10 things it is useful to know about 'Banter'

1.   What is 'Banter

The Oxford English dictionary definition of banter implies that it is the playful and friendly exchange of teasing remarks. Sounds straightforward enough, however 'banter' can fall in-between good natured, inclusive, amusing-to-all jokes and intentional, cruel or humiliating comments. So how do you stop a joke from 'going too far'? Hopefully the list below, based on examples and comments that have come via the BAJR RESPECT group will provide some tips for avoiding offensive banter.

2.   The legal case

The Equalities Act 2010 make it clear that employees can bring a claim for discrimination or harassment in situations where they have either received personally, or have overheard, banter which they find inappropriate and unacceptable. *More on this below.*

3.   "It was just a joke"

Claiming a comment that someone else has found upsetting or offensive was just meant '*as a joke'* doesn't always hold up as a defence. It is not about whether the person responsible for the banter intended to offend, but whether it had the effect of causing offence.

4.   Banter vs bullying

Everyone appreciates good natured humour at work, it is an important part of colleague interaction. Banter could be classed as bullying, however, if an individual or individuals persist in repeating jokes and or comments that are unreasonable, or offensive to others. If banter is tackled there is far less chance that major harassment and bullying will occur. Banter doesn't have to be directed at you personally, if you overhear banter that you find offensive or that you can see has caused another person distress then you can report it. If someone is repeatedly the centre of jokes they may be ok with this or they be 'playing along' – if you witness this and are in doubt, ask the individual privately.

5.   "But they laughed too"

Within a group setting, people may feel they have no option but to be seen to go along with behaviour they find offensive, especially if the perpetrator holds a more senior role, as they may feel to do otherwise might jeopardize their job. This is particularly true for new and less experienced colleagues and/or those that identify with a protected characteristic.

6.   Protected characteristics

Not sure if your banter is ok or offensive? A good reminder is to make sure your comments do not relate to a protected characteristic as defined by the Equalities Act 2010. These are: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation. Crossing this line is where banter can slip into harassment.

7.   "Political correctness has gone too far"

Comments and jokes that seek to humiliate or denigrate are not a *'playful and friendly exchange'*. Refraining from making or engaging with comments that are likely to cause offence is not about '*political correctness gone mad*' or about removing fun from the workplace. It is important to distinguish between banter, bullying and harassment to ensure a safe working place where bullying and harassment are not hidden as 'banter'.

8.   "But they were not offended?"

Claims are assessed subjectively, so it is the perspective of the claimant that is considered. Different people respond in different ways to banter – if two people share a protected characteristic just because one may find a joke amusing this is irrelevant if the banter has still caused offence to another.

9.   Employer action

At BAJR RESPECT we talk about polices…a lot! However it is worth checking if your employers' policy on bullying and harassment includes any examples of unacceptable banter. Employers are liable for any harassment experienced by their staff.

10.   Acceptable banter

It is perfectly normal workplace behaviour to mildly tease, play jokes and have a laugh with colleagues. Accidental offence happens, and if it does then an apology and a mental note to avoid repeating the mistake is often all that is required. All employees should feel safe and respected in their workplace and avoiding hostile 'banter' is one step we can all make to help bring this a step closer.