1. Introduction

Gateshead Council recognises the right of all employees to be treated with dignity and respect and will not tolerate bullying or harassment of its employees at work or arising from work.

Bullying and harassment not only affect the welfare of employees but also affect the organisational effectiveness of the Council. It can lead to stress, increased absence, a decrease in confidence, motivation and work performance. This in turn affects service delivery, increases costs and damages the Council’s image.

The Council expects a high standard of behaviour and conduct from employees at all times. This policy identifies unacceptable forms of behaviour and describes the options available to employees who experience bullying and harassment to resolve the situation. All employees are required to comply with this policy.

The Council recognises that employees experiencing bullying and harassment may have a right to take legal action against the harasser under civil or criminal law. However, this will not prevent the Council from carrying out its own investigations and taking appropriate action.

2. Definitions

_Bullying_ - any behaviour by a person directed against an individual or individuals, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the individual.

_Harassment_ - unwanted behaviour by a person, that an individual or individuals, finds intimidating, upsetting, embarrassing, humiliating or offensive, which affects a person’s dignity at work.

_Recipient_ - an employee who perceives that they are being harassed or bullied.

_Harasser_ - an employee or Member of the Council whose behaviour is perceived to be unacceptable.

For the rest of this policy, the word harassment also includes bullying.

3. Reasons why harassment occurs

The Council accepts that it is an individual’s perception of behaviour towards them that can lead to the feeling of bullying and harassment. What may be inoffensive to one person may cause upset and distress to another. The Council views all forms of harassment as unacceptable behaviour and will not tolerate it.
By way of example, harassment can occur where there is fierce competition between employees, heavy workloads or an uncertain working environment. It may occur because a person deliberately sets out to intimidate, humiliate or distress another. However, it may also occur because a person fails to consider the effect of their behaviour upon others.

Harassment of an individual can occur on many grounds for example, because of gender, sexual orientation, race, ethnic origin, nationality, disability, age, physical characteristics or personal /religious/ political beliefs.

4. Forms of harassment

Harassment is about an individual's perception as to whether certain behaviour is unacceptable and disadvantageous to them. It can take a range of forms including:

- unwanted physical contact, obscene gestures;
- verbal abuse, jokes, offensive language, slander;
- displays of written or photographic material;
- exclusion and non-co-operation at work;
- persistent criticism, unfounded criticism;
- being denied/excluded from training and development opportunities;
- unreasonable refusal to grant annual holiday or other leave of absence;
- setting impossible targets or deadlines/setting someone up to fail.

5. How to deal with harassment

If an employee feels they are being harassed, this needs to be brought to the attention of the harasser so that the harassment can stop. Harassment needs to be treated sensitively by all those involved. This includes how the harasser is treated as he/she may not be aware that their actions have caused offence or upset.

There are two ways a complaint of harassment can be handled - informally and formally. Except in serious cases of harassment, the recipient should attempt to stop the behaviour using the informal procedure. Whichever process is used, the recipient will be able to contact a Workplace Contact of their choice who will be trained in this procedure. The Workplace Contact can advise on the options available to resolve the situation and support the individual throughout the process. A list of Workplace Contacts and the services they cover is available on the Council Intranet, the Employee Handbook or from Human Resources.

Alternatively, the recipient can approach their trade union representative, line manager or an officer in Human Resources for advice and help. If the harasser is the recipient's line manager they can contact a senior manager within their service.

Any employee who has had a complaint of harassment made against them can also contact a Workplace Contact for support during or after any informal or formal procedure. However, a Workplace Contact cannot provide support to a recipient and harasser involved in the same case.
therefore one of the parties will be advised to contact another Workplace Contact.

If an employee witnesses harassment they should initially approach the recipient and support them in taking action to stop the behaviour, however where the harassment is persistent they should consider reporting it under the Council’s Confidential Reporting Code.

In the case of Members of the Council, an employee should report the behaviour to their Group/Strategic Director. The Group/Strategic Director, together with the Strategic Director Legal and Corporate Services, will approach the Member on behalf of the employee to discuss the behaviour. If the behaviour is found to be harassment and is persistent or of a serious nature, the Group/Strategic Director will inform the Chief Executive and the Leader of the Council of the behaviour.

