

Respect at Work

Introduction

The Respect at Work Policy is an updating of the harassment policy in recognition of the importance the Council places on maintaining a working environment where everyone is treated with respect. The responsibility for this rests with all staff in supporting a culture and climate which values diversity and individuality. The Policy includes a Statement of Intent and the procedure to follow where issues arise. External third party mediation forms a key element in dispute resolution and can be used to repair relationships, encourage positive behaviour and improve team work. Mediation offers a real alternative to formal, often more confrontational, approaches. Providing an early intervention to resolve issues quickly before they escalate and become entrenched.

The Policy aims to draw to the attention of all members of staff the many forms of harassment at work, the serious adverse effects, and to provide practical guidance to managers and staff.

The Respect at Work Policy applies to all employees and has been agreed with the trade unions.

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Statement of Intent

1. The council believe that every employee should enjoy a working environment where everyone is treated with respect.
2. The council supports a culture where diversity and individuality are valued as part of delivering a high quality service to the public.
3. Each employee shares a responsibility for recognising the sensitivities and feelings of others, which may be different from their own but no less valid.
4. All employees should be committed to high standards in delivering work and dealing with colleagues, this will not only be about the tasks people do but the effect of their words, how they interact/engage with others and tackling discriminatory or inappropriate behaviour.
5. Managers and supervisors have a responsibility to model and promote appropriate behaviour, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.
6. The council will not tolerate acts of staff harassment, bullying and victimisation. As far as practical such occurrences should be avoided through effective management, (including appropriate supervision), recruitment, training and employees' proper adherence to the council's [code of conduct](#) and the [council's Equality and Diversity statement](#).
7. Where problems do occur the council aims to create a climate of trust where staff feel confident in challenging inappropriate behaviour in a responsible way, or to raise complaints using the procedure that follows. All parties involved in the complaint resolution will be expected to cooperate fully and work responsibly towards a speedy and effective outcome.
8. All employees will understand how they may raise a complaint on harassment/victimisation/ bullying and be clear how this complaint will be dealt with. This will be through communication of the procedure that follows and working with the Trade Unions and other groups providing support to employees and furthering the council's aims around respect at work.

Scope

The procedure covers complaints on all forms of harassment or bullying or victimisation which may on the basis of, but are not restricted to, a protected characteristic¹ or trade union membership.

Protected characteristics - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation

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Aim

The aim of this policy is to draw to the attention of all members of staff, no matter where they are working, the many forms of harassment at work, the serious adverse effects, and to provide practical guidance to managers and staff on how to eliminate harassment. The problem of workplace harassment can be resolved only by developing and implementing preventative policies and procedures that create a climate of greater confidence to challenge harassment leading to more people coming forward. The aim of this policy is therefore, to tackle individual incidents quickly and effectively, and to develop a working environment in which the dignity of colleagues, clients and customers is not abused and where harassment is known to be unacceptable.

Please refer to [appendix 1](#) for more information on ways in which harassment can be demonstrated.

Definition

1. For the purposes of this policy, harassment is defined as -

Including any unwanted abuse, advances, or behaviour, which causes an individual to feel threatened, humiliated, patronised, distressed or harassed. Action can also be considered harassment if it impairs an individual's job performance, undermines their job security, or causes a threatening or intimidating environment. Harassment may be deliberate or unconscious, a repeated action or an isolated incident. In cases of harassment, the impact of the behaviour is the determining factor and not the intent behind it, e.g. was the dignity of the person affected? It is also worth noting that the conduct can be physical, verbal or non-verbal.

2. Managers should be aware that an employee's perception of whether or not they have been harassed is an important factor that must be accorded proper importance when dealing with allegations of harassment.
3. The fact itself that disciplinary or capability action is taken against an employee as part of legitimate management action would not construe harassment. Where a complaint of harassment is raised as part of or connected to disciplinary or capability action, the matters of complaint will be dealt with as part of the considerations of the case and not through a separate mechanism.

Effects of Harassment

1. Harassment affects people adversely at work. It is well documented that harassment damages the victim's health, causing anxiety, tension, depression, deterioration of personal relationships, hostility, inability to concentrate, sleeplessness, fatigue, headaches and other signs of stress at work.

