

# **Dignity at Work - Good Practice Guide and Procedure on Dealing with Bullying and Harassment in the Workplace**

## **1. Purpose**

The University is committed to providing a working environment which is free from unfair discrimination and where individuals are treated with respect and dignity. The purpose of this guidance is to promote a positive working culture where bullying is known to be unacceptable and where individuals are able to deal with any incidence of bullying with confidence that issues will be addressed quickly and sensitively.

The guidance provides further information on bullying and harassment; outlines ways of dealing with issues, including formal procedures; and provides details of the legal context. The guidance is based on the CIPD Guide “Bullying at Work: Beyond Policies to a Culture of Respect” and the ECU Guidance “A Good Practice Guide for Higher Education Institutions on Dealing with Bullying and Harassment in the Workplace”.

## **2. Rights and Responsibilities**

The University wishes to create and maintain positive working relationships where the contribution of all is respected. This provides all individuals with rights. To maintain those rights each individual also has responsibilities as to how they treat and value their colleagues.

Each individual employee has the following rights:

- To be treated with dignity and respect.
- To be treated fairly and without discrimination.
- To disagree and present alternative views.
- To challenge and be assertive.
- To be consulted on decisions that affect their work.
- To have their contribution recognised.

Each individual also has the following responsibilities:

- To treat others with dignity and respect.
- To challenge inappropriate behaviours in others.
- To respect the authority and decisions of others.
- To deal with conflict constructively.
- To recognise the needs of the business and others.
- To thank and recognise the efforts of others.

## **3. What is Bullying?**

Bullying is persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them stress.

Negative behaviours tend to fall into four main groups:

- Personal insults e.g. ridiculing or demeaning comments
- Intimidation e.g. threats of violence, misuse of power or position
- Work related harassment e.g. withholding information, removing responsibilities, work overload
- Social exclusion e.g. isolation, scape-goating

Bullying normally relates to negative behaviours that are repeated and persistent. Although unpleasant, to be the target of occasional aggressive behaviour is not normally defined as bullying.

How bullying starts and continues between two people is a complex, personal process. It can occur where there is an unequal balance of power between two individuals in a conflict situation or where someone misuses their position of authority. Sometimes it occurs and escalates out of a perceived conflict that has got out of hand – one person believes the other has wronged them and so the conflict escalates. In most cases of escalating conflict, neither person is entirely passive. As the atmosphere deteriorates, it is possible that both people come to believe that the other is responsible for the breakdown of the relationship and either may accuse the other of bullying.

#### 4. What is Harassment?

Harassment is unwanted conduct related to a relevant protected characteristic<sup>[1]</sup> which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

#### 5. What is Cyberbullying

Cyberbullying is where someone, or a group of people, threaten/harass someone using social media, email or mobile phone. Where staff are subject to such practice they are advised to respond as follows:

- a) if the originator of the material is a member of staff you should consider whether this can be resolved under the informal processes within the Dignity at Work Procedures. If not, you should make a complaint in accordance with the formal procedures of the Dignity at Work Procedures. The University reserves the right to investigate and manage any complaints under the disciplinary procedures where a breach of conduct rules is alleged.
- b) if the originator of the material is a student you should report this to your line manager and the matter will be dealt with in accordance with the Students’ Disciplinary Procedure.
- c) if the originator of the material is a contractor, client or visitor to the University you should immediately report this to your manager and HR.
- d) if the originator of the material has no connection to the University you should consider reporting the matter to the police.
- e) in all cases you should report this to the website/internet forum requesting that the people naming you are removed as users.

#### 6. Managing Conflict

A certain amount of conflict is inevitable in any organisation and healthy conflict is important to stimulate ideas, debate and new approaches to solving problems. Bullying is not healthy conflict. It involves unfair and unacceptable behaviours which cause distress and disruption to individuals, groups and ultimately the whole university.

