

Harassment and bullying in the workplace

In seeking to provide a working environment that is free from harassment and bullying, one of the underlying principles in BBSRC's Dignity and Diversity at Work policy is: 'everyone is responsible for treating others with dignity and respect'. A workplace environment which is free from conflict or hostility enables people to contribute more effectively resulting in greater job satisfaction, less employee turnover, reduced absence, more effective teams and individual performance.

Whilst the small number of formal grievances related to harassment and bullying across BBSRC suggests that the working environment is acceptable or good, recent surveys indicate that harassment and bullying may be more prevalent than we currently perceive them to be. People may be unsure or unaware of what harassment or bullying is, how to combat it or resolve it, or both.

This guidance has been developed to complement the policies set out in the Employment Code at Section A3 and Appendix A3.8 and to raise awareness of the issues. It gives examples of what constitutes harassing and bullying behaviour (including guidance on appropriate workplace banter), the effects these may have, and the various options available to stop it.

Brief information on the legislation that applies to harassment and bullying is set out at Annex A.

Harassment and bullying behaviours

Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It is normally related to a personal characteristic of an individual, such as their age, sex, race, disability, religion, sexual orientation etc and may be persistent or an isolated incident. The key is that the actions or behaviours are viewed as demeaning and unacceptable to the recipient or witnesses (other BBSRC employees, contractors etc).

Bullying on the other hand may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment or bullying can be initiated by an individual against another individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious and subtle. Whatever form it takes, it may be unwarranted and unwelcome to the individual or others around them.

Harassment or bullying can occur face to face and also in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work (if this is not applied to all employees).

Harassers and bullies come from all backgrounds, any race or gender, and all pay bands, so it is not easy to draw up a stereotype or profile of either. However, being able to identify harassment and bullying behaviours may help you to recognise when it is happening (including occasions when it is not and when people overreact to behaviours).

Harassment and bullying can occur in a number of different ways and can sometimes be very similar in nature. Unless the behaviours can be reasonably justified, the following may be examples of harassment and bullying behaviours:

Examples of Bullying behaviours

- Repeatedly shouting or swearing in the workplace (either in public or private)
- Humiliating an individual or individuals in front of others (in public) or in one-to-one situations
- Persistent unjustified criticism and constantly undervaluing effort without just cause
- Persistent personal or offensive remarks and insults, e.g. unwelcome remarks about a person's age, dress, appearance, race or marital status etc - see also workplace banter below
- Persecution through fear or threats (e.g. in relation to job security)
- Being overruled, ignored, marginalised or excluded from in-work and social activities
- Setting individuals up to fail, e.g. setting unrealistic or immeasurable objectives and unachievable deadlines or setting unreasonable tasks outside the job description
- Removing responsibility and imposing menial tasks without justification
- Deliberately impeding work
- Constantly changing objectives without justification

Examples of Harassment behaviours

- Unwanted physical contact (touching, standing too close)
- Unwelcome sexual advances (e.g. displaying pictures of a sexual nature, using innuendo or coercion for sexual favours)
- Personal or offensive remarks and insults, i.e. unwelcome remarks about a person's age, dress, appearance, race or marital status etc - see also workplace banter below
- Offensive language or jokes (sexist, racist etc), letters or email, slander, sectarian songs - see also workplace banter below
- Offensive or obscene images, posters, graffiti, gestures and emblems

Workplace banter

Workplace banter is, of course, part of most work places and indeed a necessary feature of social interaction and team dynamics. However, inappropriate or misplaced banter can be perceived very differently by individuals - as a bit of harmless fun by some or very offensive by others, or somewhere in between. It can, therefore, be very awkward to deal with and if it is perceived as offensive, it can lead to complaints of harassment or bullying.

Therefore, all BBSRC employees need to be aware of their own conduct and behaviour and that their prejudices and beliefs are not adversely affecting how they treat others.

Similarly, managers should be aware of what constitutes inappropriate behaviour and banter, and should engender a working environment of dignity and respect among their group or team in line with the BBSRC policy.

The following are examples of commonly used workplace banter that have caused offence in the UK (taken from a survey of UK organisations - the examples are in descending order of frequency of use in the workplace):

- offensive nicknames for colleagues
- swearing
- use of pet names such as 'love', 'babe' and 'hon'
- banter of a sexual nature, including sexual orientation
- offensive jokes about appearance, age, religion, cultural background, degree of affluence, race or sex (including sexual orientation)
- inappropriate discussions about the most / least attractive colleagues.

No employee will ever know every personal detail about their colleagues (for example, a white colleague married to a black person or a colleague whose brother is gay) so care should be exercised at all times.

The general rule is that colleagues will have differing views, feelings and sensitivities about various matters and any banter that might cause offense to another employee will not be tolerated.

The effects of harassment and bullying

Both can often adversely affect the health of the recipient and the symptoms are often comparable to those experienced by people suffering from work related stress. Common symptoms include:

- Headaches / nausea / raised blood pressure
- Sleeplessness / loss of appetite / fatigue
- Anxiety / depression / ulcers
- Irritability / becoming withdrawn / becoming aggressive

Often the impact of harassment or bullying will also adversely affect performance, which itself may lead to the one or more of the above symptoms, and in many cases increased consumption of tobacco, alcohol or drugs. In extreme cases, some may even contemplate suicide.

