

ADVICE NOTE

Information & advice for members of the
Scottish Secondary Teachers' Association



BULLYING AND HARASSMENT AT WORK

The following is information provided for all members regarding bullying and harassment at work. It is stressed however that members who do feel that they are being bullied or harassed should contact the office for advice and support.

What is harassment?

Harassment is defined by the Equality Act 2010 as “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading humiliating or offensive environment for that individual.”

Is there a simple definition?

Harassment is any action designed to intimidate or belittle an individual.

Definition of Bullying

Unwarranted humiliating and/or offensive behaviour toward an individual or groups of employees, “an abuse of power or position that can cause such anxiety that people gradually lose belief in themselves”.

What are the common forms of harassment/ bullying?

The following list, which is not exhaustive, gives the most common forms encountered:

- Offensive songs, remarks, jokes, emails or gestures.
- Display of offensive posters or publications

- Spreading malicious rumours, allegations or gossip
- Offensive remarks about a person’s dress or appearance.
- Offensive remarks about a person’s race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age.
- Shouting, abusive or intimidating language
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone—picking on them or setting them up to fail
- Excluding, marginalising or ignoring someone
- Intrusion by pestering, spying or stalking
- Unwanted physical contact or advances
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Cyberbullying—sending or posting harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication
- Less favourable treatment due to trade union membership
- Third party bullying

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Which procedures can be used to tackle bullying?

All local authorities will have a specific procedure relating to bullying. Many are entitled "Dignity at Work". (It is advisable to obtain a copy of the relevant procedure and read it carefully.) It is usually advisable to initially try to resolve any issues through "informal" resolutions but the formal grievance procedure can be used if these fail. The correct procedure to follow will be contained within the policy..

Is any one procedure better than another?

It depends on the seriousness of the allegations. If the issue can be resolved informally it is usually better for those involved as a resolution can often be found quicker and involve less stress. More serious allegations are likely to involve investigation which takes place under the terms of Dignity at Work Procedures and are often long and drawn out.

How to deal with bullying behaviour (formal/informal route)

Informal—Gathering of evidence; notebook details; looking at patterns of behaviour; witnesses; support networks; talking to and logging of information with Union rep; emails.

Formal—Union rep/District Secretary/Professional Officer involved; formal recordings; ask for an individual copy of Dignity at Work policy; challenge individual(s) through face to face meeting.

What steps are involved in handling cases?

In the first instance, make a complaint to your Line Manager. Say you want someone to address the issues. The most important step is to make it clear that the behaviour complained of is unacceptable. However, it is also quite in order for the complainant to approach the harasser and ask that the action(s) complained of ceases. If the complaint goes further than this it is likely that meetings will be held with the parties involved. These will generally be convened by the headteacher or by an officer of the local authority and should involve advice from HR.

Should any complaint be in writing?

Where the matter goes beyond an informal attempt to resolve the issue, the complaint should be in writing. Please contact the Association for advice before a written complaint is entered.

Should the SSTA representative be involved?

It can be very difficult for the school rep to remain neutral in dealing with bullying or harassment complaints between two parties within their school so, if the rep prefers, it is better to contact the office for advice or involvement.

How are formal investigations carried out?

Procedures vary but an investigating officer will normally interview both parties and any witnesses. A report will be prepared and passed to a senior officer to decide a particular course of action.

How much time should this take?

The procedures should suggest timescales which should be adhered to as far as possible but it is our experience that these may be difficult to achieve.

Can further formal action be taken?

Where a complaint is substantiated (at least in part) and the authority considers it appropriate, disciplinary action may be taken against the bully. If the complaint is not substantiated, and is found to be malicious, action may be taken against the person initiating the bullying complaint.

Does harassment have to be directed towards a junior colleague?

No. It can also be directed towards a senior colleague but this should really be dealt with under the Discipline Policy.



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What action should be taken by the person accused of bullying or harassment?

It is most important to recognise that the person making the complaint (except in cases of malicious allegation) perceives that they are being bullied. It cannot be said that the person should not feel harassed or that others would not feel harassed in the same situation.

It is advisable that any behaviour complained of should not be repeated whether or not it is believed that the behaviour does constitute harassment. If the alleged harasser does not believe that his/her behaviour is unreasonable, advice should be sought from the Association.

The person against whom the complaint is made should not be seen to resist any reasonable suggested mechanism for the investigation of the complaint.

Where a resolution is proposed following a bullying complaint, the teacher should be careful to follow the agreed terms of that resolution.

Further information

Bullying and harassment may be intentional or unintentional and may involve action/behaviour/verbal/non-verbal conflict or physical conflict which is found objectionable or causes offence.

Examples of both are shown below:

Firm but Fair Behaviour	Bullying and Harassment behaviour
Consistent and Fair	Aggressive, inconsistent and unfair
Determined to achieve the best results but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their ideas but is willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believe they know best and is not prepared to value other people's opinions
Insists on high standards of service in quality of and behaviour in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived concerns before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening and does not listen