



Northern Ireland Ambulance Service
Health and Social Care Trust

Harassment Policy



NORTHERN IRELAND AMBULANCE SERVICE

HARASSMENT POLICY AND PROCEDURE

1. INTRODUCTION

As part of its overall commitment to equality of opportunity, the Northern Ireland Ambulance Service is fully committed to promoting an harmonious working environment where every employee is treated with respect and dignity, and where no employee feels threatened, intimidated, victimised or harassed on the following grounds: -

- Gender;
- Marital status;
- Religious belief;
- Political opinion;
- Disability;
- Age;
- Sexual Orientation;
- Ethnic Origin;
- Race;
- Domestic Responsibilities;
- Membership/Non-Membership of a Trade Union;
- Willingness to challenge harassment;
- Suspected infection by disease.

The aim of the policy is to: -

- (i) prevent harassment from occurring in the workplace;
- (ii) provide support to staff;
- (iii) provide guidance to resolve any problems should they occur;
- (iv) prevent any recurrence of harassment.

NIAS views harassment at work, in any form, as unacceptable behaviour and will not permit or condone it. Where substantiated, harassment will be treated as misconduct which may include gross misconduct, warranting dismissal. The Trust recognises that harassment has the potential to adversely affect an employee's work, health, confidence and morale and is therefore committed to investigating complaints of harassment quickly, seriously, sensitively and in complete confidence.

Sexual, sectarian and racial harassment, and harassing a disabled person on account of disability, constitute discrimination and are unlawful under the Sex Discrimination, Fair Employment, Race Relations and Disability Legislation. Harassment may also be a civil offence, a criminal offence and may contravene health and safety legislation.

All employees must comply with this policy and ensure that all work colleagues and the public are treated with respect and dignity.

This policy has been agreed in consultation with recognised Trade Unions and the Equality Commission.

2. SCOPE

Any employee who feels that they have been subjected to any form of harassment is entitled to raise the matter through this procedure.

This procedure does not replace or detract from an employee's statutory right to pursue a complaint to an Industrial Tribunal under the Sex Discrimination/Race Relations/Disability Discrimination legislation or to the Fair Employment Tribunal under the Fair Employment Legislation in the case of sectarian harassment.

3. DEFINITION OF HARASSMENT

Harassment is intentional or unintentional physical, verbal or non-verbal conduct, which is unwanted, unwelcome and offensive and which affects the dignity of an individual or group of individuals. It is the impact of the behaviour that is relevant and which determines what constitutes harassment, not the motive or intent behind it.

Whilst harassment generally relates to behaviour which is repeated, a single serious incident may also constitute harassment. Many forms of behaviour constitute harassment, examples of which are detailed below. It should be noted that this list is not exhaustive: -

- (a) physical contact ranging from touching to serious assault;
- (b) verbal and written harassment through jokes, racist remarks, offensive language, gossip, slander, sectarian songs, suggestive remarks, gender related insults, threats and letters;
- (c) display of offensive visual material, pornographic material, graffiti, flags, clothing, bunting and emblems, obscene gestures;

- (d) isolation or non co-operation at work, exclusion from social activities, coercion ranging from requests for sexual favours to pressure to participate in political/religious groups;
- (e) intrusion by pestering/spying;
- (f) offensive, degrading and patronising behaviour based on stereotypical attitudes towards people, including people with disabilities or of a certain sexual orientation;
- (g) Victimisation, Intimidation and Bullying.

It should be noted that this Policy is extended to cover all work-related activities, within or outside the normal workplace and whether staff are on or off duty.

4. ROLE AND RESPONSIBILITIES

4.1 Role and Responsibilities of Employees

The test for an employee in deciding whether or not to raise particular behaviour as an issue of concern is whether or not the particular behaviour makes them feel uncomfortable and whether or not it meets the criteria set out at Section 3 above.

Employees are entitled to raise their concerns on issues of this type secure in the knowledge that the Trust takes allegations of harassment seriously and will deal with them quickly and sensitively. Employees have the right not to be harassed and should not feel, or be made to feel, guilty or embarrassed about exercising these rights.

Employees have responsibilities to: -

- (a) oppose harassment by making it clear that they find such behaviour unacceptable;
- (b) co-operate with management in action taken to promote an harmonious working environment where individuals are treated with dignity and respect;
- (c) alert management to incidents of harassment;
- (d) avoid behaviour which could be considered as harassment under the Policy;
- (e) participate in any training designed to prevent and deal with harassment in the workplace;

- (f) participate as required in any investigation of complaints or allegations of harassment;
- (g) support colleagues who are being subjected to harassment. Support can take many forms e.g. a word from a non-involved colleague may be enough to stop the harassing behaviour or to consider reporting the matter with the colleague's consent.