Poor performance due to harassment or bullying not only affects the individual but can also cause detriment to the team, group, establishment or even BBSRC. The resulting shortfalls in workload often have to be addressed by colleagues, which in turn can adversely affect team or group dynamics.

Furthermore, frequent complaints of harassment or bullying (including Employment Tribunal cases, which are often in the media spotlight) can adversely affect morale and organisational reputation leading to future recruitment and retention difficulties.

Therefore, given the harm that harassment and bullying can do, it is in everyone's interest to eliminate them as far as it is possible.

The role of the manager

Managers have a significant role in combating and eliminating harassment and bullying throughout BBSRC. They should:

- consider their own behaviour and treat employees, customers and clients alike with dignity and respect, in accordance with the BBSRC policy - Section A3 of the BBSRC Employment Code
- be aware of what is acceptable behaviour and what is not, and be alert to the signs of harassment and bullying (and banter)
- be aware that it is the impact that the behaviour has on the victim, which constitutes bullying or harassment and not the intent
- ensure that employees are familiar with BBSRC's harassment and bullying policy (as above), including undertaking equality and diversity training as part of their induction
- ensure that employees who make a complaint about harassment or bullying are fully supported before, during and after the complaint
- ensure that complaints are dealt with promptly, fairly and with total confidentiality and the rights of all parties are respected at all times - see Section A12c of the BBSRC Employment Code.

The role of the employee

Employees can also help combat harassment and bullying in the workplace. They should:

- be aware that harassment and bullying can and does happen and ensure they understand the issues, including what constitutes harassment and bullying (as above) and awareness of the complaints procedure - Section A12c of the BBSRC Employment Code
- be aware of their own conduct and behaviour and not unknowingly cause offence - what they see as harmless banter ('just a bit of fun') may be misconstrued by others - some people will not take offence to personal remarks or sarcasm but others will
- ensure that their own prejudices and beliefs are not adversely affecting how they treat others
- report acts of harassment or bullying and support those subject to harassment or bullying

What you can do if you think you are being harassed or bullied

If you think you are being subjected to harassment or being bullied, you should consider a number of the following options that are available to you:

- As required, seek advice from your line manager, local Head of HR, your local harassment contact or member of staff support group (if applicable), union representative or work colleague - they can help you understand the options available to you and explain about making an informal or formal complaint.
- Keep a written record of any incidents, including the facts: e.g. time, date and details, the names of any witnesses, your response and your feelings and keep copies of any appraisals, letters or emails that are relevant.
- Refer to BBSRC's harassment and bullying policies in the Employment Code (Section A3) and consider challenging the perpetrator and / or making a complaint (a grievance).
- The BBSRC grievance procedure is set out in Section 12c of the Employment Code and incorporates informal and formal procedures - either one or both can be used to complain about inappropriate behaviours - your HR department can provide further information and advice.
- Complaints will be taken seriously, and dealt with as speedily as possible. If you make a complaint you should not be victimised for doing so (nor indeed should any witnesses who support you)
- Mediation is an increasingly being used to manage conflict at work, including harassment and bullying. BBSRC has a number of trained mediators or external mediators may be considered - your HR department can provide further information, as required.
- If necessary seek medical help via occupational health or your GP.

You should not feel you have to suffer in silence or feel that you are in any way to blame if you are experiencing harassment or bullying. BBSRC takes both extremely seriously and encourages all employees to challenge all inappropriate behaviour, whether individuals are personally involved or are witnesses.

Definitions and the law

Harassment definition

Harassment is unwanted conduct affecting an individual's dignity, which can consist of persistent or isolated acts. It is often related to gender, race, age, disability, religion or belief, sexual orientation, gender reassignment - known as the protected characteristics in relation to the Equality Act 2010 - or other personal characteristics. The definition in the BBSRC Employment Code (Section A3) is:

Unwanted conduct related to a protected characteristic that has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual

Bullying definition,

There are various manifestations of bullying and, likewise, various definitions. The definition preferred by BBSRC (in Section A3 of the Employment Code) is:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

The law and health & safety

Employees are protected from harassment by the Equality Act 2010. There is no specific legislation protecting employees from bullying at work although complaints can be made using anti-harassment legislation if the bullying is the result of discrimination on grounds of sex, race, sexual orientation, religion or belief, age, disability or gender reassignment.

Thereafter, once internal grievance procedures have been taken, it may also be possible to bring a discrimination claim in an Employment Tribunal.

Other legislation may also apply to bullying such as the Trade Union and Labour Relations (Consolidation) Act 1992 and the Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 requires employers to ensure that they consider the physical & mental health, safety and welfare at work of their employees.

Similarly, the Management of Health and Safety at Work Regulations 1999 obliges employers to assess the risks to health & safety to which their employees are exposed while at work, so that they can take appropriate preventative and protective measures.

Consequently, health & safety officers have legal rights to investigate the causes of stress and this includes bullying as a cause of work related stress and related ill-health problems.

The fact that the Health & Safety Executive refers to bullying at work in its stress guide establishes bullying as a hazard that employers must take steps to control. BBSRC has separate guidance on mental ill-health and preventing stress; the former has been incorporated in the 'Employing people with disabilities' guide, which is available via the BBSRC website and the Employment Code.