

# HR & OD POLICIES

human resources and organisational development



## Anti-Bullying & Harassment Guidance

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# 1. ANTI-BULLYING AND HARASSMENT GUIDANCE

All employees of Aberdeenshire Council have the responsibility to ensure that bullying and harassment does not take place. Aberdeenshire Council views very seriously any act by any worker of bullying or harassment.

This guidance outlines the expected behaviour of Aberdeenshire Council employees and the procedures and support which are available to raise any concerns of bullying and harassment in the workplace.

## Bullying

Bullying is defined as being any behavior which is offensive, intimidating, malicious or insulting, an abuse or misuse of power that may undermine, humiliate or injure the recipient.

## Harassment

Harassment is defined as unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The Equality Act 2010 protects from discrimination on the basis of protected characteristics. These protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex (including sexual harassment which is unwanted conduct of a sexual nature)
- Sexual orientation

Please refer to Aberdeenshire Council's [Equality Policy](#) which details the responsibilities under the Equalities Act 2010.

## Cyber bullying

Cyber bullying occurs when someone uses digital technology, such as the Internet, emails, text message or social media to harass, threaten or humiliate someone else. This form of bullying or harassment which is often conducted via social networking channels, often using blogs or social networking sites to post photographs or offensive or threatening comments.

Please refer to Aberdeenshire Council's [Social Media Policy](#) which provides information to employees and managers on the appropriate use of social media. This includes the courses of action which may potentially be taken by Aberdeenshire Council to investigate any such incidents of misuse including those undertaken within a personal capacity.

## Employee responsibilities

It is the responsibility of all employees to help create and maintain an environment that is free of bullying and harassment. This will involve being aware of how their own behaviour affects others and treating all colleagues with dignity and respect.

Employees are expected to:

- Act as role models in relation to the expectations outlined by Our One Aberdeenshire Principles and the underpinning attitudes, behaviours and values.

### [Our One Aberdeenshire Principles](#)

- Be aware of their responsibilities as contained within the Equality Act.



Undertake both courses, Equalities – What Does It Mean For Me? and Respecting Diversity.

- Consider how their behaviour impacts on others.
- Report any incidents of bullying or harassment which they witness towards colleagues.
- Take a stand if they think inappropriate jokes or comments are being made;
- Make it clear to others when they find their behaviour unacceptable;
- Intervene, if possible, to stop harassment or bullying and give support to recipients;

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## How to seek advice and/or report

It is appreciated that this is a difficult and complex issue, which can and often does cause distress and anxiety for employees who feel they have been subjected to bullying or harassment in any form.

Aberdeenshire Council recognises that poor mental health can be caused by bullying and/or harassment. This in turn can affect physical health, social wellbeing and productivity and it is therefore of the highest importance to minimise the workplace being a contributory factor to stress related ill health. Aberdeenshire Council's [Stress & Mental Wellbeing Policy](#) aims to promote good mental health in the workplace. There are several resources available to both employees and line managers within the [Stress and Mental Health](#) page.

Try to talk to colleagues to find out if anyone else is suffering, or if anyone has witnessed what has happened to you.

Keep a diary of all incidents - record dates, times, any witnesses, your feelings etc. Keep copies of anything that is relevant, for instance emails, letters, memos.

An informal attempt to stop the behavior may resolve the problem. People's perceptions of unacceptable behavior vary and sometimes simply pointing out that something is offensive or unwanted is enough to stop it continuing.

Employees who are affected by bullying and harassment should speak to their line manager or another colleague. Confidential guidance can also be sought from HROD who are able to provide support and assistance to enable an employee to make an informed decision on the most appropriate course of action. Please contact **askHR 01467 534400** or [askhr@aberdeenshire.gov.uk](mailto:askhr@aberdeenshire.gov.uk)

An individual also has the option of taking informal or formal action as a means of resolving the problem through Aberdeenshire Council's [Grievance Policy](#). The decision whether or not to make a formal complaint through the grievance procedure rests entirely with the employee. Upon completion of an investigation there may be differing options available to resolve the complaint such as counselling or facilitated meetings. Alternatively Aberdeenshire Council may decide to take disciplinary action against the bully/harasser in accordance with our Disciplinary Procedure.

Disciplinary procedures may also be used for disciplinary action against someone who makes an unfounded allegation of bullying or harassment.

