

PSS information guide

Bullying and harassment

Bullying and harassment are difficult to deal with and sometimes difficult to resolve. Your workplace has policies that set standards of behaviour for all employees as part of promoting equality and diversity in service delivery and employment. You have the right to work without discrimination and with respect.

What is bullying?

Bullying at work is an abuse of power or position. It is offensive discrimination through persistent, vindictive, cruel or humiliating attempts to undermine, criticise, condemn, hurt or humiliate either an individual or a group of employees. Examples of bullying and harassing behaviour include:

- constantly criticising a competent worker
- undermining the position, status, worth, value or potential of workers
- misusing power or position
- making unfounded comments/threats about job security
- making unwelcome sexual advances, invading personal space, touching, kissing
- exclusion/victimisation – separating an individual from colleagues, excluding them from work or ignoring them
- copying memos criticising someone to colleagues who are not involved
- ridiculing or demeaning someone, especially in front of others
- spreading malicious rumours or insulting someone on email or social media
- coercing a worker into leaving early, constructive dismissal, early or ill health retirement, etc.
- twisting, distorting or misrepresenting a worker's words
- overloading workers with tasks
- moving the goalposts – setting

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objectives which subtly change and are not achievable.

What is harassment?

Harassment is any unwanted or unwelcome behaviour that affects your dignity. From mildly unpleasant comments to physical violence, it is often about a personal characteristic such as age, gender, race, sexual orientation, disability, religion, or nationality. It can be persistent or a one-off incident. Someone who believes they are being harassed will view the actions or comments of someone else as demeaning or unacceptable. What one person views as demeaning may not appear as such to someone else.

If you think you are experiencing bullying or harassment

Think about whether you need time to adjust to new management/organisational style. Check your organisation's professional conduct policies. Discuss your concerns with your line manager, HR, union representative or colleagues who might share your concerns.

Types of harassment/bullying

Sexual harassment/bullying

Unwanted sexual behaviour or conduct based on sex/sexual orientation/gender affecting your dignity at work.

Examples include:

- unwanted physical contact (touching, patting, pinching, deliberately brushing against someone's body, assault, and coercing someone into sexual intimacy)
- making unwelcome verbal sexual advances, propositioning, or pressurising/blackmailing someone for sexual activity, continued suggestions for socialising outside work (despite the person making clear this is unwelcome),

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offensive flirtation, suggestive remarks, innuendo or lewd comments, disclosure of another individual's sexual orientation against their wishes

- displaying pornographic or sexually suggestive pictures, objects, or written materials, including on email
- leering, whistling, or making sexually suggestive gestures
- behaviour which denigrates, ridicules, is intimidating or physically abusive because of an employee's gender or sexual orientation, such as insults or offensive comments about appearance/dress.

Racial harassment/bullying

Racially motivated behaviour directed at people because of race, colour, ethnic origin, cultural differences, accent, religion and/or nationality.

Examples include:

- derogatory name-calling, malicious comments, jokes, hostile attitudes, 'banter' which either encourages or is based on stereotype
- assault, damage of personal property
- graffiti, displays of racial insignia or material, denial of opportunities, exclusion from social activities
- abuse or insults via email, mobile phones, social media.

Harassment/bullying of individuals with a disability

Unwanted actions or behaviour directed at people because of their disability. This includes mental and physical disabilities.

Examples include:

- abuse or intimidation, mimicking the disability
- speaking to others instead of the person with the disability, asking intimate questions about their impairment
- unreasonably questioning the person's work capacity and/or ability by making inappropriate demands, requirements, jokes

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- uninvited touching, exclusion from social events, making assumptions about people with a disability (e.g., that they don't have a social/sexual/private life), making assumptions about a person's impairment and sickness record.

Harassment/bullying based on religion or philosophical belief

Unwanted behaviour or actions because of someone's religion or philosophical belief.

Examples include:

- abuse or intimidation, assault, damage of property
- derogatory name-calling, malicious comments, jokes, hostile attitudes, banter which encourages stereotypes
- graffiti, displays of offensive material, denial of opportunities, exclusion.

Harassment/bullying based on age

This can affect both younger and older workers.

Examples include:

- intimidation
- derogatory remarks or jokes about age
- banter which encourages stereotypes about age
- making assumptions about lack of ability based on age.
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The effect of bullying/harassment on the individual

Bullying and harassment can make you feel anxious and humiliated. You might also feel frustrated and angry at not being able to cope. Some people attempt to seek revenge, others feel scared and demotivated. Stress and low self-confidence can make you feel insecure at work, leading to illness, absence and even resignation. Professional performance and relationships are usually affected.

If you are being bullied/harassed, you might experience:

- continual anxiety and stress
- frequent illnesses such as viral

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- infections
- headaches/migraines
- tiredness, exhaustion, constant fatigue, sleeplessness, waking early
- irritable bowel syndrome
- poor concentration and forgetfulness
- panic attacks, sweating, trembling, shaking
- tearfulness
- anger
- low self-confidence/self-esteem.

Legal context

It is the responsibility of your organisation to prevent bullying and harassment in the workplace. It is essential that all staff know such behaviour will not be tolerated. The NHS Employers' guidance covers identifying behaviours that constitute bullying and harassment, current support and policy, and suggested procedures to deal with bullying and harassment complaints. It also offers advice on investigating complaints. Employers can now be held vicariously responsible for staff bullying colleagues. It is not possible to make direct complaints about bullying to an employment tribunal. However, employees can bring complaints under laws covering discrimination and harassment. The Equality Act 2010 protects characteristics such as ('protected characteristics'):

- age
- race
- religion or belief
- sex
- gender reassignment
- disability
- pregnancy and maternity
- marriage and civil partnership.

Employers' responsibilities

Employers have a duty of care for their employees. If mutual trust and confidence is

broken through bullying and harassment, employees can resign and claim 'constructive dismissal' on the grounds of breach of contract. The breach of contract may also include the failure to protect an employee's health and safety at work.

Under the Health and Safety at Work Act 1974, employers are responsible for the health, safety, and welfare at work of all employees.

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Legal action

If the bullying or harassment continues, take advice on your legal rights.

If you leave the organisation and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation. Any records you have will be considered when it comes to your claim. Resignation is the last resort make sure you have tried all other ways to resolve the situation.

You can find information about all our other support resources at our Wellbeing hub.

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