

# Harassment at work

A UNISON guide

## Introduction

UNISON believes that everyone should be treated with dignity and respect at work. Harassment of any kind prevents this happening and should not be tolerated in the workplace. Harassment is a major problem in many workplaces, affecting millions of workers. Work related harassment can be based on prejudice and discriminatory attitudes. Any such behaviour can have a devastating effect

on an individual, affecting both their work performance and/or their personal life.

Harassment has no place in work and we want to see all forms of harassment challenged and eliminated. This guide can be used by branches to negotiate policies which prevent, tackle and deal with incidences of harassment in the workplace.

# What is harassment?

Harassment is any type of behaviour, sometimes repeated or persistent, that is unwanted, unwelcome and causes emotional distress in the person it is directed against. It may be caused by prejudice against specific members of society, as in racial harassment, sexual harassment, or harassment on the grounds of sexual orientation, gender identity, disability, age, religion or nationality. It may be persistent, an isolated incident and can also be unintentional. Harassment does not need to be carried out face to face but can also include written or telephone communication, or e-mail.

The key is that the person being harassed sees the comments or actions as offensive, demeaning, disrespectful or unacceptable.

There are various definitions of harassment and it can take a number of different forms. Harassment is defined by ACAS as any “unwanted conduct that violates an employees’ dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment”.

This definition may be used as a guide but is not definitive. The law defines harassment on the basis of equality grounds, with harassment being defined separately in each piece of equality based legislation. Harassment cases can also be taken on the basis of the responsibility of an employer to provide a healthy and safe working environment.

Research shows that harassment is widespread and affects many workers. For example almost half of all working women in the UK have identified sexual

harassment as a problem in the workplace and research carried out in Europe estimates that up to 50% of female employees in European Union countries have experienced sexual harassment.

Workplace harassment can occur in a number of ways. Some are obvious and easy to identify. Others are subtle and more difficult to recognise. Harassment occurs when someone harasses a worker while they are doing their job, or while they are on the way to or from work. A harasser can be anyone an employee has contact with because of their work.

That person might be a:

- colleague/supervisor/manager
- client/customer
- patient
- a contractor/or someone making deliveries.

Work related harassment can be a problem in any workplace and can affect any worker, regardless of the organisations size or activity. It can happen anywhere in the workplace eg the canteen, restroom, staff room, or in the office. Work-related harassment can also occur away from the workplace eg at a client’s home or workplace, at conferences, seminars, on training courses, staff parties, or away from work but resulting from work eg a threatening telephone call to your home from a client. In addition, it is not unusual for a large employer to have on its staff a number of members from the same family, or partners who work together. For this reason, harassment in relation to domestic violence should be considered.

## Types of harassment

Different types of harassment are set out in legislation, based on different equality grounds.

### Sexual harassment

It is difficult to gain a true picture of the extent of sexual harassment because levels of under reporting are extremely high with a large number of workers preferring not to pursue a formal complaint.

#### *Examples of sexual harassment:*

- unwelcome sexual advances, propositions and demands for sexual favours
- unwanted or derogatory comments about clothing or appearance
- leering and suggestive gestures and remarks
- displaying offensive material, such as pornographic pictures, page-three type pin-ups or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails
- physical contact such as the invasion of personal space and unnecessary touching through to sexual assault and rape (although rape is defined as a separate criminal offence).

### Racial harassment

In relation to racial harassment, numerous surveys and research has shown that racial harassment and discrimination exist throughout many workplaces. A UNISON survey of Filipino nurses carried out in 2003 showed that over a quarter of those surveyed had been abused or harassed

because of their race. The TUC has also gathered evidence which shows that black and ethnic minority workers are regularly subjected to racial abuse, a lip service and reactive approach to equal opportunities policies by management, being passed over for promotion and other more subtle forms of discrimination.

#### *Examples of racial harassment:*

- refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin
- displaying racially offensive material including graffiti
- racist jokes, banter, insinuations, insults and taunts
- unfair work allocation
- verbal and physical abuse/attacks on individuals because of their race, colour, nationality or ethnic origin.

### Harassment of workers with disabilities

One person in five of the working population is disabled. Disabled workers face such widespread discrimination that many are not even 'out' at work about their disability. According to the Disability Rights Commission (now part of the Equality and Human Rights Commission) the scale of harassment and discrimination experienced by disabled workers continues to increase.

#### *Examples of harassment of disabled workers:*

- asking intimate questions about an individual's impairment such as how

it occurred and what it is like to be disabled

- name calling, jokes, taunts and use of offensive language
- assuming that a physical disability means that the individual is inferior
- assuming that a mental disability means that the individual lacks intelligence
- speaking to colleagues rather than the person with the disability
- exclusion from workplace events because of barriers and excluded from social activities.

## Religious harassment

Religion discrimination in the workplace is also on the increase. Surveys carried out by the Home Office show that Muslim, Sikh, and Hindu workers had been unfairly treated in almost every aspect of employment. Changes in the ways some religions are now seen by the public means that further harassment and discrimination on the grounds of religion is likely.

### *Examples of religious harassment:*

- mocking or deriding people's religious beliefs
- making unwanted comments on dress
- making it unnecessarily difficult for people to conform to their religious beliefs.

## Harassment of lesbian, gay and bisexual workers

Harassment is probably the most common form of discrimination experienced by lesbian, gay and bisexual workers. Harassment and bullying claims are certainly by far the most frequent sexual orientation cases at employment tribunal. Yet many employers' policies do not refer

specifically to harassment on grounds of sexual orientation. There can still be a perception that some groups are fair game. Bisexual workers often face additional prejudice, because they are seen as 'neither in the gay or the straight camp'.

All too often, lesbian, gay and bisexual workers who complain of harassment are accused of being over-sensitive, having no sense of humour, or of bringing it on themselves by not hiding their sexual orientation. Despite changes to the law, research shows that most lesbian, gay and bisexual workers fear to even make a complaint. Straight workers may fear reprisals if they complain about homophobia. The advice below on confidentiality is particularly important in sexual orientation cases.

