

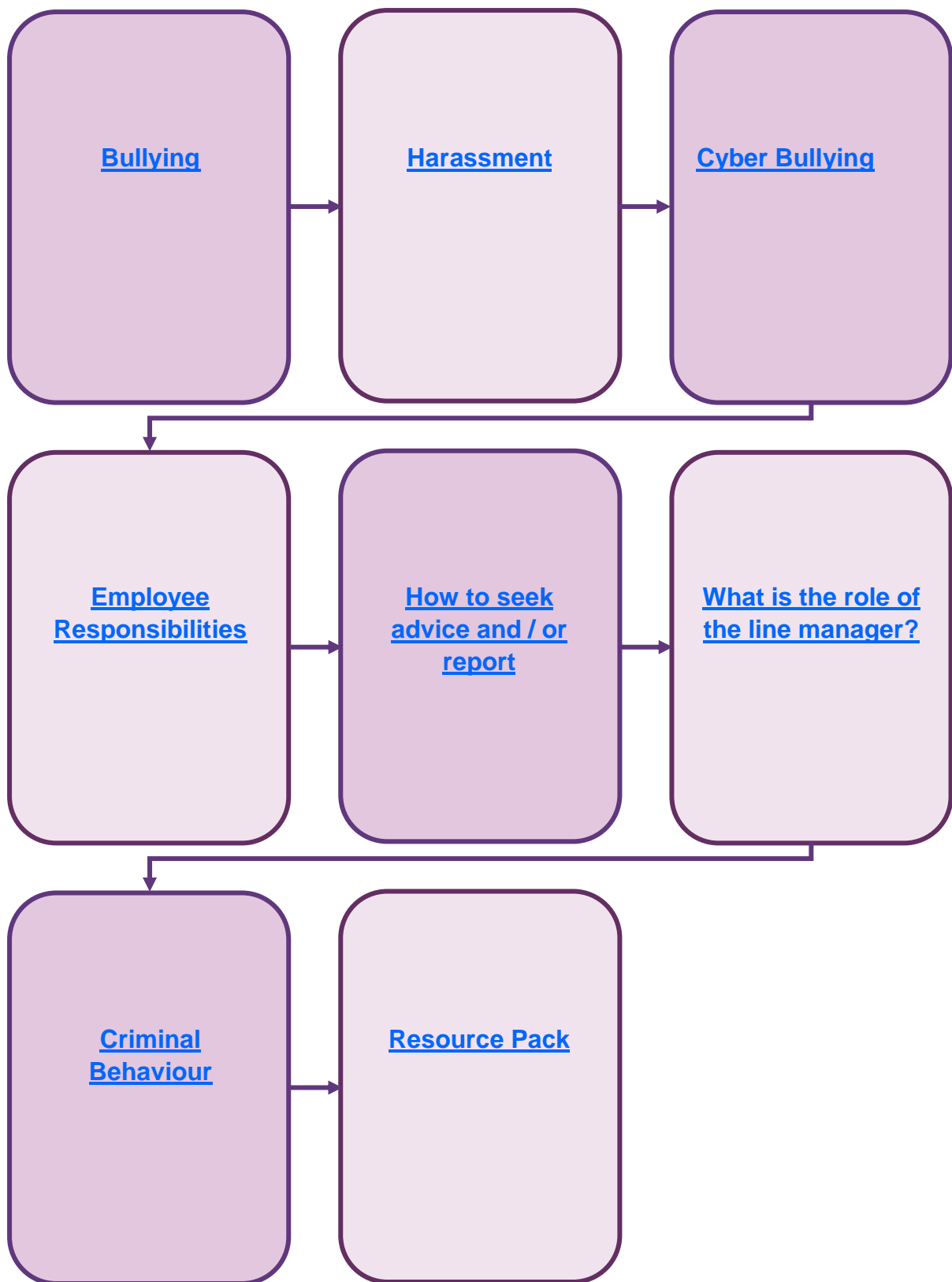


# Anti-Bullying & Harassment Guidance

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## Summary



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## Rationale

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.

## Introduction

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

One of our [One Aberdeenshire Principles](#) is to 'treat each other the way we want to be treated'.

