

# Danger: UK at Work!

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## Abstract

With the recent Lords ruling allowing employees to sue their bosses for negligence if they are subject to violence or harassment at work, we question whether UK employers are facing a potential glut of litigation in the courts from distressed employees. Our evidence shows that the UK has a very poor record in comparison to most core EU countries on violence and intimidation in the workplace, although it has cleaned up its' act to a degree since the very violent 1990s. The evidence also suggests that employers should act decisively, and now, to prevent a wave of court cases under the new legislation. If they fail to address these issues they are potentially open to litigation from upwards of 4 million UK workers.

# 1 Introduction

In 2006, the House of Lords made a new ruling which opens the doors for employees subject to violence or harassment in the workplace to sue their employers for negligence. Alongside this, we have recently seen a series of high profile cases in the media (see Fresco, 2006) including a City secretary working for Deutsche Bank who was awarded £800,000 by a High Court judge for being subject to a campaign of harassment by her co-workers between 1997 and 2001. In other UK cases a female lawyer at Merrill Lynch was awarded £1m after claiming a male colleague made lewd comments to her at a Christmas party; a male worker at Cantor Fitzgerald brokers won nearly £1m after months of bullying by his boss in 2003; a female analyst at Schroder Securities won £1.4m. In the US, six women have brought a \$1.4 billion lawsuit against Dresdner Kleinwort Wasserstein, accusing the company of letting offensive behaviour flourish.

Whilst these type of high profile cases attract considerable media attention, more generally 'the issue of violence and harassment have aroused considerable and growing interest across Europe in recent years' (Bodin and Verborgh, 2003, p.v). But they also point that there remains 'a great disparity between awareness and recognition of the problem within European countries'. This year EU Social Partners have begun working towards a voluntary agreement on harassment at work, which after a request made by the Health and Safety Commission, includes violence and bullying in its terms of reference.

Previous research has shown that issues of violence and harassment in the workplace affect a substantial proportion of the workforce (see for example, Leather, 2001; Paoili and Merllie, 2001; Di Martino et al, 2003). The latter authors argue that the root cause of this is increased pressure on workers due to globalisation and increased competition in the marketplace on the one hand, and the fact that society outside the workplace is so violent. It follows that we should not be surprised that aggressive behaviour also manifests itself in the workplace environment. Importantly, the relationship between stress and violence can operate in both directions. If workers are more stressed, then they may become more violent, and if workers are subject to violence, then they become more stressed.

There does, however, appear to be a wider recognition of the problem of violence and harassment at a legislative level although explicit acts in the UK came much later than the Sexual Discrimination Act of 1975. For example, in 1996, the Employment Rights Act allowed for bullying to be a form of breach of contract. A year later, the Protection from Harassment Act, No.40 was passed. And this year, the XXXX act came into being which deals explicitly with violence.

So what are the effects and costs of workplace violence and harassment? Di Martino et al. (2003, p.59), in their review of previous research, conclude that seven broad effects can be identified. These are:

- stress reaction and impairment of general health
- reduced psychological well-being and greater risk of psychological problems
- cognitive effects (lack of concentration)
- reduced self-confidence

- reduced satisfaction with work
- fear reactions
- post-traumatic stress.

The recent review of the literature by the HSL confirmed this view and stated that:

*'Whilst the available evidence on the specific health effects of exposure to bullying is relatively small compared to the literature on other sources of work-related stress, there is general consensus within academic literature that exposure to bullying can result in ill health.'*

And whilst there is a smaller body of evidence regarding organisational outcomes, as opposed to personal outcomes, there is broad consensus that violence and/or harassment leads to increased absenteeism, high job turnover rates, reduced job satisfaction, increased insurance premiums and lower productivity. A recent survey of victims of workplace bullying in the UK conducted jointly by the Andrea Adams Trust and Digital Opinion found that many reported adverse effects on self-esteem and self-confidence. Furthermore 60 per cent claimed the bullying affected their quality of work, 51 per cent said it caused them to take time off work and for 53 per cent it led them to start looking for another job. At a wider level, the costs to society include increased welfare dependency, reduction in total skills base thus leading to lower overall productivity of the economy and an increased burden on family and friends of care for the individual affected.

So who is at risk? Research has commonly found that minority groups are those most likely to report bullying and harassment in the workplace. For example, Grainger and Fitzner (2006) found that women and those with disabilities were the most likely to report bullying. The CIPD also found that minority groups were most likely to be targets, with black and Asian employees, the disabled and women being more likely to report bullying. Similarly Hoel and Cooper (2000), in a recent UK survey of workplace bullying sponsored by the British Occupational Health Research Foundation found that a greater proportion of women reported bullying compared to men, although in their study the difference was only significant when looking at prevalence over five years and not at six months. They also found that employees on full-time contracts were more likely to be targeted than part-time workers.