4.2 Role and Responsibilities of Management

Management have the responsibility to:

- (a) uphold the policy, oppose harassment and be alert to unacceptable behaviour, making every effort to prevent harassment from occurring;
- (b) ensure that their behaviour is, at all times, above reproach;
- (c) take action to ensure that no member of staff harasses any other members of staff;
- (d) be responsive and supportive to any member of staff who makes an allegation of harassment, provide clear advice on the procedure to be adopted and ensure confidentiality;
- (e) initiate, as required, any investigation of complaints/ allegations of harassment;
- (f) ensure recommendations resulting from an investigation are implemented as appropriate;
- (g) ensure there is no recurrence of harassment or that victimisation does not take place after a complaint has been resolved.

4.3 Responsibilities of the Trust

The Northern Ireland Ambulance Service Trust will ensure that: -

- (a) adequate resources are made available to promote a harmonious working environment and to deal effectively with complaints of harassment;
- (b) the Trust's policy and procedure on harassment is distributed to all employees within eight weeks of commencement of employment;
- (c) all employees and management are aware of their responsibilities under the policy;
- (d) appropriate training on the policy will be provided, including training at induction and management courses. Management and Harassment Officers will receive appropriate training so that they can perform their roles sensitively and effectively. In

addition, those playing an official role in any formal complaints procedures will receive appropriate training;

- (e) ensure that staff are advised about the availability of confidential counselling which will be provided by a nominated officer, independent of the situation;
- (f) 'Harassment Officers' will be made available to provide advice and assistance to employees who are subject to harassment. The name of these individuals will be made known to all employees (see Section 5);**
- (g) where possible, employees can raise complaints, should they wish, with someone of their own gender, religion, or with someone who is aware of disability issues;
- (h) all complaints of harassment will be dealt with promptly, seriously and confidentially;
- (i) this policy and procedure will be reviewed annually to monitor its effectiveness.

5. HARASSMENT OFFICERS

A Harassment Officer is either an accredited union official/representative or a manager who has received special training from the Equality Commission in harassment issues and in giving out advice to staff who perceive they have been/or are being harassed.

A list of the Harassment Officers will be posted at each location within the Trust and will be regularly updated to take account of new appointments.

A member of staff who wishes to avail of the services of a Harassment Officer may contact any of those named on the list.

6. PROCEDURE FOR PROCESSING A COMPLAINT

An employee can progress a complaint of harassment by choosing to initiate **either** the **INFORMAL** or **FORMAL** procedure.

NIAS will monitor all reported incidents of harassment and in the event of any patterns emerging, management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary.

Whilst employees are encouraged to resolve matters using the informal process, there may be situations where the seriousness of a complaint warrants formal proceedings.

6.1 INFORMAL PROCEDURE

The informal stage of the procedure is appropriate where an employee simply wants the behaviour to stop or where harassment is not serious.

Employees can seek to resolve matters **informally** by: -

- (a) making the alleged harasser aware that the behaviour in question is offensive, is not welcome and should be stopped;
- (b) approaching the alleged harasser with the support of a colleague, manager, Trade Union representative or Harassment Officer;
- (c) requesting a colleague, manager, Trade Union representative or a Harassment Officer approach the alleged harasser on their behalf, where it is too difficult or embarrassing to do this personally.

The role of a manager at the informal stage of the procedure is one of support or assistance only. A written record, however may be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

Employees who choose to progress their complaint using the informal process, cannot seek recourse using the formal process except where there is a recurrence of the harassment.

NB A formal investigation, resulting in possible disciplinary action, will only take place if the complaint is investigated under the formal procedure.

6.2 FORMAL PROCEDURE

The formal stage of the procedure is appropriate if the harassment is serious, if the person making the complaint prefers this, or if the harassment continues during or after the informal procedure has been invoked.

An individual wishing to make a **formal** complaint of harassment against a colleague should do so as soon as possible following the act of alleged harassment, giving a brief outline of events in writing to any of the following:

- (a) their Line Manager or any other Manager except where they are the subject of the complaint or is involved in some way in the allegations;
- (b) a representative or official of a recognised Trade Union;
- (c) the Employee Relations Manager;

who should acknowledge receipt of the complaint and arrange to have an initial meeting with the complainant. In the event of a complaint

being received by (a) or (b), it should be referred to the Employee Relations Section of the Human Resources Department.