Differences between healthy conflict and bullying situations:

Healthy Conflicts	Bullying Situations
Clear roles and tasks	Role ambiguity
Collaborative relations	Uncooperative behaviour/boycott
Common and shared objectives	Lack of foresight
Explicit interpersonal relations	Ambiguous interpersonal relations

Healthy organisations	Organisational flaws
Ethical behaviour	Unethical activities
Occasional clashes and confrontation	Long-lasting and systematic disputes
Open and frank strategies	Equivocal strategies
Open conflict and discussion	Covert actions and denial of conflict
Straightforward communication	Oblique and evasive communication

Source: *The World Health Organisation (2003)*

Conflict can relate to an issue, a task, an idea or to personal values. For example, a group may have conflict in deciding how to allocate responsibilities or resources. Managed correctly, problem-solving approaches allow participants to debate issues and come to a solution. **Not everyone will necessarily agree with that solution but all should feel they have had the opportunity to raise their case which has been considered.** When such conflicts are poorly managed individuals may believe that their views have been marginalised or mis-represented and may feel isolated from the decision and process.

Personal conflict is more difficult to manage. It often involves issues that threaten an individual's identity or values' system which often leads to negative interpersonal clashes. These conflicts need to be managed with sensitivity on all parts to encourage respect for individual values but recognise other people's right to disagree or hold different values and beliefs.

## 7. Managing Performance

Many managers are concerned about being accused of bullying if they are required to deal with poor performance. The key principles of good management are to treat staff fairly, communicate effectively and use appropriate measures to support improvements in performance. The table below summarises the key differences between managers who use appropriate and inappropriate methods to get results:

Good Manager	Bad Manager
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites
Truthful	Distorts and fabricates
Delegates	Dumps
Builds team spirit	Creates fear, divides
Leads by example	Sets a poor example

Source: *ECU A Good Practice Guide for HEIs on Dealing with Bullying and Harassment in the Workplace*

The Leadership Framework provides advice and assistance to all managers in promoting the positive behaviours associated with effective leadership and management.

## 8. Approaches to dealing with Claims of Bullying and Harassment

Not everything that causes employees to become upset is bullying.

Whenever people become upset the first thing to consider is whether there is any justice or truth in what has been said or done. To have our work criticised is not bullying and only becomes so if such criticism is unfair or overly harsh. In most situations an informal approach can be used to find a solution and often improve working relationships. If this approach does not work or cannot be used for some reason, or where the behaviours are so extreme, a formal complaint should be made.

All employees are encouraged to address any issue of bullying as soon as possible. Doing nothing or ignoring the issue will not resolve conflict and usually makes the situation worse.

Approaches to consider:

<b>Talking to the person concerned</b>	
Appropriate when...	<ul style="list-style-type: none"> <li>• There are times when the working relationship is acceptable.</li> <li>• The problems are recent.</li> <li>• Both parties are assertive (i.e. not passive or aggressive).</li> </ul>
Not appropriate when...	<ul style="list-style-type: none"> <li>• There have been threats or threatening behaviour.</li> </ul>
<b>What should you do?</b>	
Before the meeting...	<ul style="list-style-type: none"> <li>• Identify the behaviours that are experienced as unpleasant or bullying.</li> <li>• Be specific (times, frequency).</li> <li>• Keep a diary.</li> </ul>
At the meeting...	<ul style="list-style-type: none"> <li>• Clearly describe the behaviour to the offending person.</li> <li>• Say that it is unwanted.</li> <li>• Describe the appropriate behaviour that should be used.</li> <li>• Seek agreement.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Issues can be resolved quickly.</li> <li>• Relationships can be improved.</li> </ul>

<b>Writing a letter</b>	
Appropriate when...	<ul style="list-style-type: none"> <li>• Talking to the person has not brought about the expected results.</li> <li>• A meeting is not possible (e.g. distance, timing).</li> </ul>
Not appropriate when...	<ul style="list-style-type: none"> <li>• The person is unable to deal with the potential responses to the letter.</li> <li>• The person is unprepared to talk about the difficulties directly.</li> </ul>
<b>What should you do?</b>	
Before writing the letter...	<ul style="list-style-type: none"> <li>• Identify the behaviours that you want the person to change.</li> <li>• Identify alternative, appropriate behaviours.</li> </ul>
When writing the letter...	<ul style="list-style-type: none"> <li>• Clearly describe the negative behaviours.</li> <li>• Explain why the behaviours are unwanted.</li> <li>• Describe the alternative, appropriate behaviours.</li> <li>• Say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter).</li> </ul>

<b>What shouldn't you do?</b>	<ul style="list-style-type: none"> <li>• Don't make the letter too long.</li> <li>• Don't personalise the bad behaviours (e.g. say the behaviour was 'disrespectful' rather than you are 'disrespectful').</li> <li>• Don't be too emotional/emotive in your language.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• It allows preparation time.</li> <li>• It enables you to say what you want.</li> <li>• It acts as a record.</li> </ul>

