

DUNDEE CITY COUNCIL

REPORT TO: Personnel and Management Services Committee - 15 April 2002

REPORT ON: Revised Policy and Procedure on Personal Harassment

REPORT BY: Director of Personnel and Management Services

REPORT NO: 229-2002

1 PURPOSE OF REPORT

1.1 To seek adoption of the revised policy and procedure to deal with issues of alleged personal harassment within the workplace.

2 RECOMMENDATION(S)

2.1 It is recommended that the Committee approve the revised policy and procedure as attached.

3 FINANCIAL IMPLICATIONS

3.1 No additional cost.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 None.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 This policy and procedure reinforces the Council's policy on equal opportunities. It promotes a safe working environment for employees and volunteers working within the City Council. It supports a thorough and fair informal and formal investigative procedure into concerns about and allegations of personal harassment.

6 BACKGROUND

6.1 At its meeting on 15 April 1996, the Equality Action Committee approved a policy and procedure on dealing with matters of personal harassment within the workplace. In accordance with the policy, the procedure has been reviewed and amendments proposed as a result of the practical experience of dealing with such sensitive issues.

6.1 The two main areas of change were the terminology and the process for dealing with issues in accordance with the informal stage.

- 6.1 Resolution of concerns and less serious complaints is most effectively dealt with through the informal process, however, it was considered that the terms alleged victim and alleged harasser were too harsh and inappropriate. In the absence of more succinct titles, the revised procedure makes reference to “the complainant” and “the subject of the complaint” and endeavours to reflect a more conciliatory tone.
- 6.1 The revised procedure for dealing with issues through the informal stage also outlines the requirement for the Harassment Support Officer to conclude the issue by meeting with the parties concerned after an appropriate period, e.g. 3 months, to confirm whether or not the concerns have been resolved and, if appropriate, to advise the subject of the complaint that the matter is now concluded.

7 CONSULTATION

- 7.1 The Chief Executive, the Directors of all Departments, and the trade unions have been consulted in the preparation of the revised policy and procedure.

8 BACKGROUND PAPERS

- 8.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

9 SIGNATURE

J.C. Petrie
Director of Personnel and Management Services

Date

DUNDEE CITY COUNCIL

PERSONAL HARASSMENT POLICY

POLICY STATEMENT

Dundee City Council is an Equal Opportunities Employer and views all forms of personal harassment as unacceptable.

The Council is committed to the elimination of personal harassment. The Council accepts that, by creating the right climate, this policy can either help to prevent problems before they start, or before they develop to the detriment of the workforce.

The Council will not tolerate any victimisation or harassment of its employees or volunteers.

Complaints will be processed through the informal and/or formal methods detailed in the following pages.

Advice will be available for both the complainant and the subject of the complaint, in order to deal with the situation fairly and effectively.

All parties involved in a complaint have a right to an impartial and objective investigation.

The information provided will be dealt with in strictest confidence.

The Council will not tolerate any subsequent victimisation of employees or volunteers, who follow the attached procedures.

All parties have responsibility for co-operating with an investigation.

All employees have a vital role to play in implementing and supporting the policy. In particular, management and supervisors are required to take early and appropriate action to safeguard a harassment free working environment for all. The issue of harassment will be incorporated in appropriate training courses/workshops.

This policy statement will be publicised throughout the Council by the Director of Personnel and Management Services.

HARASSMENT - DEFINITION

Harassment is, from the complainant's viewpoint, any unwanted attention or behaviour. .

Personal harassment is defined by the Council as, improper, offensive and/or humiliating behaviour, practices or conduct, which may threaten a person's job security, create an intimidating, unwelcoming, hostile and stressful work environment, or cause personal offence or injury.

Personal harassment manifests itself in many ways. Individuals, or groups of individuals, may feel harassed because of their race, gender, age, religious beliefs, sexual orientation, disability, membership of trade unions, political beliefs, medical conditions, etc.

Bullying, which does not necessarily relate to any of the above categories, is also personal harassment.

There are many forms of harassment. The following are examples only. It is not an exhaustive list:-

1. Offensive language, including innuendo, mockery, ridicule and obscenity;
2. Showing undue irritation or anger on a regular basis;
3. Offensive jokes, verbal and practical;
4. Pressure for sexual favours;
5. Discrimination for religious or political beliefs;
6. Pressure to participate in religious groups or trade unions;
7. Pressure to withdraw from trade unions;
8. Obscene, lewd or provocative gestures;
9. Printed and handwritten offensive material, such as posters, calendars, cartoons;
10. Deliberate exclusion from conversation or activity, e.g. "sending a colleague to Coventry";
11. Staring;
12. Unwanted physical contact;
13. Threats;
14. Offensive material and text messages on computers and mobile phones.
15. Unreasonable and unduly pedantic in the treatment of others.

THE ROLE OF THE HARASSMENT SUPPORT OFFICER

Harassment Support Officers are selected from employees who have volunteered to be trained to carry out the role of assisting employees with alleged harassment problems. Such Officers receive no additional payment for these duties.

The Council will endeavour to ensure that one male and one female Harassment Support Officer are located near each workplace. However, employees will be able to approach any Harassment Support Officer to discuss problems. Contact details are available in the Council's internal telephone directory, on the Council's Intranet on <http://webstats/personnel/> in the Health and Welfare Section, from your Staffing Section, the Helpline, from members of the Personnel and Management Services Department and from Trade Union Representatives.

Harassment Support Officers will listen to concerns of complainants and/or the subject of the complaint and suggest ways in which the situation can be dealt with constructively. All details will be confidential. Harassment Support Officers will not play an active role where formal procedures, e.g. disciplinary, grievance, managing absence etc procedures, have been invoked.

Complaints and concerns about harassment issues are most effectively dealt with at an early stage between the parties involved. The Harassment Support Officers will encourage employees to deal with their concerns informally wherever and whenever possible. Details of the informal stage of the procedure follow. However it is recognised that there are occasions when it is not appropriate for Harassment Support Officers to promote the informal stage, e.g. when serious and/or complex allegations have been made. In such cases, the employee should consider the formal procedure, which is detailed on page 6.

PROCEDURE - INFORMAL STAGE

On occasions, a person whose behaviour is perceived to be harassing others, may be unaware that this behaviour is causing offence or difficulty. It is, therefore, important that the complainant makes his/her feelings and concerns known to the subject of the complaint. This gives the subject of the complaint the opportunity to review and amend the behaviour before it becomes a disciplinary matter.

An informal route could, therefore, be followed with or without assistance from a Harassment Support Officer. (Page 3 "Role of Harassment Support Officer")

The complainant could approach the subject of the complaint him/herself.

Details of this approach should be kept by the complainant, in case the problem continues. The presence of a colleague who can confirm what occurred, may be helpful at a later stage.

If the subject of the complaint is approached in the above manner, he/she should listen carefully to the complainant's concerns acknowledge the complainant's concerns and amend the behaviour causing concern. If he/she is unable to acknowledge and deal with these concerns, he/she should show willingness to meet with a Harassment Support Officer (either the complainant's or another of his/her choice), to talk through the situation in order to resolve it. Failure to do so may result in the continued behaviour being regarded as personal harassment and being referred to the Complaints Stage of the Procedure. A person who is subject of the complaint can seek support from a Harassment Support Officer at any stage of the informal stage of the procedure.

The complainant should feel able to seek advice and support in confidence, without any obligation to take a complaint further. The issue of confidence is very important to all parties involved in such matters. The purpose of this stage is to resolve issues at an early stage between the parties without management, colleagues and trade unions being involved. The success rate of this stage will diminish if the issues become common knowledge amongst colleagues, and there is a possibility that situations can become exacerbated to the detriment of all parties. It is for this reason that the Council may take disciplinary action against anyone who breaches confidentiality or the spirit of this policy and procedure.

In circumstances where a Harassment Support Officer has been involved in meetings with the complainant and/or the subject of the complaint, follow-up meetings will be necessary to conclude the process.

A complainant has a responsibility to ensure that he/she is not, in turn, inadvertently using intimidating behaviour by holding the threat of making further complaints against the subject of the complaint. The Harassment Support Officer will therefore review the situation with the complainant one month following the meeting with the subject of the complaint. A further meeting will be held at a later date, in a further 3 months' time approximately, between the Harassment Support Officer and the complainant, at which time the complainant will be required to consider whether it is appropriate to make his/her subsequent complaints formal.

In the event that the issues of concern have been resolved the Harassment Support Officer and/or the alleged complainant should advise the subject of the complaint that the matter is now concluded. The outcome will be recorded in the statistical information produced by the Harassment Support Officer.

PROCEDURE - COMPLAINTS STAGE

The complaints stage is used when informal proceedings have not been effective or, whenever the complainant feels the need to use the complaints stage, for example, if the subject of the complaint is the immediate supervisor.

If it is decided to use the complaints stage, the complainant may wish to advise the Harassment Support Officer who has been assisting through the informal approach, that it is intended to lodge a complaint with the Director of Personnel and Management Services. Initially, the complaint may be made orally, but must be confirmed in writing, giving dates and details of the incidents and approaches which have been made to request the subject of the complaint to stop.

The Director of Personnel and Management Services will decide on the most appropriate course of action. Action may include

1. selection of an Investigation Team to investigate the complaint;
2. referral of the complaint to the Employing Department, where members of the management team will have authority to deal with operational issues, which in turn will resolve the complaint;
3. any other recommendation which will take the particular circumstances into account and deal with the concerns in the most appropriate and effective way.

In the circumstances where an Investigation Team is selected, the team will comprise appropriate managers who may or may not be employed by the Client Department, and by a Personnel Adviser. The investigating team and any subsequent disciplinary panel will comprise both male and female officers in the following circumstances:

1. where the two parties are different genders.
2. where the two parties are one gender but supervised by the other gender.

Experience has shown that it is sometimes advantageous for the Investigation Team to instruct the complainant, the subject of the complaint and/or any other appropriate parties to take time away from the workplace, on full pay, for the period of the investigation. In the event that members of the Investigation Team do not have the authority to take this action, the Team, will seek the authority of the Director of the employing department before taking such action.

The complainant and the subject of the complaint have the right to be accompanied by a trade union representative or a work colleague when being interviewed.

Priority will be given to the investigation being carried out as thoroughly and timeously as possible within the particular circumstances of the complaint.

The Investigation Team will be required to submit a written report of the summarised findings of the investigation and recommendations to the Director of Personnel and Management Services, who will contact the appropriate Head of Department with regard to implementation of the recommendations.

The recommendations may be:-

1. To convene a disciplinary hearing to hear the case against the subject of the complaint.
2. To counsel the subject of the complaint and complainant.
3. To take no action against the subject of the complaint as the complaint was unfounded.
4. To take any other action as deemed appropriate by the Investigation Team.

Disciplinary Action

Any disciplinary action will be taken in accordance with the City Council's disciplinary procedure. Any hearing will be convened by a Senior Manager of the employing Department, which employs the subject of the complaint. A Personnel Adviser will attend in an advisory capacity. The Disciplinary Panel will comprise both male and female officers, when appropriate.

Right of Appeal

If disciplinary action is taken, the subject of the complaint will have a right to appeal in accordance with the Council's disciplinary procedure.

Grievance Procedure

If either the subject of the complaint or the complainant is not satisfied with the way in which the investigation has been handled, he/she will have the right to lodge a grievance with the Chief Executive in accordance with the Council's grievance procedure. The Chief Executive will nominate an appropriate senior official to hear the grievance.

MONITORING THE HARASSMENT POLICY

Harassment Support Officers will meet regularly as a group in order to share experience and to identify and meet training needs. They will seek advice when dealing with particular types of cases from the officers designated within the Personnel Teams to fulfil such a role. In addition they will provide statistical information to the Director of Personnel and Management Services.

Trends will be monitored and questionnaires/surveys may be used from time to time to gauge whether the policy is continuing to be effective.

The policy and procedures will be reviewed regularly to take account of the feedback from the questionnaires and further developments in good practice.

**J.C. Petrie,
Director of Personnel & Management Services.**

**11 February 2002
JJ/AW**