

Policy & Sustainability Committee

23 May 2023

Harassment Policies – Amendment Update

Item number
Routine
Wards
Council Commitments

1. Recommendations

For Policy and Sustainability Committee to note the progress towards developing a robust approach to the prevention of harassment in the workplace.

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2. Executive Summary

- 2.2 An amendment was attached to the proposed new Employee Code of Conduct in January 2023 requesting a report within 2 cycles on Council progress towards development of robust harassment prevention and action policies which address sexual and sexist harassment, racial harassment, homophobia, biphobia and transphobia, harassment towards disabled people, and other forms of harassment.
- 2.3 In response to the findings from the Independent Inquiry and Whistleblowing Culture Review in 2021 (“Inquiry and Review”), work has commenced within the Council to look at culture, employment policies, learning and our systems to align these with the outcomes of the Inquiry and Review and ensure colleagues are protected in the workplace, and have a voice to Speak Up.
- 2.2 As part of this review, we have sought to strengthen our existing policies and learning offer in relation to unacceptable behaviours as well as introduce more detailed guidance and toolkits for all colleagues on raising awareness on the prevention and management of harassment in the workplace. This work is due to conclude in Autumn 2023.
- 2.3 This paper outlines the work to date on these areas.

3. Background

- 3.1 As part of the findings from the Independent Inquiry and Whistleblowing Culture Review in 2021 (“Inquiry and Review”), several recommendations were made to look at the culture within the Council, as well as the key initiatives which help shape this culture including the employment policies, whistleblowing, learning and systems work.
- 3.2 The Council is over halfway through its review of 15 policies since late 2021. The final and current phase of policies being reviewed focus on protecting colleagues in the workplace.
- Violence At Work
 - Managing Customer Contact in a Fair and Positive Way
 - Alcohol and Drugs
 - Whistleblowing
 - Grievance
 - Avoidance of Bullying and Harassment
- 3.3 The Council is committed to protecting its colleagues from bullying, harassment, and discriminatory behaviour whether it originates in the workplace or from the Council’s service users or customers. Bullying or harassment of employees by other employees and by service users will not be tolerated or condoned and is regarded

as a breach of the Council's commitment to encourage and develop an anti-discriminatory culture as well as the Employee Code of Conduct.

- 3.4 Harassment, of any form, is referred to in the current Violence At Work and Managing Customer Contact policies while the process for managing complaints in relation to harassment is outlined in the Avoidance of Bullying and Harassment policy.
- 3.5 There is currently no standalone policy, user guide or toolkit on the prevention of harassment in the workplace.

4. Main report

- 4.1 The City of Edinburgh Council has recently launched Our Behaviours to act as a key enabler of cultural change within the organisation. These behaviours will be threaded through everything we do, including our recruitment, leadership and performance approaches, and we will also support the directorates to integrate them into their ways of working.
- 4.2 Our behaviours of Respect, Integrity and Flexibility have been developed with support from colleagues across our Council who have told us what kind of culture they want and what we need for success. Our Behaviours will be the foundation for that culture change, and they align with and will support our organisational purpose of working together for the people of Edinburgh as well as our strategic priorities and ambitions. They will help us create a working environment that's positive and free from behaviours that impact negatively on wellbeing, psychological safety and motivation/engagement levels.
- 4.3 The behaviour of Respect is defined as:

We're inclusive, we promote equality, we treat people with fairness, understanding and kindness and we consider others in our decisions and actions.

- 4.4 Policies alone cannot and will not change the culture of our organisation. Policies set out our end goal, but just because something is written down does not mean people will follow it. Cultural improvement and the eradication of unacceptable behaviours and practices, many of which have become ingrained over time, can only be achieved through a holistic approach that puts a heavy focus on behavioural change as well as our new policies and processes. That is why we have introduced our new behaviours (which had been under development with colleagues since 2019) and why we intend to put a strong focus on them. Our new Behaviours of Respect, Integrity and Flexibility are the foundation for making that change. Culture change requires leadership time and commitment as well as support for all managers to live the behaviours by example. Therefore, as an organisation, we must put in place learning, communications and initiatives which raise awareness and share best practice across the Council. We will support and upskill our line managers and employees at all levels to ensure all colleagues are living these

behaviours, trust is established within reporting lines and that no form of bullying or harassment is tolerated from service users, customers or fellow colleagues.

