



**MIDDLESBROUGH COUNCIL
HARASSMENT, DISCRIMINATION &
BULLYING POLICY**

IMPLEMENTATION DATE: 7 December 1999

REVIEWED: 11 June 2009

**APPROVED BY: Equal Opportunities Committee, 26 November
1997. Minute No 2574, 22 December 1997, Personnel & Finance
Committee, CMT 11 June 2009**

Harassment, Discrimination & Bullying

1.0 Introduction

- 1.1 Middlesbrough Council is committed to a policy that ensures the fair treatment and dignity at work of all its employees, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal characteristic or quality.
- 1.2 The Council expects good standards of behaviour from its employees towards fellow employees, Councillors, service users and members of the public. It will not tolerate any employee harassing, discriminating against or bullying another employee. It will also take whatever action is available to it, to prevent or stop harassment, discrimination and bullying of employees by non-employees and vice versa.
- 1.3 The Council will therefore regard any form of harassment, discrimination or bullying as serious misconduct, which may result in disciplinary action.

2.0 Scope

- 2.1 This policy covers harassment, discrimination and bullying of and by all employees of Middlesbrough Council and applies to the workplace and any work related setting (including business trips and work related social events).

3.0 Aims

- 3.1 This policy aims to prevent all forms of harassment, discrimination and bullying, by employees towards other employees of the Council.
- 3.2 It also aims to reassure employees that any issues that do occur will be taken seriously and that mechanisms are in place for action to be taken, either formally or informally, to stop the harassment, discrimination or bullying.

4.0 Definitions

- 4.1 Harassment, discrimination and bullying may be conduct which is physical, verbal or written (including by letter or e-mail).
- 4.2 The following are working definitions to help explain the conduct covered by this policy and provide a guide as to what is meant by harassment, discrimination and bullying.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted and inappropriate conduct which worries or torments an individual. This may be related to gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal characteristic.

Harassment is conduct which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may on occasions be harassment even if the person behaving in that way does not intend to offend. Something intended as a "joke" rather than as harassment may still offend another person. Everyone has the right to decide, within the bounds of reasonableness and usual standards of behaviour, the type of behaviour that is acceptable/unacceptable to him/her and have his/her feelings respected by others. In cases where it may not be clear in advance that certain behaviour is unwelcome or could offend it will not be classed as harassment the first time the conduct causes offence but will become harassment if it continues after the recipient has made it clear that such behaviour is unacceptable to him/her.

Legitimate and constructive criticism of an employee's behaviour or performance at work by a manager is not bullying or harassment.

Discrimination - bullying or harassment will also be classed as unlawful discrimination if it relates to a person's gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability.

Legislation also extends to situations where someone is harassed:

- for being something they are clearly not;
- on the grounds that they are related to or associate with someone of a particular gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability;

- on the grounds of a colleague's mistaken perception that they are of a particular gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability.

5.0 Examples of Unacceptable Behaviour

5.1 This list is not exhaustive and is included simply to indicate some examples of harassment, discrimination and bullying:

- spreading malicious rumours, or insulting someone (for example on the grounds of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability);
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- ridiculing or demeaning someone including picking on them or setting them up to fail;
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or other misuse of power or position;
- unwelcome physical contact or intimidation – eg touching, standing too close, assault, physical threats, abusive behaviour or gestures;
- display of offensive materials;
- deliberately undermining a competent worker by overloading and constant criticism; or
- preventing progression unfairly by intentionally blocking promotion or training opportunities.

6.0 Policy

- 6.1 The Council will treat all complaints of harassment, discrimination or bullying seriously and will investigate them promptly, efficiently and, as far as is possible, in confidence. However, it is rarely possible to improve such situations without discussion with the alleged perpetrator and any manager becoming aware of unacceptable behaviour does have a duty to take some action.
- 6.2 Harassment, discrimination and bullying will not be tolerated and could result in the bully or harasser being subject to disciplinary action which may result in dismissal. The Council will also not tolerate victimisation of

a person for making allegations in good faith or for supporting someone making a complaint.

6.3 Harassment, discrimination and bullying can often be hard to recognise as it may not be obvious to colleagues or managers of the person being harassed, discriminated against or bullied. This may be because:

- it is being done in subtle ways;
- staff think it is part of the “culture” of the workplace;
- an individual may be too frightened to report an incident.

