

Employment

Current Employee

Harassment



**RIGHT TO
PARTICIPATE**

Useful knowledge

Under the Equality Act 2010, disability harassment is defined as

“where a person engages in unwanted conduct related to a disability and the conduct has the purpose or effect of

(a) violating another person's dignity, or

(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”

Harassment can take the form of, but isn't restricted to, written or spoken words, online messages and images, physical gestures or facial expressions.

Useful skills

- Effective communication
- Openness
- Self-awareness
- Problem solving

Ways to assert your legal rights

Document when, where and how the harassment occurred. If possible, speak to or write an email or letter asking the person or persons involved to stop, explaining the impact it has upon you. Although not excusing it, they may not have understood the implications of their actions.

If this isn't possible, or you have tried and it unfortunately hasn't worked, you should then raise the issue with your line manager. If the person responsible for the harassment *is* your line manager, contact *their* line manager, head of their department, or equivalent. They should then contact the harasser on your behalf.

If the harassment still does not stop, despite intervention from relevant line management, you can take formal steps through your employer's grievance procedure, however some employers will have a separate harassment policy you can use. These policies are normally found in a staff handbook,

employment contract, HR intranet site, etc. If you can't locate it, you should ask to be directed to or sent it. Grievance procedure steps normally include:

- Outlining your grievance in writing [Click here for template letter](#)
- Timescales and steps within which the grievance will be looked at
- When formal meetings are necessary, when they will be arranged and with whom
- The ability to appeal the decision if you disagree with it

If you still don't get a satisfactory resolution, you can take a claim for disability harassment to an employment tribunal. There are timescales within which a claim should be made. In general, the time limit within which a claim of harassment must be raised is three months less one day from the date of the harassment taking place, or from the end of your employment with regard to a former employer. However, for many reasons it is always advisable to take action as soon as possible.

Before taking your employer to an employment tribunal, you must first attempt what is termed 'early conciliation'. Early conciliation is a service delivered by the Advisory, Conciliation and Arbitration Service (ACAS), a publicly funded but independent organisation.

Engaging early conciliation can reduce the stress and anxiety caused by taking a claim to a tribunal. If engaged within its own time limit (also three months less one day), early conciliation extends the time period for taking action via an employment tribunal if you need to take it that far.

If you're a member of a trade union, it's worth engaging their support as early as possible, but at any stage of the process. [Find out more about joining a trade union here.](#)

You can have confidence in the process because

Disabled employees are protected from discrimination, harassment and victimisation by The Equality Act 2010.

You can get more help from

The [Equality Advisory & Support Service \(EASS\)](#) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

- Telephone** • 0808 800 0082
- Text phone** • 0808 800 0084
- Email** • [through websites form](#)

ACAS runs the [Early Conciliation service](#) for when you can't sort out things directly with an employer.

- Helpline** • 0300 123 1100
- Website** • www.acas.org.uk