One form of harassment, sexual harassment, has been widely researched for some time. Despite the Sex Discrimination Act being in place for nearly one-third of a century, reports of sexual harassment at work remain high. The European Women's Lobby reports that between 40 and 50 per cent of female employees have experienced some form of sexual harassment or unwanted sexual behaviour in the workplace. As may be expected, the majority of victims are female. However, recent trends have shown an increase in the number of men reporting sexual harassment. For example, Grainger & Fitzner (2006) found that in the UK, two-fifths of victims are men, whilst eight per cent of complaints to the EOC come from men.

Other research has looked at the organisation and work characteristics association with bullying and harassment. The CIPD research identified some differences between the public and private sector, with public sector employees more likely to experience bullying

at 22 per cent compared to 17 per cent amongst their private sector peers. Hoel and Cooper (2000) also identified great variations between sectors and occupations with employees within the prison service, post and telecommunications, school teaching and the dance profession being most at risk. However, a literature review on workplace bullying conducted by the Health and Safety Laboratory (HSL) found that evidence was inconclusive regarding the impact that size of business and sectors of industry has on bullying.

But despite the recent interest in this area, and the clear negative outcomes it creates, it is still unclear how extensive workplace harassment and intimidation is in the UK and how UK businesses compare to those in other EU countries? Current estimates of prevalence differ substantially both when looking at populations overall and when looking at specific groups. For example, a recent survey of 2,000 employees conducted by the Chartered Institute of Personnel and Development found that one-fifth had experienced some form of bullying or harassment over the last two years. In another recent study for the Department of Trade and Industry, Grainger and Fitzner (2006) reported 3.8 per cent (almost one million employees) saying that they had personally experienced bullying or harassment at work in the last two years.

The variation in prevalence rates stems in part from the different approaches used to define and measuring workplace bullying, as noted in the review of the literature by Beswick and colleagues (2006). Zapf et al. (2003) conducted a review of the European literature and found that prevalence rates depend on the measurement tool being used, and specifically the period it covers, from 3 per cent to 25 per cent. Within their own sample of 288 public sector workers, Coyne et al. (2003) found that incidence rates varied substantially depending on the measurement method, from 3.9 per cent to 39.6 per cent. Meanwhile Hoel & Cooper (2000) found that incidence depended very much on the frequency with which the bullying is being reported. In their survey of over 5,000 workers from various sectors, whilst approximately one in ten had been bullied in the last six months, the persistency varied from 0.6 per cent who were bullied 'daily' to 6.2 per cent who claimed they were bullied 'now and then'. The lack of consistent measures across research projects limits the ability to make comparisons across EU countries, or to consider whether things have changed over time. This research overcomes this problem by using a standard measure from the European Foundation Working Conditions Survey across two different time points.

With these issues in mind, it is the intention of this research to answer 4 questions:

- What is the extent of violence and harassment in the UK workplace?
- Are we any better or worse than other EU countries?
- Is our level of violence and harassment getting better or worse over time?
- Who are the victims?

By placing the UK in the context of other European countries we may be able to learn from other countries how best to manage bullying at work. From this investigation, we hope to paint a picture of the UK workplace and make some suggestions for employers to

create better workplaces for their employees thus avoiding potentially costly litigation as well as other negative effects as identified above.

## 2 Data

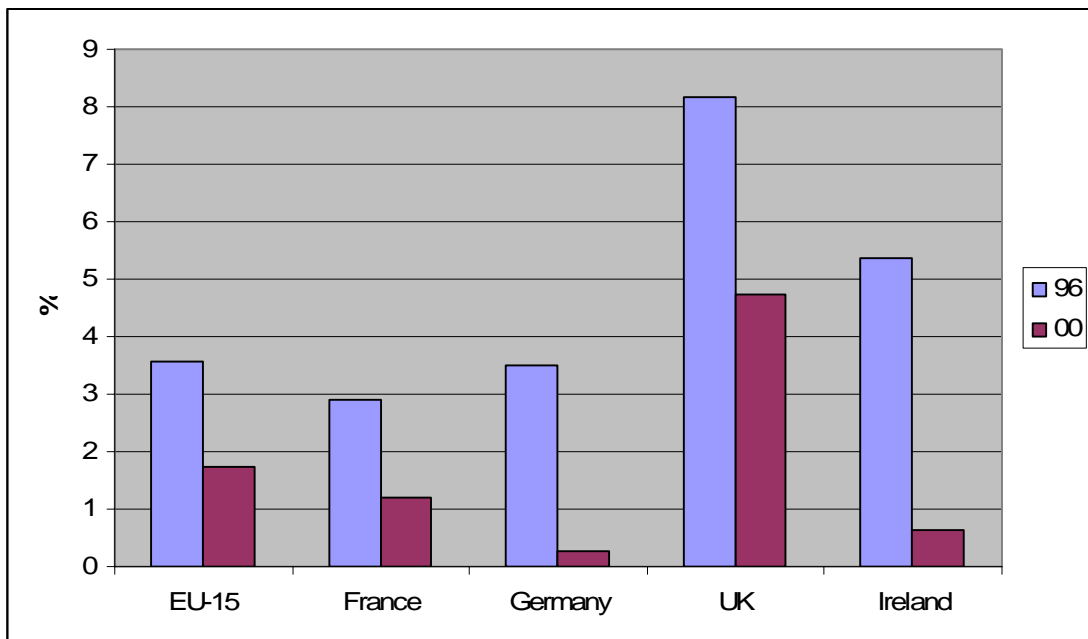
As we are interested in comparing the UK experience with our major EU competitors, we draw our evidence from two European Foundation Working Conditions surveys in 1996 and 2000. The surveys use face-to-face interviews on representative sample of the adult working population in each core EU-15 member state. The typical member state has a sample of 1,000 workers each in the earlier survey and 1,500 in the later survey.

