

# **Bullying and Harassment**

## **Building a Culture of Dignity and Respect**

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## Introduction

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It is only over the past decade or so that bullying and harassment have emerged as prominent issues on the workplace agenda. This growing interest is not confined to the UK: a report by the European Foundation for the Improvement of Living and Working Conditions (2003) reports that incidence rates of violence, bullying and sexual harassment has increased in member states, although the report notes that it is difficult to say how much the increase is due to raised awareness of the issues. Recent studies in this country indicate, at first glance, an alarming incidence of bullying and harassment in UK workplaces. For example, a recent survey by the anti-bullying charity, the Andrea Adams Trust, and *Personnel Today* (2005a) reported that 70 per cent of respondents had witnessed or been aware of bullying in their organisation. Other studies also reveal a relatively high incidence of bullying and harassment in UK organisations. These figures have to be put into context, however. Because bullying and harassment have been identified as an organisational problem for a relatively short period of time, there is not yet a large enough, and reliable enough, body of available data to determine whether or not the problem is increasing. And as most survey evidence focuses on particular sections of the workforce – the *Personnel Today* study, for example, canvassed HR professionals – it is difficult to gauge the true extent of the problem.

That bullying and harassment may not be quite as rife as some media speculation would have us believe should not detract from the serious challenge facing many organisations today. A study by Cooper and Hoel (2000) estimated that bullying in the workplace was the cause of between one-third and one-half of all stress-related illnesses. The Health and Safety Executive (HSE, 2003) estimates that the problem accounts for 80 million lost working days and up to £2 billion in lost revenue each year. The CIPD (2004a) found that, on average, UK and Irish employers had had two disciplinary and grievance cases connected to bullying or harassment in the past year and that employers spent 21 days a year dealing with such cases.

The confusion that surrounds bullying and harassment is not helped by the lack of clarity in their definitions. Often, the terms are used interchangeably and it is true that both bullying and harassment behaviour can manifest themselves in similar ways.

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However, there are important differences between the two, not least in their legislative context. There is no specific statutory provision against bullying within employment legislation, an omission that has prompted calls for a Dignity at Work Act.

While a recent survey by the CIPD (2004a) found that the overwhelming majority of employers now have a policy in place (83 per cent), there is evidence of a gap between policy and practice. Most organisations have introduced a policy to comply with their legal obligations, and developing a policy is definitely the first step in the right direction. This needs to be accompanied by a proactive approach that encourages dignity at work and sets out the positive behaviours expected of employees. Informal approaches, such as counselling and mediation, can be very effective in resolving most bullying and harassment incidents.

Relationships at work are complex, and personal behaviour has been found to be the most significant cause of conflict in the workplace. Tackling bullying and harassment is one of the biggest challenges for HR professionals and line managers, and it demands a clear understanding of the issues as well as a high degree of interpersonal skills. Historically, the typical organisational approach to tackling bullying and harassment has been limited to punishing and isolating the bully. Ultimately, the goal is to create a culture that fosters dignity at work and refuses to sweep bullying behaviour under the carpet.

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## Background

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### Overview

A great deal of confusion surrounds the definitions of bullying and harassment, and often the two terms are used interchangeably. There is no legal definition to help organisations identify and deal with bullying, although there is important anti-discrimination legislation that outlaws harassment on several distinct grounds. Bullying and harassment can cover a broad spectrum of negative behaviour that is not necessarily verbal. Because it is only over the past decade that bullying and harassment have come to the fore on the employment agenda, it is difficult to assess the true extent of such behaviour in UK workplaces. The most recent surveys indicate that at least ten per cent of workers have experienced bullying and/or harassment, while several others indicate a much higher incidence. It is generally accepted that line managers are responsible for most negative behaviour experienced by employees. However, a survey by CMI (2005b) found that peer-to-peer bullying and 'upwards bullying' of a subordinate to their line manager also exists (59 and 25 per cent respectively).

Far from being perpetrated by a few malicious individuals, workplace bullying can be the result of many and varied causes. The CMI survey ranked lack of management skills (66 per cent), the personality of colleagues and managers (57 per cent) and authoritarian management style as the top three contributory factors. Bullying and harassment can extract a high cost from the organisation and the person who experiences the negative behaviour, as well as their colleagues and families. It is estimated that the problem costs business up to £2 billion in lost revenue each year – as well as reduced productivity and low morale, the organisational impact can include higher absence and staff turnover. It has now been established that the psychological effects on the individual can include post-traumatic stress disorder, and in one publicised case a Royal Mail employee committed suicide following a long period of harassment.

