



Bullying and Harassment Policy

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1. Introduction and Scope

- 1.1 The Council is committed to providing a good and harmonious working environment free from unlawful discrimination, harassment, bullying, intimidation and victimisation and where all employees are treated with dignity and respect and their rights are protected.
- 1.2 The purpose of this policy is to ensure a working environment in which bullying and harassment are understood to be unacceptable and where individuals have the confidence to complain about bullying and harassment, should it arise, in the knowledge that their complaints or concerns will be dealt with promptly, appropriately and fairly and that they will not be made to feel disadvantaged in any way for having raised or pursued a complaint or concern in good faith.
- 1.3 This policy applies to all employees of Belfast City Council (the 'Council') including casual workers. For the purpose of this policy, any reference to "an employee" or "employees" will include casual workers.
- 1.4 This policy covers behaviour in any work-related setting both inside and outside the workplace, by and against fellow employees or customers, suppliers or the public including job applicants, during or outside of working hours, for example business trips or work-related social events or by way of electronic communication including email, social media or by phone such as by text message or app.
- 1.5 This policy does not cover alleged incidents of bullying or harassment of Council employees by those who are not Council employees. Such matters will be dealt with in accordance with the Protection of Staff from Workplace Violence and Abuse from the Public - Roles and Responsibilities.
- 1.6 Northern Ireland equality legislation provides specific protection against discrimination, harassment and victimisation on the following "protected" grounds:-
 - age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership status;
 - pregnancy and maternity;
 - race, colour, ethnic or national origins, nationality;
 - religious or similar philosophical belief;
 - political opinion;
 - sex and sexual orientation

Further detail in relation to this can be found in the Council's Equal Opportunities Policy.

- 1.7 There is a need for employee performance to be managed in order to achieve the aims of the Council and this policy does not seek to diminish a manager's ability to do this.
- 1.8 This policy does not form part of an employee's terms and conditions of employment or terms of engagement. It may be amended from time to time, as necessary, in accordance with the Council's Industrial Relations Framework.

2. Definition

2.1 Harassment

Harassment is unlawful and is defined as occurring when a person engages in unwanted conduct which is connected to those characteristics of another person which are protected by equality legislation (see 1.6 above) and which has the purpose or effect of violating their dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take many forms, such as verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact, and may be directed at one person or a number of people.

It is not the intention of the person accused that decides whether harassment has taken place, it is instead whether the behaviour is unacceptable by reasonable standards and if the person on the receiving end considers it unwelcome.

Intentional harassment, not limited to protected characteristics, may also constitute a criminal offence pursuant to the Protection from Harassment (Northern Ireland) Order 1997.

2.2 Sexual harassment

Sexual harassment occurs where an individual is subjected to unwanted conduct of a sexual nature and where that conduct has the purpose, or the effect, of violating their dignity, or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment may also constitute a criminal offence.

2.3 Bullying

Is similar to harassment but is not restricted to the equality grounds listed at 1.6 above.

It is not the intention of the person accused that decides whether bullying has taken place, it is instead whether the behaviour is unacceptable by reasonable standards and if the person on the receiving end considers it unwelcome.

2.4 Examples of behaviour which may amount to bullying and/or harassment under this Policy include (but are not limited to) the following:

- Physical conduct such as gestures, facial expressions, assaulting a person (sexually or otherwise)
- Misogynistic behaviour
- Verbal misconduct such as derogatory comments, jokes, mimicry, singing songs
- Visual or written material such as posters, graffiti, letters, emails, text messages or social media posts
- Isolating a person (e.g. “sending them to Coventry”) or refusing to co-operate or help them at work or by excluding them from work-related social activities
- Forcing a person to take part in activities, or penalising them for rejecting such requests or pressure
- Intruding on a person’s private space by pestering, stalking or spying on them whether in or outside of the workplace.

2.5 Malicious Complaints

Although it is extremely rare, an investigation may reveal that a complaint has been made maliciously. If this happens, the person who made the complaint may face disciplinary action. It must be stressed that this should in no way deter genuine complaints of bullying or harassment.

2.6 Anonymous Complaints

Complaints received anonymously are recognised as difficult to investigate however, management will conduct as thorough an investigation as possible with the information available, which will involve notifying the accused person and the person who it is alleged has been bullied or harassed.

