



# Adult Learning Kirklees & Kirklees Council: Dignity and Respect at Work

## Employee Guidelines

Adult Learning Kirklees is part of Kirklees Council and as such follows all KC policies, procedures and guidance.

All policies will be reviewed annually by the ALK Advisory Board unless there are in year changes required according to legislation or policy change.

Providers will be made aware of any new policies or changes to inform and amend their own policies and guidance. Policies highlighted will need to be reviewed and revised by the provider annually.

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## **Introduction**

The council opposes all forms of discrimination and believes in treating employees fairly regardless of their race, gender, gender identity, disability, sexual orientation, age, religion or belief. Our aim is to create a working environment in which harassment, bullying and victimisation are not tolerated, where individuals feel secure and trusted and where they treat each other with dignity and respect.

The employee handbook defines the standards of behaviour we expect from all employees towards each other and our customers however if you are being bullied or harassed it can be difficult to know what to do about it.

These guidelines give you basic information about bullying and harassment point you to other sources of information, support and advice

## **Inappropriate behaviour - What is inappropriate behaviour?**

Those making a complaint usually define what they mean by bullying or harassment for example, something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

## **Definition of bullying**

There is no single legal definition for bullying but it may be characterised by behaviour which is offensive, intimidating, malicious or insulting or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying will inevitably erode the victim's confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, and deliberately targeted at a particular individual. Bullying is often an abuse of power, position or knowledge. For example, a manager continually ridicules a member of their team in front of everyone in the office.

## **Definition of harassment**

The ACAS definition of harassment is:

“Unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.”

## **Definition of victimization**

Victimisation means treating somebody less favourably because they have made or intend to make an allegation or complaint either for themselves or someone else. For example, it could be preventing you from going on training courses or taking unfair disciplinary action against you.

## **How to recognise bullying, harassment and victimization**

Bullying and harassment are not necessarily face to face, they may be written communications, visual images (for example pictures of a sexual nature or embarrassing photos of colleagues), electronic email (a nasty email sent to complain, ridicule, or chastise the recipient, or readers), phone and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all staff in that department.

It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but is still distressing.

Bullying and harassment can often be hard to recognise – they may not be obvious to others and may be insidious. The recipient may think 'perhaps this is normal behaviour in this department. They may be anxious that others will consider them weak, or not up to the job, if they find the action of others intimidating. They may be accused of 'overreacting' and worry that they won't be believed if they do report incidents.

People being harassed or bullied may sometimes appear to overreact to something that seem relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences.

## **Harassment by association or perception**

Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if he or she has experienced:

Harassment because he or she is related to or associated with someone who possesses a relevant protected characteristic.

Harassment by a colleague who has the mistaken perception that he or she possesses a relevant protected characteristic.

Example: an employee could complain of harassment where it relates to the fact that they have a gay family member (associative discrimination) or is wrongly perceived to be gay (perceptive discrimination)). In addition, harassment could occur where a protected characteristic is used as an excuse for the behaviour, even if the perpetrator does not believe that the employee if he teases him about a learning difficulty, even if he does not have a learning difficulty and the line manager knows that he does not.

## **Third party harassment**

Employers can also be held liable for persistent harassment of their staff by third parties such as customers and suppliers. Employers will be responsible if all of the following instances apply:

A third party harasses an employee whilst carrying out their job.

The employer knows that the employee was harassed on at least two previous occasions (whether or not the conduct was perpetrated by the same third party).

The employer has not taken reasonable practicable steps to prevent the harassment from occurring again.

The three instances do not need to have occurred within any particular time period and do not need to relate to the same relevant protected characteristics.

## **Discrimination**

The Equality Act 2010 protects you from discrimination including bullying, harassment, and victimisation based on the grounds of:

- age
- disability
- gender
- gender re assignment
- marriage or civil partnership
- pregnancy and maternity leave
- race
- religion and belief
- sexual orientation

These are referred to as 'protected characteristics'.

## Recognising discrimination

### Direct discrimination

Direct discrimination happens when an employer treats an employee less favourably than someone else because of one of the above reasons.

Example: A female pupil is actively discouraged from undertaking a course in engineering by a teacher who tells her this is an unsuitable area of study for a female. This would be direct discrimination on the grounds of sex

### Indirect discrimination

Indirect discrimination is when a working condition or rule disadvantages one group of people more than another. Indirect discrimination is unlawful, whether or not it is done on purpose. It is only allowed if it is necessary for the way the business works, and there is no other way of achieving it.

Example: A department store prohibits its employees from wearing hats when serving customers. This rule means that people whose religious beliefs require them to cover their heads, such as Muslim women, are prevented from working in the shop. The store is indirectly discriminating against this group of people unless it can demonstrate that there is an objective reason to justify the policy.

## Some examples of unacceptable behaviour

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. Some examples of unacceptable behaviour are:

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- engaging in banter or making jokes which are degrading to a person (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close
- display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism

- preventing individuals progressing by intentionally blocking promotion or training opportunities
- devaluing work efforts and failure to give credit when due

In some cases people can be subject to hate incidents because of their gender, disability, race, sexual orientation, gender identity, age or religion. A hate incident is any incident or behaviour which is perceived as a hate incident by a person who experiences or witness the behaviour. As a Council we have responsibilities to protect employees from hate incidents at work and in service delivery, as far as is reasonable.

## **Consequences**

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the council. Management are expected to take reasonable steps to prevent bullying and harassment of an employee if such action is not taken, the council and in some circumstances, the Manager, could be liable for any of the following:

a breach of duty of care to provide a safe and healthy working environment  
 discrimination on grounds of race, sex, disability, sexual orientation, religion, or other belief if employees believe that an employer has not dealt with their concerns  
 unfair constructive dismissal and/or criminal penalties for intentional harassment.

Not following council policy and procedures could render a manager vicariously (personally) accountable.

It could also lead to:

- poor morale and poor employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations
- damage to council reputation
- referring matters to the police

## **Creating a healthy workplace**

If, despite preventative measures taken by management and the council as a whole, harassment or bullying occurs, the responsible manager should aim to take steps to put a stop to it as soon as possible. Nipping a potential problem in the bud is much better than doing nothing and risking that the situation may escalate into a formal complaint.

It may be beneficial for the manager to conduct an informal review of the “culture” in

their department to establish whether behaviour and relations between employees and their peers and indeed management is appropriate. In addition to this, management should work towards fostering a culture where employees feel able to express any concerns they have without fear of retribution.

## **Employee support**

As an employee you also have a responsibility to report any inappropriate behaviour you witness. In the first instance, we would ask that you report it to your manager. If you feel unable to speak to your manager about it you could speak to:

- another manager in your department
- HR Services
- your union representative (if you are in a union)
- the Employee Networks
- for serious cases of harassment, discrimination or hate incident you may need to consider contacting the police

The council, as your employer, has a duty of care to address inappropriate behaviour in the workplace. This might be through informal discussions, mediation, workplace training or by applying the dispute resolution and or disciplinary procedures.

## **Additional support**

[Acas Employee and Manager Guidelines on Harassment and Bullying](#)