

If you're treated unfairly at work

If you feel you're being treated unfairly at work, it's important to understand what type of treatment you're actually experiencing.

This is because you have different rights under the law, depending on which of the following is taking place:

- bullying
- discrimination
- harassment
- victimisation

Bullying is behaviour from a person or group that's unwanted and makes you feel uncomfortable, including feeling:

- frightened ('intimidated')
- less respected or put down ('degraded')
- you're made fun of and it makes you feel uncomfortable ('humiliated')
- upset (insulted or 'offended')

Examples of bullying in the workplace could include:

- someone has spread a false rumour about you
- someone keeps putting you down in meetings
- your boss does not let you go on training courses but they allow everyone else to
- your boss keeps giving you heavier workloads than everyone else
- your team never lets you join social events

The bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or phone calls
- happen in the workplace or at work social events
- not always be obvious or noticed by others

2. When bullying is harassment

By law, it's harassment when bullying or unwanted behaviour is about any of the following (known as 'protected characteristics'):

- age
- disability
- gender reassignment

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Pregnancy and maternity are different from the other protected characteristics, in how the law on harassment treats them.

[Find out more about harassment.](#)

What you can do

In some cases, the person upsetting you might not realise the effect of their actions so you can try talking with them, if you feel you can.

It's a good idea to:

- explain how their behaviour makes you feel
- be firm, not aggressive
- stick to the facts

If you do not feel comfortable talking to the person face to face, you could:

- put this in an email
- ask for support from a trade union representative, if you have one

If you do not feel comfortable doing this or the bullying carries on, you should talk with someone at work you feel comfortable with.

This could be:

- your boss
- another manager
- someone in HR
- a counsellor, if your employer provides one
- your trade union or staff representative, if you have one

It's also a good idea to keep a diary or record of the bullying, including:

- how the bullying made you feel
- dates and times it happened
- any witnesses
- any evidence, for example emails or screenshots of social media posts

[See more advice on how to raise a problem at work.](#)

What your employer must do

Your workplace should have a policy on bullying that says how it should be handled.

Even if there's no policy, your employer has a legal duty of care to protect you while you're at work. This includes dealing with bullying issues.

If you have to leave your job because of severe bullying that your employer did nothing about, you might be able to make a claim to an employment tribunal for [constructive dismissal](#).

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By law, being 'discriminated against' is when you're treated unfairly because of any of the following:

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

These are known as 'protected characteristics'. It's against the law for anyone to treat you unfairly because of any of them.

For example, your manager stops you from applying for promotion because of your sex.

There are very rare times when discrimination can be allowed under the law due to the nature of the job, or a practice or arrangement in the organisation.

[Find out more about discrimination at work.](#)

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Harassment includes bullying because of a 'protected characteristic' and so is against the law.

Protected characteristics under harassment law are:

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

Pregnancy and maternity are different from the other protected characteristics, in how the law on harassment treats them.

The law on harassment does not cover marriage and civil partnership.

As with bullying, the person being harassed might feel emotions including:

- disrespected
- frightened
- humiliated
- made fun of
- offended
- threatened

For it to count as harassment, both of the following must be true:

- the person is justified in feeling harassed
- the person being harassed feels they're working in a hostile environment

For example, a group of men at work keep making offensive comments about a team member's age. This is making them feel humiliated and anxious about coming to work. This is likely to be harassment because of the team member's age.

Harassment can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

It's still against the law even if the person being harassed does not ask for it to stop.

The law on harassment also applies to:

- a person being harassed because they are thought to have a certain protected characteristic when they do not
- a person being harassed because they're linked to someone with a certain protected characteristic
- a person who witnesses harassment because of a protected characteristic and is upset by it

3. Harassment because of sex

Under the law, there's also protection against:

- harassment because of a person's sex, for example a male boss regularly putting down a female employee because she's a woman
- [sexual harassment](#), which is unwanted behaviour of a sexual nature. This can be written, verbal, imagery, physical or sexual assault. For example, someone making sexual comments or trying to touch someone against their will
- being treated unfairly because they've received or stood up against these types of harassment

What you can do

It can be easier to start by talking with your employer or someone senior at work to try and [resolve the problem](#).

If you do not feel comfortable doing this or the issue is very serious, you can [raise a formal grievance](#).

Any employee can report a harassment issue they've seen or heard in their workplace, even if it's not directed at them.

Example

You overhear a manager making a rude comment about your colleague's disability. You see your colleague is upset. You can report this to your employer even though the behaviour was not directed at you.

You can also look at your workplace's policy on discrimination and harassment, if there is one. This should say how your employer handles discrimination and harassment complaints.

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'Victimisation' is being treated unfairly because you made or supported a complaint to do with a 'protected characteristic', or someone thinks you did.

Protected characteristics under the law are:

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

For example, your colleague makes a sexual harassment claim against your boss. After you give evidence as a witness to support their claim, your boss starts treating you unfairly.

4. What you can do

It can be easier to start by talking informally with your employer or someone senior at work to try and [resolve the problem](#).

If you do not feel comfortable doing this, you can [raise a formal grievance](#).

You can also look at your workplace's policy on discrimination and victimisation, if there is one. This should say how your employer handles discrimination and victimisation complaints.

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By law, you must not be treated unfairly at work through:

- discrimination
- harassment
- victimisation

Examples of unfair treatment include:

- because you reported harassment, your manager says you're a troublemaker so you lose out on promotions and training opportunities
- because you gave evidence as a witness of sexual harassment, your colleagues keep stopping you from joining social events
- because you raised a grievance about discrimination, your employer makes you redundant

5. What you can do

You can [raise a formal grievance](#) or [appeal a dismissal](#).

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