



## **DIGNITY AND RESPECT AT WORK: POLICIES AND PROCEDURES**

### **SECTION 1: INTRODUCTION**

Antrim Borough Council is committed to providing a work environment for all employees, which is free from harassment, threat and intimidation. The Council respects the individual dignity of all its employees. Employees, for their part, are expected to show respect and courtesy to each other at all times.

### **SECTION 2: LEGISLATION**

The following legislation covers the area of harassment in Northern Ireland:

Sex Discrimination (Northern Ireland) Order 1976, Disability Discrimination Act 1995, Race Relations (Northern Ireland) Order 1997 and Fair Employment and Treatment (Northern Ireland) Order 1998.

### **SECTION 3: DIGNITY AND RESPECT AT WORK POLICY**

The policy applies to employees both in the workplace and at work associated events such as meetings, conferences and works parties, whether on the premises or off site. The policy applies to harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact within the course of their employment.

Harassment on the part of any employee will be treated as serious misconduct and as such the Council disciplinary procedure will be enforced immediately. The magnitude of the misconduct will be governed by the seriousness of the misbehaviour and the disciplinary action taken will vary accordingly. For very serious incidents of harassment or repeated harassment after warnings, dismissal will apply.

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

The Council undertakes that all allegations of harassment will be dealt with seriously, promptly and appropriately and with as much confidentiality as is possible in the circumstances. Where it is necessary to interview witnesses, the importance of confidentiality will be stressed to them.

Any employee subject to harassment should report the matter to their immediate supervisor or manager. If this is inappropriate, then the employee should contact a





member of the Human Resources Section. The Council will ensure that employees are protected against victimisation if involved in a complaint of this nature. Every employee carries the responsibility for ones own behaviour under this policy and has a responsibility to comply with it and to treat all colleagues with respect and dignity.

A complaint must be lodged within three months from the date of the alleged act of sex, disability or racial discrimination. For religious or political discrimination, a complaint must be lodged within three months from the date when the person first knew, or might reasonably be expected to have first known, of the act of discrimination or within six months from the date the act occurred, whichever is earlier.

The above policy is not intended to replace or detract from the rights of employees to pursue a complaint under the relevant legislation.

## SECTION 4: TYPES OF HARASSMENT

Harassment is unwanted conduct and there are various types of harassment that can take place. Some of the principal forms of harassment include: sexual harassment, bullying, harassment on the grounds of disability, race, sectarian and also victimisation.

This behaviour is deemed unacceptable when it is unwanted, unreasonable, offensive to the recipient, used for the basis for an employment decision or creates a hostile working environment.

### (A) SEXUAL HARASSMENT

#### Definition

Sexual Harassment may be defined as conduct towards another person which is sexual in nature or which has a sexual dimension and is unwelcome to the recipient. Sexual harassment can occur even if there is no intention to harass.

#### Examples

Examples of what Antrim Borough Council considers to constitute sexual harassment include:

- Physical contact ranging from touching, pinching, grabbing, patting etc. to indecent exposure, serious assault and any form of sexual assault
- Verbal or written harassment through jokes, offensive language, gossip, slander, whistles, threats, insults, propositions, or any requests or demands with sexual connotations or overtones
- Visual harassment through posters, VDU's, photographs, graffiti, staring or obscene gestures

**Note:** The above list is not exclusive or exhaustive





## (B) BULLYING

### Definition

Repeated aggression, verbal, psychological or physical, conducted by an individual or group against another person or persons.

### Examples

Examples of what Antrim Borough Council consider to constitute bullying include:

- Verbal harassment through personal insults and name calling and/or persistent criticism and sarcasm
- Non-verbal harassment including aggressive behaviour by a manager, supervisor or colleague, public humiliation and unfair delegation of duties and responsibilities
- Physical contact ranging from assault to pushing or jostling of an individual

**Note:** The above list is not exclusive or exhaustive.

## (C) DISABILITY HARASSMENT

### Definition

Disability harassment is a hostile or offensive act or expression conducted by an individual or group against a disabled person or persons.

Disability is defined as a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities.

Discrimination against people with disabilities is often based on lack of information and understanding, and undermines the position of disabled people in the workplace.

### Examples

Examples of what Antrim Borough Council consider to constitute disability harassment include:

- Verbal harassment including asking intrusive questions about a persons disability and the use of offensive language
- Non-verbal harassment through the assumption that physical disability equals mental disability, through exclusion from workplace social events and speaking to colleagues rather than directly to the person with the disability

**Note:** The above list is not exclusive or exhaustive.



## (D) RACIAL HARASSMENT

### Definition

Racial harassment is a hostile or offensive act or expression by a person or group of one racial or ethnic origin against a person or group of another.

