

Handling bullying and discrimination

Approaching a complaint

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

If you do not deal with someone's complaint appropriately, they may be more likely to make a claim to an employment tribunal. If they do, the tribunal will take into account how you handled the complaint.

Who a complaint could come from

A complaint could come from:

- an employee or job applicant about something they've experienced
- an employee who's witnessed bullying or discrimination directed at someone else
- 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 or discrimination

If someone makes a complaint a long time after an incident has taken place, you should still take it seriously.

Understanding bullying and discrimination

Understanding the type of behaviour your employee might have experienced will help you understand how to deal with it. It will also help you understand your responsibilities as an employer.

By law (Equality Act 2010), discrimination is when someone is treated 'less favourably' than someone else because of these 'protected characteristics':

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

Types of discrimination include direct and indirect discrimination, harassment and victimisation.

In some circumstances, harassment could also be a [hate crime](#).

Although there is no legal definition of bullying, it covers various types of unwanted behaviour. Bullying behaviour can be harassment if it relates to a protected characteristic.

Find out more about:

- [bullying](#)
- [discrimination and the Equality Act 2010](#)

Check your policy

Check your organisation's policy on handling bullying or discrimination complaints. See if it says:

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

Your organisation might have different policies for different types of complaint, for example one for bullying and another for sexual harassment. Follow the one that's most relevant to the complaint.

If you do not have a policy, check with a senior manager or HR about the procedure you should follow.

Decide whether to handle it formally or informally

An employee will either make an informal or formal complaint. Dealing with a problem informally means taking steps to resolve it without using a formal grievance procedure.

You should try to resolve a complaint informally if possible. This is usually quicker and less stressful for everyone. However, not every situation is suitable to handle informally.

How you handle the complaint will depend on:

- what the person making the complaint wants
- what your organisation's policy says
- how serious the issue is

You will need to speak to the person who's made the complaint before deciding how to handle it.

You should take what they would prefer into account. However, if you feel that what they'd like to happen is not appropriate, you should try to agree on the approach together.

For example, your employee might say they want the complaint handled informally. But if you feel the situation is too serious to be resolved informally, you can suggest handling it formally instead.

If your employee has made a formal complaint, you can encourage them to try resolving it informally first if you think that's appropriate.

If you cannot agree on an 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.

Find out how to:

- [deal with a complaint informally](#)
- [deal with a complaint formally](#)

Talk with the person who raised the issue

You should talk with the person who raised the issue. This can help you understand what's happened and what might help resolve it.

They might ask to be accompanied by their trade union representative, if they have one, or someone they work with.

For informal meetings it's a good idea to allow the person to be accompanied. That can make it easier for them to talk about the issue.

For any formal grievance meetings, the employee has a legal right to be accompanied by either someone they work with, a trade union representative or a trade union official.

Keep an open mind

Always keep an open mind when dealing with a complaint. Something that seems like a small thing to you can feel very different to the person experiencing it.

You should:

- listen to what they say
- leave any personal feelings you have to one side
- look at how it's made them feel or how it's affected them
- do not make any assumptions

Answer their questions

The employee might send you an email or letter describing what's happened and asking you questions.

You should try to answer their questions. This might help to resolve the problem and avoid legal action.

[Find out more about answering questions about a discrimination complaint](#)

Treat it confidentially

You should handle the complaint confidentially, including any investigation.

Contact the Acas helpline

If you have any questions about handling a bullying or discrimination complaint, you can [contact the Acas helpline](#).