

<b>Title of Report:</b>	<b>ODHR Policies and Procedures – Dignity at Work Policy &amp; Procedure - Update</b>
<b>Committee Report Submitted To:</b>	<b>Corporate Policy and Resources Committee</b>
<b>Date of Meeting:</b>	<b>23 September 2025</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee <del>YES</del>/NO</b>	<b>N/A</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Innovation and Transformation
Outcome	Improve Service Delivery
Lead Officer	Director of Corporate Services

<b>Budgetary Considerations</b>	
Cost of Proposal	n/a
Included in Current Year Estimates	n/a
Capital/Revenue	n/a
Code	n/a
Staffing Costs	n/a

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>YES/NO</b>
Legal Opinion Obtained	<b>YES/NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Completed
	EQIA Required and Completed:	Yes/No	N/A
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	N/A
	DPIA Required and Completed:	Yes/No	N/A

## **1.0 Purpose of Report**

The purpose of this report is to present Members with the following policy for consideration and approval:

- Dignity at Work Policy & Procedure – Update

- 1.1 OD/HR have responsibility and delegated authority to create policies and procedures in line with legislative requirements and best practice. The policies to be considered for approval have been reviewed in line with these requirements, considering also benchmark information from other local Council entitlements and existing arrangements.
- 1.2 The arrangements detailed in the final draft policy are deemed to be appropriate and reflective of all such considerations.
- 1.3 Extensive consultation has been conducted between Management and Trade Unions between May and June 2025. Trade Unions have in turn consulted with and provided feedback on behalf of their members which has been incorporated into the policies. The final update of the draft policy document has been accepted by UNITE, NIPSA and GMB.

## **2.0 Background**

- 2.1 The current Dignity & Respect at Work Policy & Procedure was agreed and adopted by Council in 2018.
- 2.2 This policy has been updated to:
  - Reflect ‘individuals’ rather than ‘employees’
  - Provide additional details on definitions including victimisation
  - Clarify timeframes for complaints
  - Clarify details of procedures and panel composition
  - Align procedures from other agreed policies including mediation and redeployment
  - Ensure that the complaint form requests equality grounds that relate to complaints

## **3.0 Purpose of the Policy**

- 3.1 The Dignity at Work Policy & Procedure aims to prevent harassment and bullying in the workplace, providing guidance to resolve any problems should they occur and prevent recurrence. The policy also covers harassment which is not related to a protected characteristic, and which can be classed as bullying.

- 3.2 This policy recognises the right to complain about unwanted and inappropriate conduct should it occur, detailing the procedure to ensure complaints are dealt with seriously, promptly and confidentially.
- 3.3 The Dignity at Work Policy & Procedure applies to any individual in the workplace and at work associated events such as meetings, conferences and Council organised social events, whether on Council premises or off site. The policy applies to harassment not only by fellow employees but also by a client, customer or other business contact to which an individual might reasonably expect to come into contact within the course of their employment.
- 3.4 Entitlements under this policy will be provided in line with legislative requirements and National Joint Council for Local Government and any agreements negotiated locally by Council and its recognised trade unions.

#### **4.0 Consultation**

- 4.1 The draft policy has been considered and agreed at the Senior Management Team and the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).

#### **5.0 Equality Screening**

- 5.1 In accordance with Council's duty under Section 75 Equality Legislation, the policies have been screened, and the result is that they were screened "out".

#### **6.0 Recommendation(s)**

**It is recommended** that the Corporate Policy and Resources Committee recommends to Council the updated Dignity at Work Policy & Procedure for approval.



# DIGNITY AT WORK POLICY & PROCEDURE

<b>Policy Number</b>	CCG/22/18
<b>Version Number</b>	2
<b>Author</b>	OD/HR

Screening Requirements			
<b>Section 75 Screening</b>	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
<b>Rural Needs Assessment (RNA)</b>	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
<b>Data Protection Impact Assessment (DPIA)</b>	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

# **INDEX**

## **DIGNITY AT WORK POLICY & PROCEDURE**

	<b><u>Page No</u></b>
<b><u>Part One - Dignity at Work Policy</u></b>	
1. Introduction	4
2. Policy Statement	4
3. Definitions	6
4. Individual Rights & Responsibilities	6
5. Management Responsibilities	7
6. Council's Responsibilities	8
7. Confidential Assistance	8
<b><u>Part One - Dignity at Work Procedure</u></b>	
8. Scope	9
9. Confidentiality	9
10. Right to be Accompanied	9
11. Informal Stage	10
12. Formal Stage	11
13. Investigation Under the Formal Procedure	12
14. After the Investigation is Complete	15
15. Record Keeping	18
16. Evaluation and Review of the Policy	18
17. Section 75 Equality and Good Relations	18
18. Contact Details	18

**Appendices:**

<b>I</b>	<b>Definition - Harassment</b>
<b>II</b>	<b>Definition – Bullying</b>
<b>III</b>	<b>Definition - Victimisation</b>
<b>IV</b>	<b>Procedure for dealing with Harassment or Bullying</b>
<b>V</b>	<b>Confidential Advisers</b>
<b>VI</b>	<b>Formal Complaint Form</b>

# **PART ONE – DIGNITY AT WORK POLICY**

## **1. INTRODUCTION**

As part of its overall commitment to the promotion of equality of opportunity and good relations, Council is fully committed to promoting a good and harmonious working environment where everyone is treated with dignity and respect and in which no one feels threatened or intimidated because of their sex, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, sexual orientation, trade union membership/non-membership or criminal record.

