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## Formal grievance letter bullying

Written by: Mike Johnson Written in: July 14, 2020 Bullying is not just a problem for the playground. Adults can also be bullied, especially at work. If you feel you are being pushed, harassed, overly criticized, humiliated, isolated or unfairly burdened at work, then you may be victimized and bullied by one or more co-workers. If this is the case, you have the option of writing a letter of complaint about being bullied with your boss to try to resolve the situation and do something about this unfair treatment. Write the letter to your direct superior. Address your superior in the greeting, as: Dear Mr. Smith. Bullying is not just a problem for the playground. Write the letter to your direct superior. Explain in the first paragraph of the letter that you are writing to describe unfair or intolerable working conditions. Name the specific employees who are bullying and how long this behavior has been happening. Talk about the specific nature of bullying in the following paragraphs. Include dates for each incidence you describe. Keep your emotions out of your letter and describe only the facts. Describe the impact bullying has had on you personally and professionally, such as stress, anxiety, headaches, insomnia, lack of self-esteem, lack of concentration, fear, or not performing responsibilities at work on time. Tell your supervisor how you'd like to resolve this situation. Give your supervisor a deadline to privately address the employee who intimidated you and implement company policy to deal with harassment, as this type of behavior is unacceptable in the workplace. The supervisor should point out that there is a real consequence to any continued misconduct, according to the law, rather than just a vague notice without accountability. Explain in the first paragraph of the letter that you are writing to describe unfair or intolerable working conditions. Give your supervisor a deadline to privately address the employee who intimidated you and implement company policy to deal with harassment, as this type of behavior is unacceptable in the workplace. Sign and date the letter of complaint so that it is official before handing it over to your supervisor. Make a copy of the letter for yourself in case you need to take the issue of bullying a step higher in your organization. Are you being subjected to workplace bullying and unfair treatment? This site provides a free bullying in the workplace Grievance Letter Example. This page last updated on 19.2.20. Note from Sam Stone: The only way to help you write your letter of complaint is if you spend the time to educate yourself by reading through the pages of this site to articulate your statutory rights. There is no other site like this on the Internet, which explains your labor rights, the law, as the law applies to you, and jurisprudence to help you write your complaint complaint for work-related stress, bullying and harassment, and discrimination. Therefore, do not click on this site until you have scrolled through all the pages, which web pages should help you write a better letter of complaint to your employer. Remember, a poorly written complaint letter will allow your employer to bereave your complaints. You only have one chance to hit your complaint card, so here's your chance to do just that! [www.formalgrievance.com](http://www.formalgrievance.com) is a dedicated website to help employees who are being subjected to workplace bullying, workplace bullying, workplace harassment, workplace harassment, or bullying and harassment. A letter of complaint is also available to those employees who are considering writing a letter of complaint to their employer to enter the complaint process. What is harassment and how is it different from Bullying? When writing a letter of complaint to your employer's HR Department, you cannot say that you have been subjected to unfair treatment. You have to establish if you have been (1) harassed; (2) intimidated; (3) discriminated against. If you have been discriminated against, then you need to establish whether the treatment amounts to less favorable treatment or unfavorable treatment. I wrote a page about unfair treatment at work. The difference between harassment and bullying is easy to explain, meaning harassment is in what is called protected terrain. A protected land is related to your age, race, disability, sex, sexual orientation, religion, marriage etc. under the Equality Act 2010. Examples of illegal harassment: If someone came to you at work and said – Debbie, you have a nice pair of boobs that would be harassment 'related' to your sex. If you're black and someone said - you damn n\*\*\*\*\* that it would be harassment 'related' to your race. If you're old and someone said – you're a dinosaur companion who could potentially be harassment 'related' to your age. If someone at work says : all of you Muslims are terrorists that would be harassment related to your religion. In short, if the conduct is 'related' to your gender, age, race, religion, etc., then it amounts to 'harassment'. However, if the conduct is NOT 'related' to your gender, sexual