

HUMAN RESOURCES

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BULLYING AND HARASSMENT AT WORK

One area of workplace relations that has received increasing headlines in recent years is the topic of bullying and harassment at work. Indeed, ACAS, the government sponsored employment advice service has even prepared a leaflet on the subject.

As the title suggests, the terms 'bullying and harassment' are often used interchangeably but, of course, conduct may constitute bullying or harassment – not necessarily both.

Harassment is defined by the ACAS Code as "unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual and may be persistent or an isolated incident". The key is that the action or comment is viewed as demeaning and unacceptable to the recipient.

Most of the headings contained in the definition are unlawful conduct under various pieces of UK discrimination legislation.

Bullying is far harder to characterise but is again defined by ACAS as "offences intimidating and malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient". The leaflet then goes on to give a number of examples too numerous to be repeated here due to space constraints. Further details can be had from the ACAS website:

<http://www.acas.org.uk/index.aspx?articleid=797>

The trend in recent years has been for anyone who is subject to management they dislike or disagree with to claim they are being bullied when, in reality, they are merely being asked to perform the job

they are required to do. In that context, one man's strong manager is another man's bully and sometimes the dividing line between the two can become blurred.

However, if you consider that you are the victim of bullying and/or harassment in the workplace then you have a number of legal remedies open to you. In the first instance, however, we would always recommend that your first port of call, wherever possible, would be an informal discussion with your manager. Often, the perpetrator is simply unaware of the affect they are having on the victim and an informal discussion can work wonders.

However, if this does not resolve the situation, the club is required to have a formal grievance procedure which is likely to enable you to raise the matter with the Greens Convenor and/or the Captain of the club in order to achieve a resolution.

If that fails, as a last resort, you have a right to bring a claim in the employment tribunal for constructive dismissal as long as you have at least one year's continuous service with your present employer. If your claim is not of harassment on one of the discriminatory grounds listed above, then no qualifying service is likely to be necessary.

We would, however, caution that you do not take this step without first obtaining expert legal opinion as to your prospects of success as constructive dismissal is notoriously difficult to prove in an employment tribunal.

Finally, if your health suffers as a result of adverse treatment at work then you may have a claim for personal injury. Once again, you will need to speak to a specialist solicitor if you feel you have a claim in this regard.

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