

There is no legal definition of bullying and harassment is bullying or unwanted behaviour that relates to the protected characteristics in the Equality Act. I have set out below how ACAS describes bullying and gives some examples and set out some input that we would tend to use. I would suggest that you use this as a base, including examples so that staff understand what it looks like.

ACAS input

Bullying:

ACAS describe it as unwanted 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

The bullying 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

Examples of bullying at work could include:

- someone has spread a malicious rumour about you
- someone keeps putting you down in meetings
- your boss keeps giving you a heavier workload than everyone else
- someone has put humiliating, offensive or threatening comments or photos on social media
- someone at the same or more junior level as you keeps undermining your authority

Upward bullying

Bullying can also happen from staff towards a more senior employee, a manager or an employer (this can be called 'upward bullying' or 'subordinate bullying').

It can be from one employee or group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- doing things to make you seem unskilled or unable to do your job properly

When bullying might be classed as harassment

Harassment is when bullying or unwanted behaviour is about any of the following 'protected characteristics' under discrimination law (Equality Act 2010):

- age
- disability
- gender reassignment
- race
- religion or belief
- marriage and civil partnership
- sex
- sexual orientation
- pregnancy and maternity

Harassment is unlawful under the Equality Act 2010.

Worknest input - Within our Dignity at Work Policy template, we include the following:

Definition

- **Bullying**
 - Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.
- **Harassment**
 - Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
 - Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments
- Deliberate exclusion from conversations, work activities or social activities
- Withholding information a person needs in order to do their job

- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues is not bullying. It is part of normal employment and management routine, and should not be interpreted as anything different.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.