- 4.5 This has been further emphasised by STUC who, on 7th March 2023, released [survey data](#) which demonstrated that sexual harassment remained widespread within Scottish workplaces. The report outlined that many women do not report the harassment, as they do not believe their complaint will be taken seriously by their employer, will be mishandled or no action taken at all. It is the responsibility of employers to actively educate the workforce, as well as challenging behaviours. The report highlights that we cannot depend upon legislation and organisational policy documents alone to protect women from sexual harassment at work. Implementation, accountability, and organising on the ground is where real and long-lasting progress on stamping out sexual harassment will be made – we need to change our culture from one of silence and complacency to one of Speak Up and action.
- 4.6 Following the impact of the Inquiry and Review, the recommendations have reinforced that what is needed is a change in culture. This, in and of itself, is a challenging process which is not immediate, but requires leaders to role model the behaviours we want to see and to have difficult conversations and reflections. Only through this process can effective change happen.
- 4.7 To effect culture change, policies should act as our end point, the objectives we strive for as an organisation once appropriate actions have been implemented to support the change we are trying to create.

Inquiry & Review Policy Work

- 4.8 The current Violence At Work Policy outlines that the Council considers any harassment, violent or aggressive behaviour directed at our colleagues as unacceptable. All our people are entitled to work in a safe environment where they are fully supported when faced with unacceptable behaviour from any other person however that unacceptable behaviour occurs. The policy focusses on service user on employee violence.
- 4.9 While the policy does outline that persistent harassment, including sexual and racial harassment, is defined as violence in the workplace, the policy approaches this subject matter through a Health & Safety preventative approach of risk assessments and role specific training needs. The policy then outlines how to manage and report any incidents which occur.
- 4.10 The Managing Customer Contact in a Fair and Positive Manner Policy is a service-led policy which outlines how the Council will manage actions that result in unreasonable demands on our services or unreasonable behaviour towards our colleagues from service users / customers. The policy also provides a framework in dealing with situations where actions become unacceptable as they involve abuse of our colleagues, stop us doing our work or providing a service to others.

- 4.11 A working group was established of representatives from across the directorates to review these policies. The proposal is to consolidate these policies into a new Protecting Colleagues in the Workplace Policy which will be supported with dedicated toolkits / user guides for colleagues on prevention and management respectively.
- 4.12 The Policy will outline the Council's commitment to keeping our colleagues safe in the workplace, that no form of violence, aggression, bullying or harassment is acceptable and encouraging people to speak up. It will focus on service user on employee incidents as well as employee on employee incidents. Underpinned by Our Behaviours, the policy will seek to support the culture change within the organisation by raising awareness of these topics, outlining unacceptable behaviours, and providing managers with the tools to address issues and support colleagues.
- 4.13 The policy will be supported by two user guides:
- Prevention – this will be a brand-new user guide for the organisation and will focus on awareness raising, education and the preventative actions the organisation is taking in addressing harassment. This is based on a policy template developed by Engender and will focus on defining what harassment is, the different types of harassment as well as the current initiatives, learning, support and live D&I work ongoing within the Council. Developed in partnership with our Staff Networks and equality representatives, there will be dedicated sections to sexual / sexist harassment, Protecting Women in the Workplace, racial harassment, disability harassment as well as homophobia, biphobia and transphobia outlining how each group is impacted specifically but also considering intersectionality. This will be an evolving guide that is regularly updated with the latest Council work.
 - Management / Action – this user guide will outline to colleagues and line managers the steps they should take in mitigating and addressing unacceptable behaviours towards colleagues. It will outline detailed guidance for managers on risk assessments to support colleagues in areas where tolerance levels may be higher due to the nature of the work they are involved in or the service users they engage with as well as the type of work they do i.e. lone working. It will provide guidance for colleagues on how to report any incidents and outline the different mechanisms for support as well as how managers address incidents either through disciplinary action or restriction / withdrawing of services.
- 4.14 The Council currently has in place two policies to manage employee complaints: Grievance and Avoidance of Bullying and Harassment. Both policies focus on early intervention through an informal stage escalating to a formal complaint where it cannot be resolved locally.
- 4.15 The Grievance Policy for local government employees which is currently being reviewed, considers all complaints in relation to employment matters e.g., where an

employee does not believe a policy has been implemented correctly or they are raising a concern about a management decision.

4.16 The Avoidance of Bullying and Harassment Policy considers all allegations and complaints in relation to bullying and harassment.

4.17 The overarching employment policy recommendation following the Inquiry and Review was:

“That a full review of all Council policies relating to staff conduct is undertaken to determine how these could be consolidated and clarified to aid compliance and investigation in future.”