<b>Involving another party to mediate</b>	
Appropriate when...	<ul style="list-style-type: none"> <li>• There is a need for support in dealing with a problem.</li> <li>• There is agreement on the existence of an issue.</li> <li>• Both parties are willing to work for a win-win solution.</li> </ul>
Not appropriate when...	<ul style="list-style-type: none"> <li>• One or more people are unwilling to take part in the process.</li> <li>• There has been serious bullying or victimisation.</li> <li>• The parties are not able or prepared to negotiate.</li> </ul>
<b>What should you do?</b>	<ul style="list-style-type: none"> <li>• Contact a mediator (Human Resources will advise on external mediator contacts).</li> </ul>
<p>The mediator will help you:</p> <ul style="list-style-type: none"> <li>• Identify what has happened by speaking confidentially to all parties.</li> <li>• Assess the best way to bring the parties together.</li> <li>• Hold a joint meeting.</li> <li>• Explore the issues.</li> <li>• Build the agreement for future working relationships.</li> </ul>	
<b>What shouldn't you do?</b>	<ul style="list-style-type: none"> <li>• Don't expect the mediator to solve the problems.</li> <li>• Don't stick in the past.</li> <li>• Don't try to apportion responsibility/blame.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• It increases the likelihood of a resolution.</li> <li>• It can improve working relationships.</li> </ul>

<b>Make a Formal Complaint</b>	
Appropriate when...	<ul style="list-style-type: none"> <li>• The incident that brought about the complaint is considered very serious by the claimant.</li> <li>• Informal routes have been unsuccessful.</li> <li>• One or more employees concerned prefer the formal process.</li> </ul>
Not appropriate when...	<ul style="list-style-type: none"> <li>• The employees concerned prefer to work together to resolve the problem.</li> <li>• The formal process may cause extreme distress to one or more employees.</li> </ul>

## 9. Formal Procedure

Where the complaint has not been resolved through informal approaches, or the employee feels unable to pursue their complaint as an informal matter, the employee should submit formal written notice of the complaint to the manager of the person(s) who is the perceived bully.

A copy of the complaint should be sent to the person(s) complained about.

The Manager should seek to resolve the complaint and should:

- Arrange to meet the employee within 10 working days of receipt of the written complaint. The employee is entitled to be represented by a trade union representative or friend. A member of Human Resources staff will also be present.
- Explore with the member of staff the nature of the complaint and any action they wish to be taken to resolve it.
- Obtain and consider thoroughly all the relevant facts through wider investigation.
- Determine whether the complaint is justified and, if so, what action can be taken/recommended to resolve it.
- Notify the employee in writing of the outcome as soon as possible informing them:
  - Whether the complaint is justified and if so what action is to be taken or recommended to resolve it; or
  - If the complaint is considered not justified, the reasons for arriving at this conclusion should be fully explained.
- A response should be made within 10 working days. In exceptional cases, or where further detailed investigation is required, it may be impossible to respond in this time-scale and the employee should be notified of the reasons for delay and the date that they will receive a response.
- Inform the employee in writing of their right of appeal of the findings and recommendations.

If the employee is dissatisfied with the outcome and the matter is still not resolved they may seek a review of the case by a senior manager who has had no previous involvement in the case. If the employee wishes to appeal they must exercise this right within 10 working days of being notified of the outcome of the complaint and must provide written grounds of appeal to Human Resources.

The employee must be given at least 10 working days notice of the appeal meeting and advised of their entitlement to be represented by a trade union representative or friend.

The Manager who heard the complaint should prepare a report which details actions taken to date in response to the complaint, including all supporting documentation.

The report should be provided to the employee at least 10 working days before the meeting and the employee given the opportunity to submit a written response which should be sent to Human Resources five working days before the hearing. A member of Human Resources staff will be present to provide procedural advice.

The Senior Manager will respond in writing to the employee and the manager who heard the complaint within five working days.

There is no further right of appeal. This does not affect an individual employee's right to pursue matters within the Employment Tribunal.

## **10. Harassment by a Third Party**

If you are subject to harassment by someone who is not an employee you should take the following steps:

- a) if a student harasses you, in the course of your employment, you should report this to your line manager and the matter should be managed in accordance with the Students' Disciplinary Procedure.
- b) if a contractor, client or visitor to the University harasses you, in the course of your employment, you should immediately report this to your manager and HR.

