**MODEL HARASSMENT & BULLYING PROCEDURE**

| **Note for employers**  **This document has been drafted as a standalone harassment and bullying procedure and focuses only on those particular types of grievance.**  **Should you prefer to have a single procedure to deal with all types of employment grievance, including harassment and bullying, a separate model procedure is available at [www.equalityni.org/modelpolicies](http://www.equalityni.org/modelpolicies)**  **It is for each employer to decide which approach it wishes to take.**  **This is a sample template. It should be adapted to suit your own particular circumstances and be aligned with your other employment policies and procedures.** |
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# **1. PURPOSE OF THIS PROCEDURE**

This internal harassment and bullying procedure provides a means for you, our employees, to raise your concerns with us if you believe that you been subjected to harassment or bullying in the course of your employment (refer to our Harassment and Bullying Policy for the meaning of those terms).

**We strongly encourage you to use this procedure, as it will provide us with an opportunity to try to resolve your problems simply, quickly and fairly.**

| NOTE: If you have a grievance about other work-related problems in which you are not complaining about harassment or bullying; such as decisions about pay, benefits and holidays, or about health and safety, or about promotion and training opportunities, then you should use our general grievance procedure instead *[include a signpost to where employees may obtain that document].* |
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| NOTE: this procedure does not replace your rights to also pursue complaints to an Industrial Tribunal, the Fair Employment Tribunal or to the courts where appropriate. If you wish to consider that option you may obtain advice from the Equality Commission in relation to incidents of discrimination or harassment (telephone: 028 90 500 600), or from the Labour Relations Agency in relation to incidents of bullying or about concerns relating to other employment rights (telephone: **03300 555 300**). |
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# **2. OBTAINING ASSISTANCE**

Do not hesitate to ask us for any assistance that you might need when using this procedure: for example, if you are a disabled person or a migrant worker and you require some help in writing a grievance letter, or if you require a sign language interpreter or other kinds of help to take part in a meeting. We will provide reasonable assistance.

# **3. DEALING WITH GRIEVANCES INFORMALLY**

In the first instance, you may seek to resolve matters informally. This is a useful way of resolving some problems quickly and easily. For example, if you are concerned about the behaviour of another person you may prefer to speak to that person directly to explain your concerns and try to work out a satisfactory solution between yourselves.

You may also try to do this with the help and support of a colleague, trade union representative or manager *[ (delete if not appropriate) or one of our informal harassment and bullying advisers ]*.

If the informal process fails to resolve your problem, you may then try to find a solution through the formal procedure.

| **Note for employers** (delete from your final document):  If you have appointed designated advisers to advise and assist employees to deal with harassment and bullying allegations informally, then you should add a note about it to this section of the document, outlining their role and the limitations of that. |
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Limitations of the informal procedure

There are limits to the informal option. It is unlikely to be suitable for dealing with serious incidents of misconduct as it will not involve a formal investigation of your concerns or lead to disciplinary action against any other person. In situations where a more in-depth investigation and a disciplinary outcome may be needed or desired, then the formal procedure would be more suitable.

The informal procedure would also be unsuitable if you intend to bring a discrimination, harassment or other legal complaint to an industrial tribunal or fair employment tribunal. If you intend to take that course, you should use the formal procedure instead.

Involving managers or supervisors

If you ask a manager or supervisor to help you to resolve a grievance against another person using the informal procedure, you should note that they may be obliged to treat the matter more formally under other procedures.

This is more likely to occur where the issues relate to serious incidents of misconduct, such as serious harassment or bullying, especially if they may affect the rights of other people, including yourself, for whom the manager may have a duty of care. It may also occur in relation to less serious incidents of harassment which are identified as being part of a series or emerging pattern which it would be prudent to address.

# **4. DEALING WITH GRIEVANCES FORMALLY**

The formal procedure consists of the following steps-

## **Step 1 – Starting the process**

Try to bring the matter to our attention as soon as possible. Do this by informing *[ insert name or job title of a line manager ]* of your grievance in writing. Set out brief details of what concerns you and explain how you believe it may be resolved.

| **Note for employers** (delete from your final document): If possible, set up your procedure so that several different managers will have authority to hear grievances. This will provide flexibility in circumstances where practical difficulties arise, such as holidays and other absences.  It will also help with situations where a grievance is made against a particular manager and where it would be better if the matter was considered by another person. In situations like this, if another manager is not available (for example, in very small firms where there may be only one manager), then as an absolute last resort the manager hearing the complaint against himself or herself should proceed to hear the grievance and deal with it as impartially as possible. |
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## **Step 2 – Invitation to a meeting**

On receiving the written notice of the grievance, the relevant manager will invite you to a meeting. We will normally aim to hold the meeting as soon as possible, but otherwise without unreasonable delay.

You will also be informed that you may be accompanied at the meeting by a work colleague or trade union official.

## **Step 3 – The meeting**

At the meeting, the relevant manager, who may be assisted by another colleague, such as Human Resources Officer, will seek further information from you. This is your opportunity to give further details about your grievance and to make suggestions for how it may be resolved.

There may also be a need to investigate your grievance further; for example, to interview witnesses or to make other enquiries. If so, the meeting may have to be adjourned to allow for this. The manager may need to speak with you again as the investigation proceeds.

