

Review of International Laws Related to Workplace Bullying
 Compiled by The Workplace Bullying & Trauma Institute, bullyinginstitute.org

The U.K. Dignity At Work Act

Proposed House of Lords, 2001
 (passage failed in in House of Commons, 1997)

Definition

An employer commits a breach of the right to dignity at work of an employee if that employee suffers harassment or bullying or any act, omission or conduct which causes him to be alarmed or distressed including but not limited to any of the following-(a) behaviour on more than one occasion which is offensive, abusive, malicious, insulting or intimidating; (b) unjustified criticism on more than one occasion; (c) punishment imposed without reasonable justification, or (d) changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification.

A complaint by an employee that another person has committed a breach under this Act may be presented to an Employment Tribunal before the end of the period of three months beginning with the day on which the act complained of was done,

Employer defence -- policy, enforcement, correction

An employer shall not be liable where the following circumstances apply: (a) at the time of the act complained of, the employer has in force a Dignity at Work Policy (see below) and has taken all reasonable steps to implement and enforce the Policy, including the appointment of a competent person to assist with compliance, (b) the act complained of is repudiated within three working days after they are notified, and (c) the employer takes all steps necessary to remedy any loss, damage or other detriment suffered by the complainant.

Remedies

Where an Employment Tribunal finds that a complaint is well-founded the tribunal shall make the following as it considers just and equitable: (a) an order declaring the rights of the person, (b) an order requiring compensation which may include an award for injury to feelings taking into account the seriousness, frequency and persistence of the employer's breach, and (c) a recommendation that the respondent obviate or reduce the adverse effect on the complainant of any breach.

The Act also specifies the following policy characteristics -- disclosure, procedures, manager training, union consultation, monitoring

The Dignity at Work Policy must be in writing and distributed to every employee and must include the following:

- (a) an explanation of the statutory right of all employees to dignity at work and a statement that breaches of that right will not be tolerated;
- (b) examples of the types of behaviour and of conduct which may lead to disciplinary action;
- (c) the procedure for bringing complaints and the manner in which they will be dealt with

a commitment that complaints will be taken seriously, investigated objectively and dealt with in confidence and must allow the complainant to have a representative of his choice at all stages;

(d) designation of a competent person to whom complaints should be made;

(e) the disciplinary procedure to be followed against employees who infringe the Policy;

(f) details of designated persons available to counsel, assist and advise individuals bringing complaints or those who are the subject of complaints;

(g) arrangements to train all managers and to inform all employees;

(h) annual monitoring to include a summary of all complaints made (with names of complainants kept confidential unless the complainant agrees); and

(i) consultation with trade union and safety representatives on the operation, implementation and any revision of the Policy.