

Employment

Bullying and Harassment at Work – Part 1 of 2

Over the next week or two, we will be addressing the all too common issue of bullying and harassment at work.

What is bullying and harassment?

Harassment as defined in the Equality Act 2010 is: 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. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Bullying may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual 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.

Can I have some examples?

Behaviour that is considered bullying by one person may be considered firm management by another. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include: spreading malicious rumours, or insulting someone by word or behaviour; 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; overbearing supervision or other misuse of power or position; unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected; making threats or comments about job security without foundation; deliberately undermining a competent worker by overloading and constant criticism; or preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Is sexual harassment different?

Harassment of a sexual nature is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010 as is harassment related to relevant protected characteristics. It is in the interest of your organisation for you to take steps to make clear what sort of behaviour would be considered sexual harassment.

What are my obligations as an employer?

Employers are responsible for preventing bullying and harassing behaviour. Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including: poor morale; poor employee relations; loss of respect for managers; poor performance; lost productivity; absence; resignations; damage to company reputation; and tribunal/court cases and payment of unlimited compensation. Employers are usually responsible in law for the acts of their workers – this is known as 'vicarious liability'. This means that if an employee suffers from bullying or harassment at the hands of another employee, the employer may be held responsible. Employers not only have a duty to protect their staff from bullying and harassment from colleagues, but also from third parties such as customers and suppliers.

As an employer, once you are aware of any unwanted behaviour you should take reasonable and proportionate action to address the issues.

Next article

In the second part of this article, we will be addressing when an employee can bring a claim, what claims they might bring, how much this could cost your business and what you can do to prevent bullying and harassment.

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