

OTHER LEGAL REMEDIES

Bullying is not a specific offence under any statute but it may be possible to take action under the Health and Safety legislation if it can be shown that the Force did not provide a workplace environment having due regard to the health, welfare or safety of the officer. In circumstances where it can be shown that the treatment resulted in the officer suffering a physical or psychological injury, it may be possible to take a personal injury claim. In the more extreme cases, the Protection from Harassment Act 1996, and/or s154 of the Criminal Justice and Public Order Act 1994 (intentional harassment) may provide legal remedies depending on the circumstances.

HOW CAN YOU COMBAT HARASSMENT OR BULLYING

- Make sure your own behaviour does not cause offence or is misunderstood;
- Be aware of equality and diversity issues and treat everyone with dignity and respect;
- Do not be afraid to stand up against offensive behaviour, harassment or discrimination at work.
- Do not be afraid to support any colleagues who are being subjected to offensive comments, conduct, harassment or discrimination.
- Know your Force policies on dignity at work, harassment and bullying.

WHAT THE POLICE FEDERATION CAN DO FOR YOU

The Police Federation will take your complaint seriously, treat it confidentially and help you to resolve the matter. You can discuss your options with any Federation Representative and, if necessary, they can help you to:

- Raise a grievance through the internal Force Grievance or Fairness at Work Procedure;
- Progress the matter through the Police Misconduct or Staff Discipline Procedures, or
- Raise the matter as a Health and Safety issue.
- If appropriate, help you to get in touch with a relevant Support Group;
- Where the matter cannot be resolved, assist you to take appropriate legal action.

Further information on representation is available in the Police Federation Equality and Diversity Representation Advice leaflet.

TIME LIMITS

The time limit for lodging a claim is dependent upon the legislation that it is alleged to have been breached. A personal injury claim must be presented to the County Court or High Court within 3 years less 1 day of the alleged unlawful act(s). Discrimination claims must be presented to an Employment Tribunal within 3 calendar months less 1 day from the date of the last alleged act of discrimination. A Protection from Harassment Act claim must be presented to the County Court or High Court within 6 years less 1 day of the acts of harassment..

WHAT TO DO IF YOU ARE HARASSED OR BULLIED

- If you feel able, make it clear to the harasser or bully that you object to their behaviour (you may want to take a Federation Representative or a friend with you for support);
- If the behaviour continues, keep a record of the incidents, and
- Speak to your Police Federation Representative, a supervisor or a senior officer to discuss your options;
- If necessary, raise a complaint through the Grievance or Fairness at Work procedure, and
- If necessary, seek medical help.



**POLICE FEDERATION
of England and Wales**

Internet: www.polfed.org
Intranet: <http://pfnet>
(access limited to JBB staff)

Harassment & Bullying

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The Police Federation of England and Wales is the representative body for all Constables, Sergeants and Inspector ranks in the Police Forces of England and Wales. Our Diversity Equality Scheme sets out our commitment to the elimination of unfair discrimination on the grounds of gender, family status, age, race, ethnic origin, sexual orientation, religion, disabled status, or any other unjustified condition, and the promotion of equality and diversity for all, in our own practices and arrangements and throughout the Police Service of England and Wales.



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WHAT IS HARASSMENT OR BULLYING?

Many forms of behaviour can constitute harassment or bullying, but most significantly, the behaviour is unwanted by the recipient. The behaviour may be deliberate or just misplaced. It may be a course of action or just one event. It can range from violence or assault to less obvious actions such as ignoring someone at work. The following, although not an exhaustive list may all constitute behaviour at work that is harassment or bullying:

- **Physical:** ranging from gestures or touching to assault or damage to property;
- **Verbal:** the use of offensive jokes, banter, gossip, nicknames, shouting, persistent criticism, threats or patronising language;
- **Written:** the circulation of offensive notes, letters, emails;
- **Display** of offensive material: posters, graffiti, lewd pictures;
- **Behaviour:** including isolation, non-cooperation at work, exclusion from social events or setting unachievable deadlines for work.

EFFECTS OF HARASSMENT & BULLYING

Harassment and bullying behaviour in the workplace is offensive and threatening. It can affect an officer's professional performance and psychological welfare, and can be so destructive that the effects continue after work, devastating personal lives as well as careers. Harassment and bullying can result in low morale, increased sickness absence, requests for transfer or resignations. If a complaint is made to an Employment Tribunal, or civil proceedings taken to court, a Force may also suffer expensive litigation, adverse publicity and a loss of public confidence. It is in everyone's best interests to have a workplace free of harassment and bullying.

POTENTIAL LEGAL REMEDIES

Harassment and bullying are unpleasant and offensive, but are only actionable under the law in certain limited circumstances. The Chief Officer may be liable for unlawful harassment of officers by other officers or staff under his or her direction and control, or by third parties over whom he or she has no control. However, there is a defence available to the Chief Officer if he/she can show that he/she took all reasonable steps to prevent the person from doing the discriminatory act. An officer may be personally liable for unlawful acts committed in the course of his/her employment.

UNLAWFUL HARASSMENT

There are several types of unlawful harassment defined under the Equality Act 2010.

- The first type of harassment involves unwanted conduct related to one of the defined protected characteristics (age, disability, gender reassignment, race, religion or belief, sex or sexual orientation), which has the purpose or effect of violating a person's dignity or creating an offensive, degrading, humiliating, intimidating or hostile environment for him/her. This form of harassment is unlawful only if the conduct could be reasonably considered as having that effect on the complainant.
- The second type is sexual harassment which is unwanted conduct of a sexual nature where this has the same purpose or effect as the second type of harassment.
- The third type is treating someone less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment.

DISCRIMINATION LEGISLATION

Harassment can also constitute direct discrimination. In order to claim direct discrimination a person would need to show that he or she has been treated less favourably because of a protected characteristic, namely,

age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. This type of discrimination cannot be justified.

THIRD PARTY HARASSMENT

Another type of unlawful harassment is harassment by third parties, such as customers or clients, over whom the employer does not have direct control. Liability in relation to third party harassment arises when harassment has occurred on a least two previous occasions, the employer is aware that it has taken place, and has not taken reasonable steps to prevent it happening again.

VICTIMISATION

The discrimination legislation provides protection from victimisation when someone has brought proceedings under the discrimination legislation, given evidence or information or anything else in relation to their or another's discrimination proceedings, or made an allegation of discrimination. Victimisation does not cover a person giving false evidence or information or making false allegations if the information or allegations or evidence are made in bad faith. Police Officers may also be protected by the Public Interest Disclosure Act (whistle blowing) should they raise a complaint.