Dignity at Work (anti-harassment and bullying) Policy 2015

Where informal resolution has not been possible mediation should always be considered as a means of resolving the grievance at an early stage. For mediation information and access to qualified mediators please contact the WES Advisory Service on 0845 155 0989.

In Support of Learning

HR and Payroll Service

Warwickshire County Council

Version 2 May 2015

What does this procedure cover?

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Dignity at work (anti-harassment and bullying) Policy 2015

1. Our commitment

The Governing Body/Trust Board is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the organisation. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause time off with sickness and make them want to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the school can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the school's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The organisation will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The organisation will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

2. The scope of this policy

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the organisation, whether by direct contract with the organisation or otherwise. If the complainant or alleged harasser is not employed by the school, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the organisation could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.
The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. any business trips and work-related social events.

3. Related Policies and documents

- Disciplinary Policy
- Grievance Policy
- Equality Scheme

Other policies and documents may be identified from time to time, as circumstances change and may be added to the list.

4. What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that has the effect of undermining, humiliating or injuring the person on the receiving end, whether or not it is intentional.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

- Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

- Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

- Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that he/she has been bullied or harassed by parents, customers, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of parents, customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

- A single incident can be harassment if it is sufficiently serious.

- All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the organisation's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

- Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

5. Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail"), social media postings or messages.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- 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, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;

- unwanted or demeaning comments about a person's appearance or dress;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;

- questions about a person's sex life;

- unwanted nicknames related to a person's age, race or disability;

- the use of obscene gestures;

- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;

- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;

- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;

- picking on someone or setting him/her up to fail;

- making threats or comments about someone's job security without good reason;

- ridiculing someone;

- isolation or non-cooperation at work; and

- excluding someone from social activities.

6. What is victimisation?

Victimisation is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you. Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Procedure to be followed where either harassment or bullying is alleged or suspected

7. General Issues

All staff employed in a management role have a responsibility to ensure that employees are aware

of this procedure and how to access it if they feel that they have been the victim of harassment or bullying.

Awareness of the procedure should be addressed as part of the induction process for new employees, and kept alive by appropriate publicity and discussion. Notice boards offer a good opportunity to remind employees of the procedure and should specify the names of other employees responsible for offering informal and confidential advice to those who feel that they have been bullied or harassed. Managers also have a particular responsibility for ensuring that working environments remain free of racist, sexist or intimidating behaviour, and that their own conduct sets a high example in this respect.

8. Procedure

If an employee feels that they have been bullied or harassed, the following procedures should be used:

1. If they feel comfortable in doing so, they should raise the issue directly with the person who is the object of their concern, making it clear that the behaviour complained of is unwelcome. The employee should keep a record for himself or herself of the matter in case there is a recurrence of the behaviour complained of. It might be appropriate to explore mediation at this stage of the process. **Mediation** is a voluntary process, agreed by both parties whereby an independent third party mediator helps two or more people involved in a harassment or bullying matter to attempt to resolve the concerns and reach an agreement. The agreement comes from those in dispute not from the mediator. Mediation can be used at any stage of the process. This will mean that any formal procedures are halted whilst mediation route is pursued. If mediation is unsuccessful, the process will revert to the stage reached prior to mediation. WES HR are able to provide access to qualified mediators to support this process 0845 155 0989 (see appendix for more information).

2. If such an approach does not resolve the matter or the employee is uncomfortable taking up the matter directly with the person concerned, the employee may discuss their concerns with the Headteacher. Alternatively, they may ask a trade union representative or work colleague to raise the matter on their behalf.

3. Where the person complained of is the Headteacher, the matter should be reported to the Chair of the Governing Body who should instigate an independent investigation with advice from the HR provider. The Chair should also be informed as to the fact an allegation has been made.

4. Either party may make representations regarding the selection of the investigating officer.

5. As far as possible, the views and wishes of the complainant will be taken into account. However, where the allegation made is of serious misconduct or corroborates similar complaints, the school reserves the right to take disciplinary action against the person of whom a complaint has been made.

6. Where the matter cannot be resolved informally, an immediate investigation into the behaviour complained of will take place, in the course of which both parties will be given the opportunity to respond to the complaint. In the course of the investigation, every care will be taken to ensure that it does not cause unnecessary distress to either party. In particular, where sexual harassment is alleged everyone involved will be entitled to make their representations to a person of the same sex as themselves.