### *Common forms of sexual orientation harassment include:*

- homophobic or biphobic comments, 'jokes' and name-calling
- verbal or physical abuse or intimidation
- dissemination of homophobic or biphobic materials
- repeated references to a person's sexual orientation
- outing a person as LGB without their consent or spreading rumours
- prejudiced myths such as that all gay men are HIV positive, bisexual people are attracted to everyone, lesbians don't have caring responsibilities or that LGB people are a threat to children
- excluding an LGB person from conversation and activities
- excluding a same sex partner when opposite sex partners are included
- intrusive questioning about an individual's personal or sex life
- assuming that everyone is heterosexual or that being heterosexual is normal.

## Harassment of transgender workers

Transgender people are people whose sense of themselves in relation to being female or male does not match the gender they were assigned at birth. Some transgender people undergo gender reassignment to live permanently in the opposite gender. All transgender people face prejudice but people can be particularly vulnerable to harassment during the period they are transitioning gender. Over half those responding to a survey by Press for Change, the trans lobby group, had changed employers, either because they were forced to by their employer or because they felt compelled to by intolerable working conditions. Many reported they were now doing lower paid work. 38% had experienced harassment at the time of transition and 25% for a period after transition. Nearly a quarter reported verbal abuse and 6% reported physical abuse.

Confidentiality is vital. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition, without the consent of the individual affected. 'Official duties' include employment, trade union representation or supply of business or professional services. Trade union reps dealing with these cases must demand high levels of confidentiality from the employer and be sure to practice these themselves.

*Common forms of transphobic harassment include:*

- transphobic comments, 'jokes' and name-calling
- verbal or physical abuse or intimidation
- refusing to treat a person as of their new gender when they transition
- failing to address a person by their preferred name and correct gender pronouns
- denying people access to the appropriate single sex facilities such as changing rooms
- outing a person as transgender without their consent or spreading rumours (this may also be a criminal offence)
- excluding a person from conversation and activities
- sexual harassment
- intrusive questioning.

## Age harassment

Both young and older workers have experienced harassment and discrimination at work. Unequal treatment to this group of workers includes those relating to pay, other service conditions benefits and being considered too young or too old for promotion or more responsibilities. Workers may also be harassed on the grounds of their age by making derogatory remarks or assumptions about their ability or competence or by pressuring them to retire. Eight million people have experienced age harassment in employment – 35% of people aged 45 to 64 and 27% of 16 to 24 year olds. Nine out of 10 older people believe that employers discriminate against them and one in four has personal experience of age harassment/discrimination.

Age harassment affects women particularly. At age 25 to 35 when people are most likely to be given jobs, training and promotion prospects – many women are taking time out to have children.

*Age harassment in employment occurs mainly in six key areas:*

- recruitment

- selection
- promotion
- training and development
- redundancy
- retirement.

## The effects of harassment

The human, social and economical cost of harassment can be very high. Those who experience harassment can feel anxious, intimidated, threatened and humiliated. Harassment can cause feelings of frustration and anger and can lead to stress, loss of self confidence and self esteem. Workers can also lose motivation affecting work performance and absence levels. In extreme circumstances harassment has led to self harm and even death.

Harassment can have a significant effect on the physical and mental health of the workforce as it can be a major cause or work related stress. According to the Health and Safety Executive (HSE) stress at work can be triggered or made worse where 'there is prolonged conflict between individuals, including bullying and harassment or where staff are treated with contempt or indifference'. Given that a third of all sickness absence relates to stress, this can have a staggering effect on an organisation.

In addition to the effects on individual workers, harassment can also have a major effect on an organisation, affecting both the performance and the morale of the workforce.

## The law on harassment

Employers have a responsibility to protect the health and safety of their employees, are legally responsible for preventing harassment in the workplace and it is in their interest to ensure that harassment is viewed as unacceptable behaviour as employers may be held vicariously liable for the acts of harassers. The 1991 European Commission Code, 'Protection of Dignity of Men and Women at Work' (updated July 2005), highlights the need for employers to develop and implement coherent policies to prevent harassment

Where harassment in the workplace is rife the cost to the organisation can be high. These can include low morale, inefficiency, high levels of sickness absence and the potential loss of trained and experienced staff. An act of harassment can be challenged in the employment tribunals, in civil and in criminal courts.

### Discrimination law and harassment

Under equality law harassment can be recognised as a free standing form of discrimination. An individual can bring a claim in the employment tribunal where harassment occurs at work on the grounds of race, gender (ie a person's sex, or a person's gender reassignment), sexual orientation, disability, age, religion or belief. Here, the law provides that a person is unlawfully harassed, where the harasser engages in unwanted conduct, on a prohibited ground, which has the purpose or effect of:

- violating the other person's dignity or
- creating an intimidating, hostile,

degrading, humiliating or offensive environment for him/her.

A tribunal uses an objective test to consider whether or not there has been any harassment and will determine whether the conduct may 'reasonably be considered as having that effect'. However, a tribunal must also take the complainant's perceptions into account in making that assessment.

In the case of harassment on grounds of sex or gender reassignment, it is also unlawful for a person to be treated less favourably on the grounds that s/he has rejected or submitted to the relevant unwanted conduct.

**Sex** - The Sex Discrimination Act creates a distinct form of sexual harassment where the harasser 'engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of (i) violating his/her dignity or (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her'. This is distinct from harassment which is meted out to someone because of their gender (eg because they are a man or a woman).

Amendments to the Sex Discrimination Act from April 2008 include a requirement on employers to take reasonable steps to prevent a third party from harassing their employees. However, the employer will only be liable if they know about the harassment and it has taken place at work on at least two other occasions

**Race** – The Race Relations Act protects against discrimination and victimisation



on the grounds of colour or nationality. The Race Regulations 2003 amended the Act to define harassment as a specific form of racial discrimination.

**Sexual Orientation** – the Employment Equality (Sexual Orientation) Regulations outlaw harassment, discrimination and victimisation on the grounds of sexual orientation. This is defined as same sex = lesbian/gay, opposite sex = heterosexual, both sexes = bisexual.

**Disability** – The Disability Discrimination Act protects against harassment, discrimination, and victimisation of a disabled worker. The judgement in the Coleman case, 2008, is likely to mean that the Disability Discrimination Act will be interpreted more widely to outlaw harassment by reason of association with a disabled person – in the Coleman case a woman was found to have been harassed because of her disabled child.

