



## BULLYING AND HARASSMENT POLICY

### **1. Purpose**

As an equal opportunities' employer, Merseyside Waste Disposal Authority supports a working environment for individuals in which dignity at work is paramount. The purpose of this policy is to support a working environment and culture in which bullying, and harassment is unacceptable.

### **2. Applicability**

For the purposes of this policy, 'members of staff' refers to all staff working within the Authority, employees, visitors, service users, contractors and staff from other organisations working on the Authority premises or home working.

### **3. Area**

This policy will apply to all Authority premises and all Authority personnel working in other premises. The Authority has a zero-tolerance policy against our personnel being subject to bullying or harassment in any area of their work.

### **4. Actions**

#### **4.1. Principles**

The Authority recognises that all employees have the right to be treated with consideration, dignity and respect. The Authority seeks to support all staff in their professional development and aims to provide a happy and fulfilling environment in which to work. This policy promotes the respectful treatment of staff within the

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Authority and the protection of our employees from bullying and harassment at work. Bullying and harassment will not be tolerated by the Authority in any form.

Each member of staff carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is in line with the standards set out in this policy. Staff should report to the appropriate line manager, or trade union representative, or Business Services Manager, any incidents of bullying and harassment which come to their attention.

Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Authority gives an assurance that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint.

Bullying and harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.

### **4.2. What is bullying?**

Bullying is unwanted behaviour from a person or group that is one of the following:

- a Offensive, intimidating, malicious or insulting
- b An abuse or misuse of power that undermines, humiliates or causes physical or emotional harm

Bullying can take many different forms. Examples of bullying behaviour include:

- a Spreading malicious rumours about someone
- b Consistently putting someone down and undermining them
- c Deliberately giving someone a heavier workload than everyone else
- d Excluding someone from team social events

Bullying could involve a pattern of behaviour or a one-off incident. It could happen face-to-face, online, by phone or in writing. It can be verbal and non-verbal. It is not always obvious to others.

Although bullying is often connected to a power imbalance, that does not mean that it always involves a more senior person bullying a more junior person. It can also be directed at someone more senior than the bully. It may take the form of spreading rumours, refusing to follow instructions, undermining authority, making fun of or mocking the more senior person or spreading rumours about them.

Constructive and fair feedback about your behaviour or performance from your manager or colleagues is not bullying. It is part of normal employment and management functions.

What is 'harassment'?

When bullying or unwanted behaviour is about certain protected characteristics under discrimination law, then we refer to it as 'harassment'. The protected characteristics which apply are:

- a Sex
- b Sexual orientation
- c Race
- d Religion or belief
- e Gender reassignment
- f Age
- g Disability
- h Being married or in a civil partnership
- l Being pregnant or on maternity

Behaviour can still be harassment even if the person being harassed does not complain or ask for it to stop.

We define harassment as behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic. Name-calling, lewd comments, excluding colleagues, making insensitive jokes and

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displaying pornographic material are all examples of harassment. Even if you did not intend to harass someone, if your behaviour has this effect on someone else, then you may be found to have harassed them. They may only be a bystander to behaviour you directed at someone else, but they may still have been harassed.

The law protects people who are harassed because they are thought to have a certain protected characteristic when they do not, or they are linked to someone who has a certain protected characteristic even if they do not have it themselves.

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexually harassed, the unwanted behaviour must have either:

violated someone's dignity, whether it was intended or not created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

Examples include:

- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance.
- asking questions about someone's sex life.
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture is still sexual harassment if:

- the behaviour is of a sexual nature.
- it is unwanted.
- it violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual harassment is usually directed at an individual, but it is not always the case. Sometimes there can be a culture of sexual harassment in a workplace that is not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

### **4.3. Responsibilities of staff and managers**

All staff have personal responsibility for their own behaviour and for ensuring that they comply with the policy. There are a number of things that staff can do to help prevent harassment, such as:

- Set a positive example by treating others with respect.
- Be aware of the Authority's policy and comply with it.
- Do not make personal comments.
- Do not accept behaviour that may be offensive when directed against you or others and take positive action to ensure that it is challenged and/or reported.
- Be supportive of colleagues who may be subject to bullying and/or harassment.

If you are subject to bullying and/or harassment you must raise the issue as soon as possible, but do not feel able to talk about it in the first instance make notes including dates and details which will help you recall events clearly later. You should then contact your direct line manager if possible, however, staff can also contact the Business Services Manager or union representative for advice and support. All managers have a responsibility to implement this policy and to bring it to the attention of staff in their section, to establish and maintain a work environment free of harassment. They must:

- treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process.
- set a positive example by treating others with respect and setting standards of acceptable behaviour; also, promote a

working environment where harassment is unacceptable and not tolerated.

- tackle, and where possible, resolve incidents of harassment.
- liaise with the Business Services Manager when dealing with a complaint.

