



## POLICY ON WORKPLACE HARASSMENT

### 1 Scope of Policy

This policy covers all forms of workplace harassment (including bullying at work) of all Comhairle employees by other Comhairle employees. It does not encompass harassment of Comhairle employees by clients.

### 2 Policy

The Comhairle recognises that harassment at work is a legitimate grievance and is committed to eliminating all forms of harassment quickly, positively and effectively.

Each employee has a responsibility to ensure that they do not offend other employees and should encourage others to do the same.

Employees in positions of authority over other employees should be particularly aware of the need to avoid abuse of their position to harass staff and they should seek to minimise behaviour or situations that may provide opportunities for harassment and take action to stop harassment as soon as it is identified.

Harassment is a disciplinary offence which may constitute gross misconduct and result in the offender's dismissal.

### 3 Definition

Harassment is behaviour which is unwelcome and offensive. It can threaten job security and create a hostile, intimidating or humiliating work environment. Harassment can take many different forms including leering; suggestive, intimidating or humiliating remarks, jokes or deliberate abuse directed at a person or group; display of offensive signs, pin-ups, calendars and racist, sexist or obscene graffiti; repeated unwanted physical contact; physical assault, intimidation or bullying against a person or group, shunning an ethnic minority employee and demands for sexual favours.

The Comhairle is opposed to harassment in all forms and advises all employees to report any incidents of harassment which they feel are unacceptable to them. In defining harassment the Comhairle includes behaviour, which while perhaps acceptable to the perpetrator, are regarded as offensive by the recipient. All complaints will be treated seriously and confidentially. The Comhairle will ensure that no employee is victimised for bringing a complaint of harassment in good faith or acting as a witness in such a case. Employees should be aware that taking no action may mean that the harassment will continue.

### 4 Advice and Assistance

The Comhairle recognises that employees may be hesitant about reporting harassment as it can be an embarrassing and distressing experience. There may be special difficulties in making a complaint if someone is being harassed by his or her supervisor for they may fear losing their job or being victimised if they complain. An employee may be reluctant to pursue a complaint if their supervisor is a member of the opposite sex. **As an alternative to raising an immediate formal action against a harasser, employees can discuss the problem with a counsellor.**

**The harassment counsellor will listen to what has happened and offer confidential advice and support, advise on the options available and assist employees in addressing harassment.**

**Counsellors do not have any part in the formal investigation of complaints.** This responsibility lies with line management.

**If you would like access to a counsellor, please contact the Personnel Section or make direct contact with the Comhairle nominated counselling service.** You may ask to speak to a Personnel Officer of either sex. All contacts will be treated as confidential.

**Counsellors are trained in the area of workplace harassment.**

## **5 The Informal Route**

An informal attempt to stop harassment may be the best way to resolve the problem. Perceptions of unacceptable behaviour vary and sometimes simply to point out that something is offensive or unwanted is enough to stop it continuing. The informal route also allows the whole problem to remain low key and thus avoids any additional embarrassment for the harassed employee, and may stop the harassment quickly.

The informal route involves approaching the harasser and making it clear that their behaviour is unwelcome and offensive. Doing this in person can sometimes be difficult and if the employee feels unable to do this alone they can:-

- ◆ Write to the harasser
- ◆ Ask a colleague to approach the harasser on their behalf
- ◆ **Ask a counsellor to approach the harasser on their behalf**
- ◆ Ask their manager to approach the harasser on their behalf
- ◆ Approach the harasser accompanied by any of the people listed above

Where the informal route is unsuccessful or where the harassment is of a more serious nature, then formal procedures may be instigated.

## **6 Formal Procedure – Reporting Harassment**

The employee should report the harassment, in writing, to their line manager or to the next level of management if the line manager is the source of the problem. **Where an employee is reluctant for any reason to raise a complaint with their management they should refer to a Counsellor for advice.** It may be possible, in special circumstances, to raise the complaint with the Chief Executive. The Personnel Section will advise employees when reference to the Chief Executive may be appropriate. A complaint can be raised either by an individual or by a group of employees. Complaints should be made as soon as possible but normally within one month of the most recent incident. The complaint should be acknowledged, in writing, within three working days. Managers may seek advice from the Personnel Section at any time, but where there has been an allegation of harassment which could ultimately lead to dismissal, the Personnel Section should always be advised as soon as possible.