### Definitions

One of the main challenges facing employers wishing to tackle bullying and harassment is the confusion that surrounds their definitions, and the differences between the two. Even the term 'bullying' is not universally used as a description – for example, the term 'mobbing' is used throughout much of Europe and 'emotional abuse' has been a more accepted phrase in the US. While certain behaviours could be symptomatic of either bullying or harassment, there are important and distinct differences between the two that need to be understood if employers are going to be in a position to effectively deal with such incidences.

### Bullying

It is hard to pin down a standard definition of bullying precisely because of the wide variety of forms it can take. There is also no accepted legal definition because there is no specific statutory provision outlawing bullying behaviour. It has been argued that it may not be helpful to apply strict definitions of, and boundaries around, what constitutes bullying as these may restrict the kinds of behaviour that can be classified as bullying. An important guideline – that applies to both bullying and harassment – is whether the actions or comments are viewed as detrimental and unacceptable to the recipient. It is therefore not the intention of the perpetrator, but the deed itself and the impact on the target or recipient that constitutes workplace bullying (Andrea Adams Trust).

While a degree of flexibility in classifying bullying behaviour is therefore needed, some broad and helpful definitions have developed. Acas (2005) says that bullying may be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'. The CIPD (2004a) defines it in similar terms as 'persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient'. The Andrea Adams Trust's factsheet on the topic refers to bullying as a 'sustained form of psychological abuse' that can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. It defines the wide spectrum of this type of behaviour as:

- unwarranted, humiliating, offensive behaviour towards an individual or groups of employees
- persistently negative malicious attacks on personal or professional performance; typically unpredictable, unfair, irrational and often unseen
- an abuse of power or position that can cause such anxiety that people gradually lose all belief in themselves, suffering physical ill health and mental distress as a direct result



- the use of power or position to coerce others by fear, persecution or to oppress them by force or threat.

## **Harassment**

Harassment, while in practice often replicating the kinds of behaviour or actions that are also associated with bullying, is distinct from bullying in that it is associated with discrimination law and the personal characteristic(s) of the recipient. Acas (2005) defines harassment as 'unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident'. It goes on to explain that harassment, as applied to sexual orientation, religion or belief and race and ethnic and national origin, 'creates an intimidating, hostile, degrading, humiliating or offensive environment'. The CIPD (2005a) adds that the key to understanding harassment does not lie in the intention of the perpetrator but whether the behaviour is unacceptable by reasonable normal standards and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

## **Legislative context**

### **Bullying**

There is no specific statutory provision in the UK protecting employees from workplace bullying, but there is an ongoing campaign for anti-bullying legislation. For example, a Dignity at Work bill proposed redress for victims of bullying through the employment tribunal system, and was passed by the House of Lords in 2002 but was not given any parliamentary time.

There are still a number of laws that could be relevant, however. An employee who is bullied at work may be entitled to resign and claim that they have been unfairly constructively dismissed (Employment Rights Act 1996). In order for this to happen, the employer's conduct must involve a fundamental breach of the employment contract. The implied term most relied on in this context is the employer's duty to maintain trust and confidence – for this term to be broken, either the employee must have been harassed or bullied by the employer, or the employer must have failed to protect the employee from the abuse. There is also an implied duty to provide a safe working environment.

Employers have a 'duty of care' to look after the health and safety of their employees. There is a common law duty under the law of negligence, and it is an implied term in the contract of employment that the employer will ensure the health, safety and welfare of the employee. Furthermore, this duty of care is enshrined by statute in the Health and Safety at Work Act 1974. Under an employer's potential civil liability, if

the employer has breached the duty to protect the employee's health and safety, the employee could be in a position to bring a civil action for damages against the employer. Also, under the Management of Health and Safety at Work Regulations 1999, employers have a duty to carry out an assessment of the risk to employees' health and safety, and to take preventative measures to deal with these. The HSE's guidance (2003) on work-related stress identifies bullying and harassment as one source of stress under the category of relationships, and says that employers should take account of stress-related ill health when meeting their legal obligations.

In very serious cases, the perpetrator of bullying could be criminally liable under the Public Order Act 1997 and the Protection from Harassment Act 1997, although in reality there are relatively few prosecutions for workplace bullying under these laws. The latter law was established primarily to tackle stalking, and is not expected to be used by employees to bring a harassment claim as an alternative to common law and anti-discrimination legislation. Other activities that may be used by workplace bullies, such as sending offensive emails, could fall within the remit of the Malicious Communications Act 1988.

