

Handling a bullying, harassment or discrimination complaint at work

As an employer or manager, you should do all you can to try to prevent and stop bullying, harassment, discrimination and victimisation at work.

These types of unfair treatment can be experienced in different ways. For example, depending on the type of treatment, it might:

- be a regular pattern of behaviour or a one-off incident
- happen face to face, on social media, in emails or phone calls
- be spoken or written words, imagery, graffiti, gestures, jokes, pranks or unwanted physical behaviour
- happen in the workplace or at work social events
- not always be obvious or noticed by others

If your employee feels they're being treated unfairly, it's important to understand whether they might be experiencing:

- bullying
- discrimination
- harassment
- victimisation

1. Bullying

Bullying is behaviour from a person or group that's unwanted and makes someone feel uncomfortable, including feeling:

- frightened
- less respected or put down
- made fun of
- upset

Examples of bullying in the workplace could include:

- spreading a false rumour about someone
- putting someone down in meetings
- not allowing someone to go on training courses, but allowing everyone else to
- giving someone a heavier workload than everyone else
- excluding someone from team social events

Sometimes bullying is classed as harassment, which is against the law.

Harassment

By law, harassment is when bullying or unwanted behaviour is related to any of the following (known as 'protected characteristics' under the Equality Act 2010):

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Pregnancy and maternity are different from the other protected characteristics, in how the law on harassment treats them.

As with bullying, the person being harassed might feel:

- disrespected
- frightened
- humiliated
- made fun of
- offended
- threatened

For it to count as harassment, the unwanted behaviour must have either:

- violated the person's dignity, whether it was intended or not
- created a hostile environment for the person, whether it was intended or not

Example

A group of people at work keep making offensive comments about a team member's age. This is making them feel humiliated and anxious about coming to work. This is likely to be harassment because of the team member's age.

The law on harassment also applies to:

- a person being harassed because they are thought to have a certain protected characteristic when they do not
- a person being harassed because they're linked to someone with a certain protected characteristic
- a person who witnesses harassment because of someone else's protected characteristic and is upset by it

The law on harassment does not cover marriage and civil partnership.

Discrimination

By law, discrimination is when someone's treated unfairly because of any of the following:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race

- religion or belief
- sex
- sexual orientation

These are known as 'protected characteristics'. It's against the law to treat someone unfairly because of any of them, except in very rare circumstances.

For example, if someone is turned down for a job or promotion because of their sexual orientation it's likely to be discrimination.

[Find out more about discrimination.](#)

Victimisation

Victimisation is when someone is treated unfairly because they made or supported a complaint to do with a 'protected characteristic', or someone thinks they did or might do.

Example

Cameron makes a sexual harassment claim against their boss. Cameron's colleague Alex gives evidence as a witness to support Cameron's claim. After that, their boss starts treating Alex unfairly.

Your responsibility as an employer

As an employer, you should do all you can to try to prevent bullying, harassment, discrimination and victimisation happening in the first place.

Anyone who harasses, victimises or discriminates against someone at work is responsible for their own actions. But as an employer, you can be responsible too – this is called 'vicarious liability'. By law, you must do everything you reasonably can to protect staff from harassment, discrimination and victimisation. This covers:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

You also have a responsibility – a 'duty of care' – to look after the wellbeing of your employees. If you do not do this, and your employee feels they have no choice but to resign because of it, you could face a claim of [constructive dismissal](#).

Find out about preventing harassment and discrimination by [improving equality, diversity and inclusivity in your workplace](#).

If your employee raises an issue about bullying, harassment or discrimination

You should look into any complaint of bullying, harassment, discrimination or victimisation and take it seriously.

If you do not, the problem might be raised as a formal grievance later, or lead to an employment tribunal if it's not resolved.

The type of treatment someone has experienced and the impact it's had on them can affect legal options, including:

- whether it's possible for them to make a claim to an employment tribunal
- the type of claim they might be able to make, for example sex discrimination or harassment because of race

- how much money an employment tribunal might be able to award them

Taking it seriously can:

- show you are working to make the workplace fair
- give employees confidence to raise an issue
- help stop and prevent unacceptable behaviour
- prevent legal action

[Find out how to look into a complaint of bullying, harassment, discrimination or victimisation.](#)

As an employer or manager, you should take any complaint of bullying, harassment, discrimination or victimisation seriously, and look into it as soon as possible.

A complaint or concern might come from:

- an employee about something they've experienced
- an employee who's witnessed unacceptable behaviour or treatment
- a trade union or employee representative on behalf of an employee

You should look into the complaint in a way that's fair and sensitive to:

- the person who made the complaint
- anyone who witnessed it
- anyone accused of bullying, harassment, discrimination or victimisation

2. Talk to the person who raised the issue

The first thing you should do is talk to the person raising the issue. This can help you understand more about the issue, and what might help resolve it.