3. Employees' Responsibilities

- 3.1 All employees must ensure that they have read, understood and comply with this policy.
- 3.2 All employees must treat each other with dignity and respect.
- 3.3 Employees must not commit any acts of bullying or harassment against any other person, such as their co-workers, job applicants or customers.
- 3.4 All employees should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting co-workers who suffer such treatment. Any employee who is aware of any incidence of harassment or bullying should alert a manager or supervisor to it.
- 3.5 All employees should understand they can be held personally liable for acts of bullying and harassment in the course of their employment, against fellow employees, job applicants, customers, suppliers and the public and that some matters may also be criminal offences.

4. Guidance to staff who feel that they are being subjected to bullying or harassment

- 4.1 If an employee considers that they are experiencing bullying or harassment, a number of options are available to them:
 - Keep a record of events and incidents
 - Get advice from the line manager, Trade Union representative or a member of the departmental HR team
 - Consider following the informal procedure outlined at 4.3 in this policy
 - Consider following the formal procedure outlined at 4.4 in this policy
- 4.2 Depending on the nature of the complaint, the allegation of bullying or harassment will be investigated under the Council's Grievance Procedure and/or Disciplinary Procedure. Any decision in respect of how the allegation will be progressed will be made in consultation with the employee.

4.3 Informal approach to resolving complaints.

This stage is an optional approach and is appropriate where the employee simply wants bullying or harassment to stop. Employees can seek to resolve matters informally by approaching the person or people concerned directly, making it clear that they consider the behaviour in question to be offensive, unwelcome and should be stopped immediately. This may be enough to resolve the situation, particularly if the person concerned was unaware that their conduct was unwanted. If it is too difficult or the employee is reluctant to do this personally, employees may request a supervisor or manager approach the person or people concerned on their behalf. There may however be occasions where an informal resolution may not be appropriate given the seriousness of the complaint or concern raised.

4.4 Making a formal complaint

An employee may elect to raise any allegation of bullying or harassment formally. The council may also determine that, due to the seriousness of the complaint or if the behaviour persists following an informal approach, that the matter should be dealt with formally.

Should an employee wish to initiate a formal complaint they should do so by notifying their line manager in writing, specifying the grounds upon which the complaint is based. If the person the employee is complaining about is their line manager, they should submit their complaint to their line manager's manager or to Departmental HR. Depending on the nature of the complaint, the allegation of bullying or harassment will be investigated under the Council's Grievance Procedure and/or Disciplinary Procedure. Any decision in respect of how the allegation will be progressed will be made in consultation with the employee who has complained. Employees will have the right to be accompanied by a TU representative or colleague in accordance with the aforementioned Council Procedures.

5. The Council's Responsibilities

- 5.1 The Chief Executive and Senior Management have responsibility for the effective implementation of this policy. Senior management, together with all managerial and supervisory staff have responsibility for promoting equality and for ensuring this policy is implemented.
- 5.2 The policy will be communicated to all employees through induction training.
- 5.3 Complaints of bullying and harassment must be taken seriously, dealt with promptly and confidentially and in accordance with relevant procedures.

6. Confidentiality

- 6.1 Complaints of allegations of bullying or harassment and any related investigations and outcomes must be treated in strict confidence with only the necessary and relevant people involved as it is vital that employees who may wish to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally an employee who is accused of bullying or harassment is entitled to the same protection.

Appendix 1

Associated Policies

- Code of Conduct for Employees
- Local Government Employee & Councillor Working Relationship Protocol
- Computer Use Policy
- Disciplinary and Grievance Procedure
- Equal Opportunities Policy
- Gender Identity and Gender Expression - Guidance and information for all staff
- Protection of Staff from Workplace Violence and Abuse from the Public
- Social Media Policy

Associated Legislation

- The Equal Pay Act (Northern Ireland) 1970 (as amended)
- The Sex Discrimination (Northern Ireland) Order 1976 (as amended)
- The Disability Discrimination Act 1995
- The Race Relations (Northern Ireland) Order 1997 (as amended)
- The Fair Employment and Treatment (Northern Ireland) Order 1998 (as amended)
- The Northern Ireland Act 1998
- Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999
- The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- Employment Equality (Age) Regulations (Northern Ireland) 2006