### Examples

Examples of what Antrim Borough Council consider to constitute racial harassment include:

- Verbal harassment through language, mockery and racist jokes, racial name calling and verbal threats
- Non-verbal harassment including offensive gestures, racist graffiti and display or circulation of racially offensive material
- Physical contact ranging from assault to pushing or jostling of an individual

**Note:** The above list is not exclusive or exhaustive.

## (E) SECTARIAN HARASSMENT

### Definition

'Unwanted conduct of a sectarian nature or other conduct based on religious belief or political opinion affecting the rights of people at work'.

Sectarian Harassment can take many forms ranging from extreme forms such as violence at work and bullying to less obvious actions like ignoring someone at work.

### Examples

Examples of what Antrim Borough Council consider to constitute sectarian harassment include:

- Verbal harassment through deliberate articulation of sectarian jokes, offensive language, gossip, slander, songs, threats etc
- Non-verbal harassment including visual displays of posters, graffiti, obscene gestures, bunting and emblems. Isolation or non co-operation at work, or exclusion from social activities. Coercion through pressure to participate in or contribute to party political or religious collections
- Written harassment through circulation of sectarian letters or other written material containing offensive language
- Physical contact ranging from gestures to serious assault

**Note:** The above list is not exclusive or exhaustive.



## (F) VICTIMISATION

### Definition

Where a person is treated less favourably than another because he/she has brought proceedings, given evidence, or complained about the behaviour of someone who has been harassing or discriminating against them.

### Examples

Examples of what Antrim Borough Council consider to constitute victimisation include:

- Verbal harassment including inquiring about the proceedings, gossip, whispering, threats and insults
- Non-verbal harassment including isolation, exclusion, sneering and circulation of offensive material
- Physical contact ranging from assault to pushing or jostling of an individual

**Note:** The above list is not exclusive or exhaustive.

## SECTION 5: HARASSMENT COMPLAINTS PROCEDURE

Employees have the right to be treated with respect and dignity in the workplace. All forms of harassment as outlined above violate this right. There is both an informal and formal procedure to deal with the issue of harassment in the workplace. **At both the informal and formal stages of this policy, the employee is entitled to be accompanied by a trade union representative or a fellow colleague.**

Designated advisors as listed at Appendix 1 can be contacted at any stage of the proceedings, either formal or informal.

### Informal Procedure

The informal procedure is appropriate where the employee simply wants the behaviour to stop, where the harassment is not serious or where it is not repeated.

The informal procedure is preferable in most cases, as it is likely to produce solutions which are speedy, effective and which minimise embarrassment and the risk of breaching confidentiality.

Many incidents of harassment can be dealt with effectively by the informal procedure since, in many cases, the harasser may be genuinely unaware of the impact of his/her behaviour on others.





The following outlines the informal procedure:

The complainant is advised to firstly inform the alleged harasser that his/her behaviour is unwelcome.

If the alleged harasser is unresponsive, the complainant should remind him/her that if the behaviour does not stop, the matter will be reported to management.

The complainant may approach the alleged harasser with the support of a Trade Union representative, fellow worker or a manager.

If the complainant does not wish to confront his/her alleged harasser, management will contact the alleged harasser on an informal basis with a view to resolution without formal action. The alleged harasser would be entitled to be accompanied by a Trade Union representative or have a fellow colleague present at this meeting. At this stage the manager can only be involved in the role of giving support or assistance.

**It should be noted that a formal investigation and possible disciplinary action can only be taken if the matter is investigated under the formal procedure and a written record taken to assist any formal proceedings.**

All discussions relating to any allegation of harassment will be held in confidence. Confidentiality is required of the complainant when bringing a claim.

The complainant has a right to be accompanied by a Trade Union representative or a fellow colleague at any stage in the informal procedure.

A written record of any action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop.

If the informal procedure does not lead to a cessation of the harassment or where a more serious incident has arisen the employee should use formal procedure as outlined below.

**Management have the right to instigate formal proceedings if they feel the harassment is sufficiently serious to warrant it.**



## Formal Procedure

The formal procedure is appropriate if:

- Harassment continues after attempts to try and resolve it informally have failed
- The complainant wishes to take formal action
- The incident is of an especially serious nature, e.g. physical violence
- If management deem it necessary to instigate the proceedings

**The following outlines the formal procedure:**

### Making a complaint

Complaints should, where possible, be raised within 5 full working days following an act of alleged harassment so that the matter can be dealt with swiftly and decisively. Complaints can be made in writing or in person to the employees Line Manager or one of the Councils trained harassment advisors. (Listed at Appendix 1). Management will acknowledge receipt of the complaint and will arrange, where possible, to meet the complainant within three working days. At this meeting the manager will clarify and formally record the complaint and ensure the complainant is aware of the stages within the formal proceedings. The complainant has the right to be accompanied by a Trade Union representative or a fellow colleague at the investigatory meeting.