7. The Headteacher will be responsible for ensuring that any resultant action, disciplinary or otherwise, is not detrimental to the complainant, e.g. an unwelcome transfer to another part of the School or department. Similarly the complainant, or others who have assisted in the process, should be protected from intimidation, victimisation or discrimination.

8. If the results of the investigation so justify, the appropriate procedure may be invoked, either the disciplinary or the professional support procedures.

9. If the complaint is about the Headteacher, the investigating officer should seek advice from the HR provider to ensure that any resultant action, disciplinary or otherwise, is not detrimental to the complainant.

10. If the complainant feels that the complaint has not been dealt with effectively, they have the right to raise a formal appeal to the Governing Body.

11. A record of complaints and investigations should always be made. This should include the names of the people involved, dates, the nature and frequency of incidents, action taken, follow-up and monitoring information. This is confidential information that should be stored appropriately.

9. Confidentiality

The Governing Body are committed to investigating allegations fully, fairly, quickly and confidentially; however it is usually difficult to sort out a problem without some communication with the alleged "harasser" and, in some cases, with the appropriate senior staff.

Confidentiality is important, particularly in the early stages when an individual feels concerned about the behaviour of another and wishes to seek advice and explore the seriousness of the situation. However when an attempt is made to deal with the situation in a way that directly involves the individual who is accused, that individual should be informed of the nature of the complaint. Thereafter, there should be an attempt, as far as possible, to maintain confidentiality in respect of all parties while seeking a solution. There is no right to know in detail what actions are taken against the harasser.

10. Appeals Procedure

Where a member of staff believes that the complaint has not been dealt with effectively, they have the right to pursue a formal appeal to the Governing Body.

11. Appeals Arrangements

1. The arrangements for considering appeals are as follows:

2. The member of staff receives results of the investigation and the basis on which the decision was made.

3. If the member of staff is not satisfied, he/she should seek to resolve this by discussing the matter informally with the person who conducted the investigation within 10 working days of the decision being relayed.

4. Where the employee continues to be dissatisfied, he/she may follow a formal appeal process.

5. The employee should set down in writing the grounds for their appeal detailing how they believe that the complaint has not been dealt with effectively and send it to the Chair of the Governing Body within 10 working days of the notification of the outcome of the investigation.

6. The Chair of the Governing Body will commission an Appeals Panel to provide a hearing within 10 working days of receipt of the written grounds and provide the employee with an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the Panels' decision.

7. The Appeals Panel should be made up of a panel of three Governors who have no prior involvement in the investigated case. The employee should have the opportunity to make representations in person. The decision of the Appeal Panel will be given in writing and, where the appeal is rejected, will include a note of the evidence considered and the reasons for the

decision. The decision is final and there is no recourse to the staff grievance procedure. However, this does not preclude the right of individuals to seek further recourse to legal procedures.

Note

The employee will be entitled to be accompanied by a work colleague or trade union representative. Each step and action of this process will be taken without unreasonable delay. The timing and location of the formal meeting must be reasonable and, where possible, hearings will be completed within the normal working hours of the employee. The formal appeal hearing will allow both parties to explain their cases and any alteration to timescales will be mutually agreed with all parties. There is no right to a further recourse within the procedure beyond the appeal stage.

It is recommended that Governing Body takes advice from the HR provider on the use of appeal procedures. In addition, where appropriate, they may wish to involve a suitable independent person (such as a retired LA officer with the relevant background experience or a retired Head teacher) to assist in reviewing the initial judgement and consider the evidence.

Further Information: Information for Headteacher's and Governors

The following is further information to support the issue of the new Dignity at Work (Anti bullying and harassment policy – staff). The following documents are for information/guidance only and may be amended by the school from time-to-time. They are not, nor intended to be, incorporated into individuals' Contract of Employment.

Recommended Hearing/Appeal Hearing Format

1. A Chair is appointed for the hearing.

2. The employee/appellant or their representative will outline the grounds for their case.

3. The Chair of the hearing will then have the opportunity to question the employee/appellant or their representative.

4. The Headteacher / investigating officer will then present their case responding to the issues that have been raised.

5. The Chair of the hearing will have the opportunity to question the Headteacher in relation to this information provided.

6. Both parties will then withdraw whilst the Chair of the hearing considers the information.

7. The outcome of the hearing/appeal hearing will be confirmed in writing within five working days.

8. The decision of the Chair of the hearing/appeal hearing shall not be subject to any further review under the Dignity at Work Policy but the outcome may recommend the use of other procedures i.e. Disciplinary Procedure unless this has already been deemed a relevant procedure to commence using.

