



BULLYING & HARASSMENT POLICY

THIS POLICY SHOULD ANSWER THE QUESTIONS YOU HAVE IF YOU BELIEVE THERE IS AN ISSUE RELATING TO BULLYING, HARASSMENT, INTIMIDATION, DISCRIMINATION OR VICTIMISATION

Who and what is covered by this policy?

This Council is committed to providing a working environment for its entire staff that is comfortable and free from all forms of harassment. The Council adopts a zero-tolerance approach towards harassment. For the purposes of this policy, bullying, harassment, intimidation, discrimination or victimisation will be referred to as harassment. The right not to be harassed at work extends to all workers, so agency temps, casual staff and contractors are protected as well as permanent staff. There is no qualifying length of service required to use this policy.

This policy aims to:

- Create an environment where harassment does not occur;
- Protect you from bullying or harassment if it should occur;
- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about unacceptable behaviours without fear of reprisal;
- Provide avenues for you to raise those concerns and receive feedback on any action taken; to help you pursue your concerns if you are not satisfied they are resolved;
- Resolve any situation informally where appropriate; and
- To use a formal procedure with incidents of a serious nature.

Employees may be reluctant to report instances of harassment out of fear of damaging working relationships with their colleagues, fear of reprisals, embarrassment or worry that they may be perceived as troublemakers. It is important for managers to bear in mind that just because no one has complained this does not mean that no bullying or harassment is taking place

This harassment policy is intended to give you access to support mechanisms which will enable genuine concerns to be resolved. The Council welcomes the support of the recognised trade unions in seeking to eradicate harassment.

Principles

This policy incorporates the following principles.

- **Good faith**
This policy and procedure will be applied in a consistent manner and without discrimination.
- **Fairness**
Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- **Confidentiality**
Information relating to harassment will only be shared with individuals who have a need to know.
- **Representation**
If issues arise within these procedures and a formal approach is required to deal with them, employees will be entitled to be accompanied by a trade union representative or by a work colleague.

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1. How do I know if it's the right procedure to use?

There are existing Employee Handbook policies designed to resolve many of these kinds of concerns. The procedures to be followed in raising and dealing with such issues under these policies are set out in the relevant entry in the Employee Handbook. For example there are policies on;

Grievances; equal opportunities; disciplinary matters; performance improvement; Health and safety; capability;

These policies and procedures aim to encourage anyone with a genuine concern to raise it by giving the opportunity, where required, to make the complaint to someone who has no direct involvement with the issue. This policy should be used to investigate a complaint or suspicion of harassment.

2. What constitutes bullying?

Bullying is behaviour that is:

- threatening, aggressive or intimidating;
- abusive, insulting or offensive;
- cruel or vindictive;
- humiliating, degrading or demeaning.

Bullying will inevitably erode the victim's confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, and deliberately targeted at a particular individual. Bullying is often an abuse of power, position or knowledge, and may be perpetrated by the victim's manager, his or her peers or even by subordinates.

The table in Appendix 2 gives some examples of bullying behaviour.

3. What constitutes harassment?

Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, sexual orientation, physical or mental disability or some other characteristic. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

Appendix 3 gives some examples of conduct which could be perceived as harassment.

4. When does this policy apply - is it just whilst I am at work?

This policy applies whilst you are at work but also to organised work-related events regardless of the fact that these may be held outside the Council's premises and in employees' own time.

5. Who can be affected by harassment?

This type of behaviour can affect all people at all levels of the Council.

6. Who can be a bully or harasser?

Anyone, with whom you have contact in your role at the Council, can be a bully or harasser. This may include more or less senior employees, contractors, clients or suppliers.

7. What if my manager is the offender?

Harassment by managers is particularly serious as it reinforces a negative working environment. It can also make the people managed feel powerless and unable to act to stop the behaviour. However, this policy gives you the power to act and details how you can stop this type of behaviour.

