Guidance for dealing with bullying and harassment results from running the Stress Indicator Tool

This guidance is designed for users of the stress indicator tool (SIT) to help you:

- Understand what the terms bullying, and harassment mean
- Provide you with some guidance about what you could do when bullying and harassment has been highlighted in the SIT auto report.

Bullying and harassment are not always noticed or obvious to others but should always be taken seriously.

Sometimes people use the terms bullying and harassment when they perceive they have been discriminated against. It is not specifically covered in this guidance, but you can find out more from ACAS on this issue.

Understanding bullying, harassment, and discrimination: Handling a bullying, harassment, or discrimination complaint at work - ACAS [opens in a new window]

What is bullying and harassment?

Bullying is often described as an unwanted behaviour from a person or group that might include:

- Spreading malicious rumours
- Using offensive, insulting, or threatening language
- Deliberately overloading someone with more work than others
- Consistently giving someone the less interesting or less challenging jobs to favour another
- Excluding someone from team meetings/events
- Withholding information that somebody needs to do their job
- Regularly undermining someone's work or authority
- Unwanted jokes or banter.

Bullying can happen:

- Face-to-face
- By letter
- By email
- By phone
- On social media
- Direct and indirect
- It can also be the absence of certain behaviours.

Harassment is when bullying or unwanted behaviour is related to what are known as 'protected characteristics' under the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Pregnancy and maternity are different from these protected characteristics in how the law on harassment treats them.

It is important to note that although bullying is not classed as harassment it could still lead to other legal issues, including constructive dismissal.

For further information on this issue, refer to the government's workplace bullying and harassment guidance [opens in a new window]

Stress Indicator Tool (SIT) results

When you run the SIT with your workers, you may receive results that are unexpected and/or a concern, especially if they highlight an issue with 'bullying and harassment'.

The auto report will tell you the number of people who disclosed they have experienced bullying and harassment in the workplace and the percentage of those affected. These figures are calculated based on the responses to the following two questions.

- I am subject to personal harassment in the form of unkind words or behaviour
- I am subject to bullying at work.

Note: There are five different responses to these questions, "Never", "Seldom", "Sometimes", "Often" and "Always". Only one response, "Never", is favourable. The other four types of responses are all unfavourable. Reports that your workforce "Seldom" or "Sometimes" experiences bullying, and harassment should be treated as seriously as they would if they reported it happened "Often" or "Always", because even the smallest incident needs to be addressed.

Employers have a legal responsibility to do everything they reasonably can to protect employees from harassment, as well as a 'duty of care' to look after their wellbeing.

The survey is anonymous by design, so you will not be able to identify individual cases, but you may be able to identify certain groups e.g., work areas, job types or other demographics that have a higher incidence rate.

Benchmarking rates

The initial indicative benchmarking highlighted that, 2,043 respondents (23.6%) from a total of 8,723 respondents across multiple organisations had experienced bullying in the workplace. Therefore, it is worth stating, you are not alone! Organisations can experience instances of bullying and harassment that require urgent attention and action.

What can be done about bullying and harassment?

Bullying and harassment can be a symptom that the organisation has other problems with leadership, communication, trust, and respect. Focusing on creating a 'good' company culture will help to eliminate these problems.

Management statement

One of the first actions will be to provide a clear statement from senior management that bullying, harassment and discrimination is not acceptable. The communication should be clear and set out how the organisation will deal with this form of behaviour. It is worth linking to company policies on harassment and bullying for consistency.

Policy

Most organisations will have a policy in place. The policy could be a single policy or a combination of multiple policies, such as 'dignity at work', 'bullying and harassment', and 'equality and diversity'.

The creation or review of the policy should list priorities and involve a process for reporting such incidents.

The policy statement should:

- Include a message from the Chief Executive or another senior person in the company
- Explain the company's commitment to the elimination of harassment and bullying
- Identify a member of senior management who has overall responsibility for the policy
- Contain some examples of behaviour that may be classed as harassment and bullying
- State that the company will provide support to unwitting perpetrators of harassment and bullying through training in more appropriate and supportive management styles
- Contain contact information to enable the reporting of incidents (this could be part of a grievance procedure).

Policies should also be discussed in meetings, seminars and at other relevant opportunities, further displaying management commitment.

Management training

Managers provide a pivotal role in displaying the correct behaviours for others to follow. Therefore, it is important to check whether additional support, training and guidance is required. This will ensure they have the knowledge and aptitude to deal with inappropriate behaviours should they occur.

Formal reporting procedures

Organisations should create and maintain fair procedures for dealing promptly with complaints.

Complaints procedures should:

- Provide for confidentiality
- Provide safeguards against victimisation of the complainant
- Provide safeguards for both the person making the complaint and the alleged perpetrator
- Ensure that the parties to the complaint are treated with equal dignity and fairness.

It is good practice to create clear grievance procedures and ensure that specific persons and points of contact are designated. As well as the formal procedure, the company should provide the victim of harassment or bullying with the option, at their discretion, of resolving their complaint informally.

This could involve the victim explaining the effects of the alleged perpetrator's actions in the presence of another person from the company who is trained in the resolution of complaints. The alleged perpetrator may then be offered an opportunity to apologise for their actions and promise not to repeat them. A victim should never be made to face an alleged perpetrator if they do not wish to.

Next steps

Part of the HSE Management Standards approach is to review the results of the SIT survey within focus groups. At the focus groups you can explore the root causes behind all the results, including bullying and harassment.

The purpose of using focus groups is to discuss the findings with a sample of employees and to elicit suggestions for improvement. Employees can draw on their own detailed knowledge of local and contextual factors to:

- Uncover the underlying causes of any undue pressure in their work
- Enrich interpretation of the data collected from SIT, sickness absence data, exit interviews, etc.
- Identify local issues
- Prioritise the specific areas in which there is a need for action
- Explore practical and workable improvements.

Specifically in relation to bullying and harassment, focus groups can help:

- Identify if there is an endemic behaviour within the entire organisation or just certain areas
- Find out why people are not comfortable speaking up – is it company culture
- Understand what more could be done to make reporting easier
- Explore what more needs to be done to promote dignity and respect at work.

You may wish to get further advice from HR or your HR Business Partner where individual concerns are raised.

More information can be found on this topic via the HSE website [opens in a new window]