All employees have the responsibility to promote dignity and respect at work and to behave in ways which support an inclusive and tolerant working environment, free from bullying and harassment. Aberdeenshire Council views very seriously any act by any employee of bullying or harassment. Anyone who witnesses or experiences bullying, or harassment should report it promptly. Managers have a duty to act on harassment reports and ensure no retaliation against those reporting it.

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

## Anti-Bullying and Harassment Guidance

### Bullying

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

### Examples of Bullying

Examples of bullying at work could include:

- Constantly criticising someone's work
- Spreading malicious rumours about someone
- Constantly putting someone down in meetings
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from team social events
- Putting humiliating, offensive or threatening comments or photos on social media.

### Upward Bullying

Bullying can also happen from employees towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- Showing continued disrespect
- Refusing to complete tasks
- Spreading rumours
- Constantly undermining someone's authority
- Doing things to make someone seem unskilled or unable to do their job properly.

It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the team or service that can be identified and addressed.

## 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.

Aberdeenshire Council's [Social Media Procedure](#) 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.

## 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.

Bullying and harassment are often confused. By law (Equality Act 2010), bullying behaviour can be harassment if it relates to any of the following 'protected characteristics'.

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
- Pregnant and Maternity
- Race
- Religion or belief
- Sex (including sexual harassment which is unwanted conduct of a sexual nature)
- Sexual Orientation\*

\*Where anyone is subject to Sexual Harassment – refer directly to the [Prevention of Sexual Harassment Procedure](#).

## Examples of harassment

Examples include:


- Unwanted physical contact
- Unwelcome remarks about a person's age, sex, appearance, race or marital status, jokes at personal expense, teasing, offensive language, gossip, personal insults, slander and sectarian songs.
- Isolation, ignoring or non-cooperation and exclusion from social activities.
- Facial expressions or mimicry
- Coercion for sexual favours – sexual harassment.
- Pressure to participate in political/religious groups.
- Personal intrusion from pestering, spying and stalking.

Harassment and bullying may be against one or more individuals and may involve single or repeated incidents across a range of behaviour, ranging from extreme forms of intimidation, such as physical violence, to more subtle forms such as ignoring someone.

## Employee Responsibilities

All employees have a responsibility 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.

All employees are expected to:

- Act as role models in relation to the expectations and underpinning attitudes, behaviours and values – [One Aberdeenshire Principles](#) and core competencies
- Undertake courses on  : Equalities – what does it mean for me? and Respecting Diversity.
- Consider how their behaviour impacts on others.
- Raise 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.



## Line Manager responsibilities

Line managers have the responsibility to carry out their responsibilities effectively and appropriately to ensure that all employees are treated with dignity and respect.

Line Managers are expected to:

- Be a role model and set examples and standards of positive behaviour in line with this guidance, One Aberdeenshire Principles, Competencies Framework and individual role profile
- Be aware of working relationships within the team and respond promptly to any issues or concerns raised at an early stage to avoid unnecessary escalation of these into bigger problems
- Challenge and deal with any inappropriate behaviour they witness.
- Take any complaint (from an individual or witness) seriously and act promptly and sensitively. Speak in the first instance to the person reporting it and then with the individual who the concern is about, if it is not them that reported it. Determine whether an investigation is necessary. If so, it 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.
- Have knowledge of Grievance and Disciplinary Procedures, investigation procedures, including timescales for action.
- Communicate and meet the requirements of the Equality Act 2010.

Further support for managers in dealing with bullying and harassment concerns can be found within the following [guidance](#).

## **Taking Action – How to seek advice or report bullying and harassment**

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

### **Informal action**

Anyone feeling that they are being bullied or harassed, should try to talk to colleagues to find out if anyone else is suffering, or has witnessed it.

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

If you feel able, speak to the individual directly or write an email or letter advising them of their behaviour and how it makes you feel and asking for it to stop. The individual might be unaware that their behaviour is inappropriate or their words or actions have inadvertently caused offence and an informal attempt to stop the behaviour may resolve the problem. People's perceptions of unacceptable behaviour vary and sometimes simply pointing out that something is offensive or unwanted is enough to stop it continuing.

If this is not successful or you feel unable to do so, you can also raise with your line manager (or another manager if the behaviour is coming from your line manager). The manager may do some initial fact finding and / or arrange a facilitated meeting with both parties.