orientation, age, race, disability, religion, etc., then it amounts to 'bullying'. Either way, whether you've been bullied or harassed is what you think is offensive or unworthy that's important. For the avoidance of doubt, it's not what your employer or your HR Department determines what's offensive to you. The Employer has to take into account the damage done to his feelings as the victim's recipient. So, when writing a letter of complaint to the HR Department, be sure to state how you felt and/or are feeling. Bullying and Harassment can also be called unwanted conduct. So in your letter of complaint to HR you may want to something like: The unwanted conduct that I've been for was both uninvited and undesirable. It created a hostile, oppressive and intimidating work environment. For the avoidance of doubt, bullying and/or harassment need not be 'related' to you personally. If you are at work and witness someone bullying or harassing another person, then the law takes this into consideration that it can still cause harm to 'your' feelings even if you were not, by itself, the victim of bullying or harassment. Example Harassment: You are Asian and work with other Asians within a Company Department. A non-Asian person tells one of his co-workers – you're all the same. This potentially amounts to 'race-related' harassment for the reason that 'you' considered the statement unworthy, although it was not directed at you personally. The Employment Statutory Code of Practice 2011 (Chapter 7) covers harassment in more detail. It also provides other examples of harassment. I wrote an Aid letter template, which is available on this site for only £12. The Complaint Letter Template Assistance helps you write a letter of complaint to your employer's HR Department. The Aid letter of complaint template covers (1) work-related stress; (2) bullying and harassment; (3) discrimination. It also describes what to do, and what not to do in the invocation of the complaint procedure and, in addition, in writing a letter of complaint to your employer. The Equality Act 2010 – Definition of Harassment at Work The Equality Act 2010 defines harassment as: unwanted conduct that should have the purpose or effect of: Violating the dignity of the victim's beneficiaries or: Creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim's recipient. If you believe you have been bullied and/or harassed, then make sure that you declare it in your letter of complaint to your employer's HR Department. Equally important, you should state in your letter of complaint to HR how your harasser's unwanted conduct made you feel. This is the most important thing you can do, as injury to feelings on the Wind Scale can pay up to £44,000 at the Employment Tribunal. In HM Prison Service v Salmon, the Employment Court upheld a £20,000 judgment for injury to feelings, including £5,000 aggravated damages, and a separate, uncounted award of £15,000 for psychiatric injury, made by an employment tribunal that had partially upsed the complaint of a former prison officer for unlawful sex discrimination Section 26 of the Equality Act 2010, is for harassment under a protected feature, viz: race, disability, religion, sex, sexual orientation etc., Incidents of bullying or harassment do not need to be connected. Harassment doesn't have to be from the same person either. Therefore, it is essential that within your letter of complaint that you outline how bullying or harassment made [you] feel. Where employer does not accept reasonable and practicable practicable to avoid further interruptions and harassment, your employer may be vicariously responsible in accordance with s.109(1)(2)(3)(4)(a)(b) of eqa 2010 (Equality Act 2010) – Caniffe v East Riding of Yorkshire Council (2000, IRLR 555, EAT). In fact, the person who subjects you to harassment you may be personally responsible for the harassment. Under s.110(1)(a)(b)(c)(2) EQA 2010, the individual who beaffects you may be appointed as an additional respondent appointed in civil proceedings. Under s.111 EQA 2010, a person shall not cause, instruct or induce another person to harass you and/or discriminate against you. This is very important where mobbing occurs in the workplace. Under s.112(1) EQA 2010, one person should not help another to harass you. If you need help writing a letter of complaint for bullying, harassment and/or discrimination, please contact me [samstone@formalgrievance.com](mailto:samstone@formalgrievance.com) (business hours only if by phone!) Having been personally the victim of bullying and harassment at work, I know firsthand how this leads to a diagnosis of work-related stress, anxiety, anxiety attacks and depression being made by your GP. I know why I've walked in your shoes, not once, not twice, but three times! That's why I created this site to help people like you. Sometimes people come to me, who are so down trodden by their employer that they can't even put a letter of complaint together to their employer. This is where I can help you - read my testimonials page! Labour Court – Balance of Probabilities In fact, it is rare for an employee to have 'evidence' of bullying/harassment at work, to which