6. Transfer of Employees

In some cases of harassment, where formal action has been taken, the relationship between the two parties may have been so severely damaged that the recipient feels it is no longer feasible for them to continue working together. Action will be taken to ensure the harasser does not remain in the same working environment as the recipient. The recipient should be given the option of moving to another appropriate post but if they do not wish to do so then, in all but exceptional circumstances, the harasser will be moved.

7. Victimisation

Victimisation may occur after a complaint of harassment has been made. It may appear in the form of the recipient finding the situation has become worse since complaining, or any employee involved in the complaint becoming isolated by colleagues or their manager, or subject to other forms of retaliation by colleagues or their manager.

Victimisation arising from a case of harassment is misconduct and will be dealt with under the Council’s Disciplinary Procedure.

8. Statement of Confidentiality

The Council recognises that problems of harassment in the workplace involve sensitive issues and therefore must be treated with discretion. To eliminate harassment from the workplace the Council has adopted a policy of non-tolerance of any form of harassment. However, to eliminate harassment it is necessary to know when it occurs. The Council is responsible for the actions of its employees and therefore must be informed when it occurs.

If a Workplace Contact learns of harassment which could seriously affect an employee’s well being, or have similar implications for other employees or the organisation, they have a duty to ensure that Human Resources are informed. This means that the Workplace Contact may on occasion have to disclose information even though it is against the wishes of the employee being harassed.
Information will only be divulged on a strict ‘need to know’ basis. The Council will make every effort to ensure that all those involved in the investigation and resolution of cases, including recipients, harassers and witnesses respect the necessity for a professional and confidential approach at all times.

9. Managers’ Responsibilities

All managers and supervisors have the responsibility for making sure that their employees are treated professionally and with dignity and respect. This will help to establish a supportive and productive working environment and will help employees to perform effectively and to the best of their ability.

Legitimate management action, taken within Council procedures, to deal with employees whose conduct or capability is in question is not harassment. Where a manager is raising concerns about the conduct or capability of an employee it must be done in a professional and sensitive manner ensuring respect for the individual concerned. However, any action or behaviour which falls outside what can be reasonably regarded as legitimate management action and is intimidating, offensive or distressing may constitute harassment.

Where you witness unacceptable or offensive behaviour you should take action. This may be on an informal basis by approaching the employee whose behaviour is causing offence. You should explain why the behaviour is offensive and the consequences if the behaviour continues.

Every manager or supervisor is responsible for dealing effectively with any informal or formal complaint of harassment which is brought to their attention. Failure to deal with a complaint can be regarded as a conduct or capability issue and result in disciplinary action.

10. Employees’ Responsibilities

Employees must treat all people with courtesy and respect and be aware of how your behaviour can be interpreted by others. You should make sure that you know and understand the types of behaviour and actions that can be regarded as bullying and harassment. If you are aware that your behaviour causes or could cause offence you should stop it immediately.

You must be aware that behaviour or actions that are regarded as harassment can result in disciplinary action which may include dismissal.

If you make a false or malicious claim of harassment against another person this will result in disciplinary action.

You are responsible for your own behaviour and should make sure that you protect the dignity of other colleagues and promote a workplace free from harassment.
11. Workplace Contacts’ Responsibilities

Workplace Contacts are employees who have received training in the Bullying and Harassment procedure. If a recipient chooses not to go to a line manager or senior manager, Workplace Contacts will be the first point of contact for those who feel they are victims of harassment or have witnessed harassment. They can also provide support to employees who have had a complaint of harassment made against them.

Workplace Contacts are not there to advise but will go through the procedure and explain the options available. Under the informal procedure the Workplace Contact can accompany the recipient in approaching the harasser or approach the harasser on their behalf.

Where the problem cannot be resolved informally the Workplace Contact will provide support during and after formal action.

The Workplace Contact will also monitor the situation, after a claim of harassment has been dealt with, by monthly contact with the recipient and harasser to make sure there is no further cause for complaint.

12. Training

Specific training in how to deal with cases of bullying and harassment will be given to all Workplace Contacts.

This policy will be included in all Equal Opportunities training and induction programmes.