The aim of this policy is to prevent harassment and bullying in the workplace, provide guidance to resolve any problems should they occur and prevent recurrence. The policy also covers harassment which is not related to a protected characteristic, and which can be classed as bullying.

## **2. POLICY STATEMENT**

Harassment and bullying at work in any form is unacceptable behaviour and will not be permitted or condoned. Sexual, sectarian and racial harassment, harassing a disabled person on account of disability, or harassing someone on grounds of their age or sexual orientation constitutes discrimination. Harassment is unlawful under the various anti-discrimination statutes currently in operation in Northern Ireland along with other statutes that may be used to outlaw bullying in the workplace. It may also be a civil offence, or a criminal offence and it may also contravene health and safety legislation.

Harassment and bullying detract from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behavior. This can have a direct impact on the efficiency and effectiveness of the Council's service.

Harassment is inappropriate behaviour at work and will be treated by the Council as misconduct which may include gross misconduct warranting dismissal.

Council also expects those using its facilities and services to treat its employees with dignity and respect and behave in a reasonable manner when undertaking Council work. Any complaints of alleged harassment or bullying of individuals by members of the public will be investigated and the appropriate action taken in accordance with this policy.

If English is not an employee's first language, or if the employee has difficulty reading, the content of any letter can be explained orally. Letters can also be made available in other clear formats, such as large print, where necessary. An interpreter can also be arranged to facilitate attendance at relevant meetings. Adjustments may be requested through OD/HR.

*(The policy statement should be signed and dated as follows by relevant Council representatives and Trade Union representatives)*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor  
Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Executive  
Causeway Coast and Glens Borough Council



### 3. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

**The Council** - is the employing authority and is represented by Management.

**Management/ Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

**OD/HR Representative** - is an employee of the OD/HR Department who provides guidance and support in the implementation of this policy.

**Employee/Trade Union Representative** - is a fellow employee of Causeway Coast and Glens Borough Council or an official employed by a Council recognised Trade Union, or a Council recognised lay Trade Union official (who has been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee companion).

Detailed definitions are included in the Appendices:

- Appendix I – Harassment
- Appendix II – Bullying
- Appendix III - Victimisation

### 4. INDIVIDUALS' RIGHTS & RESPONSIBILITIES

#### 4.1 Individuals' Rights

All individuals have the right to work in an environment which is free from any form of harassment or bullying. Council fully recognises the right to complain about such unwanted and inappropriate conduct should it occur. All complaints will be dealt with seriously, promptly and confidentially. The procedure for dealing with complaints under this Policy is outlined in Part 2 of this document.

This procedure does not replace or detract from the rights of employees to pursue a complaint under relevant legislation whether to an Industrial Tribunal or Court. For further guidance and up-to-date information please contact the Equality Commission NI <http://www.equalityni.org> or the Labour Relations Agency <http://www.lra.org.uk>.

Every effort will be made to ensure that individuals making complaints and others who give evidence or information connected with the complaint will not be victimised. In such circumstances, those individuals involved will be protected from any form of victimisation as a result of having made a complaint or having been involved in one, whether upheld or not upheld.

Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation, if proven, will result in disciplinary action up to and including dismissal.

## **4.2 Individuals' Responsibilities**

All individuals engaged on behalf of Council, including employees and agency workers, have a responsibility to help ensure a working environment in which the dignity of all employees, workers, clients and members of the public are respected. Everyone must comply with this policy and employees should ensure that their behaviour towards colleagues, clients and the public does not cause offence and could not in any way be considered to be harassment or bullying.

Individuals should discourage harassment and bullying by making it clear that such behaviour is unacceptable, and by supporting colleagues who suffer such treatment and are considering making a complaint. Any individual who is aware of any incident of harassment or bullying should alert a manager or supervisor to enable the incident to be investigated.

Council recognises that it can be distressing and stressful to be accused of bullying and/or harassment. In understanding this, Confidential Advisors will be available to offer advice and guidance as necessary.

## **5 MANAGEMENT RESPONSIBILITIES**

Line Managers have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible. Line Managers have responsibility for dealing with any incidents of harassment or bullying of which they are aware or ought to be aware. If harassment or bullying does occur, they must effectively deal with the situation.

Line Managers are responsible for:

- Ensuring they comply with this policy and procedure, and apply it effectively, fairly and consistently within their area of responsibility.
- Ensuring all individuals are made aware of this policy and their rights and their responsibilities, as outlined in the procedure.
- Taking steps to positively promote awareness of the procedure for dealing with complaints and ensuring that everyone has been given a copy
- Be responsive and supportive to anyone who makes an allegation of harassment or bullying, provide full and clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure there is no further problem of harassment, bullying or victimisation after a complaint has been resolved.
- Set a good example by treating all staff, clients and members of the public with dignity and respect.
- Be alert and proactive in terms of unacceptable behaviour and take appropriate action in accordance with our policy and procedures.
- Ensure that everyone knows how to raise harassment and bullying problems.
- Referring to and complying with other relevant Council policies procedures and guidelines
- Ensuring their actions do not expose the Council to any unnecessary financial, legal, contractual or reputational risk.