They might ask to be accompanied by their trade union representative if they have one. There's no legal right to be accompanied at this stage, but you may decide to allow it.

Check how they might like it handled

You should ask the person who raised the issue what they'd like to happen.

For example, they might prefer:

- you to keep an eye on the issue
- advice and support on how to handle it
- an apology
- someone to have a quiet word with the person they're complaining about
- to try mediation
- to make a formal complaint

You should try to take what they'd prefer into account. But if you feel that what they'd like to happen is not appropriate, you should:

- talk to the person and explain why you think it needs to be handled differently
- try to agree on the approach together

For example, if your employee wants it handled informally but it's an extremely serious matter, you might suggest handling it formally instead.

If you cannot agree on the approach together, you'll need to decide the most appropriate way to handle it. If you're in any doubt, you should [deal with it formally](#).

If they want it dealt with formally

If the person who made the complaint decides to make a formal complaint, you should [deal with it formally](#).

Supporting your employee

You should tell the employee who raised the issue about any support that's available, in case they need it.

Depending on what's available at your workplace, this might include:

- counselling through an employee assistance programme (EAP), for example if they are feeling stressed
- people who have a specific role in encouraging and supporting fair treatment in your workplace, for example a bullying and harassment ambassador
- staff support networks
- trade union or employee representatives who can offer advice
- specialist external organisations and charities that provide bullying, harassment and discrimination support

Keep an open mind

You should always keep an open mind when dealing with a complaint about unacceptable behaviour or treatment.

What someone thinks is unfair is usually down to their individual experience, so it's important that you:

- listen to what they say
- leave any personal feelings you may have to one side
- look at how it's made them feel, or how it's affected them
- do not make any assumptions
- look into the complaint thoroughly and fairly

Be aware of any sensitivities

Keep in mind that it can be hard for an employee to speak up about bullying, harassment, discrimination or victimisation, especially if:

- they're upset about what they've experienced or witnessed
- it's been happening for a long time
- it's affecting their mental health
- they're worried they might be treated unfairly if they make a complaint

Treat it confidentially

You should handle the complaint confidentially, including any investigation.

Mental health and wellbeing

It's likely to be stressful and distressing for someone to:

- experience bullying, harassment, discrimination or victimisation
- witness someone else being bullied, harassed, victimised or discriminated against
- be accused of bullying, harassment, discrimination or victimisation

You should look out for your employees' wellbeing and offer them support while the complaint is being handled and afterwards. This can prevent:

- mental health issues arising
- existing mental health issues getting worse

[See more advice on supporting mental health at work.](#)

Check your workplace's policy

Check your workplace's policy on handling the complaint, or your company handbook, to see if it says:

- who should handle this type of complaint
- what procedure to follow

Your workplace might have different policies for different types of complaints – for example, one for bullying and another for sexual harassment. You should follow the one that's most relevant to the complaint.

If your workplace does not have a policy or handbook, check with a senior manager or someone in HR to check what procedure to follow.

Deciding the next steps

To work out what to do next, you should first consider:

- if there's anyone else you need to agree the next steps with
- the complaint or concern
- how serious the allegations are
- any evidence you have so far
- what you'll need to do to look into the complaint, if you need to look into it further
- your workplace's policy, and the procedure it tells you to follow

You should also consider:

- how the person who raised the concern would like it handled

- how similar cases have been handled in the past
- if the unfair treatment seems to be intentional
- what might resolve the complaint
- if you might need to take any other steps, for example if it's possible that a disciplinary procedure might be needed

You will probably need time to consider all these things.

If you can continue to handle it informally

If possible, you should try to resolve the complaint informally.

[Find out more about dealing with it informally.](#)

If it needs to be handled formally

In some cases, you will need to look into a complaint formally. For example, if:

- the employee makes a formal complaint
- your workplace's policy says it must be dealt with formally
- the complaint is very serious

[Find out more about dealing with it formally.](#)

As an employer or manager, you should try to resolve a complaint of bullying, harassment, discrimination or victimisation informally if possible. Dealing with it informally means taking steps to resolve the complaint without using a formal procedure like a grievance.

You should have already talked to the person who raised the issue to help decide the best approach together.

3. When a quiet word can be enough

In some circumstances, you might be able to resolve the complaint informally by talking privately with the people involved.

To take this approach, you would start by talking the issue through again with the person who made the complaint, including how they'd like to see it resolved. If their complaint is about another employee's behaviour, then you'd talk separately with the person they've complained about. Depending on how the talks go, you might find that you're able to resolve the complaint this way.