13. Monitoring and evaluating the procedure

The procedure and policy will be reviewed annually in consultation with the trade unions.

14. Legislation and Codes of Practice relevant to cases of bullying and harassment include:

◊ *Sex Discrimination Act 1975*
◊ *Race Relations Act 1976*
◊ *Race Relations (Amendment) Act 2000*
◊ *Disability Discrimination Act 1995*

Where harassment is of a specific nature based on sex, race or disability it is regarded as unlawful discrimination and is covered by statute under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.
 protección de la victimización Acta 1997

La protección de la victimización Acta hace que la victimización, incluyendo la victimización de un empleado en el lugar de trabajo, sea un delito criminal que podría resultar en una multa y/o encarcelación.


Según el Criminal Justice and Public Order Act, el uso de palabras amenazantes, abusivas e insultantes o de comportamiento desorganizado intencionalmente para causar victimización, abuso o estrés es un delito criminal.

Employment Rights Act 1996

Dado que todas las contratos de empleo incluyen una obligación implícita en ambos empleador y empleado para mantener la confianza y confianza, una falla por parte del empleador para proteger al empleado contra el acoso o la victimización de los colega es probable que se trate de una violación de esta cláusula. Esto podría entitlar al empleado a presentar un caso de despido constructivo, si terminaron su empleo como resultado del comportamiento y el empleador’s falla a hacer algo al respecto.

Health and Safety at Work Act 1974

El Health and Safety at Work Act, sección 2 (1) coloca una obligación en el empleador para ‘asegurar tan pronto como sea viable, la salud, la seguridad y el bienestar en el trabajo de todos los empleados.’ Es por lo tanto posible, si cualquier lesión fue razonablemente previsible, para que una violación de esta obligación da lugar a una demanda de lesión personal por cualquier daño mental o físico causado por el acoso o la victimización.

Human Rights Act 1998

Human Rights Act 1998 incluye el derecho a no ser sometido a ‘tratamiento o castigo degradante’.

Trade Union and Labour Relations (Consolidation) Act 1992

El Trade Union and Labour Relations (Consolidation) Act 1992 contiene el derecho a no ser despedido por el hecho de ser miembro de un sindicato o activo en él, o de no ser miembro de un sindicato.

European Commission’s Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work

Bajo la European Commission’s Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work artículo 2 de la Code requiere a los Estados Miembros para crear un clima en el trabajo en el que los hombres y las mujeres respeten el uno al otro’s dignidad.
## 15. Useful Contacts