## **6 COUNCIL'S RESPONSIBILITIES**

Council will ensure that adequate resources are made available to promote dignity and respect in the workplace and to deal effectively with all complaints of harassment or bullying.

This policy and procedure will be communicated effectively to all, and Council will ensure that all Elected Members, individuals, Managers and Supervisors are aware of their responsibilities.

Council will make others aware that individuals are entitled to be treated with dignity and respect, by incorporating a statement to this effect in its rules and regulations, which it displays in its public buildings.

Managers, Supervisors and Confidential Advisors will receive appropriate training so that they can perform their roles sensitively and effectively. Further, those playing an official role in any formal complaints, procedures will receive appropriate training.

All complaints of harassment will be dealt with promptly, seriously and confidentially.

## **7 CONFIDENTIAL ASSISTANCE**

Council recognises that in individual circumstances, individuals may feel uncomfortable in raising concerns with their line manager. In such circumstances, Confidential Advisors are available to assist and advise. Confidential Advisors will be provided with appropriate training to undertake this role.

Council will ensure, where possible, that individuals can raise complaints, should they wish, with someone of their own gender, religion or race, or who is aware of and sensitive to disability or sexual orientation issues. The names of these Confidential Advisors will be communicated, via noticeboards, the Staff Portal or obtaining the list from OD/HR or a trade union representative and are detailed at Appendix 5.

The role of the Confidential Advisor is to:

- Act as a point of contact for individuals who have a relevant complaint and feel they have been subject to harassment or bullying.
- Listen to the complaint and advise on the options available for resolving the matter.
- Assist individuals with the informal resolution of complaints.
- Support the individual in lodging and progressing the complaint where applicable.

If the alleged harasser asks for assistance, it may be appropriate to assign another Advisor to act as a source of information and advice. This role may include providing information and forwarding documentation as necessary but should not extend to acting as an advocate, nor assisting the alleged harasser in the preparation of a defence.

All incidents of bullying and harassment which are reported to a Confidential Advisor will be monitored annually on an anonymous basis. In the event of any patterns emerging management may wish to initiate its own formal investigation and take

remedial action where this proves to be necessary. An annual report on the Confidential Advisors activities will be prepared for Senior Management.

## **PART TWO – DIGNITY AT WORK PROCEDURE**

### **8. SCOPE**

- 8.1 This policy and procedure applies to any individual in the workplace and at work associated events such as meetings, conferences and Council organised social events, whether on Council premises or off site. The policy applies to harassment not only by fellow employees but also by a client, customer or other business contact to which an individual might reasonably expect to come into contact within the course of their employment.
- 8.2 Any individual who believes that they have suffered any form of harassment or bullying is entitled to raise the matter through the following procedure.
- 8.3 This procedure does not replace or detract from their statutory rights under relevant anti-discrimination or anti-bullying legislation.
- 8.4 Should a complaint later be deemed as unfounded, frivolous or vexatious, any individual who has been found to have acted in bad faith during an investigation may be subject to appropriate disciplinary procedures. Further, repeated complaints which have been investigated under this policy previously will be reviewed to consider their requirement to progress.

### **9. CONFIDENTIALITY**

- 9.1 Complaints of harassment or bullying may include allegations of a highly sensitive nature, and the release of such information could be damaging to the reputations of complainants or alleged harassers.
- 9.2 It is vital that all individuals who may wish to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally an individual who is accused of harassment or bullying is entitled to the same protection of their reputation, particularly should a complaint prove to be unfounded.
- 9.3 At all stages of the procedure, those involved in any way with a complaint shall be personally responsible not to disclose any details of the complaint to any person who does not have a proper interest in the matter. Failure to ensure this high level of confidentiality may lead to appropriate disciplinary action, up to and including dismissal.

## **10. RIGHT TO BE ACCOMPANIED**

- 10.1 At all stages of the formal procedure an individual is entitled to be accompanied by a work colleague or a recognised trade union representative or full-time official.
- 10.2 Where an individual is also a trade union representative, they will have the right to be accompanied by a senior trade union representative or full-time official.
- 10.3 The person accompanying an individual during a formal meeting may participate in the meeting and sum up at the end of the meeting and ask questions on the individual's behalf with their consent. They will also be able to confer with the individual and request an adjournment. They will not be allowed to answer questions on an individual's behalf or act in any way that might obstruct the process.
- 10.4 An employee cannot insist on being accompanied by a colleague whose presence would prejudice the hearing or whose interests might conflict with the hearing.
- 10.5 A work colleague or recognised trade union representative who has agreed to accompany a colleague employed by the Council is entitled to take a reasonable amount of paid time off to fulfil that responsibility, to familiarise themselves with the case, confer with the employee before and after the hearing and attend the hearing itself.
- 10.6 Work colleagues or recognised trade union representatives do not have to accept a request to accompany an employee and should not be pressurised to do so by the Council or its employees. No employee will be disadvantaged by the Council for using their right to be accompanied or for accompanying a work colleague.

