



Central Scotland Valuation Joint Board Anti Harassment Policy & Code of Practice

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1.0 Aim of the Policy

- 1.1 Harassment is a form of discrimination, it is unlawful behaviour contrary to the Sex Discrimination Act 1975, the EC Code of Practice on the Dignity of Men and Women at Work, the Race Relations Act 1976, the Fair Employment (NI) Act 1989, and the Disability Discrimination Act 1995. It is also improper and inappropriate behaviour which undermines the health and safety of people at work.
- 1.2 The aim of the policy is to ensure that staff and members of the Joint Board are aware of the type of behaviour which may constitute harassment. It also aims to ensure that they are aware of their rights and responsibilities under the policy, the necessity to take steps to prevent harassment in the workplace and the need to deal with any complaints fairly and confidentially.
- 1.3 This policy is set within the context of the Joint Board's Equal Opportunities Policy and takes account of all forms of harassment. The policy covers all Joint Board staff and members.

2.0 Definition of Harassment

- 2.1 There is no textbook definition of harassment. It is, however, described in general terms by the European Commission, in its recommendation of 27 November 1991 on the protection of dignity of women and men at work as:

“conduct that is unwanted, unreasonable and offensive to the recipient and that creates an intimidating, hostile or humiliating work environment.”

Examples of Harassment

- 2.2 Examples of harassment include:

- Physical Conduct

Unwanted physical conduct including touching, patting, pinching or brushing against another's body, insulting or abusive behaviour or gestures.

- Verbal Conduct

Unwelcome advances, including: propositions or remarks, innuendo, lewd comments or abusive language.

- Non-Verbal Contact

The display of pornographic or suggestive pictures, posters, objects or written materials. Display of racially offensive written materials. Display of racially offensive written or visual materials including graffiti and the display of emblems or other unacceptable non-verbal conduct which denigrates a person for whatever reason. The open display or discreet presence of any such material in the working environment is completely unacceptable.

- Bullying and Intimidation

This can be the misuse of power, position or even perceived power which intimidates or ridicules an individual. This can take the form of inappropriate and/or threatening behaviour which is directed at individuals. Isolation or non co-operation at work, exclusion from work-based social activities, encouraging others to behave in an offensive way, the setting of impossible deadlines, unfair allocation of work, taking credit for another's initiatives and achievements, constantly changing the remits and responsibilities of others beyond what is reasonable.

- 2.3 Extreme forms of harassment, such as sexual or racial assault which constitute offences under the criminal law are clearly recognisable. Harassment can also be subtle and/or unintentional.
- 2.4 The possible grounds on which harassment may occur are numerous and include those listed in the equal opportunities policy, i.e. gender, marital status, race, nationality, political belief, age etc.
- 2.5 Frivolous complaints are rare and usually show themselves quickly. On the other hand serious harassment often goes unreported.
- 2.6 Managing a member of staff's work by properly investigating and dealing with such things as poor performance, poor attendance or misconduct does not constitute harassment.

3.0 The Policy

- 3.1 It is the policy of the Joint Board to provide a safe working environment free from harassment and intimidation. Harassment is recognised as a legitimate grievance and such incidents will be quickly and effectively dealt with and treated with the utmost confidentiality. The Joint Board will develop procedures which will give those who allege harassment and those accused of harassment support and choice about how to deal with offending behaviour. It is the Joint Board's intention to ensure that such incidents are taken seriously and thoroughly investigated.
- 3.2 Harassment is a disciplinary offence which may constitute gross misconduct and result in the dismissal of the member of staff.
- 3.3 The Joint Board's policy places on each member of staff and Joint Board members a responsibility to ensure that by their comments or behaviour they do not harass others. Managers have a particular responsibility to make staff aware of the Joint Board's policy on harassment, to be alert to conduct or behaviour which may contribute to incidents of harassment and to take prompt action to stop harassment as soon as it is identified.
- 3.4 The Joint Board will ensure that no individual is victimised for bringing a complaint of harassment in good faith or acting as a witness in such a case. It also recognises it has a similar responsibility in respect of the alleged harasser. A fair hearing will be provided for both parties.
- 3.5 Victims of harassment or the alleged harasser may also contact their trade union representative for help or support and are entitled to such representation at any stage or raising the complaint including representation during any disciplinary procedure.
- 3.6 The above procedures do not remove an individual's statutory rights at a court of law or industrial tribunal.
- 3.7 Anyone can be subject to harassment. Certain individuals may be more vulnerable for a variety of reasons, including their:-
- apparent vulnerability, e.g. position as a subordinate;
 - race, ethnic origin, nationality or skin colour;
 - sex or sexual orientation;

