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BULLYING & HARASSMENT IN THE WORKPLACE



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Introduction

Harassment and bullying behaviour in the workplace is unpleasant and offensive.

It can affect an individual's professional performance and psychological welfare, and can be so destructive that the effects continue after work, devastating personal lives as well as careers.

Harassment and bullying can result in low morale, increased sickness absence or resignations.

If a complaint is made to an Employment Tribunal, or civil proceedings taken to court, an organisation may also suffer expensive litigation, adverse publicity and a loss of customers.

It is in everyone's best interests to have a workplace free of harassment and bullying.

This workbook sets out to answer the common questions, concerns and legal implications of bullying and harassment in the workplace.

It attempts to look at the issue from every point of view and help provide you with useful advice whether you are the victim of harassment, the organisation or the accused.

What is The Bullying & Harassment Definition?



The terms bullying and harassment are often regarded interchangeably and tend to involve behaviour which harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates.

The behaviour may be deliberate or perhaps just misplaced and can occur over a period of time or appear as one solitary event.

Bullying is not specified legally. However, it is viewed as offensive, insulting, malicious or intimidating behaviour or an abuse of power by one or more persons, which undermines an individual's confidence, self-esteem and right to dignity.

Harassment has been specifically linked to anti-discrimination laws in the following areas: sex, race, religion or belief, age, sexual orientation and disability.

Within these laws, harassment has been given a standard definition, as follows:

A person subjects another to harassment where they engage in unwanted conduct which has the effect of violating that other person's dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment for them.

Bullying and harassment typically stem from an abuse of power (status or physical) and are often carried out in public as the majority of bullies do so in order to achieve a misguided notion of authority. It can, however, be much harder to spot when carried out in a subtle manner where the perpetrator appears outwardly pleasant and friendly. These people may isolate weaker people and slowly create an environment where the victim feels undermined and gradually loses confidence.

Dictionary Definition:

Bully –n. (pl. –ies v.-ies -ied)

Person coercing others by fear. Persecute or oppress by force or threats.

Dictionary Definition:

Harass –n.

Trouble and annoy continually. Make repeated attacks on.

Statistic:

It has been estimated that workplace bullying affects up to 50 per cent of the UK workforce at some time in their working lives.

What constitutes Bullying & Harassment?

ACAS gives the following examples of behaviours that can be construed as unacceptable:

- *Spreading malicious rumours, or insulting someone (particularly on grounds of their race, gender or disability)
- *Ridiculing, embarrassing, humiliating or demeaning someone
- *Excluding people or victimising people (e.g. in retaliation for a previous complaint) or isolating people
- *Treating people unfairly
- *Overbearing supervision or other misuse of power or position
- *Unwelcome sexual advances
- *Making threats or comments about job security without foundation
- *Deliberately undermining a competent worker – e.g. by overloading them with work or constant criticism
- *Intentionally blocking promotion or training opportunities

Not all bullying and harassment takes place face to face. It can also occur through:

- *Written communications / letters / memos etc.
- *Email messages – sometimes called 'flaming'
- *Telephone
- *Automatic supervision methods – such as automated recording / monitoring of downtime from work

Two common themes with bullying and harassment:

The abuse / misuse of power on the part of the perpetrator

An undermining or loss of dignity on the part of the victim

Behaviours

Sexual Harassment

- *Touching, fondling, stroking, standing too close
- *Lewd / suggestive comments, gestures, innuendo
- *Offensive / obscene language, jokes, gestures
- *Displays of sexually orientated material, posters, calendars, magazines etc.
- *Pestering for attention, making unwelcome sexual advances - stalking
- *Forwarding emails with sexual content or accessing pornographic web sites
- *Coercion for sexual favours, offering bribes for sex
- *Threat of, or actual, sexual violence

Racial Harassment

- *Offensive language, jokes, banter
- *Racial comments, gestures, innuendo
- *Practical jokes
- *Using racist terminology
- *Displays of racist material, publications
- *Forwarding emails with racist / abusive content
- *Threat of, or actual, physical violence

Any behaviour which the victim / recipient feels damaged or harmed by constitutes potential harassment, whether the perpetrator intended this or not.

In other words it is the **effect NOT the intent** which determines whether behaviour constitutes harassment.