## **11. INFORMAL STAGE**

**This stage is appropriate where the individual simply wants the harassment to stop, where the unwanted conduct is not serious or where it has not been repeated.**

- 11.1 It is advisable for informal action to be taken at the earliest opportunity and should not be delayed by the complainant unnecessarily, in order to allow the alleged harasser understanding of the complainant's concerns. Delays in addressing matters may allow the opportunity for further unwanted behaviour to occur.
- 11.2 Individuals can seek to resolve matters informally by:

- Approaching the alleged harasser or bully directly making it clear to the person(s) harassing the individual that the behaviour in question is being perceived as offensive, is not welcome and should be stopped.
  - Approaching the alleged harasser or bully with the support of a colleague or a trade union representative.
  - Approaching the alleged harasser or bully with the support of a supervisor/manager or Confidential Advisor.
- 11.3 If it is too difficult to do this personally, individuals may request a supervisor, manager or confidential advisor to approach the alleged harasser or bully on their behalf.
- 11.4 Confidential Advisors have been appointed to provide advice and assistance. An Advisor can be contacted at any stage of the informal or formal procedures. The Advisor can also provide support during formal procedures as a work colleague representative but will not conduct formal investigations. An individual is entitled to be accompanied by either a work colleague or a recognised trade union representative, and as such both a Trade Union representative and a Confidential Advisor will not be permitted to attend the same formal meeting.
- 11.5 Where an individual seeks the support of a supervisor, manager or Confidential Advisor they will be sensitively informed that their role at the informal stage can only be one of support and assistance. The individual must be clear about the limitations of the supervisor's, manager's or adviser's role to informal intervention.
- 11.6 The individual will be advised that:
- A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.
  - A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop/is repeated.
- 11.7 All reported incidents of harassment and bullying will be monitored and in the event of any patterns emerging, Council may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. Additionally, there may be situations where the seriousness of a complaint warrants formal proceedings irrespective of the wishes of the complainant. In such circumstances, the relevant line manager should discuss their concerns about the seriousness of the complaint with OD/HR and agree on appropriate actions. Should this be the case, the complainant will be informed of action to be taken.

## 12 FORMAL STAGE

**The Formal Complaints procedure is appropriate if the harassment or bullying is serious, if the person making the complaint prefers this, or if the unwanted and unreasonable conduct continues after the informal procedures have been used.**

## **12.1 Making a Formal Complaint**

Complaints should be raised as soon as possible following an act of alleged harassment or bullying so that the matter can be dealt with swiftly and decisively. Complaints of alleged acts which occurred more than three months prior to the date of the complaint being raised will not be investigated as these will be deemed as out of time.

Where a complaint has been raised and the informal stage has been initiated, progression to the formal stage is appropriate if progress within the informal stage has taken longer than the three-month time period stipulated. Activity to progress within the informal stage must be demonstrated and this stage should not be delayed unnecessarily.

The complaint should be made in writing to the Line Manager, or Confidential Advisor, by completing Appendix 5. If the allegation is against the individual's Line Manager, then the complaint should be sent to the next level of management.

The Line Manager will:

- acknowledge receipt of the complaint and arrange to meet the complainant as soon as is reasonably practicable.
- advise the individual that the complaint will be forwarded to OD/HR who will appoint a manager to investigate the complaint.

The Panel appointed to investigate the complaint will consist of one Investigation Manager at an appropriate level. An OD/HR representative will be in attendance to provide guidance on the process, and a note-taker will be in attendance to record minutes of the meeting. The manager appointed to investigate the complaint will not be connected in any way to the allegations being made.

In exceptional circumstances, management may choose to have the investigation conducted by a person independent of the Council. In such circumstances, this decision will be taken by the Head of OD/HR in consideration of the available information.

Where reasonable adjustments are required throughout the procedure, such as to support a disability or translation requirement, these can be requested through the investigating manager and/or OD/HR.

## **13 INVESTIGATION UNDER THE FORMAL PROCEDURE**

### **13.1 Time Limits**

An agreed time limit for each stage of the procedure will be communicated at the start of the process. If any timeframe agreed is not feasible due to ongoing investigation or operational constraints, all parties will be informed.

The procedure will aim to be completed as soon as reasonably practicable.

## **13.2 Initial Meeting with the Complainant**

The Investigating Manager will meet the complainant as soon as is reasonably practicable to:

- Clarify and formally record the nature of the complaint, confirming that it is being handled under the formal procedure.
- Ensure that the complainant is aware of the next stage of the procedure.
- Advise the complainant that they have the right to be accompanied and/or represented at the investigatory meeting by a recognised trade union representative or work colleague.

## **13.3 Avoiding Contact between Complainant and Alleged Perpetrator**

The issue of avoiding contact between complainant and alleged perpetrator must be considered before action is taken to inform the alleged perpetrator of the complaint. The complaint will be reviewed objectively by the Investigating Manager in conjunction with OD/HR. This review will determine where appropriate action is necessary to ensure contact between the complainant and the alleged harasser is avoided. Action will be taken as far as is reasonably practicable including temporary transfer, if appropriate. In cases where there is an allegation of serious harassment or bullying by a member of the public, consideration will be given to invoking the Council's right to temporarily refuse the member of the public admission to, or use of the relevant Council facility or service.

All such decisions relating to the avoidance of contact between the complainant and the alleged harasser should be made objectively and without prejudice.

Where appropriate, both parties should also be advised in writing that there should be no communication between them directly or indirectly, in relation to the complaint.

