

## MONEY OFFICE POLITICS

### How to deal with the office bully? An anti-harassment policy is a must



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by [Matt Gingell](#)

14 April 2015 1:26am



**In the workplace, bullying can come in all shapes and sizes**

Office bullies are an ugly feature of the workplace. They can significantly harm those that they corner; they can create poor morale

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among staff; and they can cause poor productivity, absenteeism and resignations. And on top of all that, they may seriously affect the reputation of the organisation. So how should employers protect the working environment and their staff?

## DEFINING BULLYING

The Advisory Conciliation and Arbitration Service (Acas) defines bullying as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”. There is actually some overlap with harassment, which is unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person’s dignity or creating an offensive or degrading environment for them.

Bullying in the office may be obvious – violent behaviour, physical threats or verbal abuse to more junior staff. But it could also be more subtle, and take the form of overbearing and intimidating levels of supervision, inappropriate remarks about someone’s performance, ridiculing or demeaning someone, spreading malicious rumours, or excluding them from team events.

## POLICY IN THE OFFICE

In order to minimise the risk of bullying and harassment, and to provide guidance in cases where it does happen, employers should have an anti-harassment and bullying policy. It’s important that this is properly communicated to the whole workforce.

It should explain what bullying and harassment could be, clarify that such behaviour will not be tolerated, and indicate the steps that employees can take if they believe that they are being bullied or harassed. This could include an informal route or raising the matter under the employer’s grievance procedures. A policy will also confirm protection and support for those involved, and provide details of retaining information about complaints on employees’ personnel files.

## DISCIPLINARY ACTION

When it looks like bullying or harassment is going on, it may well be necessary to deal with the matter under the employer’s disciplinary procedure. If a case could involve serious misconduct, it might be appropriate to suspend the alleged bully pending an investigation. The suspension should be with pay. Sometimes, a contract of employment

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provides for suspension without pay, although this would be rare as it'd be a penalty in itself. Suspension is always a neutral act, and it's always important to make it clear that the suspension in no way suggests that someone is guilty.

If, after a thorough investigation, there is a case to answer, a disciplinary hearing would normally be started. If this happens, the member of staff must be allowed to be accompanied by a fellow employee or a trade union representative at the hearing.

Should the employer then conclude that bullying or harassment did take place, a sanction may be imposed. Depending on the particular case this could involve a written warning or possibly dismissal. If an employee is dismissed, they should have a right of appeal. In some cases, it may not be appropriate to impose a penalty. Training or counselling could be considered too.

Bullying – or even harassing an employee – is a gross misconduct offence, and employers cannot and should not tolerate such behaviour in the workplace. Doing so will only come back to haunt you.

*Matt Gingell is a partner at law firm Gannons, which specialises in commercial and employment law.*

*If you are experiencing bullying, you may wish to contact the National Bullying Helpline at [www.nationalbullyinghelpline.co.uk](http://www.nationalbullyinghelpline.co.uk).*