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Bullying and harassment

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This is a big topic and unfortunately quite a common concern.

The terms 'bullying' and 'harassment' are both used, and they have quite specific, but different meanings. They both describe behaviour that makes someone feel intimidated or offended.

Bullying itself is not against the law, but of course an employer has a duty of care towards his/her employees and should take steps to prevent this behaviour.

Harassment is against the law (under the Equality Act 2010). Harassment is when unwanted behaviour is due to a 'protected characteristic' (age, sex, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation).

If you are being harassed or bullied, you should not ignore it. What you do will depend on your situation. It is best to try to sort this problem out informally in the first instance and talk to someone at work about what is happening, this could be your manager, the HR department or a Union Rep if you are a member of a union. You might feel able to tell the person to stop what they are doing, they might even be unaware of the impact of their behaviour – perhaps someone could do this for you if it feels too difficult.

It can also be helpful to keep a diary, notes or records of anything that is relevant. If you seek any medical help, inform your employer of this.

However, if trying to resolve the issue informally does not work, you should use your employer's grievance procedure.

The final step is to take action at an employment tribunal (for harassment only and not bullying).

Examples of bullying and harassment can include:

Spreading malicious rumours, being insulting, ridiculing or demeaning, excluding them, being unfairly over critical, misuse of power, unwelcome sexual advances, making threats about job security, over loading with work, blocking training or promotion.

Bullying and harassment are not always face to face. Email, phone and written communications can all be used.

The effect on the individual of bullying and harassment can vary, but it is nearly always a negative effect. Stress and anxiety, loss of confidence and absence from work are all common. The individual might feel angry or demotivated. Work performance is usually affected. Bullying and harassment can affect people both physically and mentally.

Bullying and harassment can undermine physical and mental health, frequently resulting in poor work performance. Possible consequences include:

- insomnia and inability to relax
- loss of confidence and self-doubt
- loss of appetite
- hypervigilance and excessive double-checking of all actions
- inability to switch off from work

The employer is responsible for creating and maintaining a safe workplace, free from bullying, intimidation and harassment and employees are protected by a combination of employers' policies and legislation.

It might feel that the only thing you can do is to resign. This is a big step and you should give the employer every opportunity to rectify the situation. If the employer doesn't do this, you might be able to claim for constructive dismissal, however this is difficult to do, the employee has to prove a fundamental breach of contract and a tribunal might decide that an employer has repaired the fundamental breach by taking some action and maybe by apologising. If you do win your case, be mindful that any compensation is limited – no matter how bad the behaviour was. Please take advice if you are considering this course of action.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email AdvisoryService@bvna.co.uk

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