**Age** - the Employment Equality (Age) Regulations offers protection against discrimination and harassment on the grounds of age. The law against harassment on the grounds of age will be developing further when new provisions are made in the Equality Bill, announced in summer 2008.

**Religion or belief** - the Employment Equality (Religion or Belief) Regulations offers protection against discrimination, harassment or victimisation on the grounds of a person's religion or belief.

It is possible that the harassment may cross more than one piece of legislation – ie a black woman may be harassed in relation to her race, her gender and her disability.

The Code of Practice on the Disability

Equality Duty places a responsibility on public authorities to give consideration to multiple layers of oppression in their Disability Equality Schemes.

### *Unfair dismissal*

In serious situations a worker may feel they have no choice but to resign because they are being bullied or harassed. Where a person feels they can no longer continue in work because they have been bullied or harassed, and a complaint does not fall within the equality legislation described above they may have a claim for unfair dismissal (“constructive dismissal”) against their employer.

However, such claims are very hard to evidence and win and should be approached with extreme caution.

### *Health and Safety*

Health and safety legislation obliges employers to ensure that workplaces are safe from harassment. Under the Health and Safety at Work Act, they must provide a safe and healthy working environment, including protection from harassment at work. The Management of Health and Safety Regulations also require employers to assess the nature and scale of workplace risks to health and safety, ensure there are proper control measures in place to avoid these risks wherever possible and reduce them so far as is reasonably practicable where not. Branches should aim to negotiate policies that cover all aspects of harassment in relation to health and safety. Following a 2006 Court of Appeal ruling it may also be possible to use Section Three of the 1997 Harassment Act to take workplace harassment cases, on the basis of the obligation of the employer to provide a safe place of work.

### *Time limits to lodge claims in the employment tribunal*

In general, the time limit for lodging an application to an employment tribunal is three months from the last act of discrimination. Normally, a grievance must first be lodged (with assistance from your regional officer) within three months before a claim can be lodged at a tribunal. An example of such a case is that of *Dunnachie v Kingston Upon Hull City Council* [2004] ICR 481 where Mr Dunnachie, a father of three, was bullied extremely badly by his employers. If there is no link between several historic acts of harassment, a complainant may refer to earlier incidents as evidence at a tribunal hearing.

**Always seek advice from your regional officer as soon as possible before advising in relation to any of these matters. Because of the short time limits, it is important to act very quickly when a member seeks advice in relation to harassment.**

### **Civil court claims**

An employee may make a personal injury claim for stress caused by harassment. Such claims have to be lodged within three years of the act. In the case of *Green v DB Group Services (UK) Ltd* (QBD) a former employee was entitled to damages for psychiatric injury and consequential loss and damage that she suffered as a result of harassment and bullying by her fellow employees. Here Ms Green's employer was found to be in breach of its duty of care to its employee in failing to take any adequate steps to protect her from such behaviour.

Historically, the Protection from Harassment Act 1997 ('the PHA 1997')

was used against stalkers that harassed individuals. More recently, in the case of *Majrowski v Guys & St Thomas's NHS Trust* (2006) the PHA 1997 was successfully used to bring a claim against an employer in the civil courts for anxiety caused by the harassment. Under the PHA 1997 a claim is against an individual, but Mr Majrowski successfully argued, using normal common law principles, that an employer can be vicariously liable for the acts of their employee if such harassment took place in the course of their employment. A claim under the PHA 1997 must be brought in the civil courts within six years of the act of harassment.

### **Criminal court claims**

The Protection from Harassment Act 1977 also makes it a criminal offence to make repeated threats of violence, whether intentionally or not. Such a case is brought by the police and if a person is convicted they could be sent to prison for up to six months and/or be given a fine not exceeding £5,000.

# Negotiating a policy on harassment in the workplace

A model harassment policy for your use is included at the end of this document.

The first priority in dealing with harassment is to eliminate it from the workplace. Dealing solely with the consequences of harassment is not a solution because it wrongly focuses attention on individuals rather than concentrating on the culture that has allowed the harassment to occur in the first place. Employers should have locally-agreed policies for dealing with issues of harassment, discrimination and victimisation in the workplace. Procedures for dealing with complaints should be included. The policy needs to be proactive in preventing harassment as well as reacting to situations where it occurs.

Sometimes policies on bullying and harassment are negotiated together. UNISON believes that bullying and harassment are two separate issues, although sometimes related, and should be dealt with separately.

A policy on tackling harassment in the workplace should include the following:

## ■ A statement of commitment

The policy should demonstrate a clear commitment on the part of the employer to tackle harassment. It should acknowledge that harassment is a serious problem that will not be tolerated in the workplace and complaints will be taken seriously, will be dealt with quickly and will be treated as a disciplinary offence, ie gross misconduct. It should spell out the right of all staff to be treated with dignity and respect at work. This statement must be endorsed by those

at the top of the organisation if it is to be taken seriously.

■ A commitment to adopt a zero tolerance approach to all unacceptable behaviour, including examples of acceptable and unacceptable behaviour.

## ■ A definition of harassment

The ACAS definition of harassment, mentioned above, would be a good starting point.

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

## ■ Prevention measures

The policy should outline the steps employers’ will take to prevent harassment at work. It should also describe the steps to be taken when harassment occurs.

## ■ Duties of managers and supervisors

The policy should be clear on the duties of managers and supervisors and managers and their responsibilities for eliminating and preventing harassment. Managers and supervisors should be specifically trained to detect and handle harassment.

## ■ Trade union involvement

It is important that workers are involved in the development of the policy and the role of trade union representatives’ is crucial to this. Stewards should be consulted and involved in the development of the policy,

investigate any complaints/concerns, and consult with members.

The policy should acknowledge the dual role of stewards which includes educating members about harassment as well as receiving complaints. Because of their role in representing the harasser and the harassed, stewards should also be given training equal to that of managers and sufficient time to carry out their duties. Giving them equal status to managers will promote partnerships and build confidence among staff.

Where the equality duties on race, gender and disability apply (public sector employers), they should be used to provide opportunities for involvement and consultation exercises with the employer. Please see the UNISON guidance available on the equality duties for more information.

Branches should actively encourage members to get involved when employers are reviewing policies and procedures associated with harassment.