8. No one else seems to mind, how do I know I'm not being oversensitive?

Under the various discrimination laws, behaviour will potentially amount to harassment if it is unwanted conduct that has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The term 'unwanted' makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to him or her personally. People are different, and what one employee finds hilariously funny may be offensive or degrading to another. In judging whether or not particular conduct may amount to harassment, it is important to bear in mind that the motive of the 'harasser' is irrelevant. The phrase 'purpose or effect' makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It will not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it. Managers should, therefore, refrain from assuming that an employee who objects to certain behaviour is overreacting or that the complaint is trivial.

However, the conduct in question must 'reasonably be considered as having that effect'. This phrase ensures a degree of balance between the victim's subjective perception of the treatment and an objective, reasonable viewpoint, and means that an oversensitive person who takes offence unreasonably at a wholly innocent remark will not have a legitimate complaint of harassment.

9. How do I know the difference between my manager being firm and harassing me?

Effective leadership and management is based on respect, trust, support and encouragement. Managers are responsible for ensuring that staff who report to them perform to an acceptable standard. Legitimate monitoring of your behaviour or job performance does not, therefore, constitute harassment. Feedback is essential to help employees understand what they have done that is unsatisfactory, why it is unsatisfactory and how to put matters right for the future. It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of harassment, although you may feel anxious whilst the procedures are ongoing. It is important to differentiate between firm, fair management and harassing behaviour. It is in the interests of the Council that managers should be able to carry out their duties without threat of ill-intentioned, malicious, vexatious or unreasonable complaints. Giving criticism is part of every manager's job but it is important to ensure that it is delivered in a way that is constructive, not destructive.

To guide you as to the types of behaviour which are constructive and those which are destructive some examples are given below (this is not an exhaustive list):

Constructive criticism may involve:

- actions and behaviour, i.e. discussing what the employee has or has not done;
- facts, and specific examples of the unsatisfactory behaviour or performance;
- future improvement, e.g. seeking to agree what the employee should do differently or what changes he or she should make;
- acting calmly and reasonably.

Destructive criticism may involve:

- aggressive behaviour, e.g. shouting or swearing;
- personal insults or put-downs, e.g. 'you're useless, you're always making stupid mistakes';
- allocating blame rather than responsibility; acting emotionally and irrationally

10. How will the Council stop unacceptable behaviour?

The Council will take action to prevent harassment by publicising this policy, raising awareness and training managers, informing employees, providing support for complainants and monitoring the policy.

11. What action can be taken when there has been harassment?

This policy gives you the choice of a formal or an informal route. The choice of formal or informal resolution should be made by the employee. The informal route involves making it clear to the perpetrator that the behaviour offends and that you want it to stop. This can be done in one of 3 ways:

- by letter) If a face to face confrontation is too difficult in the first instance
- Email)
- face-to-face

However, you also have the choice of the formal route. This involves setting out details of the complaint in writing with specifics as to dates and times and an account of what the harassment is alleged to consist of. Your complaint will then be investigated within 7 calendar days. An extension to this can be mutually agreed if there are circumstances which prevent the investigation being completed within the specified time. However this extension will be for a minimal period of time and will not unduly delay the investigation.

It is the responsibility of the Manager of affected employee's to ensure that appropriate support is put in place, this relates to both the alleged perpetrator and the victim.

12. What is stage 1 of this procedure?

INFORMAL ACTION

You can decide on any of the following actions under Stage 1:

- a. Take personal action and if possible ask the alleged perpetrator to stop their offending behaviour if they are able to do so. A workplace colleague / recognised Union representative or People Services advisor can act as a witness when this statement is made. However you should keep a record of the nature of your complaint, when and where incidents take place, your feelings/behaviour at the time, witnesses and response from the alleged perpetrator. This may be needed at a later stage if the case proceeds to the formal stages.
- b. Speak to any of the following people :
 - your Line Manager;
 - the alleged perpetrators Line Manager;
 - a more senior manager if your Line Manager is the alleged perpetrator;
 - a People Services advisor;
 - the People & Performance Manager; or
 - a trade union representative from trade unions recognised by Boston Borough Council.

