



BULLYING & HARRASSMENT POLICY

pirc

Police Investigations &
Review Commissioner

December 2013

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1. Policy Statement

We believe all our employees have the right to work in an environment free from bullying behaviour and any form of harassment, be it on the grounds of their sex, sexual orientation, race, religion or belief, political opinion, marital status, disability, age, nationality or appearance. Such behaviour will not be tolerated and we seek to ensure that our working environment is sympathetic to all of our employees and to those who have business dealings with us and that they are treated with dignity and respect. In addition, we aim to ensure that employees are protected from harassment of any kind from clients, customers and other business contacts.

The aim of this policy and the accompanying procedure is to prevent bullying and harassment, to provide guidance and to resolve any problems should they occur and prevent further recurrence. This policy is not contractual, but aims to set out how we normally deal with such issues.

We outline below the types of behaviour that are unacceptable and the actions employees should take if they feel they are being subjected to bullying or harassment. It is the duty of our managers to implement this policy and all employees are expected to comply.

Any line manager who becomes aware of behaviour which breaches this policy, irrespective of whether a complaint has been made or not, has a responsibility to take the matter forward through investigation and to ensure it is dealt with confidentially and promptly.

2. Background Information

Bullying and harassment at work are a violation of employment and discrimination laws and may also contravene criminal and/or civil law in some circumstances. In addition, this sort of behaviour can reduce the effectiveness of our organisation by creating a hostile or threatening environment and increasing sickness absence and staff turnover.

3. Examples of Bullying and Harassment

3a Bullying

Bullying is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.

3b Harassment

Harassment is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to age, sex, race, disability, religion or belief, sexual orientation, age or any personal characteristic of the individual. It may be persistent or an isolated incident. It can take many forms, from relatively mild banter to actual physical violence.

Employees may not always realise that their behaviour constitutes bullying or harassment, but they must recognise that what is acceptable to one person may not be acceptable to another.

The examples below are not exhaustive, but give a clear indication of the sorts of actions that constitute bullying or harassment. Serious examples may constitute gross misconduct which could lead to summary dismissal.

- **Unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behaviour or obscene gestures, physical threats and assault
- **Unwanted verbal conduct** - such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, jokes, banter or abusive/offensive

language which is either threatening or refers to a person's gender, colour, race, religion, ethnic or national origins, disability, age or sexual preference, gossip and slander (including speculation about a person's private life and sexual activities)

- **Unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures (including "pin-up" calendars) or videos through any means
- **Bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments, comments intended to undermine, belittle, embarrass or humiliate the recipient, persistent criticism or trivial fault-finding, and personal abuse, either in public or private, which humiliates or demeans the individual involved
- **Virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing company technological facilities to contact the employee in an intimidating or malicious manner
- **Coercion** - including threats of dismissal or loss of promotion etc., for refusal of sexual favours (or promises made in return for sexual favours), pressure to participate in political or religious groups
- **Isolation or non-co-operation at work** - deliberate exclusion from conversations or social activities

Such conduct is employment related if, for example:

- submission to, or rejection of, the conduct is used as a basis for an employment decision
- the conduct interferes with the affected person's work performance
- the conduct creates an intimidating, hostile, humiliating or offensive working environment.

Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear he/she wants it to stop.

All employees should note that any act(s) of bullying or harassment committed by them in the course of their employment will be dealt with under this procedure. This includes not only situations occurring whilst at work, but also at any time on our premises, or externally whilst attending social functions or training courses etc in the course of their employment.

4. Working Environment

The display of offensive material (including "pin-up" calendars) is not permitted and any such offending material will be removed and destroyed.

Abusing employees via social networking sites, such as Facebook or MySpace, is a disciplinary offence.

All employees will be informed of our policy towards bullying and harassment and that all complaints of harassment will be treated very seriously. All managers must ensure that this policy and procedure is adhered to at all times.

5. Procedure for Dealing with Bullying or Harassment

The sensitive nature of complaints of bullying or harassment is recognised, and therefore a choice of routes are provided in order to encourage employees to discuss their problems in confidence with someone they trust and feel comfortable talking to. Any employee who believes he/she has been the subject of harassment or bullying in the course of his/her work, may either initially address the matter informally with his/her immediate manager, or may make a formal complaint using this procedure. If he/she prefers, one of the following designated people may be

contacted as an alternative: any member of the senior management team. In all cases, we will treat the matter as strictly confidential.

