

Amicus Guide to Tackling Bullying at Work

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■ 1. INTRODUCTION

It has been increasingly recognised that bullying in the workplace is a major problem throughout industry. Whilst discriminatory harassment, such as sexual and racial, have been dealt with in law, unfortunately other bullying complaints are more difficult to pursue as a legal claim.

Bullying not only has a destructive effect on the victim, it also damages workplace morale and performance. The more we acknowledge the problems of bullying and tackle them, the better the world of work will be for worker and employer. This guide is to give the reader an introduction into the issues surrounding bullying and offer practical advice for representatives to tackle this problem.

■ 2. WHAT IS BULLYING IN THE WORKPLACE?

Definition of bullying

Because workplace bullying is badly understood it is helpful to have a working definition. In this document workplace bullying is defined as

"Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress"

As with harassment, bullying is defined largely by the impact of the behaviour on the recipient not its intention.

Why does bullying occur?

Individual factors

It is not helpful to try to draw up a stereotype of a bully or of a bullied person. Bullying behaviour may occur for many reasons and anyone may become a target of bullying. However, certain personality characteristics of the bully such as aggressiveness, sarcasm, anger, maliciousness may come to the fore in certain work circumstances.

Bullies may lack confidence or feel insecure in their position. They may see every suggestion from someone else or every disagreement with their opinion as a challenge to their authority. They may be envious of other people's abilities, success and popularity. They may take a completely irrational dislike to some aspect of a person's personality, appearance or way of doing things.

Their bullying behaviour may be rooted in childhood experiences of being bullied or of always having their own way.

Organisational factors

What is increasingly clear is that organisational factors play an important part in whether or not bullying takes place at work. The sorts of workplaces where bullying is more likely to occur are those where there is/are

- an extremely competitive environment
- fear of redundancy
- fear for one's position
- a culture of promoting oneself by putting colleagues down
- envy among colleagues
- an authoritarian style of management and supervision
- organisational change and uncertainty
- little participation
- lack of training
- deskilling
- no respect for others and their point of view
- poor work relationships generally
- no clear codes of acceptable conduct
- excessive workloads and demands on people
- possible targets or deadlines
- no procedures for resolving problems

Bullying may be part of the culture of an organisation. It may be seen as strong management, the effective way of getting things done. So it is often condoned and sometimes even encouraged. In some organisations there may be a deliberate policy of employing or promoting bullies to certain positions - for example, when management wants to get rid of people in a redundancy situation.

Forms of bullying

Bullying at work can take many forms. The following are just some of the most common ways:

- Bullies may use terror tactics, open aggression, threats, shouting, abuse, obscenities towards their target.
- Bullies may subject their target to constant humiliation or ridicule, belittling their efforts, often in front of others.
- Bullies may subject their target to excessive supervision, monitoring everything they do and being excessively critical about minor things.
- Bullies may constantly take the credit for the other person's work but never take the blame when things go wrong.
- Bullies may constantly overrule the person's authority.
- Bullies may remove whole areas of work responsibility from the person, reducing their job to routine tasks which are well below their skills and capabilities.
- Bullies may set the person what they know are impossible objectives, or constantly change the work remit without telling the person, and then criticise or reprimand the person for not meeting their demands:
- Bullies may deliberately withhold information which the person requires in order to do their job effectively.
- Bullies may ostracise and marginalise their target, dealing with the person only through a third party, excluding the person from discussions, decisions, etc.
- Bullies may spread malicious rumours about the individual.
- Bullies may refuse reasonable requests for leave, training, etc., or block a person's promotion.

Bullying may also take more subtle, insidious forms which gradually wear the person down over a period of time. Bullying behaviour may occur in front of other employees, who

are often too afraid of becoming the next target to do anything to support the person being bullied. Very often, however, the bullying takes place where there are no witnesses and the victim is afraid to make a complaint through fear of not being believed and of the bullying getting worse.

