

The logo for Weightmans, featuring the word "Weightmans" in white text on a dark teal, wavy rectangular background.

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## Stress, Bullying and Harassment

The cost to your business...

8 May 2008

Key contact:

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Position

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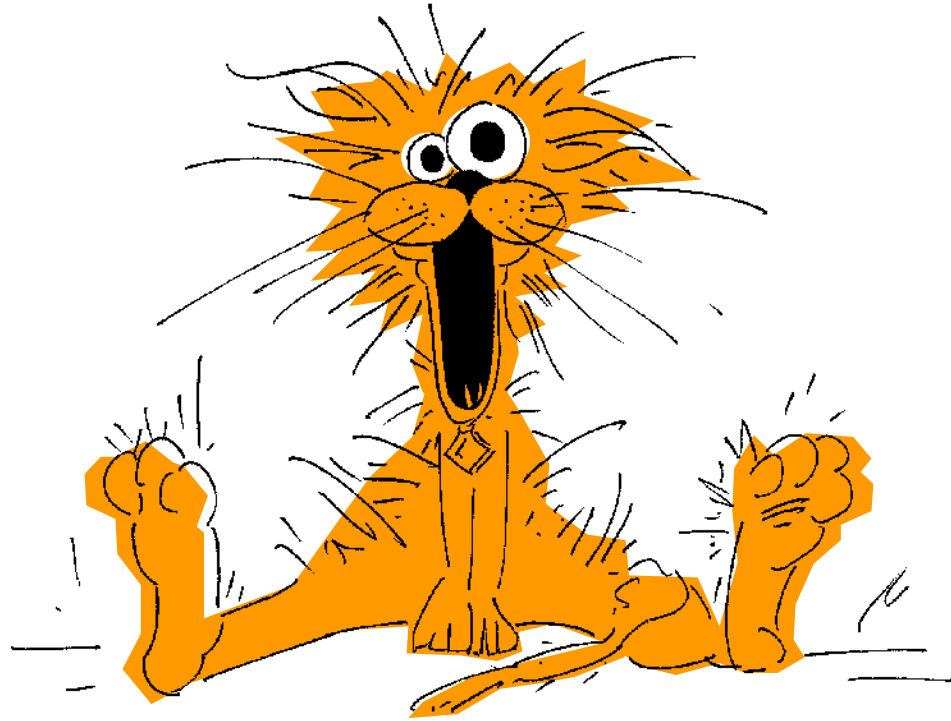
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## So what's the problem ?...

- The cost of absence
- Moral
- Civil/Tribunal claims
- Other enforcement?

## Issues ...

- Medical matters
- Potential claims/cause of absence
- Legal issues
- Protection from Harassment Act 1997 (Majrowski/Conn)
- Reducing risks
- The future



‘The confusion created when one’s mind overrides the body’s !’ basic desire to choke the living daylights out of some idiot who desperately needs it’

## Causes of Stress ..

- Overwork
- Change
- Communication
- Response

## The Management Standards...

- Demands
- Control
- Support
- Relationships
- Role
- Change



## Get the message out

- Policies/training and awareness
- Assess the Risk and respond
- Utilise the grievance procedure
- Manage return to work