## **11. Supporting Employees Involved**

Being involved in dealing with bullying can be difficult for all concerned. It is important that everyone receives appropriate support, including both the perceived victim and the alleged bully. The emphasis is on resolution rather than blame.

- i) The Perceived Bully – It is important to support those accused of bullying during both the informal and formal process. To be accused of bullying can be a shock and it's important that the accused person is provided with the same level of care and support as the person doing the accusing. Malicious or vindictive accusations of bullying are actually relatively rare. Bullies can also be unaware of the impact of their behaviour and actions. Support would normally include access to the [Dignity at Work Advisors](#), time to prepare for meetings etc... and offer of counselling.
- ii) The Perceived Victim – They are likely to be feeling anxiety and distress and need clear and realistic information and support. One of the most important decisions is whether to deal with the situation through an informal approach or through a formal complaint. The Dignity at Work Advisors or a trade union representative can be very helpful in enabling the perceived victim to consider the benefits and disadvantages of the options open to them. The perceived victim will also need time to prepare, access to the Advisors and offer of counselling.

Support is available to staff through the Dignity at Work Advisors, trade union representatives (for members) and the university's counselling service. Training and development support, particularly to assist in reaching a resolution, is available through the staff development office. In cases of extreme distress or where mental ill health occurs or is diagnosed specialist support may be arranged through the Occupational Health Service.

## **12. Examples of bullying and harassing behaviours**

The following examples are illustrative only and show the many forms that bullying and harassment can take:

- Withholding information that affects other people's jobs
- Humiliating or ridiculing others about their work
- Ordering others to work below their level of competence for no reason
- Removing areas of responsibility without consultation
- Spreading rumours or gossip
- Ignoring or sending others to 'Coventry'
- Making insulting or offensive comments about others

- Shouting and getting abusive with others
- Pointing your finger, invading personal space, shoving, blocking or barring the way
- Suggesting that others should resign
- Constantly highlighting errors or mistakes made by others,
- Being hostile to others
- Constantly criticising others' work and efforts
- Ignoring the views of others
- Playing practical jokes on people you don't like,
- Setting unreasonable tasks or deadlines
- Making false allegations against others
- Engaging in excessive monitoring of the work of others
- Removing the rights of others
- Threatening violence to others
- Physically attacking others
- Using malicious or insulting language,
- Creating a hostile physical environment through images used as screensavers, posters etc...

Source: CIPD Guide - Bullying at Work.

### **13. Role of the Dignity @ Work Advisors**

The Dignity @ Work advisor is an unbiased, neutral colleague who can assist alleged victims of harassment or those accused of harassment. The aim of this role is to facilitate informal resolution in cases of harassment in line with the University's Dignity at Work Policy.

The Dignity @ Work adviser will:

- Listen
- Provide a supportive environment in which to discuss problems
- Support those seeking advice in making decisions that are right for them and their situation
- Provide information on the options available
- Assist the individual with informal resolution such as assisting with the drafting of a letter or facilitating an informal meeting where the individual tells the alleged harasser to stop their behaviour
- Accompany people at meetings on an informal basis or as a "friend" under the formal procedures
- Support the annual monitoring of the Dignity @ Work Policy through recording on an anonymous basis the number of cases, how they were resolved and equal opportunities monitoring data
- Refer the individual on to another adviser where necessary or to other support systems where relevant
- Attend training in relation to the role
- Attend meetings to share experience and good practice

The Dignity @ Work adviser cannot:

- Undertake any investigation
- Decide whether the behaviour/conduct constitutes harassment
- Make decisions for people
- "Fix" problems



- Discuss the issue with anyone without the agreement of the individual. However, if allegations are serious and/or involve criminal offences or where individuals are at risk; these must be reported to the Director of Human Resources and the individual informed of this
- Take action against the alleged harasser or accuser
- Mediate or negotiate between the parties
- Provide counselling

Further detail of the role is provided in section 15.

#### **14. Role of Trade Union Representative**

If you are a member of a recognised trade union and you feel you are experiencing harassment, or have been accused of harassment, then your trade union representative can offer you a wealth of support and advice to help find a resolution in both informal and formal cases.

