

## Press Release

### *Harassment at Work*

It is not often that the House of Lords has to look at issues of harassment but the following case should be of interest.

Claire Bell, a Director at Actons Solicitors says “The Lords recently ruled that an employer is liable for workplace harassment even if they were not in any way negligent. There may be many more harassment claims to follow. The law that was applied, following the decision in this case was anti-stalking legislation. An NHS employee held his employer responsible for a superior's treatment of him. Majrowski, the claimant, worked for Guy's and St Thomas' NHS Trust in London and claimed that his superior, Sandra Freeman, was rude and abusive to him in front of colleagues. Majrowski, who is gay, claimed that the abuse was fuelled by homophobia. The Lords ruled in favour of the claimant.

The House of Lords said that the Harassment Act 1997 (“the Act”) covers the behavior of employees at work even when the employer has not caused or failed to prevent the offending behavior. Employers are liable for the acts of employees. Protection under the Act does not define harassment, which has enabled courts to interpret it to mean tabloid newspaper campaigns and the behavior of animal rights activists in various cases. Until the Lords’ decision an employee had to prove an employer was negligent in not stopping bullying taking place and that it had caused them psychological damage. This new decision means that companies can be sued even if the company cannot be expected to have known about the bullying.

If you would like further advice on this area or any other Employment issue, please contact Claire Bell on **0115 9 100 200** or email **[enquiries@actons.co.uk](mailto:enquiries@actons.co.uk)**

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### *Notes*

1. To prove this offence there needs to be evidence of a course of conduct and harassment on several occasions
2. See <http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060712/majro-1.htm> (the decision)

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