You can do this alone or accompanied by a recognised trade union representative or workplace colleague or People Services Advisor where appropriate.

The person you contact will ensure that the manager of the alleged perpetrator(s) meets those concerned and explains the complaint without making accusations. They will also ensure your line manager is informed so that you can be offered appropriate support. The perpetrators manager will ask the person(s) if they are aware of the impact of the alleged complaint and give them the opportunity to respond to the allegation. The manager will specify what the required standards of behaviour are and that the consequences of continuing the alleged behaviour could lead to formal action including a formal investigation. The manager will monitor and review the situation which will include meetings to ensure that the situation has been resolved. In exceptional circumstances managers of either party may offer a short period of special leave. This will only be done after consultation with the relevant People Services Advisor / People & Performance Manager

3. Take no action. However failure to act may result in the situation remaining unresolved or escalating further. Therefore you are advised to speak to one of the employees listed above

13. What is Stage 2 of this procedure?

FORMAL ACTION

All attempts should be made to resolve the issue informally at the first stage unless the complaint is of a serious nature and needs to be dealt with directly under the second stage e.g. violence, threats or victimisation. Where a complaint has not been resolved informally (first stage) you may wish to proceed to the formal stage of the procedure (stage 2). Alleged cases of gross misconduct will be dealt with directly through the disciplinary procedure. You can discuss this with one of the people listed in 12(b) before taking action.

To proceed with a formal complaint, you must complete a harassment and bullying complaints form. Where requested you will be assisted to complete the form (Appendix 4).

The formal complaint will be brought to the line manager or more senior manager if the line manager is the alleged perpetrator or any of the people listed in 12(b) who will forward it to the appropriate manager.

- Name, section and grouping of complainant and alleged perpetrator
- Nature of complaint
- As much detail as possible of all incidents in chronological order, with dates and times if possible
- Names of any witnesses
- Effect on the complainant

- Any other documentary evidence
- Details of any informal action to date
- Monitoring information (your ethnic origin, gender, if you are disabled and age)

14. When are disciplinary and grievance procedures relevant?

You should be aware that harassment at work could trigger either the Council's disciplinary or grievance procedures. You may choose to bring a grievance in respect of treatment at work that you perceive to be harassment and the complaint may lead to disciplinary action in respect of the perpetrator. Any employee who is found during an investigation to have harassed a colleague will be subject to disciplinary action, up to and including summary dismissal depending on the nature and seriousness of the behaviour. Any complaints found to be false and malicious will result in disciplinary action being taken against the complainant.

15. What if I am victimised for bringing a case or helping an investigation?

The Council will not tolerate victimisation of any person who brings a case or takes part in any investigation. In such instances the Council's disciplinary procedures will be invoked. The Council will take all such complaints seriously and an employee who makes a genuine complaint of harassment will be protected and will not be penalised or victimised in any way.

16. What role do employees have in preventing harassment?

All employees at all levels are responsible for promoting a climate where harassment is unacceptable. All employees must familiarise themselves with this policy and ensure that their behaviour is free from harassment. All employees have a duty to participate fully with any investigation. Not helping will not make the problem go away. This applies equally to all employees. If employees witness harassment they are encouraged to challenge, in an appropriate way, any offending behaviour or contact their immediate Line Manager / Supervisor or People Services for help & advice.

17. What role do managers have in preventing harassment?

Managers have responsibility to familiarise themselves with this policy, ensuring they abide by the principles set out, treating their staff with dignity and respect. They must:

- Ensure that their behaviour is free from harassment.
- Consistently reinforce standards of behaviour.
- Deal with complaints brought to their attention both appropriately, impartially and in a timely manner.
- Take complaints seriously, and not underestimate the effect on an individual's feeling.
- Follow up any case brought to them and monitor the situation to ensure that any harassment ceases.

