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Concerned that you are being bullied in the workplace? This 'quick' guide is based on the frequently asked questions on our hotline service.

## 1. What rights do I have?

There is no general or centralised set of laws to do with bullying. Different laws give different protections to different people. The first three rights set out below, apply to all workers, whether employees or sub contractors, whether new starters or long serving.

- a) **Health and Safety** You have the right to safe working conditions. Most employers should have a 'risk assessment' that deals with workplace hazards including stress. Stress is a predictable result of bullying. You may find it helpful to check the Health and Safety Executive's web pages on stress. <http://www.hse.gov.uk/stress>
- b) **Personal Injury** If you are injured, physically, mentally or emotionally as a result of bullying in the workplace, then you may have a claim for personal or industrial injury. This is a claim for damages for whatever injury or loss you have suffered. These claims usually take years to process and settle. Start by finding out if you have any kind of insurance cover for this (sometimes you get it free with your household insurance or car insurance). If you are a member of a Trades Union, talk to them. Otherwise, you will need a specialist solicitor who deals regularly in personal injury claims. You can find a list of specialist solicitors from <http://www.sra.org.uk/solicitors/accreditation/personal-injury-accreditation-scheme.page> Always take care to properly establish what you are paying for.
- c) **Discrimination law** If you are being subjected to abuse because you belong to a protected group, or if the abuse you are suffering is racist, sexist, about your orientation, etc, then you have the benefit of discrimination law, even if have only just started working for your employer. Similar protection exists for trades unionists - talk to your union about this.

If you believe you have a problem that relates to, or is made worse by your:

gender, sexual orientation, marital status, part time working,  
pregnancy/parental status, race, ethnicity, nationality, disability, religion,  
belief or age

you should make sure you tell your advisor about this since it changes your rights

Check out the relevant web sites:

<http://www.eoc.org.uk>

<http://www.cre.gov.uk>

<http://www.drc-gb.org>

- d) **Unfair Dismissal law** You need one year's qualifying service as an employee to bring an unfair dismissal claim (unless you have a claim under c) above. It is possible to resign and claim constructive unfair dismissal. Before you even consider doing this you should take legal advice since:
  - i) if you don't bring a grievance first you may prejudice your claim (though if you really are at risk of being hurt, there are special rules that mean you don't always have to, so take advice;
  - ii) you need to resign setting out your reasons (which also means you don't have a job while you sort this out) - think carefully about this.

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## 2. How do I decide what to do?

Get hold of the relevant documents. You should have these, but if not, ask your employer or HR for a copy of:

- your contract of employment/statement of particulars of employment
- staff handbook
- grievance procedure
- bullying policy
- discrimination/equal opportunity policy (if relevant)
- stress policy
- H&S risk assessment for your job

Start keeping a diary of events/incidents that make you feel bullied (it does not have to be a diary, but put the date and time if possible on each entry). Try to put in who was there, what they said or did, whether any documents exist that will show that - eg emails, letters, memos. Keep copies of any documents that you regard as bullying. Do not just record - "boss bullied me". Write down boss said "you are stupid" in front of Sam and the rest of the department on 9<sup>th</sup> May at 4pm. Sent me memo confirming this an hour later - circulated to entire team.

Do not risk your health. If you are really upset go to your GP. They may decide that you are suffering from stress and sign you off work. This is not malingering. If you are really stressed then you need to get away from what is causing the stress.

You will need to let your bully or your organisation know that you have a problem. Things aren't going to change unless and until you do. If your organisation has any employee support such as counsellors, try using them. It helps to have someone to talk to. It does not help to bottle things up until you have a big bust up and walk off the job. You may find this website helpful

[http://www.bbc.co.uk/health/healthy\\_living/health\\_at\\_work/emotional\\_bullying1.shtml](http://www.bbc.co.uk/health/healthy_living/health_at_work/emotional_bullying1.shtml)

At the end of the day you have to bring this behaviour to an end. There are a number of ways you can do this, depending on how severe the behaviour (and your reaction) is, how far down the line this has gone, and whether you have raised complaints before (whether formally or informally). You do not have to suffer indefinitely.

## 3. What can Irenicon do for me?

We can help you bring a grievance or an employment tribunal claim. We can help you assess how much you are likely to lose/gain as a result. Our experienced advisors and litigators have spent decades tackling this problem - [click here](#) to see our case studies and how Irenicon can help you.

We offer an initial 20 minutes free advice. You will get the most out of it if you read this download and collect the information we ask for above, and then talk to us.

All advice is given subject to our [terms of trade](#)  
For your free 20 minutes of advice, call us on 08452 303050

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