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Abstract

Purpose

This article critically evaluates the UK's legal and policy framework concerning workplace bullying. It aims to provide a focussed evaluation of legislative context, employer responsibilities, and procedural expectations, while identifying current gaps and future reforms.

Design/methodology/approach |

The research employs a critical analysis of the UK's existing legal landscape, including key legislation and policy. This systematic literature review approach integrates academic commentary with an evaluation of current practice, offering a socio-legal perspective on managing workplace bullying.

Findings

The UK lacks dedicated anti-bullying legislation, resulting in a fragmented legal framework that offers partial protection, primarily through harassment provisions linked to protected characteristics. This places a substantial interpretive and operational burden on organisational knowledge and compliance. Emerging trends, such as the Worker Protection Act 2023, suggest a legislative shift towards proactive prevention, moving the UK closer to international standards, though significant gaps for general bullying persist.

Originality/value

This paper offers a timely and critical overview of the complex interplay between UK law and workplace bullying, emphasising its practical impact on HR management. By treating the legal framework as a dynamic entity, aims to inform current compliance and ethical practice whilst anticipating future reforms.

A Critical Evaluation of Law and Policy Pertaining to Workplace Bullying in England and Wales: Implications for Organisational Management and Risk

Introduction

Workplace bullying represents a pervasive and complex challenge that undermines employee well-being, organisational cohesion, and productivity. Increasingly recognised as a form of psychological violence, it violates principles of dignity, fairness, and respect, damaging both individuals and organisational culture (Cerqueira et al., 2023). Its consequences, ranging from absenteeism and turnover to reputational damage and legal exposure, have prompted growing scrutiny from scholars and practitioners alike (Farley et al., 2023, King, 2019; Siwach, 2018).

Unlike countries such as Sweden and France, the United Kingdom does not have a single statute that explicitly prohibits workplace bullying where it does not amount to unlawful harassment (Bunce et al., 2023). Instead, it relies on a mosaic of overlapping legal duties drawn from equality, health and safety, contract, and tort law. This fragmented approach places significant interpretive responsibility on Human Resource (HR) professionals, who must reconcile legal compliance with the practical realities of organisational management (Bunce et al., 2024).

This article critically evaluates the current UK legal and policy framework governing workplace bullying, focusing on implications for HR management. It examines definitional challenges, explores key statutory and common law provisions, evaluates organisational policy obligations, and considers emerging reforms. The discussion highlights the gap between legal protection and lived experience, underscoring the strategic need to embed cultures of dignity and psychological safety with organisational systems.

Defining Workplace Bullying

The absence of a statutory definition of “bullying” in UK law complicates its management. The Advisory, Conciliation and Arbitration Service (ACAS) defines bullying as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, or injure the recipient.” Academic literature typically frames it as repeated exposure to negative acts over time, often in contexts marked by power imbalance (Farley et al, 2023; Hershcovis et al., 2015).

By contrast, “harassment” is defined under section 26 of the Equality Act 2010 as unwanted conduct related to a protected characteristic, such as age, sex, race, or disability, that violates dignity or creates a hostile or offensive environment. The key distinction lies in this connection to a protected characteristic: harassment is legally actionable, whereas bullying without such a link remains outside specific statutory protection (Hamerton, 2024).

Consequently, employees subjected to harmful behaviour that does not meet the legal threshold for harassment may lack direct legal recourse, though employers remain potentially liable under other doctrines such as breach of contract or negligence (Bunce et al., 2024).

This creates a dual obligation on organisations to ensure strict compliance with anti-

harassment provisions and to manage the broader psychosocial risks posed by bullying through workplace policy and culture.

The Broader Impact of Workplace Bullying

Workplace bullying exerts profound effects on individuals and organisations. Persistent bullying is associated with heightened anxiety, depression, and post-traumatic stress, alongside physical symptoms such as headaches, insomnia, and stress-related illness (Cerdeira et al., 2023; Farley et al., 2025). Victims often experience declining job satisfaction, disengagement, and career derailment. Bullying can also result in social isolation, compounding psychological distress (Herscovis et al., 2015). Research indicates disproportionate impacts on women, minority groups, and employees in precarious roles, reflecting broader social power dynamics (Bunce et al., 2023).