## 3 Findings

Here we present our evidence in aggregate and disaggregated by personal, job and workplace characteristics. Initially, however, we focus on the comparative cross-country evidence for the UK and a selected group of EU countries.

### 3.1 The UK in a European Context

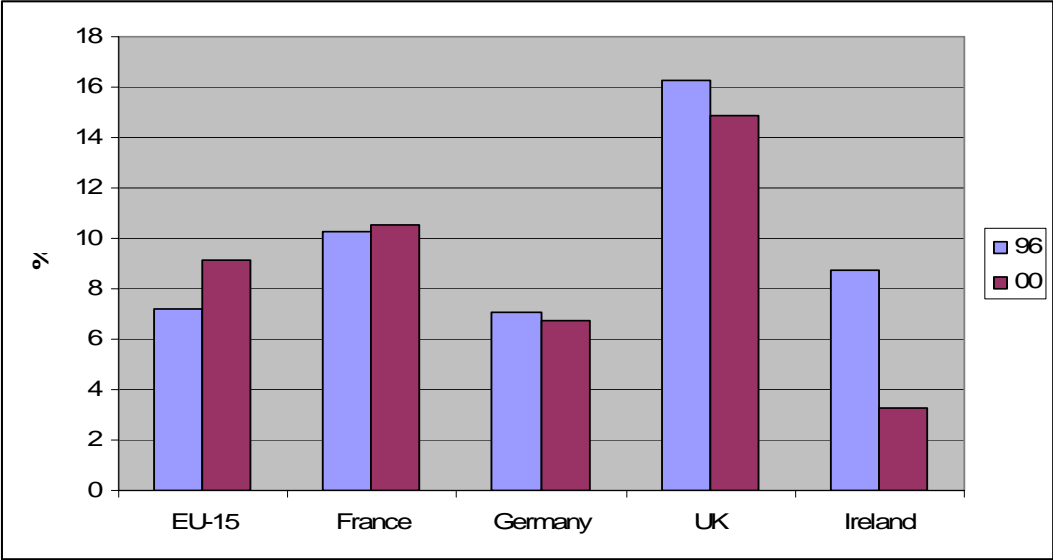
Figure 1: Total Workers Subject to Violence in the Workplace



From Figure 1 we observe that the UK has a comparatively poor record of workplace violence. A decade ago, the typical UK worker had a 2.8 times higher probability of being subject to violence at work than a French worker and 2.3 times that of a German worker. At that time, this equated to 1,937,587 UK workers. By the year 2000 the UK had improved its' own record on workplace violence considerably with a 42% reduction on worker exposure to violence. Yet this still represented some 1,209,272 workers in the UK (including 819,720 women). However, over the same period other countries, and more generally the EU, had gone a long way towards totally eradicating violence at work.

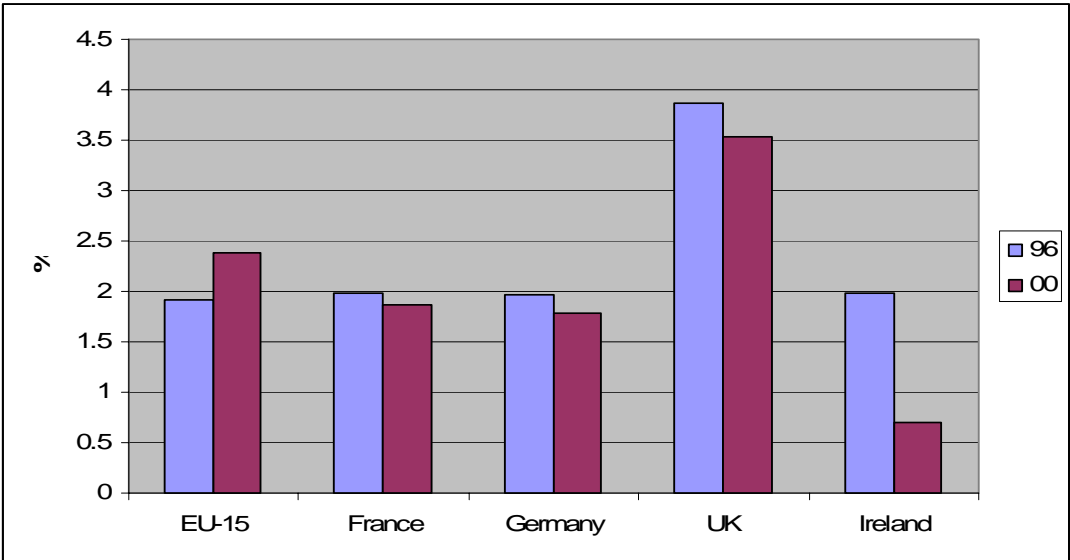
Germany has a very impressive record of removing violence from the workplace, but Ireland stands out as a country with a not too impressive record in 1996, but which got its workplace violence levels down by 87% to below 1% of its total workforce.

