

Advice leaflet - Bullying and harassment at work: guidance for employees

Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace, but if you are being bullied or harassed it can be difficult to know what to do about it.

This leaflet:

- gives employees basic information about bullying and harassment
- summarises the responsibilities of employers
- outlines some of the options open to you
- points you to sources of further information and advice.

What are bullying and harassment?

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment, in general terms is:

unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race or disability, it may be unlawful discrimination). From December 2003 the law also gives protection against harassment relating to religion or belief and sexual orientation..

Bullying may be characterised as:

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of race, race, sex, disability, sexual orientation and religion or belief)
- copying memos 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
- exclusion or victimisation
- * unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close, the display of offensive materials
- 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.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, electronic (e)mail, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

The legal position

Employers are responsible for preventing bullying and harassing behaviour. It is in their interests to make it clear to everyone that such behaviour will not be tolerated - the costs to the business may include poor employee relations, low morale, inefficiency and potentially the loss of staff. An organisational statement to all staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others.

Discrimination and harassment

It is not possible to make a direct complaint to an employment tribunal about bullying. However, employees might be able to bring complaints under laws covering discrimination and harassment. For example:

- **sex:** the Sex Discrimination Act gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment
- **race:** the Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a stand alone right to protection from harassment on the grounds of race and ethnic or national origin

- **disability:** the Disability Discrimination Act 1995 gives protection against discrimination and victimisation
- **sexual orientation:** the Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual)
- **religion or belief:** the Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief.
- **age:** the Employment Equality (Age) Regulations 2006 give protection against discrimination and harassment on the grounds of age.

Harassment

The current definition of harassment - as applied to age, sexual orientation, religion or belief and race and ethnic and national origin is:
 "unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

Unfair dismissal

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken - for example, through bullying and harassment at work - then an employee can resign and claim 'constructive dismissal' on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.

Health and safety

Breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

The Health and Safety Executive (HSE) is currently focusing on the issue of stress at work. HSE defines stress as "the adverse reaction a person has to excessive pressure or other types of demand placed upon them". In *Tackling work-related stress* HSE reminds employers that looking after the health of employees includes "taking steps to make sure that employees do not suffer stress-related illness as a result of work". For more information visit www.hse.gov.uk.

What can you do?

Bullying and harassment are often clear cut but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you there are a number of things to consider, including:

- has there been a change of management or organisational style to which you just need time to adjust - perhaps because you have a new manager or work requirements?
- is there an organisational statement of standards of behaviour that you can consult?

- can you talk over your worries with your personnel manager, your line manager/supervisor, union representative or colleagues, who you may find share your concerns?
- can you agree changes to workload or ways of working that will make it easier for you to cope?

If you are sure you are being bullied or harassed, then there are a number of options to consider, and these are set out below. You should take any action you decide upon as quickly as possible.

Let your union or staff representative know of the problem, or seek advice elsewhere, perhaps from a Citizens Advice Bureau, an Acas enquiry point or one of the bullying helplines that are now available by phone and on the Internet.

Try to talk to colleagues to find out if anyone else is suffering, or if anyone has witnessed what has happened to you - avoid being alone with the bully.

If you are reluctant to make a complaint, go to see someone with whom you feel comfortable to discuss the problem. This may be your manager, or someone in personnel (particularly if there is someone who specifically deals with equality issues), your trade union representative, or a counsellor if your organisation has suitably trained people available.

Keep a diary of all incidents - records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance annual reports, letters, memos, notes of any meetings that relate to your ability to do your job. Bullying and harassment often reveal themselves through patterns of behaviour and frequency of incidents. Keep records and inform your employer of any medical help you seek.

Tell the person to stop whatever it is they are doing that is causing you distress, otherwise they may be unaware of the effect of their actions. If you find it difficult to tell the person yourself, you may wish to get someone else - a colleague, trade union official or confidential counsellor - to act on your behalf.

If you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply.

Be firm, not aggressive. Be positive and calm. Stick to the facts. Describe what happened.

If you do decide to make a formal complaint, follow your employer's procedures, which should give you information about whom to complain to and how your complaint will be dealt with.

If you have access to a union representative or other adviser, ask them to help you state your grievance clearly, as this can help in its resolution and reduce the stress of the process. Most employers have a grievance procedure which will be used to handle your complaint, and some organisations have special procedures for dealing with bullying or harassment. After investigating your complaint, your employer may decide to offer counselling or take disciplinary action against the bully/harasser in accordance with the organisation's disciplinary procedure.

Disciplinary procedures may also be used for disciplinary action against someone who makes an unfounded allegation of bullying or harassment.

As part of the Employment Act 2002 the Government introduced standard internal systems for dealing with dismissal, and discipline and grievance issues. These systems require employers and employees to follow a minimum 'three-step' procedure - involving a statement (setting out in writing the grounds for action or grievance), a meeting between the parties and the right to appeal. The new provisions apply to all employers, no matter how many employees they have. For further information see the Acas Code of Practice – Disciplinary and grievance procedures.

What about taking legal action?

If despite all your efforts, nothing is done to prevent the mistreatment, you should take advice on your legal rights. If you leave and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation, and any records you have kept will be considered when it hears your claim. This is also the case in claims alleging discrimination, where you might still be employed by the organisation. Resignation may be the last resort but make sure you have tried all other ways to resolve the situation.

Where can you get help?

Additional advice can be obtained through the [Helpline numbers](#). Advice can also be obtained from your trade union, legal advisers, Citizens Advice Bureaux and in relevant cases, the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission (see below).

Bullying help sites can also be found on the Internet - search under 'Workplace Bullying'.

Useful contacts

Commission for Racial Equality

Tackling racial discrimination and promoting racial equality

Tel 020 7939 0000

www.cre.gov.uk

Disability Rights Commission

Providing information and advice to disabled people and employers about their rights and duties

Tel 08457 622 633

www.drc-gb.org

Equal Opportunities Commission

Working to eliminate sex discrimination

Tel 08456 015 901

www.eoc.org.uk

Suggested further reading

Bully in Sight by Tim Field, published by Success Unlimited in 1996.

Harassment, bullying and violence at work by Angela Ishmael with Bunmi Alemoru, published by The Industrial Society in 1999.

Tackling work-related stress - a guide for employees, published by HSE Books, publication orderline tel: 01787 881165

Notes

(1) The term 'employees' is used to cover all those who work for someone else rather than on their own account, regardless of whether they are employed strictly under a contract of employment.

(2) Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law which can be given only by the courts. Legal considerations must be looked at in the light of the particular circumstances, and it may be wise to seek legal advice. The Acas Helpline 08457 474747 can provide information on employment matters but cannot provide legal advice on particular cases. Other sources of information and advice for employees include trade union representatives, citizens advice bureaux, and lawyers.

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