

Definitions and Examples of Harassment and Bullying

1. Harassment

1.1 Definition

The Sex Discrimination Act states that a person subjects another person to harassment if :

On the ground of her / his sex, he / she engages in unwanted conduct that has the purpose or effect of violating her/ his dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her/ him,

Or

He / she engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating her / his dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her / him

Or

On the ground of her/ his rejection of or submission to unwanted conduct [of this kind], he/ she treats her/ him less favourably than he / she would treat her/ him had she /he not rejected, or submitted to, the conduct.

Harassment on the grounds of gender reassignment is also unlawful and is covered by a provision equivalent to the one that outlaws harassment on the ground of sex.

These provisions go on to say that

conduct shall be regarded as having the effect [of violating the claimant's dignity or creating an intimidating, hostile etc environment for that person] only if, having regard to all the circumstances, including in particular the perception of the claimant, it should reasonably be considered as having that effect.

It is the affect of the behaviour of the individual or group against whom it is directed, not the intentions behind this behaviour, which determines whether it is harassment.

1.2 Examples:

The following list is not exhaustive.

- Comments, jokes, banter, insults, offensive language, cartoons and graffiti related to age, disability, religion, nationality or national origin, race or ethnic origin, sex or sexual orientation.
- Offensive or unwanted comments about dress or physical appearance.
- Display of pornographic or sexually suggestive pictures, pin-ups and calendars, or display of other offensive objects.

2. Bullying

2.1 Definition

Bullying can be defined as a form of intimidating, malicious and insulting behaviour which alarms the individual towards whom it is directed, or affects her or his dignity or self esteem, or causes him or her distress or fear, or leads to him or her feeling humiliated.

Bullying includes the abuse of power or authority in such a way that an individual is treated with contempt and indifference, undermined and unreasonably criticised whether in public or private.

2.2 Examples

The following list is not exhaustive.

- Offensive comments, jokes, banter, insults, language at the expense of an individual.
- Shouting at an individual.
- Making life deliberately difficult for an individual who has the potential to do the bully's job better than the bully. It is the affect of the behaviour on the individual towards whom it is directed, not the intentions behind this behaviour, which determines whether it is Bullying.