Where a case of serious harassment or bullying has been alleged, consideration will be given to the precautionary suspension, with normal pay, of the alleged perpetrator to enable the investigation to proceed. Precautionary suspension is not to be considered an indication of blame or guilt and does not infer any prejudice in the final decision. An individual who is going to be suspended must be formally advised of this at a meeting and will have it confirmed in writing by OD/HR.

## **13.4 Informing the Alleged Perpetrator**

As soon as reasonably practicable following the initial meeting with the complainant, the Investigating Manager will inform the alleged harasser in writing that a complaint has been raised against them confirming:

- the nature of the complaint and details of allegations.
- Arrangements for a formal investigation meeting, ensuring that the individual is aware of the next stages of the procedure.
- Confirmation that it is being handled under the formal procedure.



- the right to be accompanied and/or represented at investigatory meetings by a recognised trade union representative or work colleague.
- Any action decided to avoid contact between the parties.
- Where necessary, any requirements for precautionary suspension.

### **13.5 Investigations should include at least the following:**

Whilst the Investigating Manager and the OD/HR representative will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 20 working days of the date that the complaint was received. Where this is not practicable the reasons will be recorded, and the complainant and the alleged perpetrator will be so advised.

#### **13.5.1 Purpose of the Meetings**

The purpose of these meetings is to establish the facts. All those giving information to the Investigating Manager and the OD/HR representative do so privately and not in the presence of any other person involved in or present during the alleged incident.

OD/HR will create a record of all meetings. All evidence provided to assist with the investigation will be treated as confidential to the investigation, subject to any statutory requirements.

#### **13.5.2 Meeting with the Person Alleging Harassment and Bullying**

The Investigating Manager and the OD/HR representative will meet with the person alleging harassment or bullying to provide them with the opportunity to elaborate on the allegations. The complainant has the right to be accompanied by their recognised trade union representative or work colleague as appropriate.

#### **13.5.3 Meeting with the Alleged Perpetrator**

The Investigating Manager and the OD/HR representative will meet with the alleged harasser to provide them with the opportunity to respond to the allegations. The alleged harasser has the right to be accompanied by their recognised trade union representative or work colleague as appropriate. This will not be the same person who accompanied and/or represents the complainant.

#### **13.5.4 Meeting with anyone who can assist with the investigation**

The Investigating Manager and OD/HR representative will meet with:

- anyone who can assist with the investigation. This may include supervisors and colleagues and may also include anyone who observed the complainant's demeanour immediately before and after the alleged incident(s). Each individual will be asked to outline what happened.
- Individuals who have been named as witnesses to the alleged incidents or behaviour during the investigation.

- the managers/supervisors of both the complainant and alleged perpetrator to establish if there has been any history of previous conflict between them and/or with other parties, if appropriate.

Further meetings may be required to clarify or gain additional information.

### **13.5.5 Consideration of Information & Reporting**

Having obtained all the information possible and completed the relevant investigations, the Investigating Manager should prepare a written report outlining the facts established from the investigation, the investigation findings and if the investigation considers that there is a case to be answered. The report must outline if the Investigation Manager has found that the disciplinary procedure should be invoked, or some other action taken.

Every effort will be made to produce the report within 20 working days of the date following the completion of the investigation. Where this is not practicable the reasons will be recorded, and the complainant and alleged perpetrator advised accordingly.

### **13.5.6 Decision following investigation findings**

The Investigating Manager, within their report, will detail the decision to either:

- i. Initiate Council's disciplinary procedure against any party as appropriate. Where disciplinary action is found to be substantiated, the case should be referred to the appropriate level of management, as determined by the level of employee against whom the allegation has been found, for progression under the Disciplinary Policy. Where an investigation has been completed under the Dignity at Work Policy, this may be substituted for a disciplinary investigation as provided for in the Disciplinary Policy.
- ii. Take any other appropriate management action e.g. the provision of training or counselling or mediation where disciplinary action is not appropriate. In circumstances where management action is recommended, the relevant line manager(s) will be responsible for taking appropriate action to implement and review any recommendations.
- iii. Take no further action where allegations have been unsubstantiated.
- iv. Initiate the Council's right to refuse admission to or refuse use of the relevant Council facility or service.

The Investigation report may find it appropriate in the outcome to recommend a combination of outcomes, for example disciplinary investigation / action alongside training.

### **13.5.7 Communicating the Decision**

The outcome of the investigation will be communicated in writing to both parties; the complainant and the person against whom the complaint was made.

## 14. AFTER THE INVESTIGATION IS COMPLETE

### 14.1 Appeals Process

If the complainant wishes to appeal against any decision, they must do so in writing to OD/HR within 5 working days of the receipt of the decision. If an appeal is not lodged during this time, it will be assumed that the complainant accepts the decision.

The grounds for appeal must be made clear, and it is this which should direct the subsequent appeal hearing. Appropriate appeal points may include:

- Procedural flaws in the process.
- Having new evidence to be considered.
- An imposed sanction being inappropriate or too severe.

The appeal will not progress if the appeal points are not clear. Appeals may not be accepted on the basis the complainant does not agree with the decision only and the appellant may be required to provide additional information before an appeal will proceed.

OD/HR will acknowledge receipt of the appeal in writing and will arrange for a meeting to hear the appeal within **15 working days** or as soon as is reasonably practicable. The panel for the appeal hearing will normally comprise of a relevant senior manager as appropriate. The appeal panel should not have had any previous involvement with the case of the parties involved.