4.18 In addition to this recommendation, feedback gathered during the policy engagement process suggested that complaints handled under these processes were not always clear cut and often resulted in colleagues raising similar concerns under multiple policies and processes at the same time. This can often lead to delays in process as well as putting additional pressure on employees who are required to attend multiple meetings under the different policies to seek a resolution.

4.19 On this basis, it was proposed that a new consolidated Grievance Policy would be created to manage and consider all employee complaints to ensure one employee journey and improve oversight and investigation. The Avoidance of Bullying and Harassment Policy will be stood down as the content is already covered within the new Grievance Policy and / or the Protecting Colleagues in the Workplace Policy.

Learning

4.20 To support the culture change, as well as the implementation of revised policies and to fulfil the recommendations made by the Inquiry and Review, we are designing learning for all colleagues and people leaders. Some of the learning is digital and some in-person.

4.21 Digital learning modules will support the Code of Conduct, Whistleblowing, Anti Bullying and Harassment, Grievance and Disciplinary. In-person sessions for people leaders will focus on early resolution, policy into practice, management conversations and building relationships.

People Strategy – D&I Work

4.22 Our Diversity and Inclusion Strategy and Action Plan were first approved at Policy and Sustainability committee in October 2019. The three strategic themes supporting the work set out in the first, and subsequent, annual action plans are:

- Developing Our Understanding
- Building an Inclusive Culture
- Attracting and Retaining a Diverse Workforce

4.23 Central to our aim of creating an inclusive workplace culture has been the establishment and ongoing support of our colleague networks. Networks now exist

to represent the views of, and provide support for, women, colleagues from minority ethnic backgrounds, LGBTQ+ colleagues and colleagues who have a disability or long-term health condition.

- 4.24 We have offered a range of learning opportunities for colleagues to raise awareness about the range of issues relating to diversity and inclusion in the workplace including unconscious bias, anti-racist practice, inclusive communications, inclusive recruitment, cultural competence, disability awareness, domestic abuse and reasonable adjustments. Further learning resources are being developed in 2023 to improve understanding of the lived experience of individuals with protected characteristics, promote practical steps for colleagues and managers to take to create a more inclusive working environment, and to signpost the resources and support that are available to these colleagues.
- 4.25 Our reverse mentoring programme was launched with the intention of raising awareness among senior leadership of the lived experience of colleagues across the council. The programme has been running for several months and additional support is now being offered to mentors and mentees as they reach the stage of the programme where the learning and sharing of ideas begins to transition towards creating a programme of activity to move us forward as an organisation.
- 4.26 We have a robust system in place to record and report incidents of unacceptable behaviour which are motivated (or perceived to be motivated) by prejudice. Although not widely used, the reporting mechanism is regularly promoted through our usual internal communications channels.
- 4.27 A pilot of 'Active Bystander' training was rolled out in Place Directorate for colleagues from across the service including Parks and Greenspaces, Roads Services, Waste and Cleansing, Scientific Services. This has since extended to colleagues from Libraries and Culture, Customer and is due to be rolled out further in Children, Education and Justice Services. This training encourages individuals to speak up when they see unacceptable behaviour, in ways which are non-threatening and non-judgemental.
- 4.28 A year long programme, Conscious Inclusion Hub, aimed at raising awareness among managers and colleagues of the importance of creating an inclusive workplace culture where all colleagues feel safe, valued and able to be themselves has been developed in partnership with Pinsent Mason and will begin roll out later this year.

5. Next Steps

- 5.1 Responding to the Inquiry and Review recommendations is the focus to ensure timely resolutions which address each of the points highlighted by the report. Due to the number of outstanding policies, ensuring sufficient time for meaningful trade

union engagement as well as Committee dates, this work will conclude in autumn 2023.

- 5.2 Once this work has concluded, we will seek to support the Equally Safe At Work Subgroup of the Council's Women's Network, as well as the Equally Safe Edinburgh Committee to build on the work included in the Protecting Colleagues in the Workplace Policy and supporting user guides, scheduled for committee consideration later this year.

6. Financial impact

- 6.1 There is no material impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 An integrated impact assessment was carried out as part of the wider policy review project and to date, no implications have been identified to date.
- 7.2 Formal Trade Union consultation has yet to commence.

8. Background reading/external references

- 8.1 Not applicable

9. Appendices

- 9.1 Not applicable