18. Will managers only investigate harassment when there has been a complaint?

If any Manager has grounds to believe that an employee may have been harassing another employee, whether or not there has been a formal complaint, they will instigate an investigation into the suspected harassment. Employees are however encouraged to report any incidents of harassment that they experience or witness so that the Council can investigate and resolve the matter. This does not mean that managers should sit back and wait until a complaint is lodged before taking action. If a manager sees or hears anything that indicates that an employee may be experiencing harassment at the hands of a colleague, the manager should intervene and take the necessary steps to put a stop to any behaviour that is liable to cause offence or distress. Nipping a potential problem in the bud is much better than doing nothing and thus creating the risk that the situation may escalate into a formal complaint.

19. How can we all guard against offensive behaviour?

General banter linked to sex, race, religion, sexual orientation or age is the most common form of harassment in employment. Managers will ensure they properly brief all their staff as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour is unacceptable.

The basic rule is that any jokes, remarks or banter that could be offensive to another employee will not be permitted. Employees are encouraged to realise that their colleagues will have differing views and feelings and differing levels of sensitivity about certain matters.

It is a requirement in every department that employees treat their colleagues with dignity and respect and refrain from any behaviour that might cause offence.

20. Who can give help and support?

Any employee who feels they have experienced harassment is encouraged to discuss this with the employees listed in 12b who are available to give help and support:

21. What is the role of those who give help and support?

- To listen and give confidential, non judgmental information and support to you
- To help you identify your options going forward
- To assist you decide on the best route going forward, but not to make that choice for you.

22. Can I discuss things with my friends?

The matter should be kept strictly confidential and **MUST NOT** be discussed with any Council employee or anyone not involved on the case unless you have been authorised to do so. You should not discuss matters with anyone outside of the Council apart from

your immediate family and you should ensure that details remain confidential. Where an immediate relative is also an employee of Boston Borough Council you may discuss matters with them so that you have the support of your immediate family. In this circumstance you have responsibility to ensure that they keep the matter confidential and alert them to the fact that any unnecessary disclosure of this confidential information may lead to disciplinary action being taken against them.

23. Why does it take so long?

Giving notice for meetings allows both the employee and the employer to prepare fully. It also allows for Union representation and any witnesses to be organised to attend when required.

24. Will I have to carry on working with the perpetrator once I have made a complaint?

The Council reserves the right to suspend or temporarily redeploy either the employee suspected of harassment or the employee raising a complaint of harassment during the investigations, if it is considered in the interests of the individual(s) or the Council to do so. It should not, however, be assumed that it is the complainant who should transfer. The Manager will need to assess the situation according to operational requirements.

The suspension from work of the alleged perpetrator should be regarded as a last resort if the situation is particularly serious and other methods such as a temporary transfer or temporary change in reporting lines (where the problem is between a Manager and one of their team) are not reasonably practicable. Suspension in these circumstances is precautionary, does not constitute disciplinary action and will be on full (basic) pay (see 25 below). The key is to ensure the protection of staff members so that they do not suffer the adverse consequences of harassment.

25. What does suspension mean and how is my pay affected?

Suspension during an investigation is precautionary, not meant as punishment, and does not imply guilt or blame. You must not report for work or attempt to contact or influence any witnesses to the case. You should be available to be called back for interview by the Investigating Officer. The Council recognises this will be a stressful situation and will handle such situations with sensitivity.

If you are suspended from work you will be paid full (basic) pay. This refers to contractual hours, bonus etc or reduced/nil pay should you be on extended sick leave. It does not involve occasional non-contracted overtime or allowances. You will continue to accrue holidays as annual leave is a condition of the employment contract.