If you find you cannot resolve it this way or need more information, you should look into the complaint further.

If you need to look into the complaint further

Decide who will look into it

You should make sure the person who looks into the issue is neutral and not involved in the complaint.

If this is not possible, for example in a small business, the person looking into it must keep an open mind and look into it fairly.

Alternatively, you could pay for an external person to look into it, for example someone trained to handle workplace investigations and conflict resolution.

Get evidence

The person looking into the complaint should look for evidence that supports the complaint, and any evidence that undermines it.

They should ask for any evidence from:

- the person who raised the complaint
- anyone the complaint is about
- any witnesses

For example, this could include emails, text messages, letters, photos or CCTV.

They should also keep a record of any evidence they find, and the steps they've taken to look for it.

Ways of resolving the complaint informally

Depending on the complaint and what's been learned from looking into it further, you will need to consider the best way to try to resolve it. You might need to agree this with other people, for example the person who made the complaint.

For example, if it's appropriate, you might:

- try to resolve it by talking to someone in private
- try to resolve it in a meeting with everyone involved, if everyone agrees to try this
- offer mediation

You might try more than one of these things to try to resolve it.

Talking to someone privately

As part of looking into the complaint, you should have already talked with the people involved. For example:

- the person who raised the complaint
- the person the complaint is about
- any witnesses

After looking into the complaint further, you might think that the best way to try to resolve it now is by talking to some of the people involved again.

Sometimes talking with the people involved in private can also help to:

- repair working relationships
- make clear what counts as acceptable behaviour

For example:

- a line manager or someone in HR might be able to talk to someone in private to say their conduct was inappropriate
- a manager might be able to explain to the person the complaint is about how their behaviour made someone feel, and see if they'd be willing to apologise

Use your judgement to help decide when talking to someone in private might be an option.

Holding a meeting with the people involved

Depending on the situation, you might feel it's appropriate to try to resolve the issue with an informal meeting.

For example, by meeting with:

- the person who raised the complaint
- the person the complaint is about
- any witnesses

Before arranging this type of meeting, you should meet with everyone separately first to make sure they're all willing to meet together to try to resolve the complaint.

If you have a meeting, you should:

- give everyone enough notice of the meeting
- hold the meeting in a private place
- listen to what everyone has to say
- take everyone's views into consideration
- work towards resolving the issue in a way that everyone can accept
- make sure any agreed outcome is consistent with similar situations in the past
- keep notes of any agreed actions

If you cannot agree on an outcome in the meeting, you should continue to try to resolve the issue afterwards. For example, you might approach everyone again and suggest a different way to resolve the issue.

Using mediation

If your employees agree, you could try mediation. Mediation involves an independent, impartial person helping both sides to try to find a solution.

For example, mediation can be useful if there's been a:

- misunderstanding
- lack of awareness of how someone's actions are affecting someone else

[Find out more about mediation.](#)

If no action is needed

After looking into a complaint thoroughly, you might decide there is no need for action or further steps.

If so, you should:

- keep a written record of this decision and the reasons why
- update the person who made the complaint, and explain why you decided no action is needed

If you need to take it further

If the complaint cannot be resolved informally, you or the employee might decide to take it further as a [formal complaint](#).

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If someone who works for you makes a complaint about bullying, harassment, discrimination or victimisation and it needs to be handled formally, you should follow a formal procedure.

For example, you will need to deal with it formally if:

- your employee makes a formal complaint
- your workplace's policy says it must be dealt with formally
- the complaint is very serious
- there's a possibility that you might need to consider disciplinary action against another employee

You should follow a formal grievance procedure, unless your workplace has a different formal procedure for the specific type of complaint you're handling. For example, a formal procedure specifically for handling complaints of sexual harassment.

[Read more about a formal grievance procedure.](#)

4. Decide who will investigate the complaint

As part of a formal procedure, someone will need to investigate the complaint.

The person who investigates the complaint should be neutral and not involved in the complaint.

If this is not possible, for example in a small business, the person investigating must keep an open mind and carry out a fair investigation.

Alternatively, you could pay for an external person to investigate, for example someone trained to handle workplace investigations and conflict resolution.

[Find out more about investigating a complaint.](#)

If you need to separate or protect employees

In some circumstances, you might need to separate the employees involved while you handle a formal complaint. You should make sure any temporary move is done fairly.

For example, you might temporarily move one of them to a different shift or location. If you do this, you should not move the person who made the complaint unless they ask to be moved. This is because moving them when they have not asked for a move could be seen as a punishment for complaining.

If you think you need to suspend someone

You should think very carefully before suspending someone as there may be other options.

Find out more about suspension and other options in the [Acas guide to discipline and grievances at work](#) - see pages 18 and 19.

