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A hostile working environment makes no business sense



Employers should have an anti-harassment and bullying policy, which is properly communicated to the whole workforce

MATT GINGELL Monday 27 April 2015

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Employers who don't tackle bullying and harassment in the workplace are crazy. Recently, Svetlana Likhova, nicknamed "Crazy Miss Cokehead" and "Miss Bonkers" by bullying male colleagues, was awarded over £3.1 million, having won claims for sexual harassment, discrimination, victimisation and unfair dismissal. While there is always a strong moral argument for preventing bullying, harassment and discrimination in the workplace, this latest case illustrates, again, that there are plenty of other reasons why employers should do everything possible to ensure that such behaviour does not occur.



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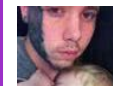
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Lokhova was an equity saleswoman, earning £750,000 per annum plus bonuses, at the London branch of the Russian bank Sberbank CIB. There was a campaign of bullying against her, which included gender-based comments being made to colleagues and clients. As a result she suffered a mental breakdown, and will not be able to work in the financial sector again. And to top it all off, she was falsely accused at the employment tribunal of being a drug user. As part of the compensation, £15,000 was awarded to Lokhova for aggravated damages, given the way that the proceedings had been conducted against her.

What can employers learn from cases like this? Quite a lot. These cases can cost the employer dear, particularly where the victim is a high earner and is unable to pursue their career. Apart from the hefty compensation which could be awarded, there would be significant legal costs in defending this sort of case. Don't forget, too, all the management time being expended on the proceedings. Also, think what bullying or harassment could cause? It could cause a revenue generator to suffer from stress and lower their productivity. Or, worse still, like in this case, you could lose them altogether. Then take into account the effect that bullying and harassment can have on other members of the team and staff morale, in general. If that is not enough for the alarm bells to ring, there is damage to reputation as well.

So how do employers minimise the risk of bullying and harassment? Employers should have an anti-harassment and bullying policy, which is properly communicated to the whole workforce. According to the decision of the employment tribunal, Lokhova's employer did have a policy, although it is not clear how it was communicated to staff. Any policy must explain what bullying and harassment could be and clarify that such behaviour will not be tolerated. Employees who believe that they are being bullied or harassed also need to understand their options. This could include going down an informal route or raising the matter under the employer's grievance procedure.

Another important preventative measure is training. Managers and supervisors should be trained on equal opportunities and harassment issues, and records ought to be kept.

And what 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 or harasser pending an investigation. The suspension should be with pay, unless the contract of employment provides for suspension without pay, which would be rare as this would be a penalty in itself.

If, after a thorough investigation, there is a case to answer, a disciplinary hearing would normally be convened. Should the employer then conclude that bullying or harassment did take place, a sanction could be imposed. Depending on the particular case, this could involve a written warning or dismissal.

The line manager, who had harassed Lokhova, only received a first written warning. The employment tribunal held that the individual should have been suspended and, then, subsequently, dismissed.

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](#).