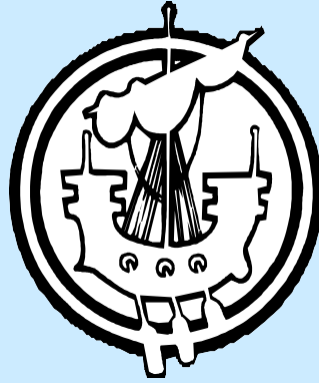


COMHAIRLE NAN EILEAN SIAR



RESPECT AT WORK POLICY

2025

1 Introduction

Every employee has the right to expect to be treated with respect and consideration. The Comhairle is committed to creating a safe working environment where all employees are treated with dignity and respect; and where complaints of harassment are dealt with quickly, positively, effectively and confidentially.

The Comhairle has developed core values to work alongside the Code of Conduct highlighting the standards of behaviour expected and to ensure that employees are aware that they are, individually and collectively responsible for their own behaviour and the impact it may have on others.

Harassment and bullying are totally unacceptable forms of behaviour and, as such, will not be tolerated by the Comhairle. Where harassment and bullying are proven through an investigation they will be dealt with through disciplinary action which may result in dismissal. Complaints of harassment or bullying that are found to be malicious will also be considered as harassment and will be dealt with through disciplinary procedures.

2 Scope of Policy

This policy covers all forms of workplace harassment of all Comhairle employees by other Comhairle employees. It does not cover harassment of Comhairle employees by clients which is within the Violence and Aggression Policy.

3 Legislation

The development and application of this policy is guided by the following legislation: -

Health and Safety at Work etc. Act 1974

The Health and Safety at Work etc. Act 1974 places a general duty on employers to safeguard, as far as is reasonably practicable, the health, safety and welfare of their employees at work.

Protection from Harassment Act 1997

The Protection from Harassment Act 1997 addresses a broader range of harmful behaviors that can occur in the workplace which are not related to any protected characteristics.

The Human Rights Act 1998

Human rights are the basic rights and freedoms that belong to every person, they are based on important principles like dignity, fairness, respect and equality.

Equality Act 2010

The Equality Act 2010 specifically prohibits harassment related to the seven protected characteristics. Under this act, harassment is defined as “creating an unwanted conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Worker Protection (Amendment of Equality Act 2010) Act 2023

The Worker Protection (Amendment of Equality Act 2010) Act 2023 strengthens the existing provisions of the Equality Act 2010. Under the 2023 amendment, employers must take all reasonable steps to protect employees from sexual harassment in the workplace, particularly from third parties and whether it originates from clients or visitors.

4 Definition

The ACAS definition of harassment is:

“unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment”

For the removal of doubt, this definition includes bullying and harassment on the grounds of gender, race, ethnic origin, disability, age, nationality, sexual orientation, religious beliefs, marital or civil partnership status, social or any other characteristics.

Harassment does not depend simply on the intention of the offender, but also the impact of their behaviour on the victim.

Harassment and bullying can take many different forms including:

- **Physical**
This can include actual assault, threatening gestures or other aggressive or offensive behaviour.
- **Sexual**
Sexual Harassment is defined in the Equality Act 2010 as ‘unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them’. Conduct that has any one or more of these effects can be harassment even if the effect was not intended.
- **Verbal**
This can include spoken, textual or pictorial words or images which are threatening, defamatory, humiliating, abusive, sexually suggestive or racially offensive, including malicious gossip, comments, jokes or banter.
- **Non-verbal**
This can include isolation, exclusion or segregation; abuse of power, removal of responsibility, behaviour which undermines confidence or unfair sanctions.
- **Cyberbullying**
This can include sending offensive e-mails to a colleague even if meant as a joke, leaving offensive comments on social networking sites – it may be that a person is unaware that the bully is posting offensive messages about them, propagating defamatory gossip about employees on social networking sites and blogs or sharing a person’s private data online such as home addresses and phone numbers without their consent.