The consequences extend well beyond the individuals involved effecting organisational culture. Bullying undermines trust, cohesion, and innovation, producing disengagement that reduces productivity (Siwach, 2018). It drives absenteeism and turnover, inflates recruitment and training costs, and may expose employers to legal claims or reputational harm (King, 2019). Moreover, it erodes psychological safety, a key determinant of performance and ethical decision-making. These costs underscore the organisational imperative for prevention and early intervention.

The Legislative Framework

The UK's legal regime addressing workplace bullying is characterised by fragmentation rather than coherence. Several overlapping laws provide partial protection, collectively imposing a duty on employers to safeguard employees' mental and physical well-being.

The Equality Act 2010 - The Equality Act (EA) remains the primary statute governing workplace harassment. Section 26 defines harassment and section 109 establishes vicarious liability for employers where harassment occurs "in the course of employment." Employers may rely on the "reasonable steps" defence by demonstrating that they implemented effective preventive measures, such as training and grievance procedures (Hamerton, 2024). However, its protection does not extend to general bullying unlinked to protected characteristics, leaving a significant legislative gap.

The Worker Protection Act 2023 – The recently addition of the Worker Protection (Amendment of Equality Act 2010) Act (WPA) introduces a proactive duty on employers to take reasonable steps to prevent sexual harassment. Although currently limited to sexual harassment, it reflects a shift from reactive enforcement to preventive regulation (Busby, 2024). This development may foreshadow broader obligations on employers to address bullying more comprehensively.

The Health and Safety at Work etc. Act 1974 - Under section 2 of the Health and Safety at Work etc. Act (HSWA), employers must ensure, "so far as is reasonably practicable," the health, safety, and welfare of employees. This includes mental health. Persistent bullying causing psychological injury could therefore constitute a breach of statutory or common law

duty. The Health and Safety Executive explicitly recognises work-related stress and bullying as psychosocial hazards requiring assessment and control.

The Protection from Harassment Act 1997 - Initially enacted to tackle stalking, the Protection from Harassment Act (PHA) was extended to workplace contexts in *Majrowski v Guy's and St Thomas' NHS Trust* [2006] UKHL 34, where the House of Lords confirmed that employers can be vicariously liable for harassment amounting to a “course of conduct.” The Act offers both civil and criminal remedies and does not require a link to protected characteristics, thus providing an alternative legal avenue for severe or repeated bullying.

The Employment Rights Act 1996 - Under section 95 of the Employment Rights Act (ERA) employees may claim constructive dismissal where an employer's failure to address bullying constitutes a breach of the implied term of mutual trust and confidence, as illustrated in *Isle of Wight Tourist Board v Coombes* [1976] IRLR 413. Employers' inaction on bullying complaints may thus trigger contractual liability.

Common Law Negligence - Employers owe a duty of care to prevent foreseeable harm. The precedent set in *Walker v Northumberland County Council* [1995] 1 All ER 737 established liability for psychiatric injury caused by workplace stress. By analogy, failure to intervene in bullying behaviour that foreseeably causes mental harm can result in negligence claims.

Taken together, the foregoing raft of provisions form a fragmented but substantial framework. Organisations and the HR professionals within must interpret them holistically, ensuring both compliance and ethical stewardship of employee welfare.

Policy, Procedure and Organisational Responsibilities

Given this multifaceted legal backdrop, HR professionals occupy a central role in designing and enforcing effective anti-bullying strategies (Hamerton, 2025). Research suggests that HR's handling of bullying is often perceived as inconsistent or overly protective of senior staff, undermining trust (Boddy & Boulter, 2024). Closing this gap between policy and practice requires embedding dignity, respect, and accountability throughout the organisation. Thus key components of proactive practice in terms of bullying and harassment should include:

- **Comprehensive Policies:** Clear definitions, reporting mechanisms, investigation standards, and disciplinary consequences. Policies should address all forms of bullying, not just those connected to discrimination.
- **Training and Awareness:** Regular, mandatory training for all staff, including leadership, is vital to identifying bullying behaviours, understanding legal duties, and promoting intervention (Li et al., 2023).
- **Accessible Reporting:** Employees must have confidential channels to report bullying without fear of reprisal. Options should include both informal mediation and formal grievance processes, depending on severity (King, 2019).