The trade union representative will –

- Provide support and advice to members on this and any other relevant policy
- Accompany and represent their members in formal stages of the procedure with HR representatives using well established working relationships
- Use their significant experience and training in confidential and sensitive issues to ensure the best possible outcome
- Take further advice from the regional and national union offices and legal advice, where necessary
- Ensure all members are treated fairly and consistently
- Feedback information, where appropriate, into the established consultative committees, negotiation mechanisms and development and review of University procedures
- Use their own network of members to facilitate and enhance the continuous improvement of working relationships

#### **15. Advice to those who feel bullied at work:**

##### **a) Do you feel like you are being bullied or harassed at work?**

- Bullying and harassment at work is unacceptable and you do not have to put up with it.
- The University's Dignity @ Work Policy allows you to explore informal resolution to issues without necessarily having to raise a formal complaint.
- A support network is available to any member of staff who has an issue with bullying or harassment – the Dignity @ Work Advisors.
- If you are being bullied, keep a record of any incidents that occur.
- If you feel you can, tell the harasser that you find their behaviour unacceptable and ask them to stop. You could do this verbally or in writing (remember to keep a copy).
- Consider if Staff Development can offer you any courses that could help in your situation, e.g., Managing Difficult People, Negotiating Skills or other workshops.
- Remember that as an employee you have the right to:
  - Be treated with respect
  - Express your own feelings
  - Say “no” to unreasonable requests
  - Change your mind
  - Say “I don't understand”
  - Ask for help
- As an employee you also have a responsibility to:
  - Protect the rights of others

- Listen to the views of others
- Be fair and just in your dealings with others

Source: Newcastle University - Dignity at Work and Study Code of Practice.

## **16. Advice to those accused of bullying at work:**

### **Been accused of bullying at work?**

Bullying and harassment at work is unacceptable. If you've been accused of bullying or harassment at work here are some things to consider.

- Even though your behaviour seems harmless to you, it is the other person's reasonable reaction that is important.
- Consider differences in attitude, culture and the appropriateness of your behaviour.
- Being accused of harassment or bullying does not automatically indicate guilt.
- Reflect carefully about the complaint and consider if it can be justified and if it would be advisable to change your behaviour.
- Your colleagues have the right to ask you to stop behaving in a way that they find insulting or offensive.
- A support network is available to any member of staff who has been accused of bullying or harassment – the Dignity @ Work Advisors. They will be able to act as a sounding board for your issues.
- The University's Dignity @ Work Policy allows individuals to explore informal resolution to issues. Be prepared to try and resolve issues so that both parties can move forward and put them in the past.
- Consider if Staff Development can offer you any courses that could help with your personal development and your interpersonal skills.

Source: Newcastle University – Dignity at Work and Study Code of Practice.

## **17. Guidance for Dignity @ Work Advisors**

### **a) Gathering the Facts**

- Whether you are working with the complainant or the alleged perpetrator, it is vital that questions concentrate on seeking out, obtaining information and providing advice.
- If working with either the alleged perpetrator or complainant it is not easy to work with individuals who are angry and/or upset. You do not have to be subject to anger or abusive language and you should remind them of that. It is important to ensure that even if the person is angry that you remain calm – you will need to calm the individual to ensure that they can clearly recount the incident or discuss the problem matter.
- Be careful not to get emotionally involved in a situation, as your role is to provide neutral and unbiased assistance.
- Your questions should be used to:
  - Calm down and reassure the individual
  - Probe
  - Clarify
  - Provide information and feedback information about the situation

- Be logical and concise. Do not be afraid to revisit certain aspects if issues become confusing or unclear. It is important that you have a clear picture of the event and the circumstances surrounding it.

## **b) The Discussion**

When the person is seated, firstly explain:

- The purpose, aims and objectives of the discussion
- Your role as Dignity @ Work Advisor
- Establish the shape and length of the meeting. The meeting would usually be expected to last for no longer than 45 minutes.
- Ask if it is OK for you to take notes.
- Explain that the meeting is confidential, however, very serious allegations that indicate that individuals are at risk in some way, or reports of criminal activities must be reported to the Director of Human Resources to determine whether alternative action is required. Any action considered will be discussed with the individual.
- Be clear that meetings outside of the pre-arranged discussions are not appropriate.
- State that you are there to listen and cannot take action on their behalf unless this is in line with the Dignity @ Work policy.