**Figure 2: % Total Workers Subject to Intimidation in the Workplace**



From Figure 2, which compares levels of intimidation in the workplace, we note again that the UK has a comparatively poor record. In contrast to violence, which was falling, we note that in the EU as a whole, intimidation has increased, although in France and Germany it had remained fairly stable over the period. Once again, Ireland had seen a dramatic improvement from a fairly poor start and by 2000 had a very low incidence of intimidation in the workplace. For the UK a decade ago this equates to some 3,853,875 workers being intimidated in their workplace. By 2000, despite an improvement, this still accounted for 3,799,108 workers in the UK including 2,241,580 women.

**Figure 3: % Total Workers Subject to Sexual Harassment in the Workplace**



From Figure 3, which compares levels of sexual harassment in the workplace, we note again that the UK has a comparatively poor record again. In contrast to violence, which was falling, we note that in the EU as a whole, sexual harassment has increased, although in France and Germany it had remained fairly stable over the period. Once again, Ireland had seen a dramatic improvement and by 2000 had a very low incidence of sexual harassment in the workplace. For the UK a decade ago this equates to some 914,318 workers being intimidated in their workplace. By 2000, despite an improvement, this still accounted for 902,480 workers in the UK including 710,930 women.

Thus, on the evidence presented so far, we can conclude a number of things:

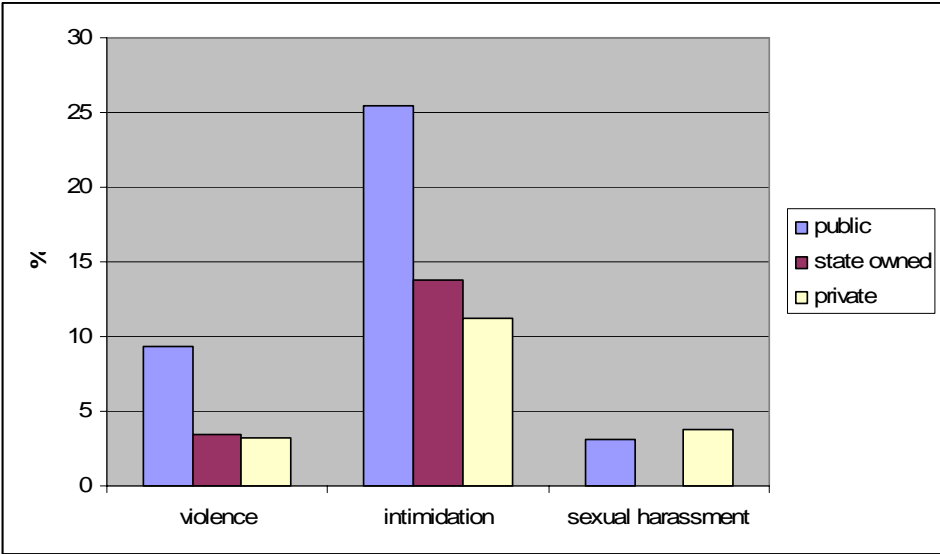
- The UK does have a problem with high levels of violence, intimidation and sexual harassment in the workplace, particularly in respect of women. This equates to literally millions of UK workers.
- We are demonstrably worse than the EU-15 as a whole, and particularly Germany and Ireland.
- Our situation has improved with violence down 42%, intimidation by 8.7% and sexual harassment by 8.5%.
- The general pattern appears to be a reduction in explicit physically violence and an increase in more subtle, psychological, forms of abuse in the EU as a whole.
- We cannot help but conclude that UK policy-makers and employers need to address this issue, but further that valuable lessons can be learned from the impressive performance of Ireland.
- Even if the trend in the UK continues downwards, and at a similar rate as in the past, up to the present day, this will still mean that there will be around 700,000 cases of violence, 3,400,000 cases of intimidation, and 825,000 cases of sexual harassment.