## **7 Investigation**

The manager must ensure that a full and fair investigation is made into the allegation, and completed within two weeks of it being reported. The investigation should be carried out by a senior member of staff who is not connected with the allegation and should be as objective as possible. Throughout the investigation confidentiality must be maintained as far as possible. Exceptions to this will only be made in extreme cases, e.g. where clients may be at risk, where legal proceedings may be necessary or where the Comhairle must exercise its

duty of care to protect other employees. Confidentiality should not be breached without prior consultation with the complainer concerned and the Personnel Section. It may be necessary, in serious cases, to consider the suspension of the alleged harasser pending the investigation. This should be done in accordance with the provisions of the Comhairle's Disciplinary Procedure. Alternatively, a temporary transfer out of the immediate work location may be considered.

At each stage of the investigation both the alleged harasser and the complainer have the right to be accompanied or represented by a trade union representative or a colleague. The rights of both employees, or groups of employees, should be protected and respected at all times.

The purpose of the investigation is to clearly establish the facts of the case objectively and independently in order that the appropriate action can be taken by line management. The investigator will first clarify the exact details and nature of the complaint with the complainer. It may also be necessary to interview witnesses. The investigator and complainer should then meet with the alleged harasser and explain fully the allegations made. A written copy of the complaint will be given to the alleged harasser.

The alleged harasser will be given the option of discussing the complaint immediately or meeting with the investigator at a later date, but within five working days. The investigator should ensure that the alleged harasser has the opportunity to fully consider the allegations and to consult with a trade union representative if they wish to do so. Where more than two employees are involved in the complaint, they should be interviewed individually. The investigator must ensure an accurate record of the investigation is maintained and that confidentiality is not breached. Subject to the exceptions concerning extreme cases this record should be passed to the manager who instigates the investigation along with the established facts and the conclusions drawn.

A record of the complaint and the investigation carried out should be retained in the appropriate file in the Personnel Section for a period of eighteen months. The record should include names and dates, the frequency and nature of the incidents and details of the action taken. Records should be full and accurate and will remain confidential, subject to the exceptions concerning extreme cases.

## **8 Where Harassment Has Taken Place**

If it is found that there has been a case of harassment of any kind, appropriate use should be made of the Comhairle's Disciplinary Procedure. This should be instigated as soon as the investigation is complete but in any case within seven days. The employees concerned should be advised of the outcome of the investigation in writing by the manager investigating it within five working days of receiving the written findings of the investigation. Disciplinary action up to and including dismissal may be taken. It may be necessary to transfer one of the employees from the workplace permanently. This should normally be the harasser unless the complainer would prefer to be transferred.

## **9 Where No Harassment Has Taken Place**

After a full investigation, where it is found that no harassment has taken place all record of the accusation should be removed from the alleged harasser's file. The employees concerned should be advised of the outcome of the investigation in writing by the manager investigating it within five working days of receiving the written findings of the investigation. A record of the investigation will be held in the appropriate file in the Personnel Section for a period of eighteen months.

## **10 Follow Up and Monitoring**

Following a finding of harassment, management should ensure that the harassment has stopped. The complainer should be contacted following the formal resolution to the problem to establish whether the solution has been effective. Where it has not, further action may be necessary. Management should also ensure that victimisation does not occur, either of the alleged harasser or of the complainer. This should be carefully monitored, even where the allegation of harassment has not been substantiated through the investigation. Follow up and monitoring must take place wherever management are aware there is a problem, i.e. whether the complaint has been dealt with formally or informally.

Cases of false allegations made maliciously will be treated very seriously and may be considered a form of harassment and lead to disciplinary action.

Any complaint of harassment should be resolved within a maximum of three working weeks. All parties concerned should be notified in writing of the decision within this time.

## **11 Elected Members**

Although this Policy encompasses harassment of Comhairle employees by other Comhairle employees, it is recognised that there may be occasions where employees are harassed by Elected Members. In such instances the employee should raise the matter with his or her Head of Department. If the matter cannot be resolved, the Head of Department will raise the matter with the Chief Executive. The Chief Executive should attempt to resolve the matter informally, either directly or through the Convener.

## **12 Review of Policy**

This policy will be reviewed as necessary and at least every two years.

Personnel Section  
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