Management will then inform the alleged harasser of the nature of the complaint and his/her right to representation. He/she will be given every opportunity to respond to the detailed allegations made and be advised of the stages within the formal procedures.

### Avoiding Contact Between Complainant and Alleged Harasser

The issue of avoiding contact between complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the complaint. The Manager will take appropriate action concerning avoiding contact following discussion with the complainant, including the possibility of transfer if appropriate. Both parties should also be advised that there should be no communication between them, directly or indirectly, in relation to the complaint.

**Where a case of serious harassment has been alleged consideration will be given to precautionary suspension of the alleged harasser to enable investigation to proceed. An individual who is going to be suspended must be formally advised of this at a meeting with the Manager concerned. The individual will have the right to be accompanied and/or represented at this meeting by a trade union representative or fellow colleague as appropriate.**





## Investigation

A fair investigation will be carried out in accordance with the Council's disciplinary procedures before any disciplinary action is taken. Investigations into allegations of harassment will be handled with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. Every effort will be made to have held all necessary meetings within 10 full working days of the date the complaint was received. Where this is not practicable the complainant and the alleged harasser will be so advised.

## Investigatory Interviews

**Initially there will be a meeting with the complainant and this will be followed up with the alleged harasser being informed of the allegation being made against him/her.**

**Formal investigatory hearings will then be held with the complainant and the alleged harasser. Where necessary other staff members will be interviewed to ascertain facts about the alleged harassment. The manager investigating the allegations will interview anyone who can assist with the investigation and record statements taken from these persons. The manager will also talk to the managers of both the complainant and the alleged harasser to establish if there has been any history of previous conflict between them and other parties.**

**The complainant and alleged harasser have the right to representation throughout the whole process.**

## Consideration of Information

If the investigation indicates that harassment has taken place, the alleged harasser will be subject to a formal disciplinary hearing. Depending on the circumstances and the seriousness of the complaint the appropriate disciplinary action will be taken. If the matter is not resolved internally, the issue may be referred to a third party.

## Communicating the Decision

Having made a decision and prepared a written report outlining the facts, findings on the most appropriate course of action will be communicated in writing to both the person who has complained and the person against whom the complaint was made.

If the investigation warrants disciplinary action being taken both parties will be informed of this decision.



## After The Investigation is Complete Consideration of Transfer

### (a) Redeployment if Disciplinary Action is Taken

Where a complaint has been upheld the complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with the organisation and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the harasser in the first instance and where transfer of the complainant occurs it should not lead to any disadvantage to him/her.

### (b) Redeployment where Disciplinary Action has not been taken

Even where a complaint is not upheld, or, for example, where the evidence is inconclusive consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.

### Training and Counselling

Training and/or counselling will be offered to the person who has been harassed and to the harasser. Where a complaint has not been upheld training and/or counselling may also be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.

### Further Meetings

**The Manager will meet the individual who has alleged harassment on a regular basis to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld.**

The Manager of the harasser will be responsible for ensuring that the harasser is made fully aware of the organisation's policies on equal opportunities and harassment and of the law relating to these matters.

## RESPONSIBILITIES

### Employees

All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected. They should be aware of the serious and genuine problems which harassment can cause and ensure that their behaviour is beyond question and could not be considered in any way to be harassment. They should alert Management to any incident of harassment to enable the company to deal with the matter in line with the policy and procedure. They should also provide support to colleagues who are being harassed by encouraging them to follow the agreed harassment complaints procedure.





## Managers and Supervisors

Managers and supervisors have a responsibility to ensure that harassment does not occur, particularly in work areas for which they are responsible. Managers are responsible for any incidents of harassment of which they are aware or ought to be aware. In all cases they must ensure that appropriate action is taken.

Managers and supervisors also have a responsibility to explain the Council policy and procedure to staff and to take steps to positively promote it. It is the responsibility of the manager to ensure that each employee has a copy of this policy and that they are aware of its contents. They will be responsive and supportive to any member of staff who complains about harassment, provide full and clear advice on the procedure to be adopted, and maintain confidentiality in all cases and ensure that there is no victimisation. They will also set a good example by treating everyone with dignity and respect, be alert to unacceptable behaviour and to take appropriate action.

## The Council's Responsibility

Antrim Borough Council will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints. The policy and procedures will be communicated effectively to all employees and Antrim Borough Council will ensure that all employees and all managers and supervisors are aware of their responsibilities. Appropriate training will be provided, including training on induction and management courses.

Managers, supervisors and designated harassment advisers will receive appropriate training so that they can perform their roles sensitively and effectively. In addition, those playing an official role in any formal complaints will receive appropriate training.

**In accordance with statutory guidelines this policy will be reviewed on an annual basis and we will measure the number of complaints, formal or informal and the type of complaint.**