2. Harassment is usually a display and abuse of power directed from one person to another to the extent that the victim may feel that his/her dignity and job security is threatened. A victim may not feel that s/he can complain, or may feel embarrassed if such harassment is not taken seriously by his/her manager. A victim is often made to feel that s/he is to blame.

Preventing Harassment

1. A contract of employment places a duty of care on the employer to provide a suitable environment in which to work. To a great extent this refers to the physical environment, but it also includes freedom from stress and other obstacles to a reasonable working environment. Whilst such a duty on the employer is generally proactive, there is also a responsibility on the employer to react to concerns raised by employees.
2. Employers are vicariously liable for discriminatory acts, including harassment, carried out by employees unless the employer can show that they took all reasonable practical steps to stop the occurrence of the act. An employer can no longer necessarily rely on the defence that an employee was acting outside the course of their employment when carrying out an act of discrimination.
3. We all have a responsibility to discourage harassment and prevent it from taking place by:
 - Being aware of the problems which harassment can cause, and ensuring that our behaviour does not cause others to feel harassed
 - Making our colleagues aware that certain conduct or behaviour is causing concern or offence to others

Managers have a particular responsibility to prevent harassment-taking place by:

- Being alert to the possibility that harassment may be happening in their area
- Using their judgement to correct behaviour that could be considered as offensive, and reminding employees of our policy on this matter
- Taking prompt action to stop harassment as soon as it is identified
- Dealing with all incidents quickly, seriously, sensitively, and in confidence.

Identifying Harassment

1. When a manager receives a complaint or becomes aware of an issue, s/he must first decide whether it falls within the scope of this policy, refer to [appendix 1](#), ensuring that it is not a complaint against council policy or procedure, or that no other formal mechanism exists to resolve it. The local HR practitioner will also be able to offer advice on the appropriate use of this procedure.

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2. Complaints of harassment may be reported from a number of sources, for example:
 - A colleague may raise the complaint if the person feels uncomfortable at doing so themselves
 - A trade union representative may raise a complaint on behalf of one of their members
 - An employee may lodge a grievance under the [Employee Complaints Procedure](#) that should instead be addressed and resolved using this policy only.
 - An employee may pursue a separate matter under the Employee Complaints Procedure, which upon investigation amounts to a case of harassment. If so, the complaint should be addressed and resolved using this policy only.
 - A staff member may be harassed or victimised as a result of raising a concern under the [council's Whistle blowing Policy](#). In these instances, the officer who received the complaint should refer the matter to the appropriate manager or local HR representative to investigate.

Nevertheless, regardless of how a complaint has been reported, all allegations of harassment must be dealt with using this policy only.

Taking Action

1. Where harassment may exist, staff must feel confident that their complaint will be treated seriously and dealt with sympathetically, sensitively and quickly. Staff must be encouraged to bring the matter to the attention of a manager, or alternatively their local HR representative through the use of the [Individual Employee Complaints pro-forma](#). Note: the Individual Employee Complaints Procedure will not be used to resolve instances of harassment, but this pro-forma should be used as a means of identifying complaints of harassment.
2. On receipt of a complaint, or when issues are raised, an evaluation is required whether the matter is most appropriately managed either via the informal or formal route in conjunction with the HR team

Informal process

1. Wherever possible it is better for issues to be resolved informally, as most people who complain simply want the behaviour to stop. In some cases it may be sufficient for the manager to explain to the person causing the offence, that their behaviour is unwelcome, unacceptable and embarrassing. The manager may wish to consider training and/or other corrective measures to ensure that harassment ceases and should remind the employee of the policy on this matter.
2. It is recommended that a note be made of the date and content of an approach requesting that the alleged harasser stop. This note should be kept securely and confidentially and it may be necessary to refer to this later if the harassment continues.

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3. Use of the informal stage will however depend on: -

- The nature and seriousness of the complaint itself
- The wishes of the person.
- Any previous history of either the harasser or the incident itself

Thus, it is important that the person being harassed is comfortable with this type of approach, and the manager will need to evaluate the appropriateness of trying to resolve the issue this way.

Mediation

1. As an employer we are looking to focus on the future and on rebuilding relationships where disagreements and conflict occur at work. Mediation should be seen as a safe, confidential and non-confrontational approach to dealing with workplace difficulties. The use of mediation should be a standard consideration in all matters that can not be resolved informally or there is an issue that should properly be addressed through the disciplinary process.

