



Park City

HR FAQs for Employers - Bullying, Harassment and Discrimination at Work:

In light of the recent allegations regarding a 'bullying culture' at 10 Downing Street, Park City have produced this FAQ document to help you, the employer, recognise and manage bullying and discrimination if it is found to exist in your workplace.

Q. What is bullying at work?

The Chartered Institute of Personnel and Development (CIPD) define bullying at work as;

"Repeated negative actions and practices that are directed at one or more workers. These behaviours are unwelcome to the victim and undertaken in circumstances where the victim has difficulty in defending themselves. The behaviours may be carried out as a deliberate act or unconsciously. These behaviours cause humiliation, offence and distress to the victim"

Q. If an employee wants to make a complaint of discrimination, bullying or harassment, do I have to listen or take any action?

You, the employer, have a responsibility to make all of your employees aware of the reporting procedures for alleged harassment or bullying. If you do not provide an adequate grievance procedure for employees to follow, this could give grounds for a claim against you. What's more, any employee who brings a complaint of bullying or discrimination to your attention, in good faith, must not be less favourably treated as a result.

Q. What is the minimum that I have to offer to my employees in terms of a grievance procedure?

In your employees' terms and conditions of employment, you must include a note identifying the person in the company to whom any employee may apply with the purpose of raising a grievance relating to their employment. This designated person will give guidance on what procedure should be followed and should also explain, or provide a document that outlines, what steps will be taken after the grievance has been raised. This person is usually the line manager responsible for that employee.

Q. What procedure should I follow if an employee claims that they have been, or are being, bullied?

Once the employee has raised the grievance you should investigate the claim fully and try to resolve the grievance informally. If you cannot resolve the grievance informally, your employer should raise the grievance formally in writing without "unreasonable delay". You must then invite the aggrieved employee to a meeting in writing. The employee raising the grievance has a right to be accompanied to this meeting. If the employee cannot attend the meeting, then you must re-schedule at the earliest time convenient to both parties. In this meeting, the employee must be allowed to fully state his/her case. Before the meeting or during the meeting (following an adjournment) you must undertake a thorough and full investigation of the claims.

After the meeting is concluded, you, the employer, must decide on an outcome and confirm in writing to the aggrieved employee. If the employee is not satisfied, they must have a right to appeal to this decision.

Q. What happens if one of my employees raises a grievance during a disciplinary process?

If a grievance is raised during the disciplinary process, the process can be temporarily suspended to deal with the grievance.

Q. What should I do if an employee has been accused of bullying?

You can suspend an employee if he/she has been accused of bullying or harassment or if you think that the accused will do more damage if allowed to remain in the workplace. The suspended employee must still receive full pay and benefits until the dispute has been resolved. This accused can be dismissed if found guilty of gross misconduct.

Q. Where does Mediation fit in the grievance process?

ACAS recommend that mediation should be used as a resolution method before a grievance is raised formally. Mediation should be confidential, the mediator should be completely impartial and the process must remain completely voluntary. This is important as neither party in a grievance can be forced to undertake mediation.

Q. What if I want to raise a grievance concerning my line manager, if I am supposed to report a grievance to that line manager?

If your grievance is with the person you should report to, then you should raise the grievance with an alternative line manager at the same seniority level or with someone of a more senior position. If your grievance is with someone at the head of the company, you should raise the grievance with an alternative person at the same level, such as a board member or trustee. Alternatively, you could raise the matter with the individual directly.

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