### 3.2 Who Are the Victims in the UK?

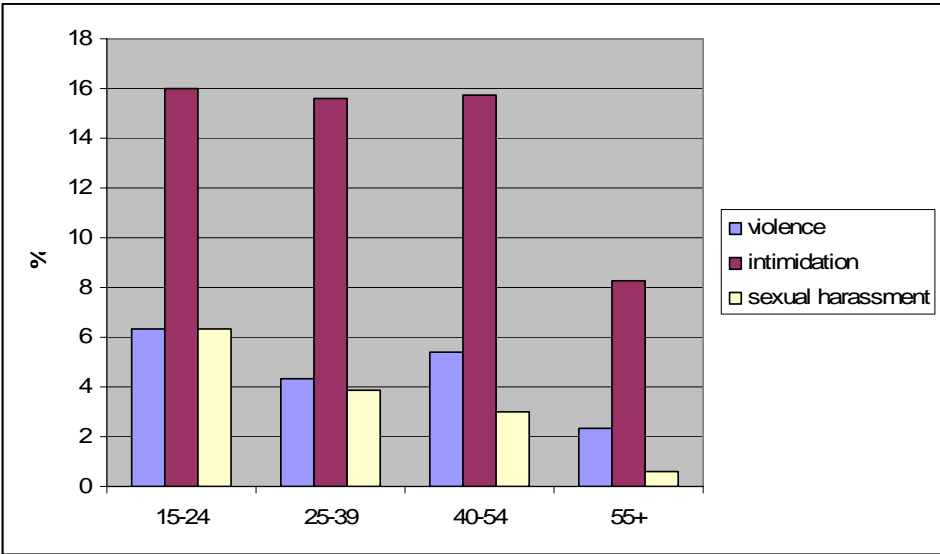
In this sub-section we consider only UK workers and look at how violence, intimidation and sexual harassment vary across different types of workers, jobs and employers. The first issue we consider is whether there are differences between the public and private sector.

From Figure 4, below, we note that the public sector was by far the worst offender in terms of its employees being subject to violence and intimidation in the workplace in 2000. On average, public sector workers were 2.9 times more likely to be subject to violence in their workplace and 2.3 times more likely to be intimidated than their private sector counterparts. In contrast, the private sector performs less well than the public on incidences of sexual harassment.

**Figure 4: % Total UK Workforce Subject to Violence, Intimidation and Sexual Harassment by Economic Sector**



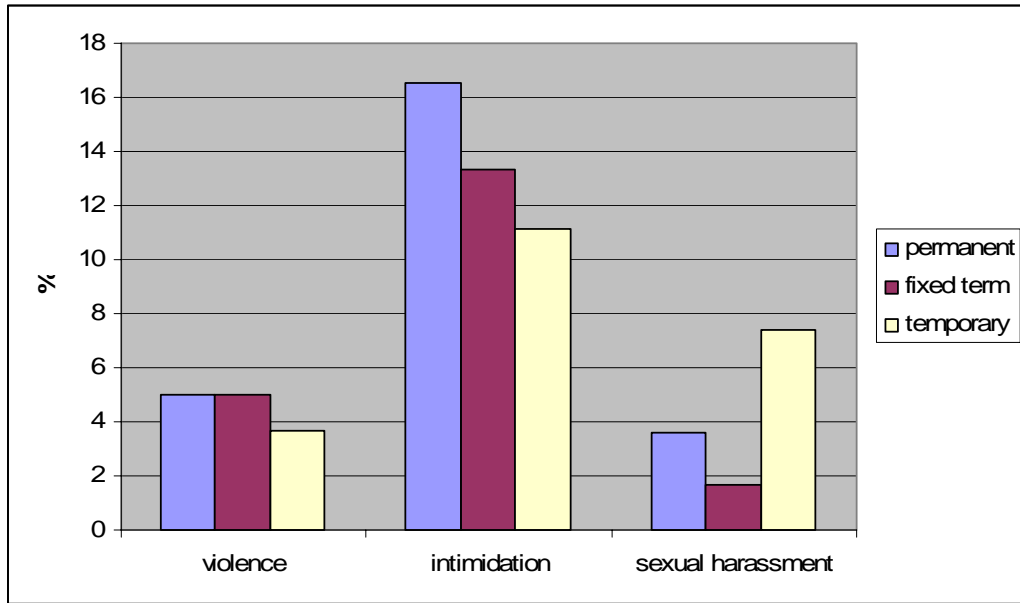
**Figure 5: % Total UK Workforce Subject to Violence, Intimidation and Sexual Harassment by Age of Individual**



From Figure 5, we observe that older workers, 55+, are the least likely to be subject to any form of abuse at work. Violence is highest towards the very youngest workers, yet intimidation appears equally prevalent amongst all workers between 15 and 54 years of age. Sexual harassment declines with age of worker. We conclude that younger workers are the most likely to experience abuse in the workplace.