Effects of Bullying

Effects on the individual

People who are constantly bullied lose their self-confidence, their self-esteem and are at increased risk of suffering stress. Professor Cary Cooper of the University of Manchester Institute of Science and Technology (UMIST), a leading expert on stress, has suggested that one-third to half of work related stress may be caused by bullying at work. Stress is associated with a range of ill-health effects both physiological and psychological. Symptoms to look out for include:

<u>Physiological</u>	<u>Psychological</u>	<u>Behavioural</u>
Headaches/Migraine	Anxiety	Becoming irritable
Sweating/Shaking	Panic Attacks	Becoming withdrawn
Feeling/being sick	Depression	Becoming aggressive
Irritable bowel	Feeling of dread	Increased aggressive
Raised blood pressure	Tearfulness	Increased consumption of tobacco/alcohol, etc.
Inability to sleep		Obsessive dwelling on the bully, and seeking justice or revenge.
Loss of appetite		

If people are exposed to intolerable pressures and nothing is done to alleviate the stress they are suffering, the long term effects on their health can be serious with the worst outcomes including nervous breakdown, heart attack and suicide.

Effects on the organisation

Bullying affects not only the individuals involved but the organisation as a whole since people working in a climate of fear and resentment do not give their best. Where bullying occurs and is not dealt with sickness absence will increase, staff turnover will increase and morale and performance levels will fall. The organisation will suffer loss of production increased sickness and retraining costs, a threat to its public image as well as the potential for further public exposure through cases taken to Employment Tribunals or Civil Courts.

Problems with raising bullying

Bullying at work is still largely unrecognised as a problem. It is regarded as something which occurs only in the school playground. Employers are reluctant to admit that bullying might take place in their own organisation and victims of bullying are often unable to recognise and put a name to the unfair treatment they are receiving. Bullying may just be called a personality clash or an inability to manage people.

For these reasons people find it very difficult to complain about bullying. The main problems in trying to raise the issue are:

- People are afraid they will not be believed
- People are afraid that their complaint will be dismissed as their inability to cope
- If the bully is in a position of line management over them they do not know who to complain to and are reluctant to take their complaint to more senior management who they think will take the bully's side
- Individual incidents often seem trivial and people are reluctant to raise them for fear of looking silly
- Men may be reluctant to complain because it does not fit the macho image

- People are afraid to complain in case they are made to suffer even worse forms of bullying, disciplinary action or even dismissal.
- Bullying often occurs when there are no witnesses around and so it is just one person's word against another's.
- Where there are witnesses to bullying they are often afraid to offer support to the victim in case they are labelled as troublemakers or become the bully's next target.

Where aggressive management is part of the organisational culture people are unwilling to challenge individual bullying behaviour.

■ 3. RAISING BULLYING AT WORK - WHAT CAN AMICUS REPRESENTATIVES DO?

Use your union organisation

It is important that AMICUS negotiating representatives and AMICUS Safety representatives work together to tackle bullying. It can be raised as an industrial relations issue and as a health and safety issue and you will need to decide the most appropriate approach for your own workplace. You should remember that trade union Safety Representatives have wide ranging legal rights under the Safety Representatives and Safety Committees Regulations 1977. These include:

- the right to investigate potential hazards
- the right to inspect the workplace and talk to members in confidence
- the right to take up health and safety complaints of members
- the right to be consulted by the employer about health and safety matters
- the right to health and safety information from the employer
- the right to inspect health and safety documents held by the employer

These are important rights and Safety Representatives should use them fully to investigate sources of stress such as bullying and stress-related ill-health in the workplace.

Raise awareness

As already mentioned, bullying is still widely regarded as something which occurs only in the school playground and victims of workplace bullying often cannot put a name to the behaviour they are encountering.

The first thing that AMICUS representatives should do, therefore, is to start to raise awareness of bullying amongst members through the use of posters, leaflets, meetings, etc.

Conduct a Survey

Try to find out whether bullying is a problem in your workplace by carrying out a survey of members. This may be done on an anonymous, confidential basis. In larger organisations you may be able to conduct it department by department to get an idea of where particular problems lie.

You may wish to include non-members in the survey to show that AMICUS takes bullying seriously and to encourage them to join. You should discuss your findings with members and decide how to raise the issue collectively with management.

