



# HARASSMENT POLICY

**North Lanarkshire Leisure Ltd  
Human Resources  
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## 1. Introduction

- 1.1 There is now widespread recognition of the fact that harassment at work can cause serious problems both for employers and employees.
- 1.2 North Lanarkshire Leisure Ltd believes that by addressing any such issues which do arise and creating the right climate to do so, problems can be prevented altogether or resolved at an early stage.
- 1.3 Both North Lanarkshire Leisure Ltd and employees have responsibilities for implementing and supporting this policy and for creating a climate in which any personal harassment is unacceptable. Employees are strongly encouraged to act rather than tolerate any form of harassment.
- 1.4 This Policy Statement is an integral part of North Lanarkshire Leisure Ltd's Equality of Opportunity in Employment has, as a fundamental aim, the promotion and protection of the dignity of all employees at work
- 1.5 North Lanarkshire Leisure Ltd has a policy of openness and support towards all staff, employees are encouraged to raise any concerns they may have directly with their line manager, alternatively if this is not deemed to be appropriate, directly with the HR section.

## 2. Principles

In working towards the elimination of any type of personal harassment, North Lanarkshire Leisure Ltd supports the following principles:

- (a) All complaints will be handled with tact, discretion and care and investigated accordingly.
- (b) As far as possible, strict confidentiality will be maintained to protect both the complainant and the alleged harasser.
- (c) All parties involved in a complaint have the right to an impartial investigation.
- (d) Complaints should be specific and not general accusations against the alleged harasser as the latter can be difficult to answer but very easy to make.
- (e) Anonymous letters/complaints are discouraged within the Trust and may not be acted upon, however if an anonymous complaint is received, the Managing Director in consultation with the Head of HR & Payroll will have discretion as to what if any action should be taken.
- (f) Although such complaints are grievances, it may be inappropriate to deal with them through the normal grievance procedure. Accordingly, an alternative complaints procedure, as detailed below, is available.
- (g) Internal investigation of complaints will be independent, objective and handled with due respect to both the complainant and the alleged harasser.
- (h) All parties will be required to co-operate in an investigation.

- (i) Violation of the terms of this Policy Statement will be considered to be a disciplinary offence and dealt with in accordance with North Lanarkshire Leisure Ltd's Disciplinary Procedures.
- (j) Disciplinary action against the alleged harasser will be in accordance with North Lanarkshire Leisure Ltd's Disciplinary Procedures.
- (k) It will be considered a disciplinary offence for any employee to victimise or retaliate against an employee for bringing a complaint of harassment.
- (l) Malicious unfounded complaints will be viewed as a disciplinary offence and appropriate action taken against the complainant in accordance with North Lanarkshire Leisure Ltd's Disciplinary Procedures.
- (m) No penalty will be seen to attach to a complainant whose complaint is upheld.

### 3. **Legislation**

The following are the principal pieces of legislation which support this policy:-

- Equality Act 2010
- Employment Equality (Age) Regulations 2006
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Disability Discrimination Act 1995 as amended
- Race Relations Act 1976 as amended
- Sex Discrimination Act 1975 as amended
- Protection from Harassment Act

### 4. **Definition**

- 4.1 Harassment is defined by North Lanarkshire Leisure Ltd as unwanted conduct to a relevant 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.
- 4.2 It may be deliberate or unintentional, it may be explicit or implicit but as it is considered offensive, it acts in such a way as to humiliate, ridicule, discomfort or embarrass.
- 4.3 The events which lead to complaints of harassment vary substantially according to all the circumstances of the individual(s) concerned, and may include the work location; work patterns; opportunity; seniority and knowledge of equal opportunity provisions. There can however, be no hard and fast rules since what is acceptable to one person may be offensive to another. Only individual employees can determine what is offensive to themselves. It is the impact of conduct which is important and not the intent of the harasser.
- 4.4 While specifying only harassment, this policy statement applies equally to bullying and victimisation.