## Bullying and Harassment...

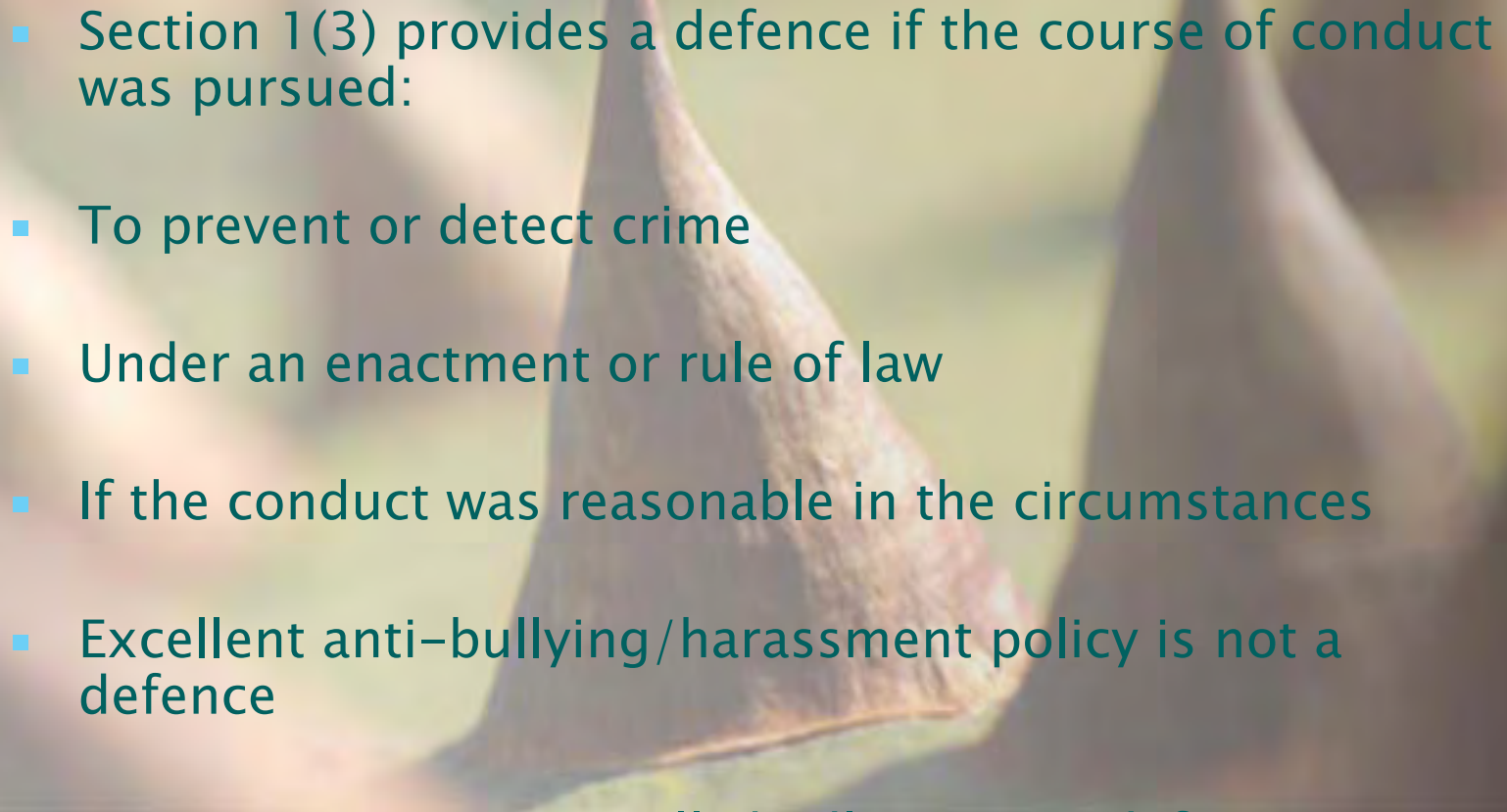
- Majrowski and the Protection From Harassment Act 1997
- Section 1  
A person must not pursue a course of conduct:  
which amounts to harassment of another, and  
which he knows or ought to know amounts to  
harassment of the other
- Conn v Sunderland City Council

## What is Harassment?

- Course of conduct
- Conduct beyond the ordinary irritations and annoyances
- Generally offensive and unacceptable behaviour
- Gravity of which would be sufficient to sustain criminal liability under Section 2 (on each occasion)

## Still no clearer what Harassment is?

- Conduct
- Occurring on at least two occasions  
(Insitu Cleaning Co v Heads)
- Targeted at the Claimant
- Calculated in an objective sense to cause distress
- Which is objectively judged to be oppressive and unreasonable
- Very much fact based

- 
- A blurred background image showing a person's hands holding a large, pointed, reddish-brown object, possibly a piece of wood or a large flower bud, against a soft-focus outdoor setting.
- Section 1(3) provides a defence if the course of conduct was pursued:
    - To prevent or detect crime
    - Under an enactment or rule of law
    - If the conduct was reasonable in the circumstances
    - Excellent anti-bullying/harassment policy is not a defence
  - Treating everyone equally badly is not a defence

## Benefits for claimant

- 6 year limitation
- No foreseeability hurdle
- No need to establish injury
- Unlimited damages compared to non discrimination ET claims



## Avoiding Harassment claims

- Enforce disciplinary codes
- Handle complaints efficiently and head on
- Improve communication between management and staff
- Have a formal policy on harassment
- Ensure everyone is aware of it
- Focus on positive behaviours
- Have access to a publicised counselling service

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Thank You

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