Where you have made an allegation of harassment or bullying against another person, you will be informed that that person has the right to a fair hearing, including the right to have an opportunity to defend the allegation.

The manager will also consider and discuss with you whether special measures are required to ensure that you and the other person avoid having further contact with each other while the complaint is being investigated.

| **Note 1:** If the alleged misconduct is of such a serious nature that it may amount to gross misconduct, consideration may have to be given to suspending the employment of the other person while the complaint is being investigated. |
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| **Note 2: Potential criminal behaviour**  If the alleged misconduct is of such a serious nature that it may amount to a criminal offence, we will enquire whether you have reported, or have considered reporting, the matter to the police and we will support you if you have done, or wish to do, that.  Should you not wish to report the matter to the police we will have to consider whether we should do so ourselves. We will give great weight to your wishes and we will normally respect them, but in coming to a decision we must also consider and weigh the risks of not reporting the matter, such as the risks to your own safety and that of others, such as your colleagues.  Reporting the matter to the police does not necessarily mean that we cannot proceed to conduct our own investigation, but, obviously, we cannot prejudice the police’s criminal investigation. Therefore, we will liaise with the police about this and decide whether it would be reasonable to proceed with our investigation or to suspend it pending the outcome of their enquiries. We may also take independent legal advice. |
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## **Step 4 – Meeting the other party**

Following the meeting with the aggrieved employee, the manager will meet with the other person against whom the complaint is made to-

* outline the nature of the allegation that has been made;
* confirm that it is being handled as a formal grievance;
* give him or her an opportunity to answer the allegation;
* inform him or her that the matter will be investigated further;
* inform him or her of the next steps under both the grievance and disciplinary procedures and the possible disciplinary action that may be taken should the allegation be proven;
* inform him or her of the need to avoid contact (or, of any steps to be taken to avoid contact) with the aggrieved employee until the matter is resolved.

## **Step 5 – General notes about interviews and investigations**

The manager will carry-out any further investigations that are necessary and will keep detailed and accurate records of all meetings with the aggrieved employee and witnesses and of any other enquiries that are made. The manager will aim to complete the investigation as soon as possible, but otherwise without unreasonable delay. Where delays are likely to occur, the manager will inform all interested parties of this and will provide indicative timeframes for concluding the investigation.

All witnesses who give information will do so privately and not in the presence of anyone else who was involved in, or who was present during, the events giving rise to the grievance. All information or evidence provided by witnesses will be treated as confidential, subject to any statutory or other legal requirements.

## **Step 6 – Making a decision and informing the parties**

Having obtained all relevant information, the manager will consider whether, on the balance of probabilities, the facts support the grievance and, if so, what disciplinary action, if any, needs to be taken, or whether other action is warranted. The manager will prepare a written report of the investigation and its findings.

As soon as possible afterwards, you will be informed about the outcome of the investigation. This will be done in a meeting, if possible, and will be confirmed in writing. You will be informed of your right to submit an appeal against the findings in the event that you are not satisfied with the outcome.

Any person affected by the findings of the investigation, particularly any employees against whom allegations of harassment or bullying were made, will be informed about the outcome of the investigation too. This will be done in a meeting, if possible, and will be confirmed in writing.

| **Note: Disclosure of outcomes**  When informing employees about the outcomes of their grievances, it is our policy to provide as much information as we reasonably and proportionately can. This may include providing information about any steps we will take to protect them from further discrimination, harassment or bullying and about any disciplinary or other action that we have taken against any other person.[[1]](#footnote-1) |
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## **Step 7 – Appeals**

Where the grievance has not been upheld and/or where you are not otherwise satisfied with the outcome, you will have an opportunity to submit an appeal and to attend an appeal meeting.

Inform us of your wish to appeal as soon as possible. Put your request in writing. Set out brief details of the reasons for your appeal.

You will be invited to an appeal meeting. We will normally aim to hold the meeting as soon as possible, but otherwise without unreasonable delay. You may be accompanied at the meeting by a work colleague or a trade union official.

Where possible, the appeal will be considered by a different manager. If that is not possible, the manager who hears the appeal will try to consider it as impartially as possible.

As soon as possible after the appeal meeting, or otherwise without unreasonable delay, you will be informed of our final decision in writing.

## **Step 8 – What happens next?**

Where the grievance has been upheld we will take all reasonably practicable steps to reassure and protect you from further such acts. This may include offering special support or counselling, or providing appropriate training for employees and managers.

Where it was concluded that it is appropriate to take disciplinary action against certain employees, we will implement our formal disciplinary and dismissal procedure against those persons.

# **5. MONITORING**

All grievances, informal or formal, that are reported to managers or supervisors will be recorded for monitoring purposes. These records will be reviewed periodically and in the event that any patterns to these emerge, we may initiate our own formal investigation and take remedial action where necessary.

1. Note (not for inclusion in the policy): Employers may worry that disclosing such information may breach data protection rules, but this will not necessarily be so. Employers should take steps to enable disclosure of the outcomes to complainants where it is appropriate to do so. This includes reviewing contracts, policies, procedures and privacy notices to ensure that they inform employees when the outcome of complaints and disciplinary proceedings may be disclosed. Further guidance may be obtained from the [Information Commissioner’s Office](https://ico.org.uk/about-the-ico/who-we-are/northern-ireland-office/). [↑](#footnote-ref-1)