Support is available to all employees through the Council's [Employee Assistance Programme](#) which is a free, confidential 24 hour service. If you have any queries please contact [HRODWellbeing@aberdeenshire.gov.uk](mailto:HRODWellbeing@aberdeenshire.gov.uk)

Trade Union Representatives can provide advice and guidance, contact details for Aberdeenshire Council representatives can be accessed via [Trade Union Contact Details](#).

Advice can also be sought from the **Acas helpline** (0300 123 1100) or the Equality and Human Rights Commission (EHRC) at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Straight Allies offer a point of contact for employees and managers who are seeking support in relation to lesbian, gay, bi and trans (LGBT) issues. Line Managers and employees can obtain assistance from [equalities@aberdeenshire.gov.uk](mailto:equalities@aberdeenshire.gov.uk)

Stonewall works with a whole range of agencies to address the needs of lesbian, gay, bi, and trans people in the wider community [stonewallscotland](http://stonewallscotland)

## What is the role of the line manager?

It is the role of a line manager within Aberdeenshire Council to effectively adhere and carry out the responsibilities outlined within Aberdeenshire Council's HR Policies and Procedures. Aberdeenshire Council expects that line managers carry out these responsibilities and actions effectively and appropriately to ensure that all employees are treated with dignity and respect.

### **Line Managers are expected to:**

- Investigate the complaint promptly and objectively. Take the complaint seriously. Any investigation must be objective and independent. Decisions can then be made as to what action needs to be taken.

Consider all the circumstances before reaching a conclusion and particularly the perception of the complainant as harassment is often felt differently by different people.

- Have knowledge of Grievance and Disciplinary Procedures, investigation procedures, including timescales for action.

Act as role models in relation to the expectations outlined by Aberdeenshire Council.

- Communicate and meet the requirements of the Equality Act 2010.

Bullying and harassment in the workplace can affect attendance, performance and morale which in turn can lead to increased costs, service delivery issues and increased turnover.

If any inappropriate behaviour is witnessed or comes to the attention of a line manager it is very important that it is dealt with immediately. This may also include  
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communication via a social media site, further information and guidance is detailed within Aberdeenshire Council's [Social Media Policy](#).

Managers may also identify employees who may be experiencing bullying or harassment through information gathered at return to work or attendance counselling meetings, or perhaps by any behaviour observed by themselves or others which may appear out of character.

Formal allegations of bullying or harassment may be raised by employees through Aberdeenshire Council's grievance policy and managers should make themselves aware of the appropriate procedures and timescales that require to be followed. Please refer to Aberdeenshire Council's Grievance Policy.

If no formal allegation is brought regarding any incident of bullying or harassment which is witnessed then depending upon the circumstances the line manager may require to seek clarification of the incident from both parties and try to resolve the matter informally if appropriate. The line manager will also require to notify the parties involved that an informal or formal complaint can be made through Aberdeenshire Council's Grievance Policy.

Also in terms of practical support the Policies in Practice (PiP) team within HR&OD can tailor a guidance session to suit particular needs to enable line managers to build the confidence and awareness to deal with any issues relating to bullying and harassment quickly, sensitively and efficiently. This can assist in understanding how to set a good example and address the issue. For further information please contact [askHR](#).

## Criminal behaviour

There can be an overlap between behavior that constitutes harassment and criminal offences, including sexual assault, indecent exposure, stalking and offensive communications.

If you believe that a criminal offence may have been committed, you should advise the employee to report the matter to the police as soon as possible and give them appropriate support.

If you believe there is an ongoing risk of serious harm to an employee, you should contact the Police and inform the employee that you have done so.

Further advice and guidance on the appropriate course of action can be sought by line managers from an HR Advisor by contacting **askHR 01467 534400** or [askhr@aberdeenshire.gov.uk](mailto:askhr@aberdeenshire.gov.uk)

# Anti-Bullying & Harassment

## Index of Documents

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
2011	-	Creation of Document
02-12-2013	2011	Revision of Document
22-06-2015	02-12-2013	Format update
02-09-2015	22-06-2015	Revision of Document
30-05-2018	02-09-2015	Revision of Document
13-07-2018	30-05-2018	Reference to mediation policy removed
29-08-2019	13-07-2018	References to ALDO Equality courses and Stress and Mental Health incorporated
02-09-2022	29-08-2022	Updated EAP link