he has been subjected. Harassment in the workplace is usually subtle, the harasser is careful to ensure that there are no witnesses of bullying in the workplace. Fortunately, the Employment Tribunals recognize this and take that into account. However, the burden of proof under s.136 EQA 2010 is on [you]. Your letter of complaint to HR should outline a prima facie case against your employer, and the people who have subjected you to bullying, harassment and/or discrimination. A poorly written letter of complaint for bullying and harassment will be discarded by your employer, your HR Department and the Company's lawyers. On the other hand, a well-written letter of complaint for bullying and harassment will not be discarded! For a well-written example of a letter of complaint for bullying and harassment, purchase the £12 Letter of Complaint Template Assistance and regain control and power of the bullying/harassing person! It is my own experience that workplace harassment occurs due to mismanagement, mismanagement or mismanagement. Often, senior management has little determination to confront the harasser, or more likely than not, are the harassers themselves. In my case, I used my cell phone to record and film my manager sexually harassing me at work. The legality of making secret recordings is covered in the Model £16. I also asked I asked line manager why she acted the way she did to me, and picked up every word she said on my cell phone. Consequently, I had concrete evidence of the ongoing harassment. I also got another employee filming my manger sexually harassing me on his cell phone at a job. Believe me, when it comes to harassment, a painting paints a thousand words! The result of the video and audio evidence was that I was able to support my letter of complaint with concrete evidence. However, using your mobile phone is not always possible, and in these situations you can visit the Spy Shop online and buy one of these spy pens. This is a great device for 1 to 1 meetings where the line manager is no longer giving you the support you need. It is also great for human resources meetings in complaints and disciplinary hearings. Unless your Company has a policy or procedure that prohibits this practice, then it's a fair game. I haven't come across an employer policy that mentions recording meetings. However, be careful making secret recordings. Your employer could argue that you violated the implied term of mutual trust by making secret recordings. Put the Burden on your Employer If you choose to file an Employment Tribunal claim due to workplace harassment or workplace discrimination, the onus is on the employee to establish facts, that on the balance of probabilities what you claimed in your ET1 [employment court application] actually occurred. This is different from saying a criminal trial, while beyond a reasonable doubt has to be established. The Employment Tribunal acknowledges that the employer will hardly admit any liability for the alleged offences (errors). The employer will attempt to establish that the claim of the applicant has no merit. The employer will claim that your ET1 is poorly designed by throwing away as much as it can. Remember, the employee's burden is to transfer the burden of proof to the employer in accordance with S.136 of the Equality Act 2010. Examples of free complaint letters below are two examples of a hypothetical incident of sexual harassment in the workplace. Another more in-depth sample letter of complaint to work-related stress, harassment, and disability discrimination is available in [www.formalgrievance.com](http://www.formalgrievance.com). The first example of a letter of complaint is a bad example of what to declare within your letter of complaint, as it does not establish how you (the victim's recipient) felt:- Mr. Shart grabbed his crotch and told me he wanted to give me a large part afterwards. I was a little carried back, as my co-workers just stood there laughing at me. Good example of a letter of complaint: I found Shart's conduct unwanted. I felt that his actions were with deliberate intent, the purpose and effect to embarrass me, which is how he made me feel. I found Shart's statement that he give me a big part to be offensive, and more unworthy. The fact that my colleagues just stood there laughing at me humiliated me. Mr. Shart's conduct was totally inappropriate. I don't know what made you believe that your behavior was acceptable to me. However, I felt that my colleagues laughed at me, they forgave shart's unwanted conduct In the good example above, the wording covers the legal definition of harassment. You informed your employer that (i) you found Shart's conduct unwanted (ii) you felt ashamed (iii) you found Shart's conduct offensive and unworthy (iv) you established the fact that you felt humiliated (v) that in no way did you encourage Shart to behave the way he did; Shart acted of his own free will, and of his own will (i saw) you felt that your colleagues forgave Shart's unwanted conduct for her failure to stop him. In the good example of workplace harassment, you have made it difficult for your employer to point the finger of blame at you, as doing so may