<table>
<thead>
<tr>
<th><strong>Commission for Racial Equality</strong></th>
<th><strong>Equal Opportunities Commission</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Head Office</td>
<td>Arndale House</td>
</tr>
<tr>
<td>St Dunstan’s House</td>
<td>Arndale Centre</td>
</tr>
<tr>
<td>201-211 Brough High Street</td>
<td>Manchester M4 3EQ</td>
</tr>
<tr>
<td>London SE1 1GZ</td>
<td>0845 601 5901</td>
</tr>
<tr>
<td>020 7939 0000</td>
<td><a href="http://www.eoc.org.uk">www.eoc.org.uk</a></td>
</tr>
<tr>
<td><a href="http://www.cre.gov.uk">www.cre.gov.uk</a></td>
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<tr>
<th><strong>Disability Rights Commission</strong></th>
<th><strong>HSE</strong></th>
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<tbody>
<tr>
<td>DRC Helpline</td>
<td>Arden House</td>
</tr>
<tr>
<td>Freepost MID02164</td>
<td>Regent Centre</td>
</tr>
<tr>
<td>Stratford upon Avon CV37 9BR</td>
<td>Regent Farm Road</td>
</tr>
<tr>
<td>08457 622633</td>
<td>Gosforth</td>
</tr>
<tr>
<td><a href="http://www.drc-gb.org.uk">www.drc-gb.org.uk</a></td>
<td>Newcastle upon Tyne NE3 3JN</td>
</tr>
<tr>
<td></td>
<td>0191 202 6200</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.hse.gov.uk">www.hse.gov.uk</a></td>
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<tr>
<th><strong>ACAS</strong></th>
<th><strong>UNISON</strong></th>
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<tbody>
<tr>
<td>Cross House</td>
<td>6 Ellison Street</td>
</tr>
<tr>
<td>Westgate Road</td>
<td>Gateshead</td>
</tr>
<tr>
<td>Newcastle upon Tyne NE1 4XX</td>
<td>0191 477 6638</td>
</tr>
<tr>
<td>0191 269 6000</td>
<td><a href="http://www.unison.org.uk">www.unison.org.uk</a></td>
</tr>
<tr>
<td><a href="http://www.acas.org.uk">www.acas.org.uk</a></td>
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<tr>
<th><strong>GMB</strong></th>
<th><strong>UNITE THE UNION (AMICUS &amp; TGWU)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mosley Street</td>
<td>Transport House</td>
</tr>
<tr>
<td>Newcastle upon Tyne NE1 1YE</td>
<td>John Dobson Street</td>
</tr>
<tr>
<td>0191 233 3930</td>
<td>Newcastle upon Tyne NE1 8TW</td>
</tr>
<tr>
<td><a href="http://www.gmbnorthern.org.uk">www.gmbnorthern.org.uk</a></td>
<td>0191 260 3777</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.amicustheunion.org.uk">www.amicustheunion.org.uk</a></td>
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<td><a href="http://www.tgwu.org.uk">www.tgwu.org.uk</a></td>
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<tr>
<th><strong>UCATT</strong></th>
<th><strong>Human Resources</strong></th>
</tr>
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<tbody>
<tr>
<td>Seymour House</td>
<td>Human Resources</td>
</tr>
<tr>
<td>10 Brenkley Way</td>
<td>Civic Centre</td>
</tr>
<tr>
<td>Blezard Business Park Seaton Burn</td>
<td>0191 433 2213</td>
</tr>
<tr>
<td>Newcastle upon Tyne NE13 6DS</td>
<td></td>
</tr>
<tr>
<td>0191 236 2636</td>
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<tr>
<td><a href="http://www.ucatt.org.uk">www.ucatt.org.uk</a></td>
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| **Human Resources**              |                                    |
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### Useful Contacts contd

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<tr>
<th>Lancaster LifeAssist</th>
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<tr>
<td>(free telephone counselling line)</td>
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<tr>
<td>08000 685155</td>
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</tbody>
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### See other Council policies:

- Confidential Reporting Code
- Code of Conduct
- Equal Opportunities Policy
- Violence at Work Policy
- Disciplinary Procedure
- Grievance Procedure
Appendix 1

Informal Procedure

Unless it is a serious case of harassment, the recipient should attempt to stop the behaviour using the informal procedure.

There are 3 courses of action that can be taken in this procedure.

- The recipient experiencing harassment can approach the harasser directly. However, we acknowledge that this may be too difficult or embarrassing for some employees.

- The recipient can report their complaint of harassment to a Workplace Contact or to their trade union representative. The trade union representative will be able to offer advice and can then take the complaint to the Workplace Contact for the recipient. In either case, the Workplace Contact will either approach the alleged harasser on behalf of the recipient, or the recipient may wish to approach the alleged harasser with the Workplace Contact as support. The Workplace Contact will explain the procedure to both parties and the likely outcomes.

- Alternatively, the recipient can report the behaviour to their line manager or a senior manager and ask them to speak to the harasser.

Whichever course of action is taken it should be explained to the alleged harasser:

- exactly what behaviour is being complained of;
- that their behaviour is causing the recipient discomfort and/or offence;
- how that behaviour makes the recipient feel;
- that the recipient wants the behaviour to stop.

It should then be agreed what behaviour is acceptable and how they should treat each other.

Where a manager has dealt with the informal complaint, they should keep a log of the incident and action taken as this will act as a record should the situation arise again.

The Workplace Contact or manager will monitor the situation by monthly contact with the recipient to make sure that the problem has not come back. If the unwanted behaviour carries on, the recipient may wish to use the formal procedure.