Safety Representatives should use their workplace inspections and the opportunity these provide to speak to members in private to discuss stress-related issues such as bullying.

Take up the issue of bullying with your employer

If the results of your awareness raising campaign and your survey show that there is a problem of bullying in your workplace, you will need to raise this with your employer. Immediate problems should be dealt with straight away but the long term aim must be to negotiate a joint policy on bullying.

Even if bullying does not appear to be a problem now, with the current economic climate, the increasing pressures being put on supervisors and employees, the emphasis on individual performance, etc., it may become a problem in the future so it would be useful to have negotiated a policy which makes clear what is acceptable behaviour and what is not.

Advice on how to develop a bullying policy is contained in the next section.

■ 4. DEVELOPING A POLICY ON WORKPLACE BULLYING

Types of policy

The most effective way of dealing with bullying at work is to have an agreed policy which sets out clearly what is acceptable behaviour and what is not and which sets out the sanctions that will be invoked if people go beyond the bounds of acceptable behaviour.

The policy may be part of an overall policy on harassment or it may be a specific policy on bullying. Many employers will already have policies in place which deal with harassment and discrimination on grounds of gender or race, which could be adapted to include bullying or which could be used as a model for a policy on bullying.

In other organisations a completely separate agreement may be preferred. It may be helpful to have a separate policy which names bullying and deals with it specifically so that people recognise that it is a specific undesirable form of behaviour and is an important issue in its own right.

However, some employers will prefer to include it in an overall harassment policy to avoid a proliferation of procedures. If this is the case the policy should include a separate clear definition of bullying and the forms it takes.

It is important that the policy sets out not only the procedures for dealing with individual cases of bullying but also what measures the employer will put in place to identify and remove organisational causes of bullying.

Content of policy

A policy on bullying must:

- have commitment from the very top, be jointly drawn up and agreed by management and trade unions
- recognise that bullying is a serious offence
- recognise that bullying is an organisational issue
- apply to everyone
- guarantee confidentiality
- guarantee that anyone complaining of bullying will not be victimised
- be implemented

The policy should set out:

- a clear definition of bullying and the forms it takes
- a statement that bullying is unacceptable behaviour and will not be tolerated at any level of the organisation
- a statement that bullying will be treated as a disciplinary offence

The essential features of a policy on workplace bullying are described in more detail below.

Assessment of the risks of workplace bullying

The policy should include a commitment from management to assess the risk of bullying occurring in their workplace and to rectify organisational deficiencies which could give rise to bullying.

Although risk assessment should be a key part of any policy on bullying it will often be the area which employers find the most difficult to address, particularly where bullying is rooted in the

organisation's own culture and value system. However, they should review their organisation in a systematic way so that they understand in what circumstances bullying can arise and can determine the steps needed to reduce that risk, such as improved human resource management training, better lines of communication, etc. A useful way of identifying whether a problem of bullying actually exists is to include a question about it in any termination interviews held with departing employees. Many employers carry out attitude surveys of their employees and questions on bullying could be included in such surveys as another way of identifying the extent of bullying.

Procedures for complaining about incidents of bullying

In common with other inter-personal conflicts, such as sexual or racial harassment, dealing with complaints of bullying requires confidentiality, sensitivity and speed. Standard grievance procedures are generally not suitable for this type of complaint. They may not provide for a complaint to be made over the heads of a supervisor or line manager which creates a problem in cases where it is that person who is the alleged bully. Furthermore, standard procedures may be lengthy, leaving the complainant vulnerable to further bullying.

As with harassment policies, therefore, a policy on bullying should have a different procedure for processing complaints from the normal grievance procedure. It is also helpful in such cases to have a two-stage procedure - informal and formal. It is important that the bullied person is the one who decides which stage of procedure they wish to follow and feels in control. The procedures should not be dependent on the bullied person having taken personal action to ask the bully to stop. Bullying is by its very nature something, which happens over a prolonged period and the longer it goes on the more difficult it is to take personal action to confront the bully.

