It's Just Banter
Factsheet 1

What are Protected Characteristics?

Protected characteristics are traits that cannot be discriminated against accoriding to the law. The nine protected characteristcs acccording to the Equality Act 2010 are sexual orientation, marriage or civil partnership, pregnancy or maternity, disability, sex, gender reassignment, race, religion or belief, and age.

It is unlawful for an employer to discriminate against an employee because they have a protected characteristic. Employers can also be responsible if one employee discriminates against another with one of these traits. A common way that discrimination can occur in the workplace is through banter. Let's review the 'banter scale', which tells us the different types of workplace banter to be on the lookout for.

Types of Banter

1. **Friendly Banter** is a staple of a good workplace. Colleagues have harmless fun, and the jokes do not cause upset of any kind. Protected characteristics are avoided when making funny comments to colleagues.
For example, 'You'd look really cool with a mohawk!'

2. **Ignorant Banter** is when a comment hurts someone's feelings without intention. This usually happens because somebody wasn't yet educated on a topic, and once they are, the situation is usually resolved with an apology.
For example, 'I just love touching Sammy's afro hair!'

3. **Malicious Banter** is when somebody makes a comment that knowingly humiliates and/or hurts the feelings of someone else. This type of banter is really just bullying masquerading as a joke and is often done in a public setting.
For example: 'This is James, our resident Batty Boy!'

It's Not All Bad

It is incredibly important to avoid the kind of banter that hurts others' feelings, so does that mean we should eliminate banter altogether? Not at all! Friendly Banter has a key role in many organisations, providing company culture, a brief break from all the serious stuff, and a way to celebrate the wins.

Working From Home

Even though many people are now working from home, workplace conflict can still occur. Making sure that what you say over email, including any emojis you use, are all appropriate is important. After all, your boss can still see what you're sending even if you are working remotely.

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Factsheet 2

When Banter Goes Too Far

When banter goes too far, it becomes bullying and even workplace conflict. If your jokes or comments cross a line, you could not only hurt the feelings of others but also end up facing disciplinary action. For example, if someone reports what you have said to HR, their next steps could be anything from a blanket email about being mindful of what you say to a full investigation into your actions. However, banter is important to the workplace so cannot just be removed. Instead, we can ensure that we are all working towards preventing banter from going too far.

Stopping Banter Gone Too Far

Ending Workplace Conflict

A great tool for stopping banter that has gone too far is **empathetic listening**. This is when you give your full attention to the person talking and give them empathy instead of being dismissive. Saying things like 'that sounds hard' instead of 'you'll be fine' will **improve your conflict resolution skills**. If banter does go to far, empathetic listening can stop it in its tracks. For example, if somebody comes to you with a concern about something you've said, try to empathise with how it has made them feel rather than saying 'it was just a joke'.

Remembering the different types of banter, also known as the 'banter scale', can be very useful in ending banter gone too far. If you're unsure if a comment crosses a line, compare it to the definitions on Factsheet 1. If the comment was Ignorant Banter, try to explain to them why it was hurtful. If this does not work or the comment was Malicious Banter, you many need to get HR involved.

Preventing Workplace Conflict

A key way to prevent banter from becoming bullying is by **ensuring all employees are aware** not only of protected characteristics but also of other areas of diversity and inclusion. Consider awareness training in areas such as unconscious bias and LGBT+ terminology.

Another method for preventing banter from turning into conflict is **being mindful**. This includes thinking over what you're going to say before you say it. It can also mean remembering that other people around you have different views and that your banter should be inclusive of them. It is also a good idea to keep in mind the fact that you could be disciplined if your banter goes too far.

It is also a good idea to **consider the 'banter scale'** if you are unsure if what you want to say could offend. Identifying which type of banter your joke fits into will allow you to avoid making offensive comments.