An OD/HR representative will be in attendance to provide guidance on the process, and a note-taker will be in attendance to record minutes of the meeting.

The individual will be given at least 5 working days' notice of the date of the appeal hearing and will also be advised of:

- The date, time and place of the appeal hearing.
- The right to be accompanied at the appeal by a work colleague/recognised trade union representative.
- The person(s) hearing the appeal.

The appeal panel should be asked to consider the grounds of the appeal with reference to the documentation and the procedures which had been followed. In the light of this review, the panel may ask for further clarification, however unless there were procedural flaws during the investigation stage, the appeal should not take the form of a complete re-hearing or reinvestigation.

The decision of the appeal panel will normally be conveyed in writing to the complainant within 7 working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the appeal. If the decision of the appeal panel is not able to be delivered within this timeframe, this will be conveyed to the complainant with an indication of when the decision will be made.

The decision of the appeal is final.

## **14.2 Mediation**

In some cases, external support such as an independent mediator can help resolve problems, especially those involving working relationships. Mediation, where appropriate, will be available at each stage of this procedure. Mediation is a versatile process, which can be used not only as an alternative to formal procedure but also as a rapid first intervention to prevent escalation of the dispute or even to repair the working relationship after formal procedures have been concluded.

Mediation is a voluntary process for all parties designed to resolve workplace disputes. If Council feels mediation may be helpful and all parties agree, any ongoing formal procedures will be held in abeyance until this has been completed. The decision whether or not to enter into mediation rests with the Council.

Where appropriate and agreed, appropriately trained independent mediators will be sourced through the Labour Relations Agency, Local Government Staff Commission or procurement of an appropriate consultant.

Full details on mediation are detailed in the Mediation Policy, available on the Staff Portal [here](#).

## **14.3 Consideration of Redeployment**

Redeployment may be sought as an alternative outcome when reaching the outcome of any formal investigation process. In the case where a personal relationship may cause difficulties in enabling either individual to carry out their duties or where redeployment has been formally recommended as a result of the outcome of a formal procedure, it may be necessary to transfer one or both individuals to a redeployed role. Depending on individual circumstances this may either be permanent or temporary. Further information on Redeployment is detailed in the Redeployment Policy [here](#).

### **14.3.1 Redeployment if the complaint has been upheld**

Where a complaint has been upheld the complainant may wish to avoid further contact with the perpetrator. Should the latter remain in employment with the Council and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish in line with operational requirements. Consideration may be given to relocating the perpetrator in the first instance and where transfer of the complainant occurs, it should not lead to any disadvantage to them.

### **14.3.2 Redeployment if the complaint has not been upheld**

Where a complaint is not upheld or, for example, where evidence is inconclusive, consideration may still be given, where practicable, to the voluntary transfer of one of the individuals concerned.

#### **14.4 Training and Counselling**

Training and/or counselling will be offered to the person who has been harassed and to the perpetrator. Where a complaint has not been upheld training and/or counselling may be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.

#### **14.5 Further Meetings**

The relevant Line Manager will meet the individual who has alleged harassment on a regular basis to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld.

The Line Manager of the perpetrator will be responsible for ensuring that they are made fully aware of the Council's policies on equal opportunities and harassment/bullying and of the law in relation to these matters.

### **15. RECORD KEEPING**

OD/HR will keep written records as required throughout the procedure. Records will be treated as confidential and will be kept no longer than necessary in accordance with the relevant Data Protection legislation. This legislation gives individuals the right to request and have access to certain personal data, although in certain circumstances (e.g. to protect a witness) the Council may withhold some information.

All records pertaining to the process will be discoverable if a challenge is made to a tribunal. Please note that it can be extremely difficult for a witness's anonymity to be protected, particularly if a case goes to an Industrial Tribunal.

### **16. EVALUATION AND REVIEW OF THE POLICY**

Council will monitor all incidents of harassment or bullying and will review the effectiveness of this policy and procedure, carrying out reviews at regular intervals to ensure compliance with legislation and relevant caselaw.

The Head of OD/HR will meet with HR Business Partners and Confidential Advisors annually to assess the level and category of complaints being raised under this Policy, to collate and analyse statistics and to arrange further support or training as required. Statistics will be shared with the Senior Management Team for patterns and/or risks to be identified for further action. Specific details of cases will not be disclosed at these meetings.

Council will keep this Policy under review as required and may make changes in line with legislation.

## **17. SECTION 75 EQUALITY AND GOOD RELATIONS**

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **18. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

Head of ODHR

ODHR Department

Causeway Coast and Glens Borough Council

Cloonavin

66 Portstewart Road

COLERAINE

BT52 1EY

### DEFINITION OF HARASSMENT

Harassment refers to offensive, oppressive and intimidating behaviour that is connected to a protected equality ground. It is a form of discrimination that is protected under the anti-discrimination legislation.

Harassment may relate to any protected equality ground including sex, gender reassignment, sexual orientation, marital or civil partnership status, pregnancy or maternity, age, race, colour, nationality, ethnic or national origin, religious belief or disability. Harassment is considered unacceptable even if it does not fall within one of these categories.