26. What is the purpose of an investigation?

The Manager will use these facts in deciding whether there are proper grounds for taking disciplinary action against the alleged perpetrator.

27. What happens in an investigation?

The manager should remain open minded when looking into the substance of the employee's complaint. The purpose of the interview will be to establish, so far as is possible, the facts. An employee who is being harassed at work will be upset and the natural emotional reactions caused by harassment may in some cases lead to exaggeration or distortion of the facts reported. There will be a need to conduct an impartial and thorough investigation into the facts.

Investigation will involve confidential meetings, first with the complainant and second with the employee accused of harassment. In both cases, the employee being interviewed should be granted the right to be accompanied by a work colleague or recognised trade union official of his or her choice. The manager should ask those being interviewed to be as specific as possible and to report examples of what precisely they saw or heard that caused, or might have caused, offence. This should include issues such as the context and the tone of voice used, as well as the dates and times of the reported incidents, where the incidents took place, any background factors and how the incidents affected them at the time.

If the complainant has identified any witnesses to any of the alleged incidents of harassment, these witnesses should also be interviewed separately and confidentially.

At the interview, the manager should ask open questions, i.e. those beginning with 'what', 'which', 'why', 'how', 'where', 'when' and 'who'. The manager should listen carefully to what the employee has to say, and take on board their explanations and any mitigating factors.

28. Is representation allowed?

Employees attending meetings under this policy have the right to be represented at all formal stages of the procedure by a trade union representative from trade unions recognised by Boston Borough Council, or a fellow Boston Borough Council employee, chosen by the employee. Where an employee has learning difficulties or mental health issues, it is particularly important that the manager encourages the employee to arrange suitable representation.

The role of the representative is to:

- address the meeting if the employee wishes but not to answer questions on the employee's behalf;
- confer with the employee during the meeting;
- ask questions (of the employer and employee);

- participate as fully as possible;
- confer privately with the employee.

29. What happens if I cannot attend investigatory meetings?

You should notify the Council giving reasons for non attendance. Where your work colleague or trade union representative is unable to attend the meeting you need to let the Council know. In these cases, the meeting should be rescheduled for no later than 7 calendar days after the original date.

30. What happens when the investigation is completed?

Both the employee who raised the complaint originally and the employee accused of harassment should be given written feedback (where possible) on the outcome and any actions agreed once the proceedings have been concluded. This will be done within 7 calendar days of the conclusion of the investigation. The Council will decide at the conclusion of the investigation, once all the facts have been established, whether or not it is appropriate to instigate disciplinary action against the alleged perpetrator, and the letter will confirm this decision. This will depend on whether, following the interview, the manager has reasonable grounds for forming a genuine belief that incidents of harassment did in fact occur. There is no need for the manager to have absolute proof of the employee's 'guilt' in order to proceed with disciplinary action so long as (s)he has, following a thorough investigation, formed a genuine and reasonable belief that incident(s) of harassment took place. In this case the original investigating officer will present the case at any disciplinary hearing. There will be no need to conduct a separate disciplinary investigation as the evidence gathered already will be utilised.

Depending on the seriousness of the behaviour, disciplinary action may be taken with sanctions which include the possibility of dismissal. In cases of mild harassment, for example a single incident that was based on a misunderstanding or a series of minor incidents where the employee genuinely did not realise that (s)he was causing offence, a sincere apology together with an undertaking not to repeat the offending behaviour may be appropriate. Full confidential records will be kept of all complaints, all interviews conducted and the outcome of the proceedings.

The main aim of any formal action will be to make sure that the harassment stops immediately and does not recur.

A follow up review will take place after approximately 3 months to see how things are going.

31. Can I appeal if I am not satisfied with the outcome of the investigation?

Yes you can, you should submit your appeal in line with the Appeals Procedure, HRP013. Copies are available from People Services.