5 Employee Rights

Our employees have the right to expect:

- to be treated with dignity and respect and to work in an environment free from harassment, bullying or victimisation
- to make a complaint of harassment and to receive appropriate support in doing so without fear of victimisation
- to have a complaint taken seriously and appropriate management action taken to resolve the problem
- to be made aware of any complaint of harassment or bullying made against them
- to have any complaint treated as confidential

6 Employee Responsibilities

All those who work for the Comhairle have a responsibility to work within their team to deliver on their objectives and to help ensure a working environment in which the dignity of all employees, clients and customers is respected. Everyone must comply with this policy and employees should ensure that their behaviour towards colleagues, clients and customers does not cause offence and could not in any way be considered to be harassment.

Employees should bring any behaviour perceived as harassment to their line managers' attention at the earliest opportunity and seek support.

Employees are required to complete mandatory training in relation to the Respect at Work Policy.

7 Management Rights

Managers are expected to manage their teams and as such, they have the right to expect a high standard of work from their team. They are empowered to discuss with their employees challenging issues such as poor performance and they have the right to put in place formal procedures such as disciplinary and competency when required.

8 Management Responsibilities

Managers have a legal and contractual obligation to prevent harassment and bullying. In particular, they are responsible for:

- ensuring that their own behaviour does not constitute harassment or bullying
- creating and maintaining a working environment free from harassment and bullying
- emphasize that every employee carries responsibility for their behaviour
- informing employees of action they can take if they feel they are being bullied or harassed
- informing employees that bullying, harassment or victimisation are disciplinary offences
- treating any complaint seriously and taking prompt action to stop harassment or bullying as soon as it is identified
- reporting any allegation of bullying or harassment by a Councillor to the Comhairle's Monitoring Officer

9 Guidance on Timescales

A manager should always prioritise an employment procedure and explain any delays in proceedings to the employee or their representative. Most cases should be dealt with in a matter of weeks. Unexplained delays may cause unnecessary anxiety for all parties involved. There may be times where timescales cannot be adhered to, for example where the case is complex and involves a number of witnesses, where inter-island travel is involved or where a crucial witness is unavailable due to absence. Clear documentation should be retained on the reason for the delay and reasons provided to the employee.

10 Advice and Assistance

The Comhairle recognises that employees may be hesitant about reporting harassment as it can be an embarrassing and distressing experience. There may be special difficulties in making a complaint if someone is being harassed by their manager. As an alternative to raising immediate formal action, employees can discuss concerns informally with an HR Advisor or Trade Union representative.

11 The Informal Route

Many problems can be resolved at an early stage by:

- speaking to or writing to the alleged harasser or asking a colleague or line manager to approach the alleged harasser on their behalf
- seeking Trade Union advice on an informal level
- asking a Line Manager to approach the harasser on their behalf
- Considering Mediation as a way forward
- approaching the harasser accompanied by any of the people listed above

The complainant has the right to proceed to the formal stage if an employee feels that attempts to resolve the matter informally have not worked or that the complaint is serious and informal procedures are insufficient.

12 Formal Procedure

The complaint must be in writing either to the line manager, the next appropriate senior officer or directly to Human Resources. Complaints should be made as soon as possible but normally within one month of the most recent incident. The complaint will be acknowledged, in writing, within three working days.

Complainants are encouraged to seek advice, support and representation from a recognised Trade Union. Managers may seek advice from Human Resources at any time, but where there has been an allegation of harassment which could ultimately lead to dismissal, Human Resources must be advised as soon as possible.

13 Confidentiality

Matters dealt with under the Respect at Work policy are confidential. Confidentiality will be maintained except where clients may be at risk, where legal proceedings may be necessary, or where the Comhairle must exercise its duty of care to protect others.

Confidentiality applies to all those involved in the process including witnesses, witnesses should not discuss on-going investigations with others. The outcome and relating details must also remain confidential to protect the privacy of all parties involved.

This approach ensures that sensitive information related to Respect at Work matters remains confidential and is only shared with individuals who have a legitimate need to know.