Harassment is defined as:

*“Unwanted conduct which has the purpose or effect of violating the person’s dignity or creating an intimidating, hostile, humiliating, disturbing or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct”.*

Such behaviour is unacceptable where:

- It is unwanted, unreasonable and offensive to the recipient.
- It is used as the basis of an employment decision.
- It creates a hostile working environment.

To allay concerns that the definition is so wide that it could be subject to misinterpretation or abuse, the following qualification has been added in line with good practice.

*“Conduct shall be regarded as having this effect only if, having regard to all the circumstances and in particular the alleged victim’s perception, it should be reasonably considered as having that effect”.*

Many forms of behaviour can constitute harassment. The following are some examples:

- Unwanted physical conduct ranging from unnecessary touching to serious assault.
- Unwanted verbal and written contact through jokes or innuendo, name calling, racist remarks, homophobic comments, offensive language, gossip and slander, sectarian songs, threats, letters, emails or misuse of social media.
- Visual displays of posters, graffiti, obscene gestures, flags, bunting or emblems or any other offensive material.

- Isolation or non-co-operation at work, exclusion from social activities.
- Coercion, including pressure for sexual contact, pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following, stalking etc.
- Explicit behaviour such as mimicking the effect of a disability.

Legislation also prohibits sex harassment, sexual harassment and gender reassignment harassment. These forms of harassment are unlawful if they have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

Harassment may take place towards an individual, or a group of individuals.

Harassment also covers complaints of behaviour found offensive by an individual even if it is not directed at them, and a complainant need not possess the relevant characteristic themselves. For example, an individual finds comments they overhear being made to a disabled colleague offensive, even though they are not disabled themselves.

Harassment by association or perception – an individual can be harassed on the grounds that they are related to, or associates with, someone with a relevant protected characteristic. Individuals may also be subject to harassment on the grounds of a mistaken perception that they have or do not have a protected characteristic.



Whilst there is no legal definition, bullying has been defined as “persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence, and which may cause them to suffer stress.”<sup>1</sup> It should be noted that bullying behaviour need not be evidenced as all of the above stated characteristics; instances of bullying can be one or a combination of these.

Like other forms of harassment, bullying is an abuse of power and is largely defined not by intention but by the impact of the behaviour on the recipient. The Labour Relations Agency advises that “the conduct shall be regarded as having this effect only if, having regard to all the circumstances and in particular the alleged victim’s perception, it should be reasonably considered as having that effect.”

Bullying may involve an individual in authority abusing their position and bullying their subordinates. However, an individual may also bully a peer, and groups of people may pick on and bully an individual.

Investigations into allegations of bullying will ensure that an objective assessment is made to determine if the alleged conduct could be “reasonably considered as having that effect” based on individual circumstances.

Many forms of behaviour can constitute bullying. The following are some examples:

- Shouting at a colleague, persistent negative, inaccurate or criticizing comments
- Attacks on personal or professional performance and conduct
- Persistent, negative behaviour of an individual in front of others
- Persistently setting unachievable objectives, demands or tasks
- Removing and replacing areas of responsibility with menial or trivial tasks
- Undervaluing a colleague’s contribution
- Over-monitoring a colleague’s performance
- Withholding information with the intent of deliberately affecting a colleague’s performance
- Excluding colleagues with the intent of isolation

Reasonable, accurate and constructive feedback on an individual’s performance, behaviour or conduct in relation to their job role will not constitute bullying.

---

<sup>1</sup> Manufacturing, Science and Finance Union, Bullying at Work ‘How to Tackle It’ 1995.

