

# Avoiding harassment at work – Saving you money



Transparency

**“Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind ... should not be tolerated in the workplace.” (ACAS)**

We all know that harassment and discrimination are unacceptable in the modern workplace but what are you doing to stop it happening within your organisation?

And what are the consequences if you allow harassment to go unchecked?

Workplaces where discrimination and harassment are not addressed can face:

- low morale and increased sickness absence;
- court or tribunal claims for significant amounts of compensation; and
- damage to reputation which can impact on business.

Did you know that you, as the employer, can be held liable for acts of harassment or discrimination carried out by an employee against a colleague, even if you are entirely unaware that these acts are taking place? Did you know that there is no limit on what a Tribunal can award by way of compensation for discrimination with such awards usually including compensation for “injury to feelings”?

Employers who do not take steps to stamp out harassment and discrimination within their workplace are, in effect, gambling with the organisation’s finances, given the risk of liability for claims and high defence costs (not least in terms of management time and legal costs).



The law provides an employer with a potential defence to liability where their employees harass other employees. To succeed with such a defence, the employer must show that it took *all reasonably practicable steps* to prevent the harassment taking place. This means, at least, having an Equal Opportunities Policy in place, but more than that is required for the defence to apply. The policy should be publicised, staff should be trained on its application and active steps need to be taken to stamp out discriminatory behaviour.

The package of products from BTO experienced employment law team, set out below, aims to provide the appropriate tools to employers, firstly to help employers achieve a workplace free from harassment, and secondly, to help employers take the required “*reasonably practicable steps*”, with a view to enabling a defence to be put forward in the event that any discrimination claims are brought:

- **Equal Opportunities Policy** - We will provide you with a draft Equal Opportunities Policy (“EOP”) and work with you to finalise a document that suits the needs of your business.
- **Training for Management** - We will meet with your senior management team for an informal training session to discuss the implementation of the EOP, the other steps required to assist in implementing the policy and providing a defence to any discrimination claim and to provide guidance to your management team.
- **Training for staff** - Your staff must be aware of the EOP and what it means for them. They should be aware what is, and is not, tolerated and those who may feel discriminated against should know how their concerns will be addressed. We can provide training for your management team to then instruct your staff on the subject. Alternatively we can meet your staff for an informal session and seek to highlight these issues, as well as stressing the consequences for the harasser if the EOP is not complied with – disciplinary action and potential personal liability at the Tribunal.

## Contact

**Caroline Carr**  
**Accredited Specialist**  
Partner, Glasgow

**T:** 0141 221 8012  
**E:** [cac@bto.co.uk](mailto:cac@bto.co.uk)



**David Hoey**  
**Accredited Specialist**  
Partner, Glasgow

**T:** 0141 221 8012  
**E:** [dho@bto.co.uk](mailto:dho@bto.co.uk)



“personable  
and pragmatic.”  
(Chambers UK)

For more details on BTO's Employment team, please visit [www.bto.co.uk](http://www.bto.co.uk)