

# Beat the workplace bullies

December 2017



**Nobody should ever have to start their working day worrying about being harassed, bullied, or intimidated in the workplace.**

We spend nearly a third of our lives at work, so they should always be a place where we feel safe. Not only does bullying in the workplace drive down productivity, but it can become so bad that it leads to conflict that destroys morale, triggers mental health issues such as anxiety and depression, and even forces good workers to find another position simply to get away from the problem.

However, running away from an unpleasant and intimidating workplace because of the actions of a bully does not make the problem go away, it simply makes it someone else's concern. You may have escaped your bully's attention by leaving, but what happens to the next person who fills your position once you have gone?

## Shining a spotlight on workplace harassment

Bullying in the workplace is unacceptable at any level, whether it is low-level comments intended to undermine and intimidate you, or serious sexual harassment. The latter has hit the headlines recently, because of the revelations concerning Hollywood producer Harvey Weinstein. While the details are disturbing, what it has done is made it easier for thousands of women (and men) to come forward and say #MeToo. The #MeToo campaign has been going for some time, but the latest revelations have given it new momentum, and made it easier for anyone suffering from sexual harassment and bullying in the workplace to stand up and be counted.

## The law's take on harassment in the workplace

There are strict laws governing how we behave in the workplace, and every organisation, no matter how big or small, must have a clear set of guidelines in place

regarding complaints procedures in the event of harassment. However, it is still a daily problem for thousands of people.

If you have been the victim of bullying or workplace harassment, here is a quick guide to your rights, your boss' duty of care towards you, and what you can do to tackle the problem.

Bullying, or harassment as it is referred to in law, is unlawful under the [Equality Act 2010](#). There are clear definitions of bullying or harassing behaviour, which include:

- Unfair treatment
- Targeting a single individual and constantly undermining them
- Preventing a person from taking up training opportunities or any form of career advancement or promotion
- Spreading malicious rumours or lies about a person

Bullying does not have to be face-to-face. It can also happen by letter, email, or phone. However, if someone bullies or harasses you by letter or email, then you immediately have an advantage if you want to pursue a case, as you have written evidence of their actions to present at any hearing or tribunal.

## Legal definitions

While bullying is not against the law (unless it involves physical intimidation or unwanted sexual contact), harassment certainly is. Harassment is defined as unwanted behaviour related to:

- Age
- Sex
- Race
- Religion or belief
- Sexual orientation
- Pregnancy and maternity/paternity
- Gender (including those who have undergone gender reassignment or identify as non-gender-specific)
- Whether a person is married or in a civil partnership

### What can you do?

If you feel that you are the victim of workplace bullying or harassment, the first thing to do is to try and solve it informally, by having a private conversation with a manager, your HR department or a trade union representative. If you feel that this is not working or that you cannot approach someone within the working environment, then you can talk to organisations such as [Citizens Advice](#).

### Getting legal help from your solicitor

If the problem is more serious then you may have to consider making a formal complaint, or even contacting the authorities in the event of any physical or sexual harassment.

In this case you may need to talk to a solicitor, they will be able to look at your case and advise you on the best course of action – whether that is to take the case to an employment tribunal or, in more serious cases, to contact the Police.

### What are your employer's responsibilities?

All employers have a duty of care to ensure the workplace is not only safe, but that workers are not subject to harassment of any kind. Your employer is liable for any harassment you may suffer even if they are not the root cause of it. Basically, the buck stops with your boss, so if there is a problem, it is in their interests to deal with it quickly and effectively.

While you may initially feel uncomfortable about approaching your manager or boss with a complaint, the truth is that they will be keen to help resolve the matter quickly. Harassment and bullying can have a negative effect on the reputation, efficiency and profitability of a business.

### Don't just 'put up' with workplace bullying

There is no reason why anyone should simply 'put up' with a workplace bully. People often simply say nothing because the person doing the bullying is higher up the ladder than they are and are in a position of authority, or they are simply frightened that speaking up will jeopardise their job.

Remember that bullying does not just make you feel miserable – it can have a serious impact on your health too.

With millions of working days lost every year through stress and anxiety, both your mental and physical health are at risk if you are being bullied. There is a network of help that you can turn to, including your solicitor.

**Karen Cole**  
020 7299 6909  
[karen.cole@riaabg.com](mailto:karen.cole@riaabg.com)  
[www.riaabarkergillette.com](http://www.riaabarkergillette.com)



Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