What is Mediation?

Mediation is a positive well established informal process for resolving disagreements of disputes between two or more employees, quickly and effectively, without the need to resort to more lengthy and formal methods.

It is a structured process, in which a qualified and impartial Mediator helps two or more parties to talk together about complaints, grievances or other matters of serious disagreement or potential conflict between them. Mediation gives all parties the opportunity to resolve these issues by agreeing mutually acceptable solutions within a safe environment.

The process is voluntary and therefore no-one will be forced to take part in mediation and any of those involved can choose to withdraw from the process at any time.

Individuals, who agree to pursue mediation but are unable to reach an agreement, can still seek a resolution through a more formal process.

Mediation is totally confidential and discussions and agreements that take place will not be shared with any other party.

When is Mediation useful?

Mediation is appropriate when there has been a breakdown in the working relationship between two people or groups of people. Mediation helps individuals to move on from the process and outcome of past difficulties and establish a way forward for future working relationships. Examples of where conflict can arise and can be resolve through mediation include.

- Change management
- Interpersonal conflict
- Differences in working styles
- Communication breakdown
- Inter-departmental breakdown

Initial meetings

Mediators will arrange 1-1 meetings to get to know those involved and gain an understanding of the main issues. These take approximately 1 hour and can be done at the normal place of work or at an agreed venue.

The face to face Mediation

Once the parties are ready, the Mediator will arrange a joint face to face mediation session. Each person is given equal time to discuss their issues and the Mediator will ensure this takes place in a respectful and safe environment.

Success Rates and cost benefit analysis

Research demonstrates the published success rate for workplace mediations ranges from 80-85% with the contributing factor that employees reach and own the solutions to the problem. The cost benefit for

mediation far outweighs the amount spent on having employees absent from work, managing grievances, or even litigation if the situation worsens and is not dealt with.

The role of the Mediator is not to offer solutions or suggestions, but to facilitate the discussion and get parties to jointly agree what needs to happen to improve their working relationship.

The end result is a written agreement, agreed and signed by both parties. The agreement is confidential and is not shared with managers, HR or any third party.

1-2-1 and Team Mediations

The Warwickshire Mediation and Conflict Management Service has a number of professionally trained and accredited Work Place Mediators who are available to carry out '1-2-1' or team mediations.

What benefits can Mediation offer me and my organisation?

Mediation has a whole range of benefits to offer to employees and managers. The whole ethos of mediation centres on identifying win/win solutions that are mutually beneficial. The entire process is relatively quick and reduces the stress that can be caused by taking formal action or allowing issues to go unresolved. Ultimately, there is nothing to lose in trying mediation as a way to resolve conflict in the workplace and improve working relationships. Formal routes are still available should individuals not be satisfied with the outcome, however this is rarely the case.

Making a referral/Finding out more about the Mediation Service

Mediation can be suggested by a number of sources. A manager or manager of a Leadership Team, Staff Care, Occupational Health, Employee Relations, Trade Union or an employee. If you feel that you may have a situation within the workplace that would benefit from mediation, or are an individual wanting to find out more, then please email your details to:

For mediation information and access to qualified mediators please contact the WES Advisory Service on 0845 155 0989.

Prices are available upon request.

Important Supplementary Information

Having a policy dealing with bullying and harassment should assist in reducing the risk of bullying and harassment occurring and is an essential part of a possible reasonable steps defence to a claim of unlawful discrimination.
The types of bullying and harassment covered by this policy go beyond the types that would constitute unlawful discrimination. However, there may be other legal liabilities that could arise from bullying and harassment, even if this does not constitute unlawful discrimination. As a matter of good practice, the school will want to try to eliminate bullying and harassment on any ground.

Warning

With the introduction of the Equality Act 2010, and particularly the extension of the harassment provisions to include perceptive, associative and third-party harassment for all protected characteristics (other than marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity), employers need to be more careful than ever that a proactive approach is taken to tackling harassment in the workplace.
However, having a policy is not enough, by itself, to reduce the risk of bullying and harassment occurring and to provide a reasonable steps defence to unlawful discrimination. It is essential that the policy is widely available, and known, to all employees and others to whom it is to apply.

Relevant Legislation

- Equality Act 2010
- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 (SI 2011/1064)
- Draft Equality Act 2010 (Specific Duties) Regulations 2011
- Health and Safety at Work etc Act 1974
- Protection from Harassment Act 1997
- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

- The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection.

