

# Bullying & Harassment in Employment

By Chloe Pereira

outset.insight

01622 759 900 [www.outsetuk.com](http://www.outsetuk.com)



# An Insight into Bullying & Harassment

---

This is a commonly misunderstood area of employment law and it's not uncommon to hear of individuals who want to sue their employer for "bullying and harassment" – but that's not exactly possible.

There is in fact no specific law against bullying. However, bullying behaviour might constitute a repudiatory breach of contract allowing an employee to resign and bring a claim for constructive dismissal.

As far as harassment is concerned, this may be covered under discrimination law or the Protection from Harassment Act 1997. So, an employee can bring a harassment discrimination claim if the act they complain of concerns one of the nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

# An Insight into Bullying & Harassment

---

An employee can bring a claim under the Protection from Harassment Act 1997 if they are subjected to an “oppressive and unacceptable course of harassment” (which means it must have happened at least twice) by another employee who knows or ought to know that their conduct amounts to harassment and which causes the employee alarm or distress. The employer will be liable for the employee’s acts committed in the course of employment.

The Protection from Harassment Act was originally introduced to tackle stalking, and claims arising in an employment context are pretty rare. This may be due to the fact that they have to be brought in the High Court or County Court, rather than the Employment Tribunal, which can be much more costly.



# An Insight into Bullying & Harassment

---

## The Consequences

It depends if the bullying and harassing behaviour is actually protected by legislation, as described above. If not, you may not end up facing a successful Tribunal claim, but you are likely to have a high turnover of staff if you do nothing to address bullies in the workplace.

At worst bullying and harassment taking place at work is covered by constructive dismissal or discrimination provisions and you're facing the consequences set out in our [Insight into Sex Discrimination](#).

If you would like more advice regarding bullying and harassment in the workplace, get in touch for a friendly and informal chat today.

Chloe Pereira  
Senior Employment Lawyer

Call **01622 759 900** or  
email [Chloe.Pereira@outsetuk.com](mailto:Chloe.Pereira@outsetuk.com)

