



---

## WHAT IS HARASSMENT ON GROUNDS OF DISABILITY? GUIDANCE FOR MEMBERS

MARCH 2009

---

This brief guide for NUT members outlines the legal definition of harassment on grounds of disability, explains who is protected, and summarises the first steps you should take if you think you are being subjected to such harassment.

### **Who is protected from harassment on grounds of disability?**

All disabled teachers have specific protection at work from harassment on grounds of disability if their disability is covered by the Disability Discrimination Act 1995. You are protected if the reason for the harassment relates to your disability. You are protected whether you are permanent, fixed term, full-time, part-time, supply or agency. You are protected from harassment from your colleagues, managers and governors.

### **What about harassment by pupils or parents?**

Your employer must take steps to prevent and deal with unlawful harassment at work by third parties such as pupils or parents, especially if you have reported third party harassment before. You should take the steps outlined below.

### **What is harassment on grounds of disability?**

It is unwanted conduct, for a reason which relates to your disability, which violates your dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for you.

Harassment is unlawful whether it is on grounds of your actual disability or on grounds of something related to your disability such as an aid or a symptom or manifestation of your disability.

### **What sort of behaviour is covered?**

Disability harassment would include hostile and intimidating behaviour by colleagues towards you because you have multiple sclerosis or because you are HIV positive. Or it could include degrading or humiliating behaviour towards you, such as unjustified criticism, allegations that you are not 'pulling your weight', or pressure to take ill-health retirement.

Intimidating or degrading behaviour, such as name-calling or offensive disablist 'jokes' by pupils or colleagues or graffiti could amount to harassment.

A single incident might constitute harassment if it is sufficiently serious. A series of incidents is likely to amount to harassment especially if you have given a clear indication that the behaviour is unwanted.

### **How do I know if I am being harassed on grounds of my disability?**

An individual may or may not intend to be harassing you. What is important is the effect of their behaviour on you. The treatment might be on more than one ground, for example your age and your disability. If you feel that you are being harassed, the NUT will help you consider the circumstances which gave rise to that belief and advise you accordingly.

### **What should I do if I think I am being harassed on grounds of my disability?**

If you can, ask for the behaviour to stop. Keep notes of all incidents of unwanted conduct, including dates, times, places, the names of any witnesses and your response to the behaviour. Offensive pupil behaviour should be reported under the pupil discipline procedure or in writing to your head teacher. You should inform your NUT school representative or association or division secretary who should contact your regional/Wales office. Your colleagues may have made similar complaints and you may be advised to tackle the issue jointly. The NUT urges all schools to adopt clear harassment and bullying policies and procedures for dealing with workplace harassment fairly and quickly. Ask your NUT representative or your school office for a copy.

The NUT will be able to advise you what steps you should take. You may be advised to deal with the matter informally, for example by writing a letter to the individual asking for the behaviour to stop, or you may be advised to lodge a formal grievance. In rare cases you may be advised to take the matter to an employment tribunal. The objective in all cases will be to put a stop to the offensive behaviour and allow you to continue teaching in a safe and professional environment.

### **What should my employer do if I complain?**

Your employer should fully investigate your complaint and take appropriate action to stop further unwanted behaviour or conduct.

### **What if I'm afraid that the behaviour will get worse?**

The answer is to act promptly. Informal steps may resolve the matter quickly with minimum disruption. On the other hand, formal proceedings may be necessary. The NUT will be able to advise you.

You must not be treated less favourably because you have asserted your statutory rights by, for example, lodging a grievance. Your employer will be liable for subjecting you to such retaliation or punishment.

### **Where can I find more information on harassment?**

You are urged to inform your NUT school representative or association or division secretary or regional/Wales office if you feel harassed on grounds of disability or on more than one ground, for example your disability and your racial origin.

Further information on discrimination, harassment and bullying, including harassment on grounds of race, sex, transgender status, disability, sexual orientation, religion or belief and age can be found at [www.teachers.org.uk](http://www.teachers.org.uk).