### **Formal action**

If an informal approach to the individual or your manager is unsuccessful, or you don't feel able to raise with your manager, or you feel unable to speak to the individual directly about their behaviour towards you, there is the option of raising a formal grievance through the Council's [Grievance Procedure](#). The decision whether or not to make a formal complaint through the grievance procedure rests entirely with the employee.

Depending on the seriousness and /or circumstances, disciplinary action may be taken against the bully/harasser in accordance with the Council's Disciplinary Procedure.

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

It may be that due to the severity of the complaint and initial fact finding, it is felt that it is necessary to investigate a disciplinary investigation using the council's [disciplinary procedure](#). Refer to the [flowchart](#). The line manager should speak to a HR Advisor before making this decision.

## Requests by employees not to take action

If an employee raises a complaint but asks not to take the matter any further, the wishes of the employee, where possible, will be respected. However, there may be circumstances where the risk of not taking action outweighs the risk arising from overriding the employee's wishes. In assessing the relative risk of the options, the manager will consider:

- How other possible options such as those already referred to in this guidance been considered and exhausted?
- What will the impact be of overriding the employee's wishes on them?
- What are the potential risks to the employee, the employee's colleagues and to other third parties if no further action is taken?
- Have other complaints been made against the same person?
- What is the likelihood of the matter being resolved by the employee without intervention by the employer?

If it is decided that formal action will be taken, the manager will explain the decision to the employee and ensure that appropriate safeguards are put in place to prevent further harassment or victimisation of the employee as well as support to deal with any impact the decision may have.

## What to do if you witness bullying or harassment

If you witness someone being bullied or harassed consider the following:

- Speak to the person who is being bullied or harassed confidentially and tell them what you have observed
- Ask if they feel able to discuss the situation. If they do, listen sympathetically. Do not push for information as they may be upset or feel unable to talk about it
- If they don't wish to, or are unable to discuss it with you, encourage them to talk to someone they trust and advise them of the 'Taking Action' options above.
- If they don't feel able to raise the issue with the individual or manager themselves, offer to support them to do so or advise that as you feel that there may be a continuing risk you have a responsibility to report it - then raise it with your, or another, appropriate manager.

Witnesses will be required to co-operate in any investigation. Witnesses will not be subject to a detriment for providing information and steps will also be taken to prevent them being subjected to a detriment by any other employee.

## Impact of bullying and harassment

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. It can also cause poor mental health which in turn affects physical health and social wellbeing.

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](#).

## Criminal Behaviour

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

If it is believed that a criminal offence may have been committed, the line manager should advise the employee to report the matter to the police as soon as possible

and give them appropriate support. If they do not wish to report the matter to the police then in most cases their wish should be respected.

In certain circumstances, however, an incident should be reported to the police if it is believed there is an ongoing risk of serious harm to an employee or third party. The employee should be informed that this has been done and the reason why.

If the complaint is reported to the police, or criminal court proceedings are being pursued, a complaint will still be investigated by the Council as an employment matter – which may include proceeding to disciplinary.

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

### **Support Available**

Help and advice may be available from:

- Your manager
- Trusted colleague
- Your Trade Union Representative
- HR contact – [askhr@aberdeenshire.gov.uk](mailto:askhr@aberdeenshire.gov.uk), [AskHR Portal](#) or [www.askHR.it](http://www.askHR.it)
- Council's [Employee Assistance Programme](#) a free, confidential 24 hr service
- Council's [Stress and Mental Health Page](#) resources and the [Stress and Mental Wellbeing Policy](#)

External Support:

- Samaritans (24 hour service) Freephone: 116 123
- ACAS Helpline (0300 123 1100)
- Victim Support Scotland – information & Support for victims and witnesses of crime (Call 0800 160 1985 or visit [www.victimsupportscotland.org.uk](http://www.victimsupportscotland.org.uk) )
- Equality and Human Rights Commission (EHRC) at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## Document Revision History

Document Revision History					
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001	2011	Creation of Document			
002	02/12/2013	Revision of Document			
003	22/06/2015	Format Update			
004	09/09/2015	Revision of Document			
005	30/05/2018	Revision of Document			
006	13/07/2018	Reference to mediation policy removed			
007	29/08/2019	References to ALDO Equality courses and Stress and Mental Health incorporated			
008	29/09/2022	Updated EAP link			
009	21/09/2024	New Format Review and clarity of witness actions	HR Operational	M Chapman J Lockhart	

Appendix One – The Resource Pack