On receipt of a formal complaint the following process should be initiated: -

(a) INITIAL MEETING WITH COMPLAINANT

The recipient of the complaint should arrange to meet with the complainant within 5 working days of receipt of the written complaint to: -

- clarify the nature of the complaint and confirm that it is being handled under the formal procedure
- ensure that the complainant is aware of the stages that the formal procedure will follow
- advise the complainant of their right to be accompanied to the investigatory meeting by a recognised Trade Union representative or work colleague
- advise the complainant of the time limits in relation to making a complaint to the statutory agencies
- stress the importance of not discussing any aspect of the case with anyone other than the investigating team and their representatives
- Advise the complainant that there should be no direct or indirect communication with the alleged harasser, in relation to the complaint
- Advise the Employee Relations Manager in writing in relation to the meeting, addressing the six issues above

(b) NOMINATING INVESTIGATING OFFICER

If the complainant makes the decision to pursue their complaint using the formal procedure, the Employee Relations Manager will nominate an Investigating Officer to conduct a Preliminary Investigation under the Policy. **The Investigating Officer will have had no previous involvement in the case.**

(c) AVOIDING CONTACT BETWEEN COMPLAINANT AND ALLEGED HARASSER

The issue of avoiding contact between the Complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the complaint.

It is the responsibility of the Investigating Officer to take appropriate action concerning contact, including: -

- the possibility of transfer, where appropriate, for one or more of the parties involved
- precautionary suspension of the alleged harasser in cases of serious harassment, to enable the investigation to proceed

(d) INFORMING THE ALLEGED HARASSER

The Investigating Officer should meet with the alleged harasser **within 5 working days** of receipt of the written complaint to: -

- outline the nature of the complaint
- advise that the complaint is being dealt with under the formal procedure
- advise of the stages the formal procedure will follow
- stress the importance of not discussing any aspect of the case with anyone other than the investigating team and their representative(s)
- advise that there should be no direct or indirect communication with the complainant, in relation to the complaint

(e) CONDUCTING THE INVESTIGATION

Following the initial meetings with both the complainant and the alleged harasser, the Investigating Officer will initiate a confidential investigation with the support of the Employee Relations Manager, or in their absence, a Manager in the Personnel Department. **The purpose of the investigation is to establish the facts.**

- the investigation will be dealt with promptly, seriously and objectively
- meetings will be conducted with the complainant, the alleged harasser and any witnesses to any alleged incident(s). Individuals will have the right to be **accompanied** at all times by a recognised Trade Union representative or work colleague. A written record will be kept of all meetings and all parties will be **offered the opportunity** to make written statements. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements
- every effort will be made to have all necessary meetings within **30 working days** from receipt of the written complaint.

Where this is not possible the complainant and the alleged harasser should be advised of this in writing

- the complainant and the alleged harasser will be kept advised on the progress of the investigation

(f) REPORTING THE FACTS

Following the investigation the Investigating Officer will compile a full written report containing all relevant information and copy documentation as appropriate. The report will set out the facts, together with any recommendations. The Employee Relations Manager will provide advice to the Investigating Officer on any action to be taken, including the appropriateness of invoking the disciplinary procedure.

(g) RECOMMENDATIONS OF THE INVESTIGATION

There may be several recommendations of the Investigation report. The following are examples of such action, however it should be noted that this list is not exhaustive: -

- No Action
- Counselling – Consideration should be given to counselling of individuals where the behaviour has not been sufficiently serious to warrant disciplinary action.
- Training - This may include advice/awareness training on the Trust's Equal Opportunities/Joint Declaration of Protection/Harassment Policies.
- Disciplinary Action – If the allegation of harassment is substantiated and **it is recommended and accepted by the Trust that the Disciplinary Procedure should be invoked**, informal or formal proceedings may follow in accordance with the Trust's Disciplinary Procedure.
- Transfer (as a component of Disciplinary Action) - Where a complaint of harassment has been substantiated, consideration should be given to initiating a transfer of an individual with the wishes of the complainant being taken into account, if appropriate. Where the harassment involves one individual consideration should be given to transferring the harasser, however where harassment involves a group of individuals, it may be necessary to consider the transfer of the Complainant. Where the latter is the case, the complainant should not be placed at any disadvantage.

Where a complaint of harassment has not been substantiated e.g., where the evidence is inconclusive,

consideration should be given to the voluntary transfer of one of the employees involved rather than requiring both to continue to work together against the issues of either party.