Informal procedure

Where the bullied person feels unable to confront the bully or where a direct approach has been unsuccessful in stopping the bully's unacceptable behaviour, the bullied person should be able to approach another member of staff, in confidence, to seek help in resolving the problem. Many organisations find it useful to have trained counsellors to whom the bullied person can turn to for help at this informal stage. The person can talk through their complaint with the counsellor and decide what they wish to do about it.

The informal procedure can be a useful way of resolving complaints quickly and with confidentiality maintained. The problem can often be resolved at this stage if it is made clear to the bully:

- that their bullying behaviour is contrary to the organisation's policy on bullying
- that their behaviour must comply with the organisation's required standards
- what the impact of their behaviour is on others
- that they must stop their bullying behaviour that the situation will be monitored
- the consequences if the bullying doesn't stop
- that discussion is informal and confidential at this stage

Formal procedure

If the bullied person wishes to make a formal written complaint, either straightaway or because the informal procedure has failed to resolve the problem, there should be a clear procedure for doing so.

The procedure should allow the person to bypass their line manager/supervisor where these staff are the subject of the

complaint and to complain directly to a higher level of management. The procedure should set out clearly:

- whether/on what basis the alleged bully will be suspended pending the results of the investigation
- how the investigation will be carried out
- the timetable for the investigation
- what disciplinary action may be invoked
- rights to be represented/accompanied
- procedures for appeal
- the requirement for confidentiality
- whether and in what circumstances mediation will be available

If the formal procedure links into existing disciplinary or grievance procedures, this should be explained. If bullying is established and the solution requires one party to be moved to another work location this should be the bully, not the bullied.

Confidentiality

It is essential that confidentiality is guaranteed and that people likely to be involved in implementing the complaint procedures understand that breach of confidentiality may itself be a disciplinary offence. This means that clear information and training must be provided to all concerned, i.e.

- counsellors
- line managers
- people involved in the investigation
- complainants
- the alleged bully

Even if a bullying policy exists it may still be a difficult decision for many people to take as to whether to use the complaints procedure. If confidentiality is not seen to be respected then people will not make use of the system and the policy will be ineffective.

Training

A prerequisite for the successful implementation of a bullying policy is training. The policy must provide for all employees to be given appropriate information and training. Staff will need to be given information about the policy so that they understand the nature of bullying, why it is unacceptable, why the policy was needed, what the procedures are for complaining and what disciplinary action will be taken against those who do not comply. Information about the policy will need to be included in induction training. Additional training will need to be provided to those involved in implementing the policy, i.e. counsellors, line managers, personnel officers, those conducting investigations and those hearing appeals. The training will need to emphasise that senior staff are not exempt from the policy and that if they bully action must be taken to deal with them just as vigorously as action is taken against more junior staff who bully.

The training programme should include:

- what is meant by bullying
- the effects of bullying
- the organisational situations, culture and value systems which may give rise to and perpetuate bullying
- details of the bullying policy and procedures
- practical skills (e.g. counselling skills for counsellors)

The policy should be well advertised and drawn to the attention of staff by means of posters, leaflets, etc., which reinforce the training provided under the policy.

Counsellors

If it is decided to set up a system of staff counsellors it is important that they are taken from a cross section of employees and that they are willing to take on the role. They should feel comfortable with the issue and should have credibility with employees. They should be trained and should understand the extent of their remit and their own limitations. Their role should be to listen to the complainant, talk the complaint through and facilitate the complainant to decide what to do. They should not be expected to play an active role in challenging the bully. People are less likely to volunteer to be counsellors if this is their role.

Staff counsellors are facilitators, not therapists. If the bullying policy provides for counselling to be offered to bullied people to help them regain their self-confidence, or to bullies to help them recognise and change their behaviour, i.e. therapy, then this must be provided by specialist professionally qualified counsellors. The counsellors should be independent and counselling should be confidential. If an in-house counselling service is provided (for example, by the Occupational Health Service in a large organisation) then it should meet the same professional standards and confidentiality must be guaranteed.

Monitoring and review

The policy must provide for regular, joint monitoring and review to ensure that it is elective, that the procedures are working and to identify any problems that need to be remedied.