Information on Mediation@Southwark can be found on the Source, [click here](#).

Formal Stage – Disciplinary Procedure

1. The preliminary process requires action to determine whether there is a substantiated complaint or not. This means quickly assembling the facts, establishing the seriousness and what to do, taking into account the wishes of the complainant as early as possible so as to actively seek a resolution to the presenting situation. If this and/ or mediation was pursued and did not result in resolution, or was deemed inappropriate, the manager must then treat the matter as a potential disciplinary matter. An investigation must then be undertaken in accordance with the council's [disciplinary procedure](#).
2. It is particularly important in such cases for appropriate standards of confidentiality to be observed and for the profile of the investigating manager to be sensitive to the nature of the complaint. The investigation must be completed within a reasonable timescale and feedback on the outcome of complaint given as speedily as possible. All cases of harassment will also be subject to formal monitoring.

Possible Outcomes

1. If a complaint is upheld, managers must ensure that the complainant is not adversely affected by actions taken. Any disciplinary action taken against the alleged harasser will depend upon the nature and extent of the offence. In minor cases of unintended offence/harassment, this is likely to include a guidance interview, and/or counselling and training with standards of behaviour and the policy reiterated. In cases of a more serious nature, or a repeated offence, this is likely to include a formal warning, relocation, and/or training, and could also result in dismissal, with or without notice

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2. Where a complaint is not upheld because, for example, the evidence is regarded as inconclusive, consideration should be given to transferring or rescheduling the work of one of the employees concerned rather than requiring them to continue to work together against the wishes of either party. Wherever possible, this should be mutually agreed.
3. Disciplinary action may be taken against any member of staff, including managers, who fail to take the responsibilities of this policy seriously or fail to take appropriate corrective action. Except when it can be established that an employee complaint is either deliberately false or malicious, there can be no recriminatory action taken against any employee for raising a complaint under this procedure.

Police Involvement

In very serious instances of harassment, for example stalking or violent behaviour, it may be appropriate to involve the police. Where the police are called in they should not be asked to conduct any investigation on behalf of the employer, nor should they be present at any hearing or disciplinary hearing.

Victimisation

Victimisation is a form of harassment that occurs when a person is treated less favourably than another person for asserting their statutory rights, including those under the Equality Act 2010. Managers must check that the harassment has stopped and that there has been no intimidation, victimisation, discrimination or retaliation against the employee who made the complaint, or anyone who assisted in the investigation. Anyone who victimises a complainant for making a charge of harassment will render themselves liable to disciplinary action.

Appeals

Where the investigation does not result in disciplinary action being taken, and the employee who made the original complaint is not satisfied that the issue of complaint is resolved, s/he will have access to the employee complaint procedure.

Support and Counselling

Incidents involving harassment and the subsequent process be it formal or informal can be very stressful for both the complainant and the alleged harasser. The manager could consider arranging for support and/or counselling via the [Occupational Health Service](#) or contact their local HR practitioner. Requests for appropriate time off should be treated sympathetically.

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Examples of Harassment

The following examples are not exhaustive, but are intended to illustrate ways in which harassment can be demonstrated.

Bullying and harassment are not necessarily face to face, they may be by written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), electronic email, phone, inappropriate use of social media.

Sexual Harassment

Sexually orientated jibes or abuse, unwelcome comments about dress or appearance, the display of pin-ups or pornographic pictures or sexually suggestive objects, unwanted physical contact or demands for sexual favours.

Racial Harassment

Racially derogatory remarks or racist 'jokes', the display of racially offensive written or visual material, physical threats, assault and insulting or abusive behaviour or gestures based on someone's ethnicity or colour.

Bullying

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

Age Harassment

Ridiculing or demeaning behaviour focused at people because of their age and experiences.

Harassment against People with Disabilities

Undignified treatment or ridicule or exclusion of people because of their disability, vulnerability, or actual or perceived reduced independence.

Harassment on the Basis of Gender Reassignment

Harassment of a sexual nature related to gender reassignment

Harassment on the Basis of Sexual Orientation

Behaviour that condemns or ridicules people because of their sexual preferences.

Religious Harassment

Unacceptable behaviour that fails to tolerate or acknowledge the rights or needs of people with different religious beliefs and practices.