- religious or political convictions;
- willingness to challenge harassment, leading to victimisation;
- membership, or non-membership, of various organisations such as a trade union;
- disabilities, sensory impairments or learning difficulties;
- status as ex-offenders;
- age; and
- real or suspected infection with HIV.

4.0 Code of Practice

Rights and Responsibilities

4.1 The Joint Board's staff and members:

- have the right to work in an environment free from harassment;
- have a right to make a complaint, and to expect the complaint to be properly investigated, in accordance with this policy;
- have a duty not to undermine trust and confidence,
- should expect not to suffer harassment or victimisation as a result of making a complaint,
- staff have a responsibility to ensure that they do not cause harassment.

Managerial Responsibilities

- 4.2 It is the duty of supervisors and managers to implement the Joint Board's policy and bring it to the attention of our workforce/clients so that the unacceptability of harassment is in no doubt. Supervisors and managers will receive training so that they become skilled at recognising harassment and the procedures to be followed to deal with it.

Staff Responsibilities

- 4.3 Everyone should be alert to the various forms of harassment and be prepared to recognise that sometimes common forms of behaviour and attitudes can unintentionally create an intimidating and negative working environment. The perpetrator may not be aware of the effect and may have to have it pointed out. The Joint Board will develop procedures which will give complainants and those accused of harassment both support and choice about how to deal with offending behaviour.
- 4.4 All staff are responsible for ensuring standards of conduct/behaviour which are compatible with this policy and the Goals and Values of the Joint Board. Our workforce should conduct themselves at all times in keeping with the intentions of this policy.

Joint Board Members' Responsibilities

- 4.5 Elected members of the Valuation Joint Board should familiarise themselves with the Policy and have a responsibility to ensure that they themselves do not harass anybody. Members who are aware, or made aware of any alleged harassment have a duty to bring the matter to the attention of the relevant manager.

Complaints Responsibilities

- 4.6 It is recognised that the alleged harasser may not be an employee of the Joint Board but nevertheless such action as is possible will be taken by the Assessor to protect individuals from harassment. In all cases the Joint Board is committed to protecting staff from harassment during the course of their work. When cases are proven, the Joint Board will not hesitate to pursue legal or other relevant action.
- 4.7 Members of the public should be made aware of the Harassment Policy and the expectation that customers will demonstrate similar standards of behaviour.

5.0 PROCEDURES

5.1 There are a number of options open to anyone who believes that they have been harassed ranging from a direct approach to the alleged harasser to taking formal action under the Joint Board's grievance procedures. Different options may be appropriate for different cases. The following represent steps that individuals can take to resolve the matter. It should be noted that any of these steps can be invoked at any stage:-

5.2 The key options are:-

- making a direct approach to the alleged harasser
- asking your manager to make a direct approach
- approaching a harassment adviser for support
- making use of existing Joint Board grievance procedures.

Avoiding Risk

5.3 Central Scotland Valuation Joint Board will recognise its responsibilities towards its staff and will design procedures to minimise staff exposure to harassment. Staff will be trained in how to avoid risks and what to do if they experience some form of harassment. As a first step the Joint Board will adopt a policy on harassment and an action plan.

Records

5.4 Staff who consider that they are being harassed should maintain a diary of incidents of alleged harassment which includes the time, date, place and nature of the incident, how they felt at the time and the names of any witnesses present.