Confidentiality minimises the risk of retaliation or victimisation against involved parties. It ensures that employees feel free to discuss all aspects of their concerns without fear that the information will be improperly disclosed. Breaches of confidentiality will be considered a disciplinary matter.

14 Investigation

The manager will ensure that a full and fair investigation is carried out by a senior officer not connected with the allegation. The investigation, under normal circumstances, will be completed within ten working days of the complaint being received.

In specific circumstances, it may be appropriate to consider temporary redeployment or suspension. However, this will be done in consultation with the Human Resources and in accordance with the provisions of the Comhairle's Disciplinary Procedure.

At each stage of the investigation both the alleged harasser and the complainer have the right to be accompanied or represented by a trade union representative or a colleague. The rights of all employees will be protected and respected at all times.

The purpose of the investigation is to clearly establish the facts of the case objectively and independently in order that the appropriate action can be taken. The investigator will:

- clarify the details and nature of the complaint with the complainer and possibly witnesses
- together with the complainer, meet with the alleged harasser and explain fully the allegations made. A written copy of the complaint will be given to the alleged harasser
- give the alleged harasser the option of discussing the complaint immediately or meeting with the investigator at a later date, but within five working days
- ensure that the alleged harasser has the opportunity to fully consider the allegations and to consult with a trade union representative if they wish to do so
- ensure an accurate record of the investigation is maintained and that confidentiality is not breached
- pass this record to the manager who instigated the investigation along with the established facts and the conclusions drawn

The employees concerned will be advised of the outcome of the investigation in writing by the senior officer investigating it within five working days of receiving the written findings of the investigation.

A record of the complaint and the investigation carried out will be retained on file in Human Resources for a period of eighteen months. The record will include names and dates, the frequency and nature of the incidents and details of the action taken.

15 Where Harassment Has Taken Place

If there has been a case of harassment, appropriate use will be made of the Comhairle's Disciplinary Procedure. This will be instigated as soon as the investigation is complete but in any case within seven days.

Disciplinary action up to and including dismissal may be taken. If the harasser is not dismissed, redeployment may be considered.

16 When a Complaint is Not Proven

If the case is not proven then the Investigating Officer will exercise judgement about what happened on the balance of probability and both parties will be advised separately as to the outcome. There will be the option of returning to an informal approach using mediation or training.

17 Malicious Complaints

It is fully expected that all employees will understand the seriousness of making a complaint of harassment and bullying and act responsibly with regard to this issue. False accusations can have a serious impact on an innocent individual's health and reputation and therefore should an investigation show that that a false accusation has been made in bad faith appropriate disciplinary action, which could include dismissal, will follow. Where no harassment has taken place all record of the accusation will be removed from the innocent individual's Personnel file.

18 Follow Up and Monitoring

Following a finding of harassment, management must ensure that the harassment has stopped. The complainer should be contacted following the formal resolution to the problem to establish whether the solution has been effective. Where it has not, further action may be necessary. Management must carefully monitor the situation to ensure that victimisation does not occur, either of the alleged harasser or of the complainer even where the allegation of harassment has not been substantiated through the investigation. Any complaint of harassment should be resolved within a maximum of three working weeks. All parties concerned should be notified in writing of the decision within this time.

19 Conclusion

Management have a responsibility to enforce and communicate this policy and to set standards of behaviour and conduct that are acceptable in the workplace. Any occurrences of bullying or harassment must be challenged and stopped by management. Complaints must be taken

seriously and addressed appropriately.

20 Elected Members

Although this Policy encompasses harassment of Comhairle employees by other Comhairle employees, it is recognised that there may be occasions where employees are harassed by Elected Members. In such instances the employee should raise the matter with his or her Head of Department. If the matter cannot be resolved, the Head of Department will raise the matter with the Chief Executive. The Chief Executive should attempt to resolve the matter informally, either directly or through the Leader.

21 Review of Policy

This policy will be reviewed as necessary and at least every three years.