### *Contact officers/anti harassment officers*

Some employees may find it difficult to raise concerns about harassment. This may be because they are frightened, distrustful and embarrassed, or the feelings they experience make it hard to speak out to anyone. It may also be because the person doing the harassment is their manager or supervisor. For this reason, the policy should include details of an independent contact officer to provide help and support to those being harassed. These officers should be specifically trained to deal with harassment complaints

## Information and training

Training and information is crucial to the success of a policy on harassment. It is particularly important where harassment is common practice and seen as part of the organisation's general culture.

Following agreement the policy should be widely publicised to both new and existing staff. It should also be placed in areas accessible to staff and visitors, eg intranet, notice boards, etc. It should be brought to the attention of contractors, agency staff, visitors, etc and form part of any contract specification.

Information about the policy should also be included in any staff/induction training.

Training programmes should include:

- details on the policy, its implementation, and promotion
- what harassment means, its causes and effects
- how to report incidents and unacceptable behaviour
- how to get support
- the help available to those being harassed.

Employees should also be encouraged to help each other either by lending support or informing management of their concerns through the appropriate channels. The procedure should also make it clear that staff have a right to be accompanied by a trade union representative at all stages.

## Procedure for harassment complaints

A procedure for complaints relating to harassment should be developed. Ideally, this should be separate from the usual grievance procedure for a number of reasons. Firstly, the normal procedure will not always be sufficient as the facts of each case will need to be identified in an extremely sensitive way. In addition, the harassment may be from the members' line manager who is often the person a problem is raised with in the first instance in a grievance procedure.

Both informal and formal resolution routes should be included in the procedure. The informal route creates opportunities to resolve problems quickly and confidentially without the formality of grievance procedure and investigations. It could give the harasser an opportunity to understand that their behaviour was unacceptable as quickly as possible, and gives the opportunity for both parties to iron out any misunderstandings about behaviour.

Formal action is used when attempts to resolve the conflict informally have not worked, when the complaint or the alleged harasser does not wish to use the informal route, or when the seriousness of the action is such that only formal action is appropriate. It must be emphasised that the route taken is the complainant's choice, and a decision to undertake formal action must be respected.

Whatever procedure is used it should give the harasser an opportunity to change their behaviour, as some people are unaware that their behaviour is interpreted as harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved.

The quicker incidents are dealt with, the better. This is especially important in maintaining trust in the procedures. It is an issue that HR professionals are sometimes mistrusted by complainants, and a procedure that has timescales set out in it, which are respected, but help maintain confidence in the process.

Any complaint should be taken seriously and investigated objectively and with sensitivity. Any response must take into account any problems that might arise and ensure that adequate support for the person making the complaint is available.

## What can union reps do?

Union representatives have an important role to play in tackling harassment in the workplace. They should always take complaints seriously and make sure that the member feels supported. They should:

- discuss with the member what steps are available to them and seek their agreement before reporting the incident to management
- listen carefully to what the member says and make it clear that you don't consider them to be over-sensitive, the incident isn't silly or trivial and that UNISON is prepared to help
- encourage the member to write down details of every incident of harassment, including what was said and the date and time
- find out whether other workers have experienced similar problems - this can be done by using a confidential survey, organising meetings so that members can talk together about harassment and by including articles on harassment in branch magazines and newsletters. Where harassment is occurring, find out the details and dates when it occurred

- discuss with the member how they wish the case to be pursued - if the member agrees, seek the support of other workers
- advise the member to report the incident to management and help them to do this if s/he so wishes. Take all written information about the case with you when you discuss it with management
- offer to represent and/or support the member at any stage of the enquiry into the allegations
- ensure that the case is dealt with as quickly as possible by management, ensure each step is followed up promptly, and press for a deadline to complete the enquiry
- ensure that the needs of the member are respected once the complaint has been resolved, for example a phased return to work if relevant
- ensure that your members are kept informed as much as possible and get their agreement before taking any course of action.

It is crucial that confidentiality is respected at all times. Lack of confidentiality can prevent workers from reporting harassment.

Members experiencing harassment should be encouraged to:

- keep records of incidents, ie what happened, when, how and by whom
- keep written evidence that they have made a complaint
- identify any possible witnesses
- keep copies of any relevant documents such as letters, memos, e-mails, etc
- keep a record of any medical help sought.

## Informal approaches

In some circumstances, informal approaches can be used in the first instance or where the harasser is not aware that their behaviour is unacceptable. However this will not be appropriate in all cases as the member may not feel able to make an informal approach, for example where other attempts to stop the harassment have failed, or if the harassment is too serious. In some cases an informal approach may be enough to make the harassment stop, especially where it is unintended. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

## Discipline and grievances

Where an informal resolution is not possible, the disciplinary route may be pursued by an employer. It may be necessary to suspend the individual accused of harassment whilst the case is under investigation. Only in exceptional circumstances should the person making the complaint be moved, and only when they request such a move.

In rare circumstances, there may be cases where someone makes an unfounded allegation of harassment for malicious reasons. These cases should be investigated and dealt with under the normal procedures.

## Representing the harasser

All members are entitled to representation to ensure that disciplinary procedures are conducted fairly. Representatives need to act fairly and be consistent with the union's rules and policies. Branches should

develop appropriate procedures for these situations. Advice can be sought from the regional office.

In representing anyone accused of harassment representatives should ensure they remain objective and avoid “character assassinations” of the complainant. If the alleged harasser is a UNISON member they are entitled to UNISON representation. They should be provided with a representative who has had no involvement in the complainant’s case, and who is of a similar status to the person representing the complainant, so that accusations of favouritism cannot be brought and both reps are able to carry out their role effectively.

There may be occasions when we cannot provide representation to a member. These occasions will be few and exceptional, but could occur. For example:

- if the member does not accept the union’s advice
- where the member refuses to co-operate fully with us (for example, you find that the member has not been honest and frank in telling you the facts of the case)
- the representation being sought is outside the services provided by UNISON rule
- where the member has also asked someone else to make representations to the employer
- a member appearing as a witness
- in a grievance hearing, a member who is the manager whose decision gave rise to the grievance (managers cannot expect representation when they simply carry out their functions as a manager. However, managers who themselves have a grievance or face disciplinary proceedings are, of course, entitled to assistance on the same basis as any

other member).