## 5. Types of Harassment

5.1 Harassment can take many forms ranging from violence at one extreme to simply ignoring the person at the other. The most common forms of harassment are:

- (a) Sexual Harassment – Sexual harassment is normally linked both to power and to gender roles and usually, but not exclusively, directed at women by men.
- (b) Racial Harassment – Racial harassment is normally directed at individuals who are black or belong to an ethnic group.
- (c) Harassment of disabled employees – Harassment of disabled employees is directed at an individual of either sex and any racial group who has some form of disability.
- (d) Bullying – Bullying is typically defined as the persistent abuse of power or unfair application of personal sanctions to criticise, intimidate, insult or undermine in a way which leaves an individual feeling hurt, humiliated or vulnerable.

5.2 Other less common, but just as serious, types of harassment include harassment because of age; religious beliefs; sexual orientation; trade union membership; political beliefs, etc.

5.3 Examples of harassment include, but are in no way restricted to:

- (a) offensive language, including obscenity and innuendo;
- (b) unwelcome physical contact or wolf whistles;
- (c) offensive jokes, both verbal and physical;
- (d) requests for sexual favours;
- (e) obscene, lewd or provocative gestures;
- (f) printed or hand-written offensive material, such as posters, calendars, etc.;
- (g) offensive material on computers;
- (h) staring or leering;
- (i) name calling;
- (j) physical attack or assault;
- (k) mimicking;
- (l) threats;
- (m) pressure to participate in religious groups or trade unions;
- (n) pressure to withdraw from religious groups or trade unions;
- (o) deliberate exclusion from groups / conversations / activities, etc.;

- (p) setting unrealistic or unachievable work loads;
- (q) removing responsibility or status without justification;
- (r) unjustifiable or excessive application of penal sanctions, and
- (s) changing duties or responsibilities to the employees detriment without reasonable justification.

## 6. Procedure

- 6.1 Employees pursuing a complaint of harassment under these procedures may elect an informal or formal route.
- 6.2 It is recommended that employees suffering harassment should keep notes and diary records of any incidents which contribute to the feelings of harassment, victimisation or bullying and note the presence of any witnesses. This will aid any subsequent investigations.
- 6.3 In certain cases of harassment (e.g. sex, race or disability discrimination), employees have an additional right of complaint to an employment tribunal.

### (a) Informal

Most people suffering harassment simply want the offending behaviour to stop and North Lanarkshire Leisure Ltd wants to correct unacceptable behaviour and prevent it recurring. Consequently, other than in serious cases, there is likely to be a shared aim to resolve the problem quickly and at a low-key level.

Resolving problems in this way is also likely to be less disruptive to work, maintain greater confidentiality and avoid unnecessary conflict. It also gives the harasser the opportunity to review and amend the behaviour which he / she may not be aware is causing offence, without it becoming a disciplinary matter.

- (i) Whenever possible, employees who are the victims of harassment are advised to make it clear to the harasser that the behaviour is unwelcome and unacceptable and must stop.
- (ii) If the employee is unable to do this verbally, a written request explaining the distress the behaviour is causing, can be given to the harasser.
- (iii) Alternatively, this initial approach may be made by or with a colleague or a harassment support officer.
- (iv) Details of any discussions should be kept by both parties.
- (v) In exceptional circumstances, if harassing behaviour of a very serious nature comes to the attention of a Manager, disciplinary action may be taken against the harasser even if the complainant's first choice is to deal with the matter informally.

(b) **Formal**

Formal procedures for pursuing harassment complaints will be necessary;

- (i) to deal with serious matters, or
- (ii) where informal steps have proved ineffective, or
- (iii) where the employee chooses to use the formal route.

1. To make a formal complaint, the employee should advise the General Manager of the basis of the complaint. While this may initially be done verbally, full details must be confirmed in writing including dates and details of the incidents and steps which have been taken to request the harasser to stop (if applicable).
2. The General Manager will, thereafter, refer the matter to an appropriate Senior Officer to investigate the complaint. The members of the investigating team may or may not be employed by North Lanarkshire Leisure Ltd.
3. Except in exceptional circumstances, the investigating team will comprise both male and female officers including a HR representative, to provide professional direction in such matters.
4. Both parties should be advised of the investigation and appropriate action should be taken to ensure there is no victimisation. If either party objects to a member of the investigating team, the grounds of their objection should be made known to the General Manager or nominated Senior Officer at the outset of the investigation.