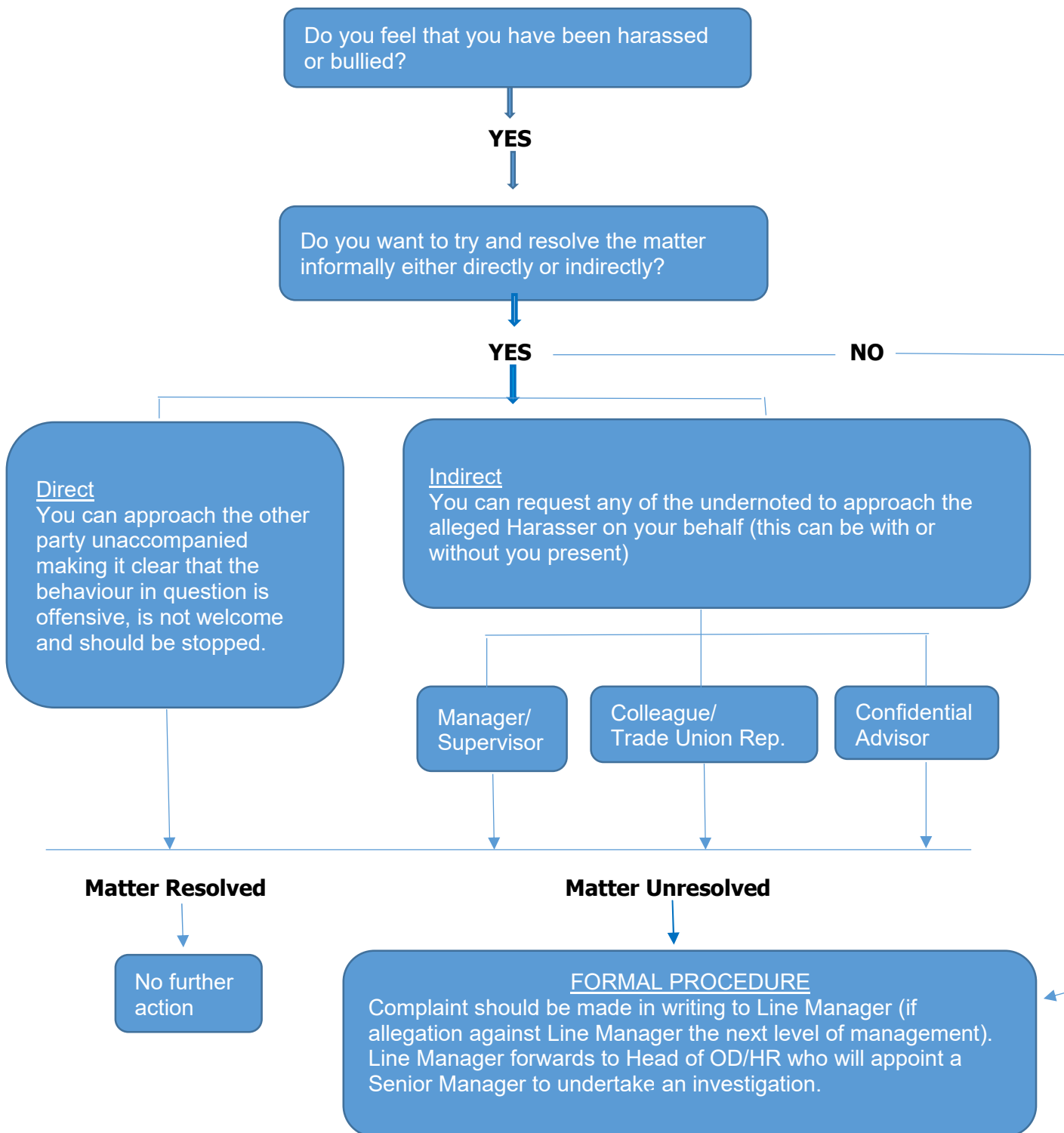
## **DEFINITION OF VICTIMISATION**

## **APPENDIX III**

Victimisation is the act of treating someone less favourably than others because they:

- Made a formal complaint such as a grievance, bullying or harassment complaint or a complaint about discrimination.
- Are considering making a formal complaint such as a grievance, bullying or harassment complaint or a complaint about discrimination.
- Are supporting another individual or group involved in a complaint.

Victimisation can take many forms such as preventing involvement in work projects, training or recruitment opportunities or taking unreasonable disciplinary action against the individual.



**CONFIDENTIAL ADVISORS****APPENDIX V**

Heather Breslin	Human Resources Business Partner	Heather.breslin@causewaycoastandglens.gov.uk 07526 187957
Brenda Irwin	Human Resources Business Partner	Brenda.irwin@causewaycoastandglens.gov.uk 07526 187956
Melissa Lemon	PCSP Officer	Melissa.lemon@causewaycoastandglens.gov.uk 07523 942166
Karen Mailey	Head of OD/HR	Karen.mailey@causewaycoastandglens.gov.uk 07562 307523
Stephen McCartney	General Manager – Caravan Parks	Steve.McCartney@causewaycoastandglens.gov.uk 07889 535690
Wendy McCullough	Head of Sport & Wellbeing	Wendy.mccullough@causewaycoastandglens.gov.uk 07889 535692
Stephen Proctor	Estates Supervisor	Stephen.proctor@causewaycoastandglens.gov.uk 07925 891545

**FORMAL COMPLAINTS FORM - STRICTLY CONFIDENTIAL**      **APPENDIX VI**

**1. PERSONAL DETAILS** (to be completed by complainant)

<b>Name</b>	
<b>Department</b>	
<b>Job Title</b>	
<b>Work Email Address</b>	
<b>Work Phone Number</b>	

## 2. COMPLAINT DETAILS

Please give clear and concise details of your complaint below including who the complaint is being made against, the place, time and date of the incident(s), names of person(s) involved etc. (if applicable). Please note that as part of the investigation, you will be interviewed to obtain further information and details about the incidents outlined in this form. Therefore, you should clearly outline the matters you wish to be considered as part of the investigation process on this form.

Who is the complaint against? \_\_\_\_\_  
(name/s)

Date of incident(s)

Please state protected equality ground that relates to the complaint:

(protected equality ground including sex, gender reassignment, sexual orientation, marital or civil partnership status, pregnancy or maternity, age, race, colour, nationality, ethnic or national origin, religious belief or disability)

Incident(s) details *(Please continue on a separate sheet if necessary.)*

### 3. WITNESSES

*Please provide the names and contact details of any witnesses.*

<b>Name</b>		<b>Name</b>	
<b>Email Address</b>		<b>Email Address</b>	
<b>Phone Number</b>		<b>Phone Number</b>	

### 4. DETAILS OF ACTION TO DATE

Please outline any action that has taken place to try and stop the unwanted behaviour either outside of this procedure or at the informal stage. Please include details of any meetings that have been held, or any other parties involved in this informal approach. Please outline how you see the complaint being resolved.

--

### 5. SIGNATURE

Please sign and date this form below and forward it to your Line Manager. Your Line Manager will forward this form to the Head of OD/HR.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_