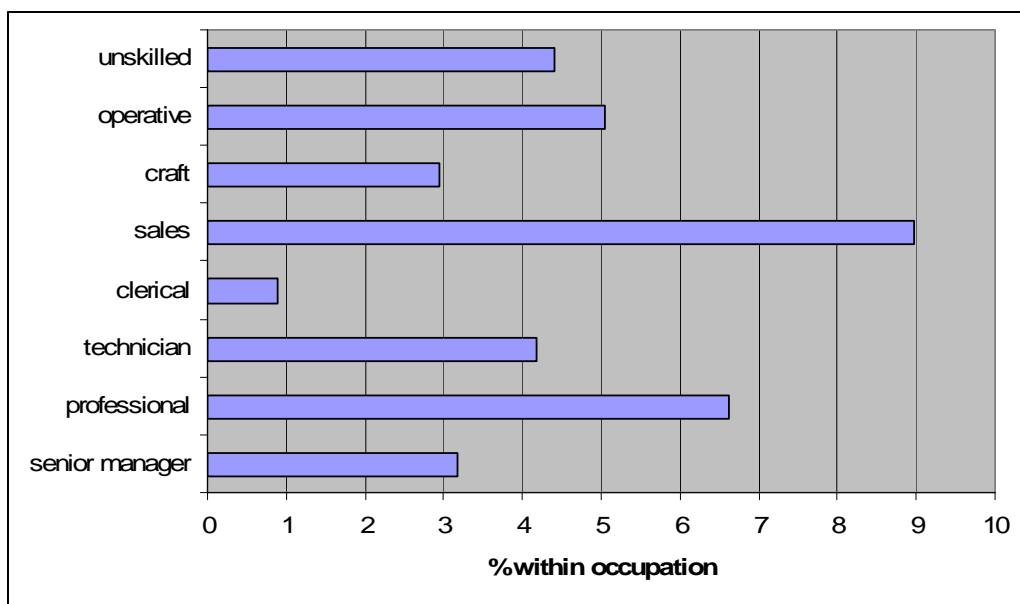


**Figure 6: % Total UK Workforce Subject to Violence, Intimidation and Sexual Harassment by Employment Contract**



From Figure 6, we note that permanent contract workers have the highest incidence of intimidation in the workplace, and, along with fixed contract workers, a high incidence of violence. By contrast, temporary contract workers have far lower rates of being subject to violence or intimidation in the workplace. However, in regard to sexual harassment, temporary contract workers are substantially more likely to be subject to this form of abuse in the workplace, of the order of 2 times that of permanent workers. The latter is a particular cause of concern as the actual incidence is much higher than for violence overall which is not typically true in the UK context.

**Figure 7: % Total Workers Subject to Violence in the Workplace by Occupation**



From Figure 7, we see that sales occupations are the most likely to be subjected to violence in the workplace. The incidence is 3 times that of craft workers and senior managers. Professionals also have a relatively high incidence of violence. By comparison, clerical workers have a very low incidence of violence. Thus, it would appear that occupational differences in terms of risk of violence are very important.

**Figure 8: % Total Workers Subject to Intimidation in the Workplace by Occupation**

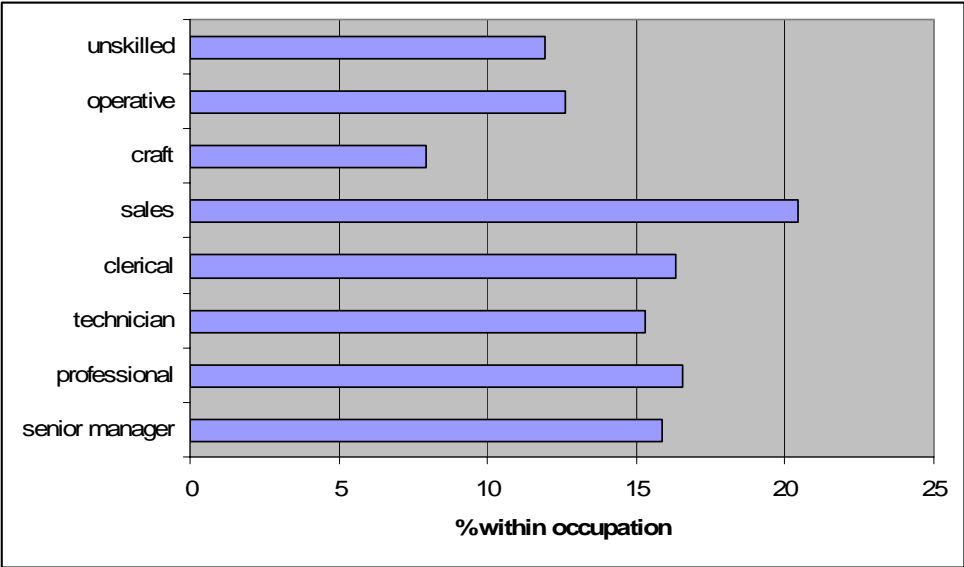


Figure 8 shows levels of intimidation by occupation. Whilst we again observe that sales occupations, as with violence, have the highest level of workers being subject to intimidation, there is an even more interesting general pattern in that it is white collar workers in general, from clerical up to senior management, that have a significantly higher incidence of intimidation than blue collar workers. This suggests that abuse is much more subtle in white collar jobs.