**7. Investigation**

7.1 In any harassment complaint, a prompt, thorough, impartial investigation which recognises the rights of all the parties involved is of vital importance.

Such investigations should:

- (a) be handled sensitively, respecting the rights of all parties;
- (b) be independent and objective – investigators should not be connected with the allegation in any way;
- (c) be completed as quickly as possible and take no longer than three months;
- (d) give the complainant and alleged harasser the right to be accompanied and / or represented;
- (e) provide the alleged harasser with full details of the complaint and advise of the right to respond;
- (f) maintain confidentiality at all times and stress to all parties involved in the investigation the need for confidentiality;

- (g) ensure the complainant is not required to repeatedly recount events where this is unnecessary, and
  - (h) focus on facts and keep records of all meetings, discussions, etc.
- 7.2 On completion of the investigation, the investigating team will submit a written report to the General Manager or nominated Senior Officer, detailing the findings and conclusions.
- 7.3 On completion of the investigation, the complainant and the alleged harasser will be advised of the conclusions of the investigating team.

## 8. Outcome

8.1 The appropriate action in any case of harassment will depend upon all the circumstances of the case and the individuals involved. An objective decision should be made on whether harassment has occurred. Both parties should be advised of the outcome within 14 days of the General Manager or nominated Senior Officer receiving the investigating team's report. It is not possible to provide the definitive course of action to be adopted in each case. However, as a general guide, the following should be considered:

### (a) Allegations Which Are Not Upheld

Where, having considered the findings of the investigating team, the General Manager, or nominated Senior Officer, decides no further action is required, both parties will be advised as soon as possible in writing.

Other steps which might be appropriate include:

- (i) counselling or training to one or both parties;
- (ii) considering the practicalities of transferring one or both parties, within North Lanarkshire Leisure Ltd, if requested.

### (b) Allegations Which Are Upheld

The General Manager, or nominated Senior Officer, having considered the findings of the investigating team will decide to deal with the harasser through one or more of the following:

- (i) issue an informal caution and provide appropriate counselling/training.
- (ii) consider a transfer to another workplace within North Lanarkshire Leisure Ltd and provide appropriate counselling/training.
- (iii) review the existing working practices to minimise contact between both employees and provide appropriate counselling/training, or
- (iv) invoke the formal disciplinary procedure.

In situations where relocation or transfer takes place after a complaint is upheld, the complainant also will be given the opportunity to choose whether he or she wishes to remain in post, or be relocated.

At the end of this procedure, both parties will be advised of the outcome, in writing.

## 9. **The Role of Counselling and Support**

- 9.1 North Lanarkshire Leisure Ltd encourages the use of counselling and support at each stage of the process, both formal and informal. Counselling is available through timefortalking of North Lanarkshire Council and support will be available through harassment support officers located in North Lanarkshire Leisure Ltd.
- 9.2 Timefortalking can offer a confidential counselling service to employees. Harassment Support Officers can give an explanation of the procedural options as well as assisting employees with the preparation of any written complaint or statement.
- 9.3 The role of harassment support officers does **not** include investigating complaints or encouraging or discouraging a course of action.
- 9.4 Employees who volunteer as harassment support officers will be fully trained and, in so far as it is possible to achieve, both male and female harassment support officers will be available.
- 9.5 On conclusion of a case, a counselling service will be available to provide on-going support or advice for any employee involved in the case.



# HARASSMENT

**DO YOU HAVE CONCERNS ABOUT HARASSMENT OR BULLYING IN THE WORKPLACE**

North Lanarkshire Leisure Ltd has adopted a Policy on Harassment and is committed to the elimination of any type of personal harassment at work.

A network of trained volunteer Harassment Support Officers will be set up from employees across North Lanarkshire Leisure Ltd, to assist employees who believe they are suffering from harassment or bullying.

If you have concerns about harassment or bullying in the workplace and would like to informally discuss your problem in confidence, please contact the Human Resources Section.

## **Harassment Support Officers**

**Derek Melrose, Customer Service Advisor – Airdrie Leisure Centre**

**Steven Lauder, L&D Officer – Broadwood HQ**

**A copy of North Lanarkshire Leisure Ltd's Harassment Policy can be obtained from the Human Resources Section.**