32. How do I carry on with my job if my complaint is not upheld?

Your Manager will offer appropriate support to you. This will enable you and the alleged perpetrator to continue to work together and rebuild your working relationship. Where necessary an appropriate mediation or group work will be considered. If you are unable to continue to work with the alleged perpetrator consideration will be given to moving either party, without any implication of blame. This option will be dependant on vacancies available within the Authority; posts cannot be created to facilitate a move. A follow up review will take place after approximately 3 months to see how things are going.

33. How are records relating to this kept?

All records relating to the matter will be handled in accordance with the Data Protection Act 1998.

Dos and don'ts

Do take prompt action whenever there is evidence of bullying behaviour, whether or not anyone has complained.

Do take any complaint seriously.

Do investigate all allegations carefully and thoroughly.

Do approach investigatory interviews with an open mind.

Do listen carefully and without bias to what employees have to say.

Don't jump to premature conclusions about the validity of a particular complaint.

Don't show emotion, for example anger, during any of the interviews.

Don't try to rush the interview as the employee may need time to respond fully.

Don't forget to follow up afterwards to ensure that the matter has been properly resolved, and to make sure that working relationships have settled down and there are no recriminations.

APPENDIX 1 - Test yourself

1. Which of the following statements about harassment is correct?

- a. Only an employee more senior than you can be in a position to harass you.
- b. Managers cannot be harassed by employees they manage.
- c. Managers can be the victim of harassment by one of the team they manage.
- d. Employees on the same grade cannot harass one another.

2. Barry makes it clear to his manager Paul that he finds the way his colleague Darren refers to the female members of the office as 'the airheads' offensive. Which of the following statements is correct?

- a. Paul speaks to Darren who says that he means nothing and the term is not directed at any individual. Paul need take no further action.
- b. The offending comment is not related to Barry's sex so there is no need for Paul to take any further action.
- c. Paul feels that Barry is being too sensitive, no other person would find the remark offensive. After all the rest of the team think it is amusing. No further action is necessary.
- d. Paul should take immediate steps to put a stop to Darren referring to his female colleagues in this way.

3. Mike has just started working at the garage. Hanging in the staff room there are calendars of topless ladies. Derek finds this offensive although it is an all male area. Which of the following statements is correct?

- a. This type of behaviour could potentially amount to sexual harassment and Derek may be able to make a successful tribunal claim.
- b. This type of behaviour could potentially amount to sexual harassment but Derek does not have the required length of service to bring a tribunal claim.
- c. This type of behaviour could potentially amount to sexual harassment if a woman had complained. However, as Derek is a man he will not be able to make a successful tribunal claim.
- d. This type of behaviour could potentially amount to sexual harassment if Derek's colleagues actually passed the calendar to him. However, as they don't he will be in no position to bring a tribunal claim.

4. Mary has complained to her manager that a colleague Steve sexually harassed her at the company Christmas quiz, which took place outside of work. Which of the following statements is correct?

- a. As the alleged incident happened outside her normal working hours, Mary would have no possibility of success if she brought a complaint before an employment tribunal.
- b. Since the quiz was for a good cause, even if Steve is guilty of the alleged harassment, any tribunal is likely to view Mary's insistence on complaining about his behaviour in a bad light.
- c. Mary may be able to bring a successful tribunal claim even if Steve has not sexually harassed her on previous occasions during working hours.
- d. Although obviously Mary's manager is concerned about her allegations, he can rest assured that, as no one at the company actually instructed Steve to behave in this way, the company is absolved of responsibility for his actions.

5. Where a manager has received a complaint of harassment, which of the following statements is correct?

- a. There is no need for the manager to investigate unless there is a repetition of the behaviour - one-off acts cannot amount to harassment.
- b. Both the employee bringing the complaint and the alleged harasser should be interviewed and given an opportunity to put their version of the events.
- c. The manager will require absolute proof that the harassment took place before he or she can take any disciplinary action.
- d. The only appropriate disciplinary action in cases of harassment is dismissal.