- a member named as a co-respondent in a case brought by UNISON.

Representing members who are accused of harassment, discrimination or bullying presents particular problems to UNISON representatives. It is important that our actions are seen to be consistent with our values. We cannot condone or defend such actions, whether or not the complainant is also our member. Nor can we ignore or refuse outright to hear or assist a member accused of such actions. Representatives must be careful not to presume guilt and must not ignore our obligation to advise the member and ensure a fair hearing. (It is also not in our interests that a harasser might win a subsequent appeal on the grounds of some technicality arising from not being represented.)

To achieve the balance of representing accused members and upholding UNISON principles, representatives need to demonstrate clear objectivity and give impartial advice focused on pursuing a fair hearing.

If further clarity is needed advice should be sought from your regional officer.

Please find more information on this issue in UNISON’s Guide to Representation (see further information).

## Access to counselling

Harassment can affect a person’s mental and physical well-being. Access to counselling should be included in the policy to help workers cope better with the negative effects of harassment. Counselling services should be funded by the employer as part of their occupational health scheme and time off to attend counselling sessions

should not be counted as sickness absences. Counsellors must be trained and independent and the service must be strictly confidential. The availability of counselling and the procedure for referral should be widely publicised.

Counselling is usually helpful in supporting the complainant, but could also assist anyone accused of harassment. For this reason it is important that counselling is offered to those carrying out harassment. This can be particularly useful in helping them to understand why their behaviour has been found to be unacceptable.

## Monitor and review

The policy should be monitored and reviewed on a regular basis to ensure that it is achieving its objectives and is effective. Where the employer has duties under the race, disability and gender equality and discrimination legislation, (public sector employers), systematic evidence must be collated and analysed by employers to identify any cases of institutional discrimination and policies reviewed to ensure that such discrimination is eliminated. UNISON believes that regardless of the grounds, all cases should be monitored and analysed.

## What branches can do

Branches can take steps to raise awareness of harassment in the workplace. This can help members to recognise that they are being harassed. Raising awareness of harassment is important. It can raise the profile of the union, help in identifying the extent of the problem in the workplace, and help to change the workplace culture, making people aware of the policies and procedures and their

behaviour. It can also be useful in recruiting new members.

Branches can consider:

- organising a confidential survey of the workplace or branch on the extent or harassment
- organising meetings on the issue
- raising awareness through posters and leaflets
- ensuring awareness is incorporated in appropriate training
- encouraging members to keep written records of all harassment incidents
- informing employers in writing that incidents are occurring - this must be done in a general way if a member has raised the issue in confidence
- including articles on harassment in branch magazines and newsletters.

A survey could be jointly run with management or organised by the union alone, however to ensure confidentiality, details of individuals should not be included in the information requested. You might want to identify a particular problem you have become concerned about, for example racial harassment, and draft a questionnaire on that alone. Alternatively, the survey could cover general issues of harassment in the workplace. A general survey should however, include specific questions on harassment on specific grounds. It should also show that answers will be treated confidentially by eg not asking for the names of those responding.

Questions could include:

- *Have you ever been harassed at work?*
- *Are you currently being harassed?*
- *How often does this harassment happen?*



- *Who is doing the harassment?*
  - supervisor
  - manager
  - colleague
  - the public (clients, patients, customers, contractors, etc)
  - others.

*must be lodged within three months of the last act of harassment in order for a claim to be accepted in a tribunal).*

- *What form does the harassment take?*

- *Is this harassment related to your:*

- gender
- gender identity
- race
- disability
- sexual orientation
- religion
- age
- other characteristics.

- *Have you ever taken time off work due to harassment?*

- *Have you ever witnessed anyone else being harassed?*

- *Do you know of anyone who has had time off work due to harassment?*

- *Do you know of anyone who has left their job due to harassment?*

- *If you have been harassed, have you raised the problem with your:*

- colleague
- manager
- union representative
- other.

- *What action was taken?*

- *When was the last act of harassment (a claim must be lodged within three months of the last act of harassment if such a claim has merits).*

- *Have you lodged a grievance? (a claim*

## Harassment myths

**Myth:** the employer is not legally responsible for harassment of its staff by members of the public.

**Truth:** in some circumstances, employers can be liable for harassment by the public.

**Myth:** it is impossible to prove sexual harassment unless there is a witness

**Truth:** it is hard, but not impossible, to prove sexual harassment without direct witnesses.

**Myth:** if the member does not tell the harasser his/her conduct is unwanted, it is not unlawful

**Truth:** the law recognises that, in most cases, it is obvious that the conduct would be unwanted and it is unnecessary for the member to say so. With totally unexceptional behaviour the member may be expected to have a quiet word.

## Future developments

A number of changes in harassment law are underway as a part of the work towards a new Equality Bill – some proposed changes were published by the government in June 2008. If you are dealing with a harassment case where any of these issues are relevant you should seek up to date advice.

The government has agreed to extend the freestanding statutory protection against harassment in the Race Relations Act 1976 to apply to colour and nationality in the same way as it applies to race and ethnic and national origins.

They have also agreed to extend statutory protection against harassment related to sex, in schools, and harassment on the grounds of gender reassignment, in the exercise of public functions.

The government does not intend to extend express statutory protection against harassment on grounds of sexual orientation or religion or belief, in the provision of goods, facilities and services, education in schools, the management or disposal of premises, and the exercise of public functions.

It is possible that the Coleman case, where a woman was found to have been discriminated against and harassed due to having a disabled child, will mean that changes will need to be made in UK harassment law to encompass this form of harassment by association with a disabled person.

To implement the Equal Treatment Amendment Directive in Britain, the government was obliged to amend the

Sex Discrimination Act 1975 to provide protection for employees whose employer knowingly fails to protect them from repeated harassment by a third party such as a customer or supplier. This protection is purely a domestic measure as the Court did not hold that such liability was required to comply with European law.

Such protection against harassment by third parties at work does not, however, currently exist in relation to the other equality protected grounds. The government has said they will give further consideration to the case for extending liability of employers for persistent harassment of their employees by third parties in relation to race, disability, sexual orientation, religion or belief and age, but have decided not to impose liability on providers for third party harassment outside the employment field, eg by customer on customer.