**Figure 9: % Total Workers Subject to Sexual Harassment in the Workplace by Occupation**

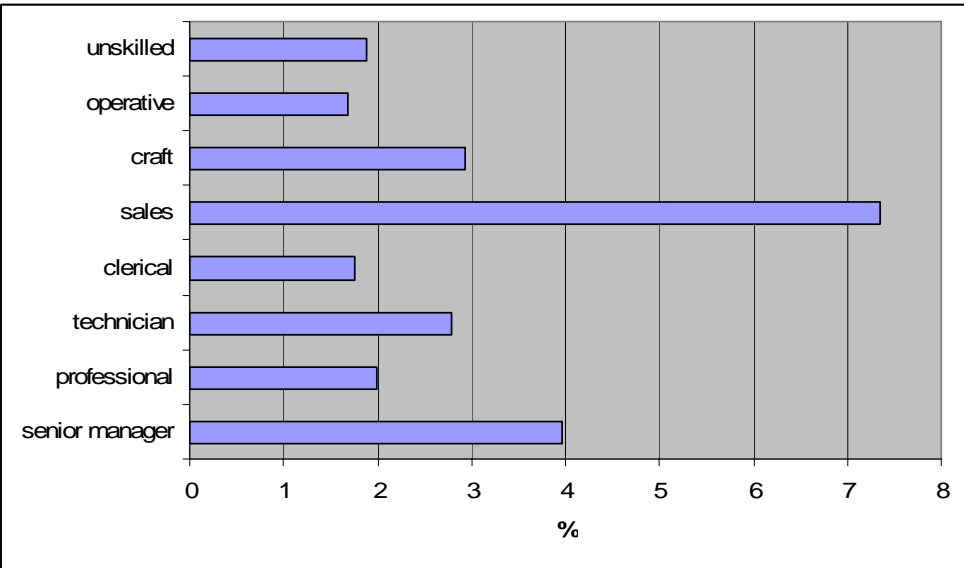


Figure 9 shows the equivalent data for sexual harassment. Again we note that sales occupations have the highest incidence of being subject to abuse, this time in the form of sexual harassment. The level is around 3 times higher than for most other UK occupations. Perhaps surprisingly, senior managers also have a high incidence of sexual harassment. In addition, craft and technicians also appear to have an above average degree of risk of sexual harassment at work.

## 4 Econometric Analysis of Abuse in the Workplace

Thus far we have presented the basic sample statistics to give us a broad understanding of the level of abuse UK workers are subject to in the workplace. We concerned ourselves with three basic forms of abuse; violence, intimidation, and sexual harassment. In this section we investigate in a multivariate framework the propensities for workers with different personal, job and employer characteristics to have a higher (lower) risk of violence, intimidation or sexual harassment.

### 4.1 Personal Characteristics

The first point of note is that violence and intimidation is equally likely to occur to men and women in the workplace. By contrast, women have a 3.28% higher probability of being subject to sexual harassment in the workplace than men. However, this is much lower than the actual difference and implies that a large part of the difference is related to other factors to do with their jobs, employers and other demographics.

Age is a critical factor for all forms of abuse in the workplace. On violence, we note that the youngest workers (under 25 years old) have an 18.0% higher probability of being subject to violence than 25-39 year olds, a 17.6% higher chance than 40-54 year olds, and a 22.0% higher chance than a 55+ year old worker. For intimidation, 55+ year olds have an 8.5% lower probability than all other (younger) workers. On sexual harassment, the relative probabilities decline for all workers past the age of 39, but only by 1.2% for 40-54 year olds and 1.5% for 55+ year olds.

### 4.2 Job Characteristics

First of all we note that the gender of ones boss does not influence the probability of being subject to any form of abuse at work. But occupation does. On this we note that clerical workers had a 2.7% lower probability of violence than any other occupation. Further, we observe that senior managers and workers in sales occupations had a higher propensity to be subject to intimidation in the workplace than any other occupations. The relative risk was +13.0% for senior managers and +10.6% for sales workers. Interestingly, sexual harassment appears to occur with equal likelihood across all occupational groups. We also do not observe any variation by duration of employment contract. Finally, we see that full-time workers have a higher risk of sexual harassment.

