

# Harassment & Bullying

Don't stand for it

The Police Federation of England and Wales is committed to the elimination of discrimination on the grounds of age, disability status, gender reassignment, marriage or civil partnership pregnancy and maternity, race, religion or belief, sex, sexual orientation, and the promotion of equality and diversity for all in our own practices and arrangements and throughout the police service of England and Wales.

## What is harassment or bullying?

Many forms of behaviour can constitute harassment or bullying, but most significantly the behaviour is unwelcome 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, mimicry, 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, pranks, exclusion from social events or setting unachievable deadlines for work

## What are the effects?

Offensive and threatening behaviour 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.

## Unlawful harassment

Although it is offensive and unpleasant, not all bullying and harassment is unlawful. Under the Equality Act 2010 unwanted conduct related to a defined protected characteristic (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 them is unlawful. Where it cannot be proved that the perpetrator meant to harass the complainant, it may still be unlawful if the conduct could be reasonably considered as having that effect. In this context 'related to' has a broad meaning and includes situations where the officer does not actually have the protected characteristic, but there is a connection between the behaviour and a protected characteristic. This would also include situations where the complainant is associated with someone who has a protected characteristic or is wrongly perceived as having a particular protected characteristic. Sexual harassment is unwanted conduct of a sexual nature. It is also harassment if someone is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment.

## Direct Discrimination

Direct discrimination is an unlawful form of bullying. To claim direct discrimination a person would need to show that they have been treated less favourably than a comparator 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, although age discrimination may be justified if it is shown that the Force had a proportionate means of achieving a legitimate aim.

## Victimisation

The law also provides protection from victimisation. Victimisation is when someone is subjected to a detriment because they have undertaken a "protected act". A protected act is where someone has brought proceedings under the discrimination legislation, made an allegation of discrimination, given evidence or information or anything else in relation to their or another's discrimination proceedings. 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. Officers may also be protected by the Public Interest Disclosure Act (whistle-blowing) should they raise a complaint.

## Legal consequences

A chief officer may be liable for unlawful harassment of officers by other officers or staff under their direction and control, or by third parties over whom they have no control, if they cannot show they have taken all reasonable steps to prevent the person committing the discriminatory act. An officer may be personally liable for unlawful acts committed in the course of their employment.

## Other legal remedies

Bullying is not a specific offence under any statute but 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, may provide a legal remedy depending on the circumstances.

## 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 three years of the cause of action or the date the claimant becomes aware of the injury, whichever is later. Discrimination claims must be presented to an Employment Tribunal within three calendar months less one 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 six years of the acts of harassment.

## How to combat harassment/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
- Support colleagues who are being subjected to offensive comments, conduct, harassment or discrimination
- Know your Force policies on dignity at work, harassment and bullying
- 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 seek medical help.

## What the Police Federation can do

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
- 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.



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