If you need to consider disciplinary action

If the outcome of your formal procedure means you need to consider disciplinary action against an employee, you should follow a [formal disciplinary procedure](#).

Related content

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As an employer or manager, there may be situations where you think harassment at work could be a crime.

For example, if an employee tells you they've been:

- physically attacked
- sexually assaulted
- the victim of a hate crime, for example racist or homophobic abuse
- threatened with violence

You should talk to them about whether they want to report it to the police, and support them if they choose to report it.

Before doing this, you should:

- get specialist advice, for example from a relevant charity or helpline
- consider [getting legal advice](#)

You should not put any pressure on them to make any particular decision. If they do not want to tell the police, they do not have to.

In most cases, you should go along with their decision. But you might decide you have to tell the police yourself in some circumstances. This might include if you or they think there's likely to be:

- an ongoing risk to their safety or the safety of others
- an increased risk to their safety because they're a vulnerable person, for example they have a mental health condition

Before telling the police, you should talk with the person who's made the complaint. You should also let them know once you've told the police.

If you're not sure what to do, you should make sure you get specialist and legal advice.

5. If it's been reported to the police or it's going through a court

It's unlikely that you'll have to wait for the criminal process to finish before you can:

- investigate the complaint
- carry out a workplace [disciplinary procedure](#)

But you should check with the police before doing either of these things, and consider getting legal advice, to make sure there is no risk of prejudicing the criminal process.

You should give information to the police if they ask for it.

If there's no criminal conviction

If you wait for the criminal process to end and it does not result in a conviction, you may still be able to take disciplinary action. This is because the level of evidence needed to prove a crime is higher than for an employer's disciplinary process to decide that a workplace disciplinary offence has been committed.

Specialist advice and other support

If you're dealing with a complaint that might be a crime, you can get more help and information from:

- [Citizens Advice](#)
- [Victim Support](#)

For hate crime, you can get help and information from:

- [Stop Hate UK](#)
- [SupportLine](#)
- [True Vision](#)

Contact the police

To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- [Police.uk](#) for England and Wales
- [Police Scotland](#)

Related content

[/sexual-harassment](#)

As an employer or manager, once you have an outcome for a complaint of bullying, harassment, discrimination or victimisation, it's important that you:

- keep a record of the complaint, any investigation findings, any steps that were taken and the outcome
- talk to the person who made the complaint

6. Update the person who made the complaint

It's important to tell the person who made the complaint:

- whether their complaint was 'upheld' (you decided there's a case to answer) or not
- what will happen next, if their complaint was upheld

If the complaint was upheld, this usually means you've decided there's enough evidence to do one or both of the following:

- recommend actions that need to be taken to resolve the complaint
- follow up with a disciplinary procedure and consider disciplinary action if appropriate

If any disciplinary action is taken, you should consider telling the person who made the complaint what action was taken, if you can.

Keep an eye on the issue

It's important to make sure:

- any unacceptable behaviour or treatment has stopped
- nobody is treated unfairly because they made a complaint
- nobody is treated unfairly because they supported someone else's complaint

Keep a record

For all complaints, you should keep a record of:

- the complaint
- any evidence you've found
- any steps you've taken to deal with it
- whether the complaint was upheld or not, and the reasons why
- how it was resolved, if it was possible

If you handled the complaint formally, it's important to also keep a record of:

- any investigation findings
- the complaint hearing
- any appeal, including the appeal hearing
- if the complaint resulted in a disciplinary procedure, and any disciplinary action

Records will be useful if:

- the same issue comes up again
- an issue raised informally is raised formally later on
- an employee decides to make a claim to an employment tribunal

If there's legal action

An employee might be able to [make a claim to an employment tribunal](#) because they've been harassed, discriminated against or victimised. If this happens, the things an employment tribunal will look at can include:

- how it has affected the employee
- what you've done to address their complaint
- how you've handled any similar situations in the past

If an employee makes a claim to an employment tribunal, it's a good idea to [get legal advice](#).

Preventing discrimination, bullying and harassment

After you've dealt with a complaint, it's also important to try to prevent bullying, harassment, discrimination and victimisation in the future.

Depending on your findings from looking into a complaint, you might decide to take steps to address an issue.

For example, you might decide to:

- train line managers on a specific issue, for example sexual harassment or unconscious bias
- train all staff on a specific issue and what to do if they experience or witness unacceptable behaviour
- review your organisation's policies, for example your policy on bullying and harassment
- make clearer to employees what support is available if they experience or see unacceptable behaviour at work

[Find out more about improving equality, diversity and inclusivity at work.](#)

Help and support

For more advice about your options you can:

- [call the Acas helpline](#)
- [get legal advice](#)

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