The answers can be found at the bottom of the page.

Test yourself answers: 1. (c) 2. (d) 3. (a) 4. (c) 5. (b)

APPENDIX 2

The following table gives some examples of behaviour that could be perceived as bullying, depending on the circumstances (this is not an exhaustive list):

General	Manager to subordinate
Ostracising someone, i.e. refusing to speak to them, blatantly ignoring their views or comments, or excluding them from work-related or social activities.	Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee.
Deliberately withholding vital work-related information in order to embarrass someone or make them look foolish.	Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement.
Personal insults or put-downs.	Criticising the individual in front of colleagues.
Spreading rumours or gossip or making false allegations about someone in order to discredit them.	Excessive or overbearing monitoring of a particular employee's work without good reason.
Physical shoving or barring someone's way.	Ordering a particular employee to work below their level of ability, or to perform mundane or demeaning tasks, for no proper reason.
Playing practical jokes on someone.	Removing an employee's responsibility without consultation and for no proper reason.
Aggressive or intimidating behaviour towards an individual, especially if displayed in front of others.	Threatening an employee with dismissal.

APPENDIX 3

Harassment can be physical, verbal or non-verbal and a wide range of different types of behaviour at work may potentially be perceived as harassment. The following table gives some examples of behaviour that could be perceived as harassment (this is not an exhaustive list):

Sex related harassment

- Telling jokes about men/women. The victim does not have to be of the opposite sex.
- Making derogatory sexist remarks.
- Deliberately placing tools or materials that a woman needs to do her job on a high shelf to make it harder for her to reach them.

Sexual Harassment

- The display of sexually explicit material on computer screens or in calendars.
- Leering at a man / woman in a manner that is overtly sexual.
- Physically touching someone in a sexual manner where such conduct is not welcome.
- Remarks, banter or jokes of a sexual nature.
- Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome.

Gender reassignment harassment

- Calling someone a nickname linked to the fact that he or she has undergone gender reassignment, for example 'gender bender'.
- Inappropriate touching designed to check whether an individual has undergone reconstructive surgery.
- Leaving items specifically associated with the individual's old or new gender on his or her desk.

Racial harassment

- Calling someone a nickname linked to his or her skin colour or nationality, for example calling an Asian employee 'Paki'.
- Remarks, banter or jokes about people from different racial backgrounds.

Disability harassment

- Using insulting terminology, such as 'mong', 'retard' or 'spastic', when referring to a disabled colleague.
- Excessive staring, for example at someone with a facial disfigurement.

- Mimicking a disabled colleague's mannerisms or speech.

Religious harassment

- Remarks, banter or jokes about particular religious beliefs or religious practices.
- Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of his or her religion.

Sexual orientation harassment

- Deliberate isolation of someone on grounds of his or her sexuality or perceived sexuality.
- Deliberately behaving in an effeminate manner in the presence of someone who is gay.
- Calling someone a nickname based on his or her sexuality or perceived sexuality.

Age harassment

- Banter and jokes that make fun of older people or demean their abilities.
- Calling someone a name linked to his or her age, for example 'daft old bat' or 'young whippersnapper'.
- Ignoring someone, or treating his or her views as worthless, just because he or she is younger or older than other employees.

APPENDIX 4

Harassment complaints form

Please print when completing this form

Date:

Name:

Section:

Name and department of alleged perpetrator:
Incident date(s) and time(s) if known (continue on a separate sheet if necessary):
Any witnesses(please give their name):
Describe what happened:
Describe how you felt:
Detail any documentary evidence you may have:
Detail any action you have taken to date:

This policy has been agreed by Boston Borough Council and the Trade Unions representative for the workforce.

Signed:

Date: 25 November 2009

Richard Harbord, Interim Chief Executive

Signed:

Date: 25 November 2009

Jane Lyman, UNISON representative

Signed:

Date: 25 November 2009

Bridget Garrard, GMB representative