

Employment Law Dos & Don'ts

Bullying & Harassment

DO

- Do have an anti-bullying and harassment policy in place. ACAS has a guidance note on Bullying and Harassment at Work and, although it isn't law, ignoring its content can go against you at an Employment Tribunal.
- Do bear in mind that employees might use the terms "bullying" and "harassment" widely, but at work it is only unlawful if it relates to one of the nine characteristics protected under the Equality Act 2010. (But – see the first "don't" below)
- Do encourage employees to report bullying and harassment, using the grievance process if necessary, and take steps to address such behaviour
- Do consider whether an employee who is signed off with stress has been the victim of bullying and/or harassment.
- Do remember that bullying and harassment between employees can happen at social events or in other instances outside the workplace, but should still be addressed by you as an employer.

DON'T

- Don't think that because there's no specific law against bullying it's ok to bully staff, or allow them to bully one another – you could face a constructive dismissal claim
- Don't forget that the absence of a specific law covering something doesn't mean the practice is desirable. There is much more to managing employees than just avoiding Tribunal claims.
- Don't underestimate the value of training. Not only does this reinforce company policies and allow employees to more fully understand and recognise bullying and harassment, but being able to demonstrate that you provide such training can help you if you're facing an Employment Tribunal.
- Don't forget that as an employer you can be held responsible for the actions of your employees, so it's important to take steps to address negative behaviour.
- Don't assume that it's only harassment if it's long running – a one off event can constitute harassment.