THE TRANSFER OF AN INDIVIDUAL (S) REMAINS AT THE DISCRETION OF THE TRUST WITH DUE CONSIDERATION BEING GIVEN TO ALL THE CIRCUMSTANCES AND DECISIONS MADE BASED ON THE BEST INTERESTS OF ALL INVOLVED.

When a complaint is found to be unsubstantiated and it is the belief of the Trust that the complaint has been lodged maliciously, consideration will be given to invoking the disciplinary procedure against the complainant.

(h) COMMUNICATING THE OUTCOME OF THE INVESTIGATION

The Investigating Officer will advise both the complainant and the alleged harasser of the recommendations following the investigation.

It is not Trust policy to advise the complainant of any subsequent decision of a disciplinary panel.

If a complaint has been upheld, the manager will meet with the complainant and others, if appropriate, on a regular basis to ensure that no further harassment, or victimisation, has occurred.

The manager of the harasser will be responsible for ensuring that the harasser is made full aware of the Trust's policies on equal opportunities and harassment and of the law relating to these matters.

7. STAFF CARE SERVICE

The Trust recognises that parties involved in a complaint of harassment may experience varying degrees of stress. Staff are eligible to receive counselling to support them through the situation in which they find themselves. Counselling is available from the Staff Care Service by contacting 028 9070 5533.

8. COMMUNICATION, TRAINING AND MONITORING

8.1 This Policy and Procedure will be reviewed, at least annually, in consultation with Staff Side and the Equality Commission.

8.2 This Policy and Procedure will be communicated to all employees as part of induction and training programmes and via Line Managers to ensure that all employees understand the Trust's commitment to eliminate harassment at work, employees know how to make a complaint and are confident that their complaint will be handled effectively.

- 8.3 Managers involved as part of the investigation team will be given specialist training for this role.
- 8.4 The operation of this policy will be monitored to ensure its effectiveness. **Details of complaints will be recorded and monitored to identify any problem areas.**
- 8.5 Individual complaints will be monitored to ensure they are effectively resolved and that no victimisation occurs following a complaint. Any allegations of victimisation will be dealt with under the Harassment Procedure.

9. CONCLUSION

- 9.1 The Trust reiterates that it considers harassment totally unacceptable behaviour, which may constitute misconduct necessitating disciplinary action.
- 9.2 Staff are entitled to raise their concerns about behaviour they feel constitutes harassment secure in the knowledge that the Trust will investigate the issue quickly, objectively, seriously and in complete confidence.
- 9.3 The sanctions, which may be applied in the event of a complaint being substantiated, are those contained in the Disciplinary Procedure.
- 9.4 Nothing in this Policy Statement supersedes or takes away from any individual member of staff's entitlements as laid down in the appropriate handbooks or their statutory rights.
- 9.5 This Policy has been agreed in consultation with recognised Trade Unions and the Equality Commission.
- 9.6 If the Complainant or the alleged harasser believes that they have not been treated in accordance with this policy, they have the right to raise their concerns via the Trust's Grievance Procedure.
- 9.7 Where an employee has been formally disciplined, as a result of an investigation of harassment and wishes to appeal the disciplinary sanction imposed they may do so under the Trust's Disciplinary Procedure.
- 9.8 The Trust will take action to ensure that employees making complaints of harassment under the Harassment Policy will not be victimised. Any complaint of victimisation will be treated quickly, objectively and seriously and in complete confidence. Such victimisation may constitute discrimination contrary to sex discrimination, fair employment, race relations and disability legislation.

Signed _____

Date _____

Staff Side

Signed _____

Date _____

Management Side

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VARIATION HARASSMENT POLICY

The attached Harassment Policy has been agreed by Management and Staff Side and is effective throughout the Trust from 18 October 2001. It replaces all existing Harassment Policies that are in operation within the Trust.

Your attention is drawn to any references to **Harassment Officers** in the Policy. Until the process for the identification, training and resourcing of these Harassment Officers are jointly agreed, via JCNC, any reference to Harassment Officers in the Policy is not applicable at this stage.

Current arrangements for reporting alleged incidents of harassment to Managers or Trade Union representatives will continue to apply until such times as this variation is revoked.

This variation will be revoked in writing and communicated to all staff by the placing of the notification on notice boards at each and every location within the Trust.

Staff in any doubt about how to report an alleged incident of harassment, should contact their local Manager, Trade Union representative or the Employee Relations Manager in the Personnel Department.

Signed _____

Date _____

Staff Side