### **4.4 Role of Business Services Manager**

The **Business** Services Manager has a responsibility to ensure that the policy is followed, fairly and consistently and has the role of:

- advising managers on the application of the policy
- advising managers and staff where individuals feel that they are being harassed or bullied during their employment.
- ensuring the effective implementation of the policy
- monitoring incidence of bullying and harassment and initiating appropriate action
- reviewing and amending the policy as necessary.

### **4.5 Support and advice**

The Authority is committed to achieving informal resolution of complaints relating to harassment wherever possible.

In line with this approach, a series of options have been put into place to enable staff to be supported. This support will be provided to complainants, alleged perpetrators and any witnesses.

### **Counselling**

The Authority can provide a confidential external service for its staff. This Employee Assistance Programme is delivered by Wellbeing Solutions offers 24/7 telephone support with additional confidential face to face counselling sessions available with Listening Ear. For further information about any of these services please speak to or email the Business Services Manager or follow the link in the Authority's Health & Wellbeing email.

### **Occupational health service**

Any member of staff who is involved in a claim of bullying and harassment may find it helpful to talk to the occupational health service or contact the Employee Assistance Programme. All employees have a right to self refer into occupational health.

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### **Trade unions**

The Authority recognises the important role trade unions play in addressing harassment and members are encouraged to approach their representative regarding their concerns. The Authority will work in conjunction with the trade unions in addressing unacceptable and inappropriate behaviours.

#### **4.6 Informal procedure**

Employees are encouraged to discuss any concerns about harassment with the Business Services Manager, a trade union representative or through occupational health services in the first instance.

Actions you can take yourself:

- Keep a diary of all incidents - records of dates, times, any witnesses, your feelings etc. Keep copies of any correspondence that may be relevant, for example reports, letters, memos, notes of any meetings that relate to you.
- In many instances it is possible for the complaint to be resolved quickly by explaining directly to the harasser the effect their behaviour is having and that you want it to stop.
- You should always make it clear that if it continues you will make a formal complaint.
- If the behaviour of a person is aggressive it may be necessary to walk away making it clear you do not wish to be spoken to in that way.

If you do not feel able to raise your concerns with the person directly, you could write to them stating that you feel harassed, state where and when this occurred and how you wish to be treated. Always keep a copy. Alternatively, you could speak to the Business Services Manager, a trade union representative or occupational health.

### **Mediation**

If you feel unable to deal directly with the alleged harasser, then as part of the informal procedure you may approach any manager. The manager will discuss and agree with you the steps to be taken to assist in resolving the difficulties.

The manager will normally meet with both parties individually before advising on next steps of the mediation process. Possible options would include a further

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meeting between both parties, facilitated by the manager. At this meeting the complainant will be given the opportunity to explain to the individual the reasons why they consider their behaviour to constitute harassment. Where possible the matter will be resolved through informal discussion and agreement about future behaviour.

### **4.7 Formal procedure**

If informal attempts to resolve the situation have not been successful, or if you feel that the acts complained may not be resolved informally, this may be raised with your direct line manager, your trade union representative, or the Business Services Manager, who will advise on the next steps, for example, formal investigation

A decision to conduct a formal investigation should be made by a senior manager jointly with the Business Services Manager.

Where investigations are deemed appropriate, it should be conducted independently by a line manager and the Business Services Manager and allow the appropriate involvement of trade union representation of the individuals involved. This investigation and any action arising from it will be carried out in line with the Authority's grievance procedure.

If, following investigations, it appears that harassment/misconduct has occurred; the investigating line manager and Business Services Manager will recommend the appropriate course of action in line with the Authority's disciplinary procedure. A detailed response will be given to both parties outlining the results of the investigation and what action, if any, is being taken in respect of the complaint. This may result in a meeting under the Authority's disciplinary policy being convened and the behaviour being viewed as serious misconduct. This may also apply in cases where the complainant's behaviour is deemed to be malicious.

The Authority has set a target of two months for completing formal investigations. However, given the complexities of some issues, this may not always be achievable. Timescales will be discussed in more detail with the individual concerned.

### **4.8 Follow up**

Following resolution of both formal and informal harassment complaints, a record will be kept of the incident. Where harassment did occur, it is important to check that the harassment has stopped and that there has been no subsequent victimisation. Monitoring will be carried out on a regular basis.



#### **4.9 Confidentiality**

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

All complaints associated correspondence, and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action.

#### **5. Training and Awareness Raising**

The Authority will make the following training provisions:

- New staff will be made aware of the policy during induction programmes.
- Existing staff will receive bullying and harassment awareness training.
- Management will be trained to handle complaints effectively.
- A copy of this procedure will be published on the Authority's website.

#### **6. Monitoring**

The Bullying and Harassment Policy will be monitored on a regular basis by the Business Services Manager.