

Bullying and harassment – training

Employers are responsible for preventing bullying and harassment in the workplace. An employer should ensure that the employees know the standards of behaviour expected and respond to any complaints from employees.

If an employee brings a claim of harassment, the Employment Tribunal will look to see what steps the employer took to prevent it – if the employer has not provided regular and effective training then the employer is unlikely to be able to rely on a defence that they took reasonable steps to avoid harassment.

We set out below a framework which may be helpful to NTF members in their in-house staff anti-bullying and harassment training.

The Government organisation ACAS offers training (including a short free online module) and Racing2Learn have a number of training modules relating to safeguarding and working safely/living well. There are industry supervisory staff training courses and assistant trainer courses offered by the BRS and NHC for managers. There are, of course, many companies offering anti-bullying and harassment training, which can be searched for online.

Suggested framework for in-house anti-bullying and harassment training

Ensure that the person presenting the course is well prepared – that could include doing a training course perhaps through ACAS, reading the ACAS guides mentioned below and that they are familiar with the employer’s anti-bullying and harassment policy, and how the employer would deal with a grievance. The NTF has an agreed anti-bullying and harassment policy and a grievance policy for members to use – these can be downloaded from the NTF website or by requested by email.

Company anti bullying and harassment policy

Have this available and a copy for each attendee – it will frame much of the discussion

Record

Make a record of who attended the training and the training which took place.

The aims of the training

From the training, your employees should:

- Understand the meaning of bullying and harassment
- Be able to recognise the signs of bullying and harassment
- Understand their responsibilities with regards to bullying and harassment
- Know and understand the company’s anti bullying and harassment policy
- Understand the effects bullying and harassment can have on a person and the workplace
- Be confident in knowing how and where to go for help if they are being bullied or harassed or concerned about a colleague

Introduction to course

It is everyone’s responsibility to try to make the workplace and enjoyable place to be.

A lot of time is spent in the workplace and taking some thoughtful actions can make a huge difference to everyone's daily life. A culture that is uncomfortable for some should not be considered acceptable or normal.

Why is it important

Everyone should feel able to come into the workplace and not worry about being bullied or harassed. Being bullied or harassed can cause real harm to people's lives including emotional and physical illness.

An employee can go to an employment tribunal with a claim if they have been harassed – and that claim might not be just against the employer. An employee can make a claim against a colleague or colleagues and if successful, the harassers may have to pay damages to the person they harassed. There is no financial limit on the awards an employment tribunal can award for harassment.

What is bullying and harassment?

Bullying

There is no legal definition of bullying but it is behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

It is about how the person on the receiving end feels about it - the intention of the person saying or doing the thing does not matter.

The complaint may come from one person or a group of people upset by what has happened. It may be something they have overheard, so not aimed at them or anyone else – perhaps two people sharing a joke which someone else hears and is offended by it.

Harassment

Bullying becomes harassment when it relates to someone's protected characteristic.

A protected characteristic is someone's age, disability, gender, reassignment, race, religion or belief, sex and sexual orientation.

Then look at those in more detail:

Age – this protects people of all ages.

Disability – legally this is where someone has a long lasting mental or physical impairment which has a significant effect on their day to day abilities. That is quite a technical description but it could include someone who has a chronic bad back which limits what they can do or someone with a medical condition such as epilepsy or an employee with learning difficulties.

Gender reassignment - this protects someone who proposes to start, is undergoing or has completed a process to change their gender. They do not have to be under medical supervision

Race and ethnicity This includes colour, nationality, ethnic or national origins. It includes not harassing someone because of clothing worn for their religious beliefs.

Religion or belief religious or philosophical belief This is wider than religion and can include someone who genuinely holds strong philosophical beliefs, such as a belief in climate change.

Sex This relates to the biological sex or sex defined by a gender recognition certificate

Sexual orientation This protects bisexual, gay, heterosexual and lesbian people

What might bullying or harassment look like?

It might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

Where bullying or harassment could occur:

Verbal abuse – not only where someone says something deliberately offensive but where someone makes a joke that they and perhaps others think is funny but which is offensive to someone else. Picking on someone because of their weight or another physical issue or being offensive, even if not meaning to, about the way someone dresses or speaks.

Visual - the display of abusive or offensive literature so perhaps nude photographs or perhaps a poster encouraging membership of a group offensive to a religion.

Social media – through email, texts, social media channels, comments on a social media post, messaging apps.

Physical - intimidation or assault and unwanted sexual advances, derogatory remarks, lewd or suggestive gestures.

Work allocation - unfair work allocation, for example, giving all the unpleasant tasks to someone with a particular characteristic.