## **c) Getting Them to Talk**

- Explain to the individual that you want them to tell you about the problem as they see it (“How can I help you?”)
- Go over the major areas with the person, confirming the time/dates with the event.
- Questions should be probing, challenging, clarifying, reflective and open. Do not use leading questions, but questions which elicit facts and further details where required. The following are standard questions that may be asked:
  - How did they feel at the time of the event, and how do they feel now?
  - If there has been some time between the actual incident to speaking with you?
  - If there is a gap – ask why the delay?
  - Have they spoken to anyone else about the matter – what advice did they give?
  - Has the situation warranted a visit to their doctor, is there any physical or psychological illness as a result of the incident?
  - How would the complainant like to resolve the matter?
  - Are there any procedures that are being followed e.g. capability, discipline
- Let the individual talk, encourage them when necessary, take notes and listen. Try not to interrupt unless absolutely necessary. Remember the importance of silence.
- Reassure them that your notes are for your purposes only, and will not form any part of any future process unless their complaint leads to that.
- Explore the issues and options available to the individual.
- At the end of their discussion, summarise, explaining your understanding of the situation.
- If the discussion is becoming difficult, sit back and try to calm and reassure them by saying words such as “OK” or “Alright”. Advisors should not put up with aggressive behaviour from the individual, even if they are upset.
- Remember to empathise throughout the meeting through your spoken and body language but remain objective. Do not make assumptions that you have the full story. Remember that you are an empathic listener not their friend.

## **d) Concluding the meeting**

- Ask the individual what they would like to happen
- Relate what the individual has told you back to them in order to check your understanding of what has been said.

- Make a particular note of any guidance that you might give in order to prevent this from being misunderstood at a later stage.
- Agree your notes with the individual detailing the outcome of the discussion and give them a copy of the notes.

**e) Assistance**

- Informal Resolution – they may require your help with the compiling of a letter, or for you to accompany the person to a meeting with the perpetrator
- Compiling a Letter – This should be written in the complainant’s own words. It should detail the situation (including dates/times) and the affect it had on them. It should clearly state that the behaviour was offensive/inappropriate and it must stop. It should conclude that if this happens again that a formal complaint will be made.
- Telling the Perpetrator to Stop – In this situation it is the complainant who is encouraged to tell the person about the offensive behaviour. Your presence, if requested by the complainant is to support, explain and act as a facilitator rather than a referee.
- Monitoring the Situation – After a period of time get back to individuals on an informal basis to find out how the situation is now.
- Formal Resolutions – You must refer and follow the University’s formal procedures.

**Dignity @ Work Advisor Network**

**f) Purpose:**

1. To provide professional and administrative support to the Dignity @ Work advisors
2. To share experience, identify and disseminate good practice
3. To provide opportunities for peer evaluation, peer support and reflective practice
4. To provide statistical support to the University to inform the annual HR monitoring report and relevant equality impact assessments.
5. To identify training and development needs appropriate to the role.

**Structure:**

The Network is an informal grouping of the harassment advisors and it is anticipated that it will operate as a peer review/support network.

To assist, the Network will be supported by a Facilitator and an Executive Officer.

The role of the Facilitator is to:

- Provide professional guidance and support to the Network group
- To support peer discussion and reflection
- To inform the University of any development needs

The role of the Executive Officer is to:

- Provide administrative support to the Network
- To collate quantitative and qualitative data to inform University reports and policy development
- To arrange the provision of training and development activities

## **18. Relevant Legislation**

Although there is currently no specific legislation in the UK relating to the issue of workplace bullying, various types of harassment are covered and these and other areas of employment law may also apply in cases of both bullying and harassment.

Contract law includes an implied duty on the part of the employer to provide an appropriate and safe working environment for staff. This is even more explicit in the Health and Safety at Work Act (1974), which places a general duty on employers to protect the health, safety and welfare of their employees. The Employment Rights Act includes the right to claim “constructive dismissal” in the face of an employer’s breach of contract which could include a failure to protect health and safety. Equality legislation can be applicable in particular cases where the bullying and harassment are on grounds of a protected characteristic as defined in the Equality Act 2010.

### **Unlawful Harassment**

Harassment on grounds of a protected characteristic is unlawful. Conduct will only amount to unlawful harassment when all the circumstances are taken in account, including in particular the views of the person who is being subjected to the unwanted behaviour.

