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Bully Boys are Dangerous!

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Introduction

Is political correctness going mad or are managers slowly realising the danger of taunting employees in the workplace? As responsible managers, we know not to taunt our colleagues but we all know people that do – and what do we do about it? Do we ignore it? Is that dangerous?

Bullying & Harassment

Bullying has no legal definition. It is generally understood however to be behaviour that is offensive, intimidating or malicious involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened.

Harassment is legally defined. It is unwanted conduct related to a relevant 'protected characteristic' which has the purpose of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Both are increasingly being attached to claims of discrimination.

Who's Responsibility?

As an employer, you will have policies and procedures to help you deal with bullying and harassment. In deliberate cases, this may result in employees being summarily dismissed for gross misconduct. Whilst employees have a responsibility to abide by the rules that employers lay down, you have the responsibility of enforcing them and ignoring them will likely lead to absence (citing stress) and a tribunal claim.

Contact HR Insight

Offices in Romford, London (City & West End), St Albans, Hayes and Redhill.

Work Related Stress

This word is so completely 'over-used' that it tends to lose meaning! Although not an illness, it can contribute to ill health and is very real.

According to the Health & Safety Executive, 13.5 million working days are lost each year as a result of employees claiming stress-related absence.

How Do You Know?

As an employer, there are some very simple steps you can take to identify if there is a problem that you should be investigating.

Self Certification Sick Forms should have a field for the employee to indicate if this was a work related absence. If it is ticked, you must investigate.

Return to Work Interviews done routinely for every employee on their return are an easy way of checking the situation and asking questions.

Work related absences due to stress must be investigated. It may not be being caused by bullying or harassment; claims of stress can come from a multitude of areas including high work loads or confused responsibilities, training, organisational change or internal conflicting relationships.

The Law

Employees are protected by the Health & Safety at Work Act 1994; Protection From Harassment Act 1997; a Common Law Duty' (for negligence).

General Enquiries
enquiries@hrinsight.co.uk

Legal Support
legal@hrinsight.co.uk

Expensive Not to Act!

In *Green v DB Group Services* (2006) a secretary who had been bullied by her colleagues brought a claim under the Act and was awarded £800k in damages.

Under the Protection From Harassment Act 1997 an employee has six years to bring a claim against their employer.

STOP PRESS

Will Dismissal Be Easier?

Much has been made of the Chancellor of the Exchequer's announcement to increase the qualifying period from one to two years of service before an unfair dismissal claim can be made. This will inevitably make it easier to dismiss but beware, we expect the number of discrimination claims to increase as these can still be made from Day One.

The most positive change that was announced relates to the plan to charge employees a fee for making a Tribunal claim and we believe this will make a huge impact on reducing the amount of spurious claims being made.

These are planned to come into effect in April 2012. HR Insight will keep you informed via this Fact Sheet.

Can We Help?

If you are concerned about stress or absence in your organisation, please contact us on **01708 758 958** or visit us at www.hrinsight.co.uk.

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