6.4 Therefore managers should be aware of this and look out for possible signs of harassment, discrimination and bullying which may include:

- more frequent or longer periods of absence than is usual;
- high staff turnover – especially if it is within a particular section or working for a particular manager;
- stress symptoms (including fatigue, anxiety, depression, aches, pains and panic attacks); or
- a change in behaviour or performance at work.

6.5 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, an employee makes an allegation, which is subsequently proven to be malicious, disciplinary action will be taken against that employee.

6.6 Managers should remind employees of the support mechanisms available (Firstassistant, Support Officer, Counselling, Contact Officers). Also available in some cases, if appropriate, is mediation for the two parties.

7.0 Procedure

7.1 Any employee who is experiencing harassment, discrimination or bullying may make a formal complaint using the Council’s Grievance Procedure. However before taking this formal route it is advisable to first try to resolve the issue informally (see below).

7.2 An employee who observes an incident should report concerns to their line manager in the first instance.

7.3 Employees are advised to keep a record of any incidents, as this will help the Investigating Officer should the matter become ‘formal’. The record should include the following:

- Name of person whose behaviour he/she believes amounts to harassment, discrimination or bullying;
- Date(s) of the incident(s);

- Location(s);
- Time(s);
- Nature of incident(s)/behaviour with example(s);
- The employee's response or any other action taken;
- The employee's feelings at the time; and
- The names of any witnesses.

7.4 At any stage an employee may speak to one of the Council's Contact Officers for advice/support (see 8 for details).

7.5 **Informal**

7.5.1 Before raising a formal grievance the employee is encouraged to talk directly and informally to the person whom he/she believes is harassing, discriminating against or bullying him/her and request that they stop the behaviour that is unacceptable or causing offence. If the employee feels unable to do this they can ask their manager to raise it on their behalf. It may be that the person is genuinely unaware that the behaviour is unwelcome.

7.5.2 If the employee's complaint is against their line manager (and a direct approach is not possible), they should inform a more senior manager.

7.5.3 If the employee feels unable to take this course of action, or an informal approach has failed, or the situation is too serious to be dealt with informally, he/she may use the formal grievance procedure.

7.5.4 If an informal approach is taken it is advised to keep a written record of what was said/what happened, as this may be needed if the matter becomes formal at any time.

7.5.5 The Council encourages staff to alert their manager to the problem (where appropriate) so that they can give advice/support and monitor the situation, if required.

7.6 **Formal__**

7.6.1 All employees pursuing a complaint under the formal grievance procedure have the right to be represented by their trade union representative or be supported by a work colleague or a Contact Officer throughout the process. Attendance at meetings by a work colleague or Contact Officer is voluntary and if they agree to attend their role is to provide support and not act in the role of a trade union representative.

7.6.2 Any complaint should be acknowledged and investigated thoroughly, quickly and, where possible, maintaining the employee's confidentiality. Those seeking help will have any investigatory action proposed discussed with them and only those who are required to know details of a case will have access to information.

7.6.3 Complaints may be resolved through conciliation, but, where appropriate, formal disciplinary action will be taken against the perpetrator of the harassment, discrimination or bullying.

8.0 Contact Officers

8.1 Contact Officers are impartial and their role is to provide information and guidance to both the victims, and persons accused, of harassment, discrimination or bullying.

8.2 Contact Officers will:

- listen to individuals and encourage them to speak freely about the alleged incident(s);
- discuss with individuals the courses of action open to them;
- support individuals through their chosen action; and
- maintain confidential notes which will only be released if there is a formal investigation or Tribunal proceedings.

8.3 Employees who wish to speak to a Contact Officer should telephone the confidential Employee Helpline on 727424. Basic contact details will be taken and passed to a Contact Officer who will telephone the employee as soon as possible.

9.0 Bullying by someone who is not an employee

9.1 Employees who are harassed, discriminated against or bullied whilst at work by someone who is not an employee should report the incident on a 'report of threat to personal safety of staff' form in conjunction with their line manager. This form can be found on the Health and Safety tile on lotus notes or a copy can be obtained from their manager (or a more senior manager, if needed).

10.0 Equality Statement

10.1 This policy must be applied fairly to all employees irrespective of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability.