



# **TAYSIDE** POLICE

## **POLICY**

## **HARASSMENT AT WORK**

<b>Effective Date:</b>	<b>August 1999</b>
<b>Review Date:</b>	<b>September 2006</b>
<b>Owning Department:</b>	<b>Human Resource Services</b>

## POLICY DOCUMENT

### **POLICY STATEMENT**

The Chief Constable will not tolerate standards of behaviour from any member of staff which constitutes harassment.

Harassment is unwanted and unwelcome conduct which is offensive to the recipient. It can take many forms and includes sexual or racial harassment or bullying and violates the dignity of men and women at work.

It is the responsibility of all members of Tayside Police to provide a climate in which harassment, in any form, is not tolerated or ignored. Supervisors are also reminded of their responsibility to maintain a standard of professional conduct from all staff under their control and to investigate any complaints of this nature. (This relates directly to the codes of practice on Equal Opportunities).

### **DUTIES OF SUPERVISORS AND MANAGERS**

All supervisory staff are responsible and accountable for taking immediate action to stop any harassment or intimidation of which they may be aware. Failure to do so will be considered as a failure to fulfil their responsibilities and legal requirements. Supervisors and managers have a particular responsibility to set an example and ensure that their conduct is completely acceptable within the terms laid down by this policy.

### **THE PARTIES CONCERNED**

There are three parties involved in workplace harassment. Each party has a problem which requires to be addressed and treated with dignity and sensitivity.

### **THE VICTIM**

The person being harassed or bullied who needs procedures and support to have the problem addressed impartially, promptly, seriously, confidentially and sensitively.

### **THE HARASSER**

Others will not alter their behaviour if they are not aware that their actions are distressing. There is a cost to the organisations in demotivation, morale, reduced efficiency and effectiveness.

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### THE EMPLOYER

Employers have a duty of care to have a harassment policy. The organisation and its staff are responsible not only for their own conduct but for appropriate conduct by employees during the course of their employment.

### THE EFFECTS OF HARASSMENT/BULLYING

The cost of harassment can be expensive to both the employer and the employee as it can create an unfriendly, intimidating working environment. It can induce stress, lead to illness, poor performance, increased absenteeism, lack of commitment, and in some cases resignation when constructive dismissal can become an issue. This can result in low staff morale, a higher percentage of ill-health retirements and reduced efficiency and effectiveness.

### REASONS FOR HARASSMENTS/BULLYING

Harassment/bullying occur as a result of:

- racism
- sexism
- ageism
- disability
- employee bullying
- AID/HIV status
- religious/political beliefs
- trade union activities/staff association
- other medical condition

### FORMS OF HARASSMENT -

BULLYING

SEXUAL

RACIAL

This document includes examples of unacceptable behaviour, however it should not be regarded as an exhaustive list. The perception of the recipient will dictate what is acceptable.

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### **BULLYING AT WORK**

Bullying in the workplace is offensive treatment through vindictive or humiliating actions designed to undermine a member of staff. Examples of bullying include:

Explicit verbal abuse, being vindictive, cruel or malicious.

Repeated and derogatory remarks which cause the person to feel threatened, distressed or humiliated.

Remarks which are maliciously used to undermine the person's confidence, job security or create a threatening or intimidating working environment.

Unfair allocation of work or unreasonable pressure on an individual about the speed or quality of their work.

Isolation or non co-operation at work or exclusion from social activities.

### **SEXUAL HARASSMENT**

Sexual Harassment is unwanted conduct of a sexual nature or behaviour which fails to respect the rights of others. It can relate to an individual's sexual orientation as well as gender. Examples of unacceptable behaviour include:

Physical conduct of a sexual nature, unwanted physical contact, including unnecessary touching, patting, pinching or brushing against another member of staff, assault or coercing sexual activity.

Verbal conduct of a sexual nature, unwelcome sexual advances, propositions for sexual activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, obscene language, suggestive remarks, innuendoes or lewd comments.

Non verbal conduct of a sexual nature, including the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.

Conduct which denigrates or ridicules or is intimidating or physically abusive because of the victim's sexual orientation.

Derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress.

### **RACIAL HARASSMENT**

Racial Harassment is both verbal and non-verbal conduct of a racial nature, based on the colour or ethnic origin of the individual. Examples of racial harassment include:

Drawing attention to an individual's racial origins in a way which creates feelings of offence, unease or distress.

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Racially offensive and abusive remarks, racist graffiti or posters.

Racially derogatory statements or racially discriminating remarks.

Offensive jokes or patronising remarks, including nicknames which are based on racial origin.

### LEGISLATION

Sexual and racial harassment are covered by civil legislation under the **Race Relations Act, 1976** and the **Sex Discrimination Act, 1975**. Accordingly, a standard of proof in any legal action is on the balance of probabilities and corroboration is not a necessity. Although there is no specific legislation covering bullying, under Health and Safety legislation, employers are obliged to ensure the health, safety and welfare of all their employees. This includes making sure the environment in which people work is 'harassment' free.

### VICTIMISATION

It is unlawful to penalise employees making or supporting a harassment complaint, e.g. disciplining an employee for submitting a complaint of harassment/bullying.

### OPTIONS FOR VICTIMS OF HARASSMENT

#### 1. INFORMAL PROCEDURE

The role of the contact officer is **not** to replace any existing route for dealing with cases of harassment. Equally it is not intended to divest line managers of the important part they have to play in the eradication of harassment in the workplace. The intended purpose is to encourage officers who may be reluctant to come forward to seek help and advice, hopefully before real problems develop.

Any member of staff who feels they may have been the victim of harassment or discrimination may wish to discuss their experience informally and in confidence. In this respect any one of a group of volunteer fellow employees, who have been trained, are available to any member of staff for a confidential consultation. They are known as harassment contact officers. The role of a harassment contact officer is:-

- to provide a confidential and sympathetic listening ear;
- to explain and clarify issues in relation to harassment, the Force Equal Opportunities Policy and the Force Grievance Policy;
- to give advice to victims of harassment on possible courses of action open to them;
- to provide support to any victim;
- in appropriate cases where both victim and counsellor agree, to approach the offender and give suitable advice.

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The harassment contact officers are normally available during office hours and can be contacted by telephoning the helpline on 01382 735200 where a message may be left and a list of contact officers names/telephone numbers is available.

### **2. FORMAL PROCEDURE**

Complaints made by employees under the informal procedure must be handled rapidly. If the employee is not satisfied with the outcome of the informal procedure they should be advised that they can move to the next stage in the proceedings which is to instigate a formal grievance with their line manager. (See policy on Grievance Procedure)

### **INDUSTRIAL TRIBUNALS**

If an employee is not satisfied with the outcome of a grievance procedure they may take their case to an Industrial Tribunal. An Industrial Tribunal is an independent judicial body which may consider such matters as Race Relations, Sex Discrimination, Trade Union membership/non-membership rights. In order to commence proceedings an applicant must complete a form IT1 obtainable from the Department of Employment, Job Centres, Citizens Advice Bureau, Equal Opportunities Commission and the Commission for Racial Equality. This must be received by the Industrial Tribunal within three months less a day from when the employee is aware of the incident.

Once Form IT1 is served, the Industrial Tribunal can, if it wishes, defer the case until the outcome of an internal procedure. An application to an Industrial Tribunal may be withdrawn without penalty.

### **MONITORING OF POLICY**

The Equal Opportunities Officer will monitor and review this policy as and when appropriate.

### **RATIFICATION AND OWNERSHIP**

Responsibility for review and amendment of this Policy lies with the Head of Human Resource Services.