### 4.3 Employer Characteristics

Firstly, we note that private sector workers have a *lower* propensity to be subject to violence or intimidation in the workplace than public sector workers. The risk is 3.0% lower for violence and 7.5% lower for intimidation. No differences were apparent for sexual harassment. Interestingly, size of employer did not appear to matter, with one notable exception. Here we find that workers with the very largest employers had an 18.2% higher probability of being intimidated at work than workers in any other size class of company. Perhaps surprising was the finding there appeared to be no significant differences in risk of violence across industry sectors. For intimidation, we note that the utilities and financial services sectors had lower risks. On sexual harassment, manufacturing has by far the lowest incidence, although retail, public administration and real estate also had relatively lower risks than other sectors.

## 5 Conclusions

We posed the question as to whether UK employers are facing a potential glut of litigation from distressed employees subject to violence, intimidation and harassment in the workplace. Using multi-country EU datasets, for two time periods, we initially compared the UK's incidence of violence, intimidation and sexual harassment with that of France, Germany and Ireland. Our evidence suggests that the UK does have a problem with all three. This equates to millions of workers at risk. Whilst the situation improved markedly over time, we are demonstrably worse than the EU-15 average, and particularly Germany and Ireland. The general trend appears to be a reduction in physical violence and a relative increase in more subtle, psychological forms of abuse in the EU.

The next question we posed was who exactly is being subjected to violence, intimidation and sexual harassment at work in the UK. Our findings suggest that it is the youngest workers who are most at risk. And, with the exception of sexual harassment, men and women are equally at risk. Further, we note that professionals and craft workers both have a high incidence of intimidation. In contrast, having a male or female boss did not affect the incidence of either violence, intimidation or sexual harassment in the workplace.

To conclude, whilst the UK has cleaned up its act since the 1990s, there is a long way to go. We suggest that employers need to act decisively, and now, to prevent a wave of court cases. The case of Ireland also merits attention as an exemplar of a country with a very bad record that managed to act decisively to virtually eradicate workplace violence and harassment.

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# Appendix

Probit Models for Violence, Intimidation and Sexual Harassment in the UK, 2000

	Violence		Intimidation		Sexual Harassment	
	dF/dx	z-stat	dF/dx	z-stat	dF/dx	z-stat
Male	-0.004	0.33	-0.019	0.72	-0.033	3.35
<b>Age (base=&lt;25)</b>						
25-39	-0.018	1.75	-0.018	0.60	-0.008	1.15
40-54	-0.018	1.74	-0.006	0.20	-0.012	1.68
55+	-0.022	2.05	-0.085	2.39	-0.015	1.81
<b>Employment Contract (base=permanent)</b>						
Fixed	-0.007	0.63	-0.041	1.26	-0.010	1.09
Temporary	-0.000	0.01	-0.029	0.40	0.007	0.30
<b>Establishment Size (base=self-employed)</b>						
1-9 employees	0.979	19.31	0.064	0.67	0.967	16.87
10-49 employees	0.964	24.70	0.124	1.29	0.922	18.55
50-99 employees	0.986	14.93	0.171	1.51		
100-499 employees			0.090	0.86	0.989	13.70
500+ employees	0.986	21.72	0.182	1.71	0.983	17.24
<b>Economic Sector (base=public)</b>						
State owned	-0.015	1.05	-0.071	1.71		
Private	-0.030	2.32	-0.075	2.34	0.006	0.76
<b>Occupation (base=senior managers)</b>						
Professionals	0.016	0.72	0.130	2.10	-0.002	0.13
Technicians	-0.008	0.58	0.017	0.36	-0.006	0.50
Clerical	-0.006	0.36	0.057	1.08	-0.004	0.35
Sales	-0.027	2.13	0.062	1.31	-0.011	1.00
Craft	0.010	0.66	0.106	2.29	0.015	0.98
Operatives	-0.002	0.11	0.025	0.50	0.024	1.11
Unskilled	0.003	0.12	0.081	1.38	0.029	1.07
<b>Sector (base=agriculture)</b>						
Manufacturing	0.942	9.50	0.962	10.24	0.614	4.90
Utilities			0.877	6.79		
Construction	0.981	9.33	0.919	10.12	0.952	7.84
Retail	0.921	9.55	0.977	11.25	0.797	8.20
Hotels/Catering	0.950	6.48	0.905	10.27	0.970	8.55
Transport & Communications			0.931	11.49	0.920	7.19
<b>Financial Services</b>						
Real Estate	0.940	6.95	0.932	10.20	0.829	6.00
Public Admin	0.969	9.07	0.937	11.48		
Other Services	0.915	10.65	0.988	11.78	0.800	10.05
<b>Boss (base=female)</b>						
Male	0.009	0.94	0.002	0.08	-0.008	1.27
None	0.013	0.51	0.090	1.38	0.020	0.98
N Obs	1165		1231		1065	
Prob>x2	0.0004		0.0000		0.0007	
Pseudo R <sup>2</sup>	0.1468		0.0914		0.1765	