



## FOCUSING ON INAPPROPRIATE "BANTER"

How do you define the fine lines between workplace banter and bullying, victimisation or harassment?

The problem is that what one person might consider banter and fun might cause others offence, particularly when prolonged in nature or directed towards individuals.

With regards to inclusion it is worthwhile considering how banter can adversely affect the diversity of a workforce and where a "bit of fun" could end in disciplinary actions, a court room or a tribunal.

### DID YOU KNOW

Employers who pass off racial slurs or sexual harassment as "banter" will likely find themselves on the wrong end of any employment tribunal.

Employers should protect themselves with appropriate policies and training in areas such as equality, diversity, harassment and bullying. Such policies should be enforced and failure to address actions or language that cause offence will give little defence.

### IN THE COURT

- Showing that one person may find "banter" to be funny is no defence if an equivalent person has taken offence.
- The strength of someones character to withstand banter does not lessen an offence. It simply means a person may have endured injury or offence for longer.
- Just because the banter directed at an individual is known not to be true, it is no defence against a case of discrimination.
- An existing known culture of banter, foul, racist or sexist language in a workplace is also no defence against a case of discrimination.

TERMINATION OF EMPLOYMENT

### STILL JUST A BIT OF BANTER?

The TUC sponsored report from 2016 "Still just a bit of banter?" highlighted the continuing prevalence of sexual harassment in the workplace. Research for the report indicated the level of harassment to which women are subjected.

- 52% of all women polled had experienced some form of sexual harassment.
- 35% of women had heard comments of a sexual nature being made about other women in the workplace.
- 32% of women had been subject to unwelcome jokes of a sexual nature.
- 28% of women had been subject to comments of a sexual nature about their body or clothes.
- Nearly one quarter of women had experienced unwanted touching.
- One fifth of women had experienced unwanted sexual advances.

Sexual harassment includes indecent or suggestive remarks, circulation of pornography, unwelcome physical contact or requests for sexual favours.

Since that report was published we have seen such sexual harassment in the headlines in the film and media industry highlighted with the #MeToo campaign, something which has moved the issue forward regards what is, and clearly isn't, acceptable behaviour today.

Whilst the issues are certainly not a male only problem it is predominantly men being confident to harass women in male dominated environments or where men hold the power in the working relationship.

We should all be clear that harassment cannot be passed off as banter.

We should all be strong enough to challenge it where it occurs.

### CAUSING OFFENCE

Banter is not always inappropriate and a good working relationship with colleagues can be aided by some light hearted exchanges.

Think carefully though if what might be a fun exchange backfires or banter persists, if the butt of the joke is always the same person or if someone's nickname singles them out for continued harassment.

This is where offence and harm are fostered.

### DID YOU SEE

BBC News 2017 - "Audi apprentice killed himself after workplace banter".

Webpage "Office Banter: How to draw the line" from [www.acas.org.uk](http://www.acas.org.uk).

TUC Report "Still just a bit of banter?" from [www.tuc.org.uk](http://www.tuc.org.uk).

Webpage "Harassment at Work" from [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).