The informal procedure is designed to stop harassment when it takes place and to help all employees to work together in a professional and dignified manner. Employees may not be aware that their actions cause offence to others and once it is pointed out to them informally it may resolve the situation.
Appendix 2

**Formal procedure**

If the informal approach has not resolved the problem behaviour, or an incident has occurred which is so offensive to the recipient that an informal approach is not considered appropriate, then the recipient can use the formal procedure.

◊ **Completing an Harassment Complaint Form**

Under the formal procedure, the recipient should complete an harassment complaint form. This asks for details of the alleged harasser, a description of what happened, how the recipient felt and details of any witnesses. The recipient can get the form from the Workplace Contact, who can help to complete it, if necessary. Alternatively, forms are available from Human Resources. Once the form has been completed it should be sent to Human Resources. Copies of the form should be kept by the Workplace Contact and the recipient. Human Resources will acknowledge the formal complaint in writing within 2 working days. An HR Adviser will contact the recipient’s Head of Service to inform them that a formal complaint has been made. The harasser should be informed by their manager that a formal complaint of harassment has been made against them. They should also be notified in writing with full details of the allegations within 2 working days.

◊ **Initial Investigation**

Human Resources will be able to offer advice and support on the use of the procedure and in handling the case. An HR Adviser will also contact the Workplace Contact and the recipient to discuss the incident(s) in more detail and establish any further facts not mentioned in the form. When this meeting has taken place, the HR Adviser will discuss the following possibilities with the recipient’s Head of Service:

- The need to suspend the alleged harasser from work, or;
- Whether the two parties can be separated at work, or;
- Whether the two parties can continue to come into contact with each other at work while attempts are made to solve the problem.

Any suspension will be carried out under the procedures stated in the Council’s Disciplinary Procedure.

◊ **Formal Investigation**

The HR Adviser and a manager or a senior manager from a different service area to the complainant and alleged harasser will investigate the incident under the procedures for investigation outlined in the Council’s Disciplinary Procedure. This should be carried out within 10 working days of receiving the complaint. This includes taking statements from the recipient, any witnesses and the alleged harasser. If the formal investigation is unlikely to be completed within 10 working days an alternative timescale should be discussed with the recipient. All those asked to attend investigatory interviews will be able to have a trade union representative or colleague with them.
When the investigation has been completed the HR Adviser will discuss the findings with the Head of Service. Possible outcomes of the formal investigation are that

- the complaint is not upheld and therefore no further action is taken
- the problem is resolved informally between the two parties
- there is a need for ongoing monitoring of the situation
- disciplinary action is taken against the harasser.

The results of the investigation will be notified to both parties in writing within 3 working days of the findings being agreed.

Throughout this procedure, the information provided by individuals will be treated on a confidential basis. Only those involved in dealing with the complaint will be made aware of all the facts.

◊ **Disciplinary Action**

If a disciplinary interview is necessary it will be organised in accordance with the Council’s Disciplinary Procedure. Careful consideration should be given to the need to have the recipient present at the interview as a witness and the way in which the interview is going to be conducted. For example, if it is necessary for the recipient to be present and the alleged harasser is represented, only the representative is able to ask the recipient questions. The recipient will also be able to be represented to provide support during the disciplinary interview.

The outcome of any disciplinary interview could be:

- No action;
- An oral warning;
- A written warning;
- A final written warning;
- Redeployment;
- Dismissal

If action is taken short of dismissal, the harasser will be told about the standards of behaviour expected in future. It will also be explained that if the recipient is victimised in the future for bringing this complaint, or if the behaviour continues, there will be further disciplinary action.

If the outcome of the disciplinary interview is that no action is taken against the alleged harasser, this should be explained to the recipient. If no action is taken, the recipient cannot appeal against that decision. He/she can use the Council’s Grievance Procedure if they do not feel the process has been carried out effectively. In this instance they can invoke stage 2 of the Grievance Procedure.

The harasser has the right to appeal against any disciplinary action taken, as explained in the Council’s Disciplinary Procedure.

If disciplinary action has been taken against the harasser, his/her behaviour will be monitored by the nominated contact by monthly contact with the
recipient and the harasser. This will continue for a period of time as decided at the disciplinary interview.

No disciplinary proceedings will be started against the recipient for bringing an unfounded claim of harassment, unless it is felt that the complaint has been made out of malice.