equate to the employer who subjects you to injury for exercising a legal right when submitting a letter of complaint. Banter workplace However, from my own experiences, your employer will undoubtedly seek to put some of the blame on you, to limit your liability, and discredit you. He will claim that you were joking, and that Shart's conduct was merely harmless joke, viz: colloquial. They may even imply that you somehow encouraged Shart's behavior, and that Shart was only reacting to you 'egging it' in front of your co-workers. Nevertheless, unless you are able to establish facts from which the Employment Tribunal could conclude that the harassment occurred, your claim is pointless. That's why it's so important that you have your ducks in a row before submitting your letter of complaint. (see: model aid letter of complaint) Webmaster's Thoughts: When it comes to harassment at work, the law is pretty clear. It's what the victim's recipient finds offensive, undignified, embarrassing, degrading, hostile or intimidating. It's not for your employer to decide how you [FELT]. Each person knows what he feels is harmless play and also, behavior that is not acceptable to them. You need an action plan. Gather all evidence and facts BEFORE you present your letter of complaint. Once the complaint procedure is invoked, your employer will appoint an investigating officer who will endeavor to limit the liability of organizations. Remember, the appointed investigator is there to protect the organization – not you! You will have no control over the appointed investigator, or the questions he will ask his co-workers, or how that person will investigate what you claimed. Keep in mind that the investigator is also an employee, and will not jeopardize his own career by finding any evidence of harassment, which may have occurred. So before you invoke complaint procedure, obtain witness statements from your whenever possible. You want short statements, giving the date, the time, the place, what the harasser declared, and who else was present. Have the person sign and date your witness statement, and provide your name and address. From my own experiences, your colleagues will put as much distance between you and them as soon as the investigation begins. They won't want to get involved in your complaint, or risk losing your own job – warned is forearmed! Legal Definition of Harassment The legal definition of harassment under S.26 of the Equality Act 2010 is as follows: Unwanted conduct that must be related to one of the following protected characteristics: sex by gender age gender marriage of gender and gender reassignment religion of civil partnership. Unwanted conduct must have the purpose or effect of: violating the dignity of the victim's beneficiaries, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim's recipient. In fact, it is not difficult to establish that harassment (unwanted conduct) violated your dignity. In almost all cases of harassment will be seen by the victim as having been, or had the effect of being degrading, humiliating, offensive or hostile. The key is that you MUST link harassment to one of the protected features mentioned above. If it is worth anything, in accordance with s.110(b)(c)(2) of the Equality Act 2010, the harasser may be held personally liable for his or her conduct in harassing you. Within your letter of complaint, I would inform your employer that they need to warn your harasser in writing to give up harassing further; otherwise, the Company would leave you no choice but to appoint your harasser as an additional respondent appointed in any Employment Tribunal case. This usually puts the fear of God in the employer and the harasser, because the last thing the employer wants is to be held responsible for harassment under S.109(1)(2)(3)(4)(a)(b) of the Equality Act 2010. In addition, if the employer does not take reasonable steps to prevent other employees from adhering to (google workplace mobbing) then the employer may be liable for inducing, causing and assisting misdemeanors under s.111 of the Equality Act 2010. If you need a personalized letter of complaint to your employer, please contact me. There is nothing like a little law and some case precedents cited within your letter of complaint to bring your harasser to your senses! If you believe you have been harassed due to your gender, sexual orientation or sexual nature, click here: If you believe you have been harassed for having a disability, click here: You may be surprised at what legally constitutes having a disability. I strongly suggest that you read this section, as you may have a disability, which you did not know is a legally recognized disability. The following are employment tribunals recognise. However, the list is not exhaustive! [www.formalgrievance.com](http://www.formalgrievance.com) – how to write a letter of complaint to your employer to enter the complaint process due to workplace stress, workplace harassment, or workplace discrimination. [www.formalgrievance.com](http://www.formalgrievance.com) contains a free letter of complaint, and templates of letters of complaint, examples and samples of letters of complaint. Letters.