If a member comes to you for help

If a member approaches you saying s/he has been bullied, the following steps can be taken:

- Ensure that you treat any cases of bullying seriously and be supportive to the person bullied. The nature of bullying means that in many cases it will be the word of the bully, who is often in a more influential position, against the bullied.

- Listen carefully to what the member says and make it clear that you don't consider them to be over-sensitive, that the incident isn't silly or trivial, and that the union is prepared to help
- Encourage the member to write down details of each occurrence of bullying, including what was said and done and the date and time
- Find out whether other workers have experienced similar problems, and if so ask them for details of any bullying which has occurred
- Discuss with the member how s/he wishes the case to be pursued
- If the member agrees, seek the support of other workers
- Advise the member to report the incident to management. Help the member to do this if s/he so wishes. Take all written information about the case with you when you discuss it with the management
- Offer to represent and/or support the member at any stage of the enquiry into the allegations
- Ensure that the case is dealt with as quickly as possible by management, ensure each step is followed up promptly and press for a deadline to complete the enquiry
- Ensure that any agreement reached is effective

If the bully is an Amicus member

AMICUS policy is to oppose discrimination and harassment of any kind and this includes bullying. Amicus representatives should make it clear that AMICUS does not tolerate bullying and will not defend bullying behaviour by members. The bully should be advised to accept counselling to help him/her recognise and change their behaviour. Amicus will, however, provide representation for members accused of bullying and, in circumstances where both the victim and the alleged bully are both members, separate representation will be provided for each party.

■ 5. WHAT YOU CAN DO IF YOU ARE BEING BULLIED AT WORK

If you are being bullied at work you should not suffer in silence but should seek immediate advice from your union representative or Regional Officer. You should not feel guilty or weak or that you are to blame in some way for inviting bullying behaviour. Amicus believes strongly that bullying is a severe offence which must be taken seriously by employers. People's complaints must be believed and dealt with swiftly and sensitively. Confronting a bully on your own is not easy and is only effective in the early stages. The longer the bullying goes on the harder it becomes to confront the bully so you should use the union to help you.

Actions that you can take yourself and that will help the union take up your case include:

- log all incidents of bullying - dates, times, nature of incident, details of slurs, accusations, criticisms, etc. - making sure you stick to the facts
- write down your feelings at the time and your own response
- if you cannot confront the bully, try writing a memo to make it clear why you object to their behaviour and keep copies of the memo and any written reply
- keep copies of all annual appraisals, and letters/memos relating to your ability to do the job
- try to get witnesses to bullying incidents - try to avoid situations where you are alone with the bully
- find out if you are the only person being bullied or whether other people are also affected and try to make a collective complaint

- talk to colleagues and see if they will support you
- make sure that you know exactly what your job description is so that you can check whether the responsibilities you are given match it
- find out if your employer has a policy on harassment or unacceptable behaviour which may cover bullying
- make sure you keep the AMICUS representative whom you have asked for help informed of all developments
- stand firm and don't let yourself be a victim

If you wish to pursue a legal claim against your employer you should seek advice from your Amicus Regional Officer in the first instance.

■ 6. CAMPAIGNING TO ERADICATE BULLYING AT WORK

The Dignity at Work Partnership was established with funding jointly from the Department of Trade and Industry and Amicus to tackle the problem of bullying and harassment in the workplace. The aim of the project is for employers and employee representatives to work together to find ways of addressing the issues around bullying.

Baroness Anne Gibson, who introduced a Dignity at Work Bill in the House of Lords, chairs the steering group and anti-bullying charity, the Andrea Adams Trust, is providing specialist technical advice. Several high profile companies have already signed up to project including, BAE Systems, B T, the Chemical Industries Association, Legal & General, Remploy and Royal Mail.

Since workplace bullying was recognised as a problem more than a decade ago, many organisations have adopted policies to address the issue. We are looking at what has worked, not just here in the UK, but elsewhere around the world. Our objective is to seek the best examples and develop guidance on them.

However, a policy is no use unless all parties work together to take on the challenge. If we can learn from one another, we can avoid mistakes and in this way, Dignity at Work values will thrive. Employees will then experience greater fulfilment at work and organisations will benefit from better performance

For more information on the partnership see www.dignityatwork.org