behaviour that can cause most problems. Examples of unacceptable behaviour may include:
- sadistic or aggressive behaviour over time and unfair treatment
 - exclusion from meetings or work social events
 - humiliation or ridiculing, including in public and treating colleagues as children, not as adults
 - undermining colleagues by replacing their areas of responsibility unreasonably or without justification and withholding information to deliberately affect a colleague’s performance

- constantly changing work deadlines or work guidelines and overbearing supervision or other misuse of power or position
- ridiculing or demeaning someone; picking on them or setting them up or forwarding emails that are critical about someone to others who don't need to know
- unwelcome sexual advances; touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- deliberately undermining a competent worker by overloading and constant criticism and making threats or comments about job security without foundation; preventing individuals from progressing by intentionally blocking promotion or training opportunities
- verbal abuse such as anonymous answerphone messages, offensive language, telling offensive jokes, name calling or spreading malicious rumours.

8.7 Bullying and harassment may not necessarily be face to face, it can happen through written communications, visual images, for example pictures of a sexual nature or embarrassing photographs of colleagues, email, social media and phone.

8.8 Bullying and harassment can often be hard to recognise - symptoms may not be obvious to others and may be subtle. Those on the receiving end may think 'perhaps this is usual behaviour in this workplace'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating.

8.9 Colleagues being bullied or harassed may be accused of 'overreacting' and worry that they won't be believed if they do report incidents. They may sometimes appear to overreact to something that seems relatively trivial, but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear for the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

Self-definition

8.10 Bullying and harassment are not determined by the intention of the person who has caused offence, but by the effect it has on the

recipient. It is up to the recipient to decide if they feel they are being bullied or harassed because they find the behaviour unacceptable.

Recognising bullying and harassment towards people with protected characteristics

- 8.11 Types of bullying and harassment aimed at people with protected characteristics in particular, can include the usual name calling, jokes and use of offensive language, verbal or physical abuse, criticism and intimidation, as described earlier, but in addition this abuse is often targeted at their particular protected characteristic. Some forms of harassment and abuse can be classed as hate incidents or crimes and must be reported to the Police as such.
- 8.13 The complainant need not have the relevant characteristic themselves; bullying and harassment can be because of their association with someone who has a protected characteristic or because they are wrongly perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy, maternity, marriage and civil partnership where any unfavourable treatment may be considered discrimination.

Age – making assumptions about an individual’s ability or competence because of their age, inappropriate reference to age such as refusing to carry out instructions because of a manager’s age, refusing to work with and exclude someone from social events because of their age.

Antisemitism is on the increase and is the belief or any behavior that is hostile toward Jews just because they are Jewish. It may take the form of religious teachings that proclaim the inferiority of Jews and/or political efforts to isolate, oppress, or otherwise injure them. It may also include prejudiced or stereotyped views about Jews. A full list of working examples is on [The Holocaust Remembrance Alliance website](#)

Disability – this includes inappropriate reference to someone’s impairment or asking intimate questions, making assumptions about lack of intelligence, speaking to colleagues or peers rather than the disabled person themselves, refusing to work with disabled colleagues, not inviting them to social events and/or organising events in inaccessible venues, organising key meetings when you know it’s an individual’s non work day due to caring responsibilities, repeatedly failing to make reasonable adjustments.

Gender identity/reassignment – this includes unwanted behaviour directed at anyone who is known or perceived to be going through or been through gender reassignment or who is a trans individual or

someone who associates with trans people. Harassment includes breaking the confidentiality of a trans person's gender journey – this may be a criminal offence – refusing to treat someone as their new gender, not addressing someone by their preferred name and correct gender, inappropriate exclusion of a trans person from toilet or changing facilities for their preferred gender, intrusive questioning and refusing to work with a trans colleague or excluding them from social events or meetings.

Race – this includes harassment on perceived race or because of association with someone of a particular race and can involve name calling, jokes, taunts, and use of offensive language, verbal or physical abuse or intimidation, displaying racially offensive material including graffiti, refusing to work with and excluding people from social events because of their race.

Religion or belief - includes unwanted behaviour based on religious beliefs or practices, including non-belief, such as atheism or agnosticism and non-religious beliefs such as Humanism and Pacifism. Behaviour can include mocking or making fun of people's religious or non-religious beliefs or lack of belief, ridiculing people for wearing items for religious reasons, being disrespectful to facilities provided for religious observance at work, belittling cultural customs, dismissive treatments of requests for holidays for religious or cultural festivals.

Sex/gender – includes making assumptions about an individual's ability or competence because of their sex or gender, inappropriate reference to an individual's sex or gender, refusing to carry out instructions because of a manager's sex or gender, refusing to work with and excluding an individual from meetings or social events because of their sex/gender, harassing or bullying a woman because she is pregnant, on maternity leave or returned to work – this is classed as discrimination.

Sexual bullying and harassment - includes intimidating attention, such as unwanted touching, groping, invasion of personal space. Sexual assault, rape or indecent exposure, unwanted personal comments or sexual slurs, belittling, suggestive, lewd or abusive remarks, explicit jokes or innuendo, compromising invitations, including demands for sexual favours. This also includes suggestive looks, comments, leering and explicit gestures, sending sexually explicit emails, or displaying pornographic material on Council equipment or premises.

Sexual orientation – includes making homophobic insults and threats, making unnecessary and degrading references to an individual's sexual

orientation, engaging in banter or making jokes which are degrading to someone's sexual orientation or perceived sexual orientation, outing an individual as LGB without their permission, ignoring or excluding a colleague from activities because they are LGB, spreading rumours or gossip about an individual's sexual orientation, asking an LGB colleague intrusive questions about their private life, making assumptions and judgements about a colleague based on their sexual orientation, using religious belief to justify anti-gay bullying and harassment, excluding same sex partners from social events when opposite sex partners are included.

Some people have more than one protected characteristic and may be bullied and harassed on several of these.

9 The law and bullying and harassment

- 9.1 As an employer, we have a responsibility for the health and safety of our colleagues. There are a number of different legal duties under the Health and Safety at Work Act 1974, the Equality Act 2010 and the Protection from Harassment Act 1997.

10 Monitoring this policy

- 10.1 Every year we produce a set of equality employment statistics that include bullying and harassment complaints to monitor the effectiveness of this policy and identify any trends that we need to take action on.

For more details or to give us your comments on this policy please contact:

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Telephone 01332 643722 Text Relay 18001 01332 643722
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Or write to us at:

Equality and Diversity Team
Corporate Resources
Derby City Council
The Council House
Corporation Street
Derby DE1 2FS

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

Urdu

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Derby City Council

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