  The Act defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

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

- sexual orientation.

The Equality Act 2010 makes harassment unlawful across all the protected characteristics, with the exceptions of marriage and civil partnership, and pregnancy and maternity. Harassment is defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of:

- violating a person's dignity; or

- creating an intimidating, hostile, degrading, humiliating or offensive environment.

For example, a male employee may be subjected to insulting and humiliating comments from his line manager because he is a Muslim. That employee can bring a claim for harassment related to the protected characteristic of religion or belief. In addition, if that employee's colleagues are also present when these comments are made, even though they are not directed at those individuals, they may also bring a claim for harassment related to the protected characteristic of religion as the line manager is creating an intimidating and offensive environment.
The Act sets out two specific definitions of sexual harassment, which are:

- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and

- less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of, or submission to, sexual conduct.

In determining whether or not the unwanted conduct has the effect referred to, the factors that must be taken into account are:

- the perception of the complainant;

- the other circumstances of the case; and

- whether or not it is reasonable for the conduct to have that effect.

Harassment also includes the following:

- **Harassment based on association.** It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic (other than marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity). For example, if an employer denies an employee a promotion because she is taking care of a disabled relative and the employer thinks that the employee will not have any time for new duties, this could amount to associative discrimination as disability is one of the specified protected characteristics. Similarly, if an employer harasses an employee because his brother is gay, this would be unlawful as associative harassment as sexual orientation is another of the protected characteristics.

- **Harassment based on a perception.** It is unlawful to discriminate against or harass any individual based on a perception that he or she has a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) when he or she does not, in fact, have the protected characteristic. For example, a male employee may look much older than his age. If the organisation does not allow him to make presentations to clients because his line manager thinks that he is too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though he may be relatively young. Similarly, if an employee is called names and made fun of because his colleagues believe that he is a transsexual, he may have a claim for perceptive harassment related to the protected characteristic of gender reassignment, even though he is not a transsexual.

- **Third-party harassment.** Employers can been found liable for harassment of an employee in the course of his or her employment, based on any of the protected characteristics (other than

marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable: the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment); it must be aware that it has taken place; and it must have failed to take reasonable steps to prevent it from happening again. For example, if a waitress of Asian origin has complained on several occasions to her employer that a particular customer has been making racist remarks to her, the employer should take steps to protect the employee from such third-party harassment, such as banning the customer from the restaurant or allowing the waitress to take her break when that customer is in the restaurant. Failure to do so will make the employer liable for third-party harassment.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because he or she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods.

Employers will be liable for discriminatory acts of harassment committed by their employees against other employees or customers in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

The European Commission Recommendation 92/131/EEC and Code of Practice on the protection of the dignity of women and men at work made recommendations on how employers, trade unions and employees should combat sexual harassment. The Code of Practice defines harassment as "unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work".

The general public sector equality duty came into force on 5 April 2011, which requires public authorities to have due regard to the need to: eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010; advance equality of opportunity; and foster good relations. The duty applies to all of the protected characteristics, except marriage and civil partnership, which is only covered by the first part of the duty, i.e. the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act. Specific duties that support the general duty in relation to the devolved functions of Welsh public authorities came into force on 6 April 2011.

The Protection from Harassment Act 1997 created a new statutory tort of harassment and provided a civil remedy for those subjected to harassment at work or outside work. Section 1 provides that a person must not pursue a course of conduct that amounts to harassment of another and which he or she knows, or ought to know, amounts to harassment of the other. For these purposes, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in possession of the same information would think that the course of conduct amounted to harassment of the other.

Harassment is not precisely defined, but includes "alarming the person or causing the person distress". A course of conduct involves conduct on at least two occasions and includes speech. The Act also makes harassment a criminal offence.

Harassment may constitute other criminal offences, e.g. rape, indecent assault, assault or grievous bodily harm.

It may also give rise to other civil liabilities under common law, e.g. assault and battery or personal injury caused by negligence. An employer can be liable in damages for foreseeable personal injury, which could be mental and/or physical, suffered as a result of its negligence.

The Health and Safety at Work etc. Act 1974 requires employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. The Management of Health and Safety at Work Regulations 1999 place specific obligations on employers including the duty to assess risks to the health and safety of their employees at work and to identify the measures that they need to take to comply with health and safety requirements. Bullying and harassment could be risks recognised in the workplace. There are criminal sanctions for failure to comply with health and safety obligations.