

Overview of Legal options if you've suffered with Bullying at Work

Everyone has the right to work in an environment free from harm and receive support from their employer in the event that there are issues of workplace bullying. There are two different areas of law which cover bullying issues and the safety of employees whilst at work:

Employment law

Civil law

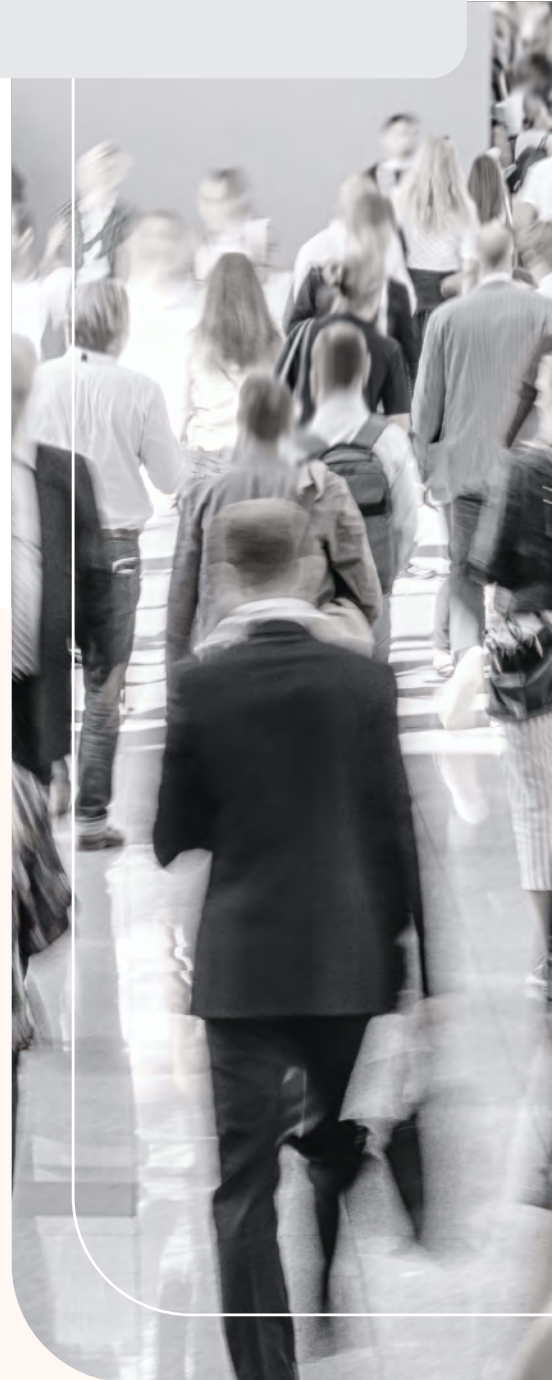
Employment Law

Under employment law, employees can take a claim to an Employment Tribunal where they have been subjected to bullying which is motivated by any of the following protected characteristics:

- **age**
- **disability**
- **gender reassignment**
- **marriage or civil partnership**
- **pregnancy or maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**

If you have been the target of bullying but without one of the above motives, the Employment Tribunal cannot look to compensate you for the conduct itself unless something else has happened such as the employment coming to end under unfair terms or by way of a resignation resulting from unacceptable treatment at work.

If an employee has been bullied at work by reason of one of the above protected characteristics then they have 3 months less 1 day to register an interest with ACAS for a compulsory pre-mediation process called Early Conciliation.



During Early Conciliation, the employee will be appointed an ACAS representative who will attempt to mediate a resolution between the parties. If no resolution can be reached, the employee will be issued with a certificate to then use to issue a claim at the Employment Tribunal using a form referred to as an ET1 Claim Form.

For a discrimination claim under employment law, you don't need to have worked for your employer for any length of time. You can be discriminated as early as day 1 or even before then at interview or application stage.



Civil Law

In civil law, the employer owes to the employee a duty of care to keep them safe at work and to carry out an assessment of risks which they may be exposed to at work. One of those risks can be issues of workplace bullying so once the employer is aware of such an issue, they are under a legal duty to act to help support the targeted employee.

A compensation claim can only be made where an employer has failed in its duty of care following the reporting of bullying at work if that failure has caused the employee to suffer stress to the extent that their symptoms would meet the clinical criteria for a recognised psychiatric illness.

The time limits for this type of claim is much longer than a discrimination claim in the Tribunal; the employee has 3 years from the date on which their symptoms become of clinical significance to take legal action in the County Courts.

Making this type of claim involves a 3 month pre-litigation stage where the insurers of the employer consider an out of Court settlement. Where settlement is not viable, County Court proceedings are entered into and the claim is formalised against the employer.

For a claim under civil law, a duty of care arises from day 1 of your employment but although you have some protection straight away, you must also make your employer aware of an issue at work which is affecting your mental health before any legal responsibility on their part arises to help you by providing additional support or intervening.