The abuse or misuse of power - managers need to be able to manage sometimes difficult matters but must not do so in a way which undermines, humiliates or causes physical or emotional harm.

It could happen outside of work but relates to a work situation – so deliberately excluding someone from a work social event when everyone else is invited.

It could include refusing to work with somebody or deliberately isolating fellow employees or not providing information to someone to enable them to do their job.

Bullying can also be something what is termed upward bullying and that is where an employee or a group of employees bully a manager or more senior employee. This could be by showing continue disrespect refused to complete tasks or again spreading rumours.

As can be seen it can arise in many ways

What about banter and jokes in the workplace?

It isn't about not enjoying coming into work or having a laugh. It is about having a working environment that is enjoyable and open to all.

However, the fact that others would laugh about something does not matter. If it has the effect that we mentioned above on someone else then it will be bullying and harassment. The person making the joke may think that the other person is too easily offended or is too sensitive – again that does not make any difference, it is how the person who is upset feels and their feelings must be respected.

Discussion

This could be a good point in the training to discuss what people may see as bullying/harassment.

What do they think about the situation where an employee who told his colleagues he was not interested in football was told he must be gay and then repeated jokes made about that. [The Employment Tribunal found in the circumstances of the case that this was harassment].

Do they think the following are bullying or could be bullying - someone spreads malicious rumours, a group regularly burst out laughing when a particular person walks by, hiding equipment that someone needs, not thinking about dietary restrictions for the yard breakfast, constantly making jokes about a person's hair colour or weight. Could any of those be harassment?

What about nicknames in the workplace – when could giving an employee or a work colleague a nickname based on his or her nationality could be harassment, as could calling an older colleague “gramps”.

Remember when discussing these, it is the effect on the person, not the intention of the person saying or doing it. It also needs to be considered whether the person is genuinely happy at their nickname and not just going along with it whilst feeling humiliated about it.

Signs of bullying and harassment

- Personal insults, for example about appearance, weight, clothes, accent etc.
- Racist/sexist/ageist language.
- Unwanted sexual advances/sexual harassment or misconduct.
- Unreasonable requests.
- Constant put downs/remarks about your work.
- Threats or intimidation tactics.
- Attempts to turn other colleagues against you.
Spreading lies/rumours about you

Someone being bullied may:

- Appear to act differently – perhaps they are unusually quiet or subdued
- Be off ill with no explanation or repeatedly late
- Appear unmotivated at work
- Appear to have few friends or a difficulty with social interaction
- Have poor concentration, perhaps due to lack of sleep
- Appear fearful or apprehensive
- Be tearful or angry
- Become secretive
- Have low self esteem

The effects of bullying and harassment

The person being bullied or harassed may feel disrespected, frightened, humiliated, insulted, intimidated, threatened or undermined.

They may not want to come into work or even leave the job rather than face unpleasantness at work.

The person could be signed off with stress or suffer psychiatric harm, or physical illness resulting from the stress.

It could affect their home life and their relationships both at home and at work.

The business could also suffer through the absence or an underperforming employee and an unhappy workplace is likely to be less productive. It could also result in a tribunal claim against the employer or other employees.

Working together

All employees have a responsibility to comply with the business's anti-bullying and harassment policy.

Everyone has a responsibility to ensure that the working environment is one in which bullying and harassment is unacceptable.

Tell your employees to keep an eye on their colleagues - Be on the watch for signs of bullying or harassment particularly if an employee becomes quiet or withdrawn or displays other signs of being bullied. That does not necessarily mean they are being bullied but could be an indication.

What to do if you are being bullied or harassed or have concerns about someone else?

Explain to the employees that if they have a concern about bullying who they should talk to within the business. If the complaint is about that person who else can they talk to.

Often bullying happens out of sight of others so there may not be any witnesses but that does not stop a person from reporting it and the company will then investigate.

If an employee raises an issue about bullying harassment or discrimination explain to your employees that the business would look into it in accordance with the company policy. That may

mean that it is dealt with informally or it could be through the formal grievance process depending on the situation. At this point, talk your employees through the grievance procedure.

Ensure they are aware what support is available be that through the company, Racing Welfare or other welfare assistance provider.

Conclusion

Conclude the training by asking for questions and summarising that nobody wants to shut down on people having enjoyed their work but it is important that the right balance is struck.

A good summary is to remind everyone to really think about what you are saying or doing and how it may affect somebody else

Further resources

For employers and managers:

<https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint>

For employees:

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work>

Training

ACAS – ACAS has free online courses including bullying and harassment, and equality and diversity.

<https://www.acas.org.uk/online-training>