### **Harassment**

As well as the criminal and civil liability that may arise from serious bullying and/or harassment under the Public Order and Protection from Harassment Acts, there is also specific anti-discrimination legislation that protects UK workers from harassment on specific grounds. Previously, a harassment claim had to contain all the elements of direct discrimination and was established as a form of discrimination through case law. But European Union legislation passed in 2000 now defines harassment as a separate or 'free standing' form of discrimination.

The Equal Treatment Amendment Directive (2002/73) changed the 1975 Sex Discrimination Act on 1 October 2005 and introduced new rules on harassment. The Act now prohibits sex-based harassment and harassment of a sexual nature, the aim of which is to enable 'free-standing' claims of gender harassment. This means that comparison with a similarly situated male is not necessary. This brings sexual and sex-based harassment into line with the other strands of discrimination law – race, religion or belief, sexual orientation, disability and, from October 2006, age – and provides an important new remedy (Rubenstein 2005). The definition makes clear that any conduct is unlawful if it is unwanted and violates the employee's dignity, in the view of that employee. The test is not solely reliant on how the behaviour is perceived by its recipient, and how a 'reasonable' person would view the behaviour is also taken into account.

## The extent of bullying and harassment

According to the available survey evidence, workplace bullying has been increasing since the mid-1990s. Some of this evidence, at first glance, is disturbing. For example, a recent survey by the anti-bullying charity, the Andrea Adams Trust and *Personnel Today* (2005a) reported that over 70 per cent of respondents had witnessed or been aware of bullying in their organisation. The fact that the survey sample is the HR population, whose members may have more direct cause than some other employee groups to be aware of the problem, may help to explain the alarmingly high headline statistic.

Although such surveys point to shocking levels of bullying, research studies across the globe indicate a more realistic incidence, with between ten and 20 per cent of employees reporting experience of bullying at any one time. The most comprehensive UK study of workplace bullying to date was undertaken in 2000 at the University of Manchester Institute of Science and Technology (Cooper and Hoel). Across the economy, the survey revealed that one in ten workers had experienced bullying in the previous six months and one in four had been bullied within the previous five year.

A more recent survey, of over 200,000 NHS staff by the Healthcare Commission (2005), found that ten per cent of NHS staff had been bullied or harassed by fellow employees – though the figure that rose to 37 per cent when abuse from patients or their relatives was included. And a study of the higher education sector by Strebler and O'Regan (2005) found that 17 per cent of the 1,359 respondents had personally experienced some form of harassment at work in the previous 12 months, most commonly unwelcome comments and verbal assault.

A CIPD (2004b) survey on employee wellbeing found that 13 per cent of respondents had experienced bullying and/or harassment over the previous 12 months. A later CIPD survey on managing conflict at work (2005) revealed that the average UK employer deals with two disciplinary and grievance cases on bullying or harassment a year, that are mainly settled internally (77 per cent). Fourteen per cent escalate to a tribunal hearing. Those accused of bullying in UK organisations are more likely to be men (60 per cent) than women (43 per cent). They are also most likely to be line managers (38 per cent), peer colleagues (37 per cent) or department managers (22 per cent). A further 12 per cent of bullying accusations are made against subordinates.

A recent CMI survey (2005) found that 39 per cent of all managers had been bullied in the past three years. Surveying this particular section of the workforce explodes the myth that bullying behaviour is only perpetrated by managers towards their subordinates: although 81 per cent of bullying relationships reflected this hierarchical pattern, a further 59 per cent reported being bullied by their peers. The most common types of bullying experienced included misuse of power or position (70 per cent), verbal insults (69 per cent), undermining by overloading or criticising (68 per cent), unfair treatment (67 per cent) and overbearing supervision (63 per cent).

The latest release of the National Workplace Bullying Survey (Andrea Adams/Digital Opinion, 2005) provides a view of workplace bullying from the standpoint of the victim.

### **Key findings from the survey**

- Bullying occurs at all levels of organisations, and immediate managers are more frequently cited as the perpetrators (51 per cent of respondents).
- Twenty-nine per cent of respondents were bullied by colleagues with whom they worked directly.
- Several respondents were bullied by more than one group of colleagues.
- The most widely experienced