The law on harassment on the grounds of age will be extended as part of changes announced in summer 2008 to form part of a future Equality Bill.

The government may make other changes to harassment law as a part of a process of harmonisation. It is possible they will seek to harmonise the definitions and coverage of harassment legislation, and they may extend statutory protection against harassment to the ground of disability in the provision of goods, facilities and services, education in schools, the management or disposal of premises, and the exercise of public functions. UNISON will provide up to date information on legislative changes as they happen.

## Harassment at UNISON events by UNISON members

In accordance with UNISON's rule book, rule 1.2.3.i harassment at any UNISON event, or within UNISON, will result in disciplinary action. UNISON also has an anti discrimination policy, which is set out below:

“The union shall seek to ensure that discriminatory acts are not committed against any person by the union, or by its organs, members, or officers, on grounds such as race, gender,sexuality, gender identity, disability, age, creed or social class.”

It is therefore clear that any act of harassment or discrimination by a UNISON member is against the rules of the union, and firm action will be taken if these rules are broken.

If you are concerned about the breach of this rule, or an incident occurs, please raise it with your regional organiser.

## Further information

UNISON has produced a number of publications that may be useful to branches dealing with workplace harassment. These are available online at [www.unison.org.uk](http://www.unison.org.uk).

Printed copies are also available from the Communications Unit at UNISON head office.

*UNISON's Guide to Public Sector Equality Duties* - stock number 2645

*UNISON's Guide to Representation* – stock number 2426

*Negotiating Equality for Lesbians, Gays and Bisexual Workers* – stock number 1744

*In or Out You're Better Off in UNISON* – stock number 2269

*Disability Equality Duty* – stock number 2581

*Bullying at Work* – stock number 1281

*Stress at Work* – stock number 1725

*Sickness Absence Guide* – stock number 2594

*Violence at Work* – stock number 1346

*The Health and Safety Six Pack* – UNISON's guide to health and safety law – stock number 1660

To order please e mail [stockorders@unison.co.uk](mailto:stockorders@unison.co.uk) or fax 020 7551 1461.

Additional health and safety information can be found on the UNISON web site.

The TUC has produced a range of information dealing with harassment in its various forms.

They also produce Risks, a weekly e-mail bulletin.

TUC, Congress House, Great Russell Street, London, WC1B 3LS; tel: 020 7636 4030.  
[www.tuc.org.uk](http://www.tuc.org.uk)

**The following organisations have also produced information relating to harassment.**

The Equality and Human Rights Commission (EHRC) was established under the Equality Act 2006. It replaces and brings together the work of the Equal Opportunity Commission, the Racial Equality Commission and the Disability Rights Commission. It also has responsibility for other strands of equality including age, sexual orientation, religion or belief and human rights.

The EHRC provides information and guidance on discrimination and human rights issues and guidance for employers. It operates a helpline in England, Scotland and Wales. The address and helpline numbers are set out below:

**England**

Equality and Human Rights Commission  
Helpline  
Freepost RRLL-GHUX-CTRX  
Arndale House, Arndale Centre  
Manchester M4 3EQ  
0845 604 6610 - England main number  
0845 604 6620 - England textphone  
0845 604 6630 - England fax

**Wales**

Equality and Human Rights Commission  
Helpline Wales  
Freepost RRLR-UEYB-UYZL  
1st Floor  
3 Callaghan Square  
Cardiff  
CF10 5BT  
0845 604 8810 - Wales main number  
0845 604 8820 - Wales textphone  
0845 604 8830 - Wales fax

**Scotland**

Equality and Human Rights Commission  
Helpline Scotland  
Freepost RRLL-GYLB-UJTA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DU  
0845 604 5510 - Scotland main  
0845 604 5520 - Scotland textphone  
0141 228 5912 - Scotland – fax

Labour Research Department (LRD) 78  
Blackfriars Road, London SE1 8HF; tel: 020  
7928 3649; [www.lrd.org.uk](http://www.lrd.org.uk)  
*Tackling Bullying and harassment at work  
– a trade unionist's guide.*

Advisory, Conciliation and Arbitration  
Service (ACAS), Brandon House, 180  
Borough High Street, London SE1 1LW;  
helpline: 08457 474747,  
textphone: 08456 061600;  
[www.acas.org.uk](http://www.acas.org.uk).  
Booklets including *Bullying and harassment  
at work: a guide for managers and  
employers* and *Bullying and harassment at  
work: guidance for employees* are available  
free of charge on the website and in print.

The Health and Safety Executive (HSE)  
provides information and advice and also  
produces leaflets and detailed guidance  
on health and safety law. Information  
line: 08701 545500; HSE Books: 01787  
881165; [www.hse.gov.uk](http://www.hse.gov.uk)

UNISON welcomes comments from  
branches on this booklet. Either write or  
email [equality@unison.co.uk](mailto:equality@unison.co.uk).  
For help when you need it call UNISON on  
0845 355 0845

# Draft harassment agreement

The following draft agreement can be used in the workplace to promote a working environment free from all forms of harassment.

## Draft agreement: preventing harassment at work

### STATEMENT OF COMMITMENT

The parties to this agreement fully support the right of all people to be treated with dignity and respect at work. They are committed to promoting a working environment free from all forms of harassment and agree that appropriate steps should be taken to achieve this.

The (employer) values the contribution all its employees make to the provision of quality services. We recognise that such a contribution is most effective in conditions which are free from unnecessary anxiety, stress and fear and where employees are able to work in an atmosphere which values them as individuals. We have therefore resolved to create a working environment that supports the dignity of all employees and is free from any form of harassment.

The (employer) believes that any form of harassment, bullying, victimisation, or intimidation is unacceptable behaviour, undermines the dignity of an individual, is morally wrong and has a detrimental effect on the provision and delivery of services. For this reason it will not be tolerated.

All employees will be made aware of the [employer's] policy forbidding the harassment of any employee by another employee and will be expected to comply with this policy. Appropriate disciplinary action, including warnings, compulsory

transfers (without protection of wages or salary), and dismissal for serious offences, may be taken against any employee who violate this policy.