5.5 If staff feel confident about speaking to the alleged harasser on their own, they can tell them how they feel and ask them to stop. Before approaching the harasser staff should consider the advisability/safety of doing so on their own. If staff approach the harasser at this stage and the unacceptable behaviour does not stop, one of the other options should be pursued.

5.6 Whenever possible the complainant should make it clear that the behaviour is unwelcome and ask the alleged harasser to stop.

- 5.7 In circumstances where it is too difficult or embarrassing for the individual to approach the alleged harasser directly the initial approach may be made by a line manager, trade union representative or work colleague.
- 5.8 It is advisable that both complainer and alleged harasser should keep a note of the details, including the date and time of the approach.

Informal Action by Managers

- 5.9 This is particularly useful when the individual feels that the alleged harasser is unaware that his/her behaviour is unacceptable.
- 5.10 A manager should only use the Informal Action Procedure where they feel such an approach will cause the alleged harassment to stop immediately. Any person who is the subject of a complaint dealt with under this procedure will not have been found guilty of harassment, but its use may be referred to in any future case within the Joint Board's agreed disciplinary procedures.
- 5.11 An individual whose behaviour is causing offence will be told by their manager:
- of the impact of their behaviour; and
 - of the required standards of behaviour

In proven cases of harassment they should be told:

- that their behaviour is contrary to the harassment policy;
- the likely consequences of continuing such behaviour

Harassment Advisers

- 5.12 Harassment Advisers should be recruited from all levels of the Joint Board. The intention is to form a network of advisers, representative of job grade and other factors which appear in the harassment policy.

5.13 The key role of the advisers will be to:

- provide a supportive first point of contact for individuals who feel that they have been harassed, and for those accused of harassment
- describe to individuals who have been harassed and those accused of harassment the possible options open to them in terms of resolving the incident
- assist the person who has been harassed and the individual accused of harassment to reach a decision about which course of action to take
- with the agreement of both parties involved, arrange a supported meeting to attempt to resolve the situation
- monitor the number of contacts made to them by staff, the time involved, the nature of the complaint etc. using a proforma to be developed

5.14 Advisers will attend preliminary and refresher training as required in order to develop and maintain the skills needed for the role.

5.15 An individual has the right to make a complaint of harassment, and to have it dealt with using existing grievance procedures.

5.16 If the harassment persists or the case warrants it the complainer should make a formal complaint to their line manager.

5.17 In the case of the alleged harasser being the complainer's immediate supervisor, the complainer shall have the option of complaining to any member of the Management Team.

5.18 Harassment is a serious disciplinary offence therefore disciplinary action can be taken against offenders. This could result in dismissal in serious or repeated cases.

5.19 If a member of the Joint Board is the cause of serious or repeated harassment the Joint Board will consider the circumstances as a confidential item and decide an appropriate course of action. A complainant will be entitled to full support and representation. This would be the equivalent of referral to the Formal Grievance/Disciplinary Procedure in a case where a member of staff is the alleged perpetrator.

Third Person Complaints

- 5.20 Sometimes an individual does not wish to make a complaint, or to take any action. Whilst the wishes of the individual should be respected, it has to be left to the judgement of any third party observer or witness about whether to bring the alleged harasser's behaviour to the attention of the manager, or other person in a position of authority. It may be possible for third parties to use the Informal Action Procedure to prevent any repetition of behaviour.

Information and Training

- 5.21 After this policy is approved the Joint Board will undertake appropriate training in order that staff are aware of and can implement the policy.
- 5.22 Information and training will be provided to ensure that staff, particularly managers, understand what harassment is, their rights and duties to take action to stop it and the procedures to be followed where such cases occur. This training should be a mandatory part of both the formal induction process and the ongoing staff development programme for all members of staff. It is anticipated that Joint Board members will be appropriately trained by their own Councils.
- 5.23 The Joint Board will develop procedures which will give victims and those accused of harassment both support and choice about how to deal with the offending behaviour. In addition it should be recognised that individuals who are deemed guilty of harassment will have training needs to reform their behaviour.
- 5.24 The Board will publicise its policy on harassment and the procedures for redress. A translation of the Policy can be arranged and should be requested via the Office Manager.