

Insights

SUMMARY OF THE BULLYING AND RESPECT AT WORK BILL

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SUMMARY

At the moment, there is no claim that can be brought in an employment tribunal just for being bullied at work.

The Bullying and Respect at Work Bill, if passed, would change that by creating a separate type of claim as well as a legal definition of bullying in the workplace.

Provisions to enable claims relating to workplace bullying and a statutory definition of workplace bullying have been proposed as part of the Bullying and Respect at Work Bill. Whilst the ACAS Code of Practice currently seeks to define bullying, there is currently no legal definition and individuals who experience workplace bullying have no legal protection and no legal route to bring a claim in the employment tribunal just because they have been bullied. The recourse for a victim at the moment is to resign and claim they have been constructively dismissed or to find a discrimination side to it by claiming it is harassment on the grounds of a protected characteristic such as sex or race..

KEY ASPECTS OF THE PROPOSED BILL:

1. To introduce a statutory definition of “workplace bullying” and to enable claims relating to workplace bullying to be considered by an employment tribunal.
2. To establish a Respect at Work Code to set minimum standards for positive and respectful work environments. The Code would set out how an employer should deal with a perpetrator who continues to bully.
3. To establish mechanisms for reporting and investigating incidents of workplace bullying.
4. To grant enforcement powers to the Equalities and Human Rights Commission to investigate incidents of workplace bullying and to take action.

KEY POINTS FOR EMPLOYERS

If this Bill becomes law, employment tribunals will be able to take action where an employer fails to abide by the Respect at Work Code. The Equalities and Human Rights Commission will also be given the power to issue enforcement notices to employers that fail to act.

The statutory definition may in fact help employers. “Bullying” can mean different things to different people, which makes it difficult to investigate and decide a course of action. A statutory definition could provide helpful focus to an investigation and a barometer against which behaviour can be measured. Both employers and employees may benefit from the definition although the creation of a new type of claim will concern employers.

Even if the Bill does not become law, with the increasing focus on workplace behaviour, the proposed Bill is a timely reminder to employers to refresh their Employee Code of Conduct and ensure that expected standards of behaviour at work are consistently communicated.

Meg Royston co-authored this insight.

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