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PERSONAL LIABILITY & BULLYING AND HARASSMENT (UK)

Why this matters at board level

Bullying and harassment are no longer viewed solely as employment relations issues. UK courts, tribunals, regulators, and the media increasingly treat them as governance, health & safety, and leadership failures, with direct implications for directors personally.

1 DIRECTORS CAN BE PERSONALLY NAMED

Under the Equality Act 2010, individuals (including directors) can be held personally liable if they:

- ☐ The organisation has a clear, unambiguous Bullying & Harassment Policy
- ☐ Policy defines unacceptable behaviour with practical workplace examples
- ☐ Applies equally to employees, managers, directors, contractors, and third parties

Key point: Liability does not require intent, inaction can be enough.

2 "I DIDN'T KNOW" IS A WEAK DEFENCE

Tribunals increasingly reject claims that:

- ☐ Senior leaders were unaware of behaviour patterns
- ☐ Complaints were "localised" or "isolated"
- ☐ Culture issues were operational rather than strategic

Directors are expected to know what is happening in their organisation and to ask the right questions

3 THE "REASONABLE STEPS" DEFENCE IS BEING SCRUTINISED

Employers may defend harassment claims by showing they took reasonable steps to prevent it. Case law shows this defence fails where:

- ☐ Policies exist but are poorly communicated
- ☐ Training is generic, outdated, or tick-box
- ☐ Managers are promoted without behavioural capability
- ☐ Complaints are handled slowly or inconsistently

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KEY CASE LAW & TRIBUNAL TRENDS

1 CULTURE EVIDENCE IS NOW CENTRAL

Tribunals increasingly examine:

- ☐ Leadership behaviour and tone from the top
- ☐ Patterns across teams, not just individual incidents
- ☐ Whether senior leaders challenged or normalised behaviour

Single incidents are often judged in cultural context.

2 PSYCHOLOGICAL INJURY CLAIMS ARE INCREASING

Claimants are more frequently pursuing:

- ☐ Stress-related injury claims
- ☐ Constructive dismissal linked to bullying
- ☐ Breach of duty under health and safety law

Awards are rising, particularly where organisations failed to act early.

3 SENIORITY INCREASES RISK

Where the alleged perpetrator is:

- ☐ A director
- ☐ A senior leader
- ☐ A “key performer”

Tribunals apply higher expectations of awareness, responsibility, and impact.

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REGULATORY & REPUTATIONAL EXPOSURE

1 REGULATORS

Bullying and harassment can trigger scrutiny under:

- ☐ Health & Safety Executive (psychosocial risk)
- ☐ Professional and sector regulators
- ☐ Whistleblowing frameworks

2 REPUTATION

Even where legal claims are defended:

- ☐ Stress-related injury claims
- ☐ Constructive dismissal linked to bullying
- ☐ Breach of duty under health and safety law

WHAT GOOD PRACTICE LOOKS LIKE FOR DIRECTORS

Directors who reduce personal and organisational risk:

- ☐ Treat bullying and harassment as board-level risk
- ☐ Ask for evidence, not reassurance
- ☐ Intervene early when behaviour concerns arise
- ☐ Apply standards consistently, including to peers
- ☐ Ensure managers are trained, supported, and held accountable

Key Director Question

"If this were scrutinised by a tribunal, regulator, or journalist, could I confidently explain what I personally did to prevent it?"

If the answer is unclear, risk remains.