- Fair Investigations: Complaints should be investigated promptly and impartially, adhering to data protection principles and procedural fairness.
- Monitoring and Evaluation: HR should analyse grievance data and review policies regularly to ensure effectiveness, demonstrate due diligence, and identify systemic patterns of misconduct.

Beyond compliance, HR must address the organisational conditions that allow bullying to emerge. High-involvement work practices, often characterised by employee participation, transparency, and developmental support, are associated with lower bullying prevalence (Bunce et al., 2024; Lundmark et al., 2024). Sustainable prevention therefore involves leadership accountability, cultural change, and integration with broader diversity and well-being initiatives.

Discussion

The UK's reliance on a patchwork of laws has produced inconsistency and under-protection. While statutes such as the Equality Act 2010 and PHA 1997 provide partial remedies, many victims remain without recourse when bullying falls outside statutory definitions (Bunce et al., 2024). This gap perpetuates underreporting and normalises certain forms of psychological aggression. Scholars have argued that the absence of a clear legal definition also hinders research and policy development (Branch et al., 2013).

Comparative analysis underscores the UK's exceptionalism in lacking a specific anti-bullying statute. Sweden, France, Canada, and Australia each have dedicated laws prohibiting psychological harassment at work (Salin et al., 2019; Hsiao, 2015; Jeong et al., 2024; Lippel, 2011). These jurisdictions adopt a preventative and rights-based approach, emphasising organisational responsibility. The International Labour Organization's *Violence and Harassment Convention (C190)* similarly advocates comprehensive national frameworks to address workplace violence. Although the UK has not ratified C190, its influence is visible in evolving discourse on dignity at work.

Recent developments suggest gradual movement toward reform. The Worker Protection Act 2023 introduces a preventive duty regarding sexual harassment, while the proposed Bullying and Respect at Work Bill—currently before Parliament—seeks to establish the first statutory definition of workplace bullying and an enforceable employer duty to prevent it. Should it pass, it would harmonise UK law with international standards and offer clearer protection to employees. Amid these changes, HR leaders must balance compliance with proactive risk management. The increasing emphasis on psychological safety demands that HR integrate anti-bullying measures into broader well-being and inclusion strategies. This includes risk assessments, leadership development, and early conflict resolution.

The rise of hybrid and remote work adds new complexities: bullying may manifest digitally through exclusion or online hostility (Bunce et al., 2023). Policies must evolve accordingly, ensuring that digital conduct is governed by the same behavioural expectations as in-person interaction. Moreover, HR's credibility depends on impartial enforcement, particularly where perpetrators occupy senior roles. Transparency and fairness in procedure are essential to

restoring trust and maintaining ethical legitimacy. Ultimately, law alone cannot eradicate workplace bullying. The most effective deterrent lies in organisational culture, one that values respect, empathy, and accountability as core performance attributes.

Conclusion

The legal and policy landscape governing workplace bullying in England and Wales remains fragmented but evolving. While no statute directly prohibits bullying per se, employers bear extensive obligations under equality, health and safety, contractual, and tortious principles to prevent harm and promote welfare. The Equality Act 2010, Health and Safety at Work etc. Act 1974, Employment Rights Act 1996, and Protection from Harassment Act 1997 together form a layered framework of accountability. The Worker Protection Act 2023 and the proposed Bullying and Respect at Work Bill signal a shift toward prevention and statutory coherence.

For HR management, compliance alone is insufficient. Effective prevention requires embedding anti-bullying principles into organisational culture through robust policy, continuous training, accessible reporting, and transparent accountability. HR practitioners must act as both legal custodians and moral stewards, ensuring that respect, dignity, and psychological safety are operational realities rather than aspirational values. Encouragingly, the evolution of UK employment law suggests a growing recognition of dignity at work as a fundamental right. Until legislation is enacted with specificity to bullying and associated harassment, it remains the responsibility of employers to translate this ethical imperative into everyday practice, towards the creation of workplaces where respect and consideration is a social norm rather than a legal prompt.

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