6. Dealing with Bullying and Harassment at an Informal Stage

If at any time you feel you are a victim of minor bullying or harassment, you should make it clear to the perpetrator that the behaviour is unacceptable to you and must stop. If you feel unable to do this verbally, then a written request may be effective, or alternatively you may request one of the people designated above to approach the person on your behalf or to help you in taking such action. The latter approach may be more effective if the perpetrator is a client, customer or business contact.

7. Formal Procedure

Where informal methods fail, or serious bullying or harassment occurs, you are advised to bring a formal complaint and to seek assistance from one of the people designated above to do so. Whilst recognising your feelings and the effect the alleged behaviour may have had on you, it is important to establish the facts and you will be asked to provide details of your allegations, i.e.

- what happened?
- where did it occur?
- who was involved?
- was this the first incident?
- when did it occur?
- were there any witnesses?
- has any action been taken to prevent further repetition of the behaviour?

This complaint may be made to either your immediate line manager or to any member of the senior management team. You may, if you wish, be supported throughout the procedure and at any meetings by any of the people designated above or by a colleague of your choice.

The person receiving the complaint will carry out a thorough investigation as quickly as possible. When asking questions it is important for managers to be sensitive and to take care not to phrase questions in a way that implies that the bullying/harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. The intention of the alleged bully/harasser is irrelevant; it is the effect on the complainant that is important.

All employees (and also any external parties) involved in the investigation are expected to respect the need for confidentiality. Failure on the part of employees to do so will be considered a disciplinary offence.

Copies of statements made by witnesses will be made available to both you and the alleged bully/harasser, but the names of the witnesses may be withheld if they request to remain anonymous, and particularly if they have a genuine belief or fear of reprisal.

Where the manager in charge of dealing with your complaint believes that bullying or harassment may have taken place, if the alleged bully/harasser is an employee, he/she will invoke the disciplinary procedure to ensure that an employee accused of this behaviour has every opportunity to defend or explain his/her actions. The employee will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying/harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.

The severity of the penalty imposed upon an employee believed to be guilty of bullying/harassment will be consistent with other disciplinary offences. Where the bully/harasser is given a warning short of dismissal, discussions will take place with you, and, where necessary, any reasonable steps will be taken to alter working

practices to minimise contact between you.

An employee who receives a warning or is dismissed for bullying or harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate and it may be necessary to refer the case to the police.

Where the complaint is made against a client, customer or other business contact, this will be investigated and such steps will be taken as are reasonably practicable to protect the employee.

Any employee who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint. The complainant should not be moved except at his/her request or in exceptional circumstances. However if the complaint is untrue and has been brought in bad faith (e.g. spite) disciplinary action will be taken.

8. Following the Investigation

Once the case has been resolved and time has been given to allow relationships to stabilise and return to normal in the workplace, contact should be maintained with the affected employees informally. If further problems of bullying, harassment or victimisation are being encountered, or you continue to suffer stress or anxiety, immediate action should be taken to investigate or find a solution.

9. Grievance Procedure

Our bullying and harassment policy is intended to give guidance and support taking into account the sensitivity and serious nature of such issues. However, if you are not happy with the outcome of a complaint you have raised under this bullying and harassment policy, or if, after time, the situation has either not improved or has deteriorated again, you may wish to use the grievance procedure instead. You may also use our grievance procedure as an alternative procedure if you wish.

10. Implementation, Monitoring and Review of this Policy

The Director of Corporate Services (DoCS) has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to the DoCS.

11. Communication & Contacts

This policy will be shared with all staff within the PIRC and will be published for access by prospective candidates on our website.

Queries should be addressed to:

Director of Corporate Services
Hamilton House
Hamilton Business Park
Hamilton
ML3 0QA

Phone: 0808 178 5577

Email: enquixxxx@xxxx.xxx.xx

12. Benchmarks Used in Policy Formulation

- Scottish Government
- ACPOS
- Previous PCCS Policy

13. Review of Policy

This Policy is a formal PIRC policy and will be reviewed by the PIRC Management Team on an annual basis.

Version Control Data

Title:	Bullying and Harassment Policy
Author:	Janice Carter, Policy, Performance & Research Officer
Approver:	Barry Mackay, Director of Corporate Services
Version Number:	Version 2
Date of Approval:	December 2013
Summary of last modification:	
Modified by:	Janice Carter
Next review date:	December 2014