The (employer) also recognises that it has a responsibility to protect employees from harassment at work by members of the public. All staff has the right to be treated with respect by the public they provide services to. Harassment of staff by members of the public are dealt with in a separate policy (state policy eg the violence to staff policy).

All employees have a clear role to play in helping to create a climate at work in which harassing behaviour is unacceptable. In particular, employees should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaints procedure. Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.

This policy is supported by, and has been developed with, the trade unions representing employees. It will be communicated to employees using a variety of methods including training, information and publicity, team briefings, departmental meetings and in-house publications.

## What is harassment at work?

Harassment is behaviour that is unwelcome, unreciprocated and offensive to the recipient. Such behaviour includes comments, actions, jokes or suggestions that might create a stressful working environment. It can be intimidating, embarrassing, unpleasant and/or threatening. It can be in the form of physical contact, verbal or non-verbal (such as printed material or emails). All forms of harassment can have an adverse effect on job performance, morale and health. What is important is not necessarily the action, but how the recipient feels about what has been done.

Individual(s) may be harassed for a variety of reasons, sometimes because they appear to belong to an underrepresented group or because of some other factor.

The (employer) is committed to eliminating harassment and victimisation on the grounds of gender, race, disability, religion, sexual orientation, gender identity, or nationality, age, or lifestyle.

Harassment or victimisation on any of the above grounds is unacceptable and will not be tolerated.

The list below shows some examples of common forms of harassment but is by no means exhaustive.

### Sexual harassment

- Unwelcome sexual advances, propositions and demands for sexual favours
- Unwanted or derogatory comments about clothing or appearance

- Leering and suggestive gestures and remarks
- Displaying offensive material, such as pornographic pictures, page-three type pin-ups or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails
- Physical contact such as the invasion of personal space and unnecessary touching through to sexual assault and rape (although rape is defined as a separate criminal offence).

### Racial harassment

- Refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin
- Displaying racially offensive material including graffiti
- Racist jokes, banter, insinuations, insults and taunts
- Unfair work allocation
- Verbal and physical abuse/attacks on individuals because of their race, colour, nationality or ethnic origin.

### Harassment of workers with disabilities

- Asking intimate questions about an individual's impairment such as how it occurred and what it is like to be disabled
- Name calling, jokes, taunts and use of offensive language
- Assuming that a physical disability means that the individual is inferior
- Assuming that a mental disability means that the individual lacks intelligence
- Speaking to colleagues rather than the person with the disability



- Exclusion from workplace events because of barriers and excluded from social activities.

## Harassment on the grounds of religion

- Mocking or deriding people's religious beliefs
- Making unwanted comments on dress
- Making it unnecessarily difficult for people to conform to their religious beliefs.

## Harassment on the grounds of sexual orientation

- Homophobic or biphobic comments, 'jokes' and name-calling
- Verbal or physical abuse or intimidation
- Dissemination of homophobic or biphobic materials
- Repeated references to a person's sexual orientation
- Outing a person as LGB without their consent or spreading rumours
- Prejudiced myths such as that all gay men are HIV positive, bisexual people are attracted to everyone, lesbians don't have caring responsibilities or that LGB people are a threat to children
- Excluding an LGB person from conversation and activities
- Excluding a same sex partner when opposite sex partners are included
- Intrusive questioning about an individual's personal or sex life
- Assuming that everyone is heterosexual or that being heterosexual is normal.

## Harassment of transgender workers

- Transphobic comments, 'jokes' and name-calling
- Verbal or physical abuse or intimidation
- Refusing to treat a person as of their new gender when they transition
- Failing to address a person by their preferred name and correct gender pronouns
- Denying people access to the appropriate single sex facilities such as changing rooms
- Outing a person as transgender without their consent or spreading rumours (this may also be a criminal offence)
- Excluding a person from conversation and activities
- Sexual harassment
- Intrusive questioning.

## Age harassment

Age harassment at work may occur during:

- recruitment
- selection
- promotion
- training and development
- redundancy
- retirement.

## The legal position

The (employer) has duties to ensure the physical and psychological health, safety and welfare of employees at work under health and safety legislation. This includes assessing the causes of stress at work and introducing measures to reduce or prevent stress. The (employer) is legally responsible for preventing harassment in the workplace.

Under equality law harassment can be recognised as free standing form of discrimination. An individual can bring a claim in the employment tribunal where harassment occurs at work on the grounds of race, gender (ie a person's sex, or a person's gender reassignment), sexual orientation, disability, age, religion or belief. Here, the law provides that a person is unlawfully harassed, where the harasser engages in unwanted conduct, on a prohibited ground, which has the purpose or effect of:

- violating the other person's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her.

In the case of harassment on grounds of sex or gender reassignment, it is also unlawful for a person to be treated less favourably on the grounds that s/he has rejected or submitted to the relevant unwanted conduct.

**Sex** – The Sex Discrimination Act creates a distinct form of sexual harassment where the harasser 'engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of (i) violating his/her dignity; or (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her'. This is distinct from harassment which is meted out to someone because of their gender (e.g. because they are a man or a woman).

Amendments to the Sex Discrimination Act from April 2008 include a requirement on employers to take reasonable steps to prevent a third party from harassing their employees.

**Race** – The Race Relations Act protects against discrimination and victimisation

on the grounds of colour or nationality. The Race Regulations 2003 amended the Act to define harassment as a specific form of racial discrimination.

**Sexual Orientation** – the Employment Equality (Sexual Orientation) Regulations outlaws harassment, discrimination and victimisation on the grounds of sexual orientation. This is defined as same sex = lesbian/gay, opposite sex = heterosexual, both sexes = bisexual.

**Disability** – The Disability Discrimination Act protects against harassment, discrimination, and victimisation of a disabled worker.

**Age** - the Employment Equality (Age) Regulations offers protection against discrimination and harassment on the grounds of age.

**Religion or belief** - the Employment Equality (Religion or Belief) Regulations offer protection against discrimination, harassment or victimisation on the grounds of a person's religion or belief.

It is possible that the harassment may cross more than one piece of legislation – ie a black woman may be harassed in relation to her race, her gender and her disability.

The Code of Practice on the Disability Equality Duty places a responsibility on public authorities to give consideration to multiple layers of oppression in their Disability Equality Schemes.

Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment

amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.

An act of harassment can be challenged in the employment tribunals, in civil and in criminal courts.

Any failure by an employer to deal with harassment related issues may result in a fundamental breach of one of the following implied terms:

- to keep employees safe from harm
- to support and assist
- trust and confidence.

In addition, the Human Rights Act 1998 may also provide legal redress for complainants of harassment. Harassment cases may also be taken under Section Three of the 1997 Harassment Act on the basis of the obligation of the employer to provide a safe place of work.

## Contact officers

(The employer) recognises that there can be difficulties in raising the issue of harassment, particularly if:

- the immediate manager is doing the harassing
- the employee is reluctant or too embarrassed to raise the matter with their manager, or feel the manager may lack the skills, knowledge or sensitivity to deal with complaints of harassment
- the employee finds the prospect of using the formal complaints procedures intimidating.

The (employer) is concerned to ensure that such potential difficulties are overcome and

that allegations of harassment are raised so that they can be acted upon.

To help ensure this a specially trained officer(s)- the contact officer(s)- has been designated to deal with complaints of harassment and to offer advice to employees who believe that they or their colleagues have experienced harassment.

The main role of the contact officer(s) is to:

- provide sympathetic assistance to employees with complaints of harassment
- explain to them how the procedures for making a complaint operate
- establish the main details of any complaint
- channel the complaint to the appropriate manager for action if the employee decides to take the matter further.

The (employer) will ensure that contact officers receive special training in carrying out their role.

Contact officers will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the employee.

An employee who comes to a contact officer to talk about harassment is under no obligation to take further action. The contact officer is there to help employees decide what they want to do.

Employees who have been harassed are not obliged to refer their complaints to contact officers - it is entirely up to them whether they do so. However, the nomination of contact officer(s) is an additional means of ensuring that such employees are not discouraged from bringing forward complaints.

A list of contact officer(s) can be found: (list them here).



## Trade union representatives

Trade union representatives are able to assist their members who have been victims of harassment, including supporting them in taking complaints. The (employer) encourages all members who are concerned about harassment to speak to their trade union representatives.

The (employer) will allow trade union representatives and members paid time off to attend union provided training courses on harassment at work.

The (employer) will support the union's activities on raising awareness and tackling the issue of harassment amongst their members.

The (employer) recognises that stress at work in general can contribute to workplace harassment and bullying, and is committed to jointly agreeing with the trade union ways of tackling work-related stress.

The (employer) will consult with the trade unions in good time over any proposals,

for example on changes to staffing, job descriptions, tasks, workloads, hours, procedures on sickness and so on- that could increase the potential for stress, bullying and harassment at work.

The (employer) is committed to preventing any harassment or victimisation of trade union activists or members because of their trade union activities.

## Complaints procedure

An individual can deal with harassment in various ways, ranging from asking the person to stop the harassing behaviour, to informal discussions with the contact officer, or to making a formal complaint.

Some people are unaware that their behaviour in some circumstances is harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of harassment.

## Informal complaints procedure

1. If possible, an employee who believes that he or she has been the subject of harassment should, in the first instance, ask the person to stop the behaviour and make it clear what aspect of their behaviour is offensive and unacceptable and the effect it is having. This can be done either verbally or in writing. If the harassed person feels unable to approach the person responsible directly, a friend, colleague or trade union representative can make this initial approach.
2. If an employee is unable to adopt the above approach, or the harassment is of

a very serious nature, they can approach a contact officer who can provide informal advice in confidence. No further action will be taken without the consent of the employee making the complaint.

Confidential advice is also available to other employees who themselves may not be the subject of harassment but are concerned about the harassment of others.

## Formal complaints procedure

If informal action does not stop the harassing behaviour, or a formal complaint is made, the complaints procedure should be initiated and a formal report should be made. Throughout this procedure, the complainant and the person against whom the complaint is made has the right to trade union representation or to be represented by a friend or colleague, and to seek informal advice from the contact officer.

1. An employee who believes that he or she has been the subject of harassment should formally report the alleged act to their (line manager) the contact officer or (a senior manager).
2. All complaints will be handled and investigated in a timely and confidential manner.

Confidentiality will be maintained at all times. Employees shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. The contact officer and a (senior manager) will be jointly responsible for ensuring a thorough investigation of the complaint.

3. As a first stage in the investigation, the contact officer (and senior manager as above) will arrange to interview separately both the complainant, and the person

against whom the complaint has been made, with a representative if requested.

4. The contact officer or (senior manager as above) will give a detailed response in writing to the complainant.
5. If the investigation reveals that the complaint is upheld, prompt action designed to stop the harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged harasser and not the complainant will be relocated unless the person complaining requests otherwise.
6. Where disciplinary action is considered necessary such action will be considered strictly in accordance with the staff disciplinary procedure.
7. Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about or assisting in an investigation of harassment is a disciplinary offence.
8. Any decisions taken under this procedure do not preclude any employee from pursuing a grievance in the usual way under the staff grievance procedures.
9. The complainant and the alleged harasser have the right to appeal against the processing of a complaint (not the outcome) within (time limit) of the outcome of an investigation to (senior manager).

## Information and training

Information and training about harassment and about this policy will be given to all employees, including supervisors, managers and new staff. This will include information

on what constitutes harassment and, for managers, on what their responsibilities are. Trade unions will be invited to speak at training sessions on harassment.

Contact officers and the manager responsible for investigating complaints will be given specific training for this role. This policy on harassment will be published in the following ways (list the ways-for example, via training, leaflets, notice boards and so on).

The policy will also be brought to the attention of contractors and agency staff who will be required to comply with the policy as part of their contract.

## Support for staff who experience harassment

The (employer) recognises that harassment can affect job performance and cause stress.

Where harassment causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by harassment.

Access to independent and trained counsellors will be available to all staff. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.

Employees who have been harassed will be offered paid time off to attend counselling sessions. Contact details of stress counsellors will be publicised (state where), so that staff can make arrangements for counselling as and when they wish.

## Review and monitoring

This policy will be reviewed jointly by unions and management, on a regular basis. The initial review of effectiveness will take place six months after this policy comes into effect. Thereafter, reviews will be carried out at intervals of not more than 12 months.