### **Protection from Harassment Act 1997**

This Act was passed following concern that stalking was not effectively dealt with under existing legislation. However, the Act does not refer solely to stalking and can cover other forms of harassment providing the following three elements are all proven beyond reasonable doubt:

- The defendant has pursued a course of conduct;
- The course of conduct amounted to harassment of another person;
- The defendant knew or ought to have known that the course of conduct amounted to harassment.

The Act can apply just as much inside the workplace as outside it.

### **Malicious Communications**

A particularly unpleasant and increasingly common form of bullying or harassment is that involving malicious communications either through the post, telephone, fax, email, social networks, blogs, texts, etc...

Under the Malicious Communications Act 1998, it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 Telecommunications Act 1984, it is a similar offence to send a telephone message which is indecent, offensive or threatening.

### **Criminal Justice and Public Order Act 1994**

This is a criminal offence that covers intent to cause harassment, alarm or distress. It can lead to a sentence of up to 6 months imprisonment or a fine of up to £5000.

*Source: ECU A Good Practice Guide for HEIs on Dealing with Bullying and Harassment in the Workplace*

## 19. Further Resources

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<b>a) ACAS</b>	ACAS provides information, independent advice, training and work with employers and employees to solve problems and improve performance.	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
<b>b) Age Concern</b>	Age Concern's mission is to promote the well-being of all older people and to help make later life a fulfilling and enjoyable experience.	<a href="http://www.ageconcern.org.uk">www.ageconcern.org.uk</a>
<b>c) BBC</b>	A website providing information and external links on matters relating to health.	<a href="http://www.bbc.co.uk/health">www.bbc.co.uk/health</a>
<b>d) Bully OnLine</b>	Bully OnLine is the website of the UK National Workplace Bullying Advice Line.	<a href="http://www.bullyonline.org">www.bullyonline.org</a>
<b>e) Disability on the Agenda</b>	The site gives you access to government directories, as well as links to relevant third parties who can offer additional trusted advice and support.	<a href="http://www.disability.gov.uk">www.disability.gov.uk</a>
<b>f) ECU</b>	The Equality Challenge Unit supports the higher education sector in its mission to realise the potential of all staff and students whatever their race, gender, disability, sexual orientation, religion or age.	<a href="http://www.ecu.ac.uk">www.ecu.ac.uk</a>
<b>g) Equality and Human Rights Commission</b>	The Equality and Human Rights Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations.	<a href="http://www.cehr.org.uk">www.cehr.org.uk</a>
<b>h) GMB</b>	Provides direct support to its members and information and resources via its website.	<a href="http://www.gmb.org.uk">www.gmb.org.uk</a>
<b>i) Harassment Law</b>	Provides practical information and relevant web links for anyone who is the victim of harassment or who has been wrongly accused of harassment.	<a href="http://www.harassment-law.co.uk">www.harassment-law.co.uk</a>

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<b>j) Mind Out for Mental Health</b>	Mind Out for Mental Health is an active campaign to stop the stigma and discrimination surrounding mental health.	<a href="http://www.lgbtmind.com/index2.htm">http://www.lgbtmind.com/index2.htm</a>
<b>k) Recourse</b>	Provides online and telephone support and counselling (previously CUSN)	<a href="http://www.recourse.org.uk/">www.recourse.org.uk/</a>
<b>l) Stonewall</b>	Stonewall works to achieve equality and justice for lesbians, gay men and bisexual people.	<a href="http://www.stonewall.org.uk">www.stonewall.org.uk</a>
<b>m) Unison</b>	Unison is the recognised union representing support staff. Providing direct support to members and information and resources via its website.	<a href="http://www.unison.org.uk">www.unison.org.uk</a>
<b>n) Unite the Union – Amicus Section</b>	Provides direct support to its members and information and resources via its website.	<a href="http://www.amicustheunion.org">www.amicustheunion.org</a>
<b>o) University and College Union (UCU)</b>	UCU is the recognised union representing academic and research staff. Providing direct support to members and information and resources via its website.	<a href="http://www.ucu.org.uk">www.ucu.org.uk</a> <a href="http://huducu.org">http://huducu.org</a>
<b>p) Workplace Bullying</b>	The Workplace Bullying Site is a non-profit site working to provide a legal resource to those working against bullying or harassment of any kind in the workplace.	<a href="http://www.workplacebullying.co.uk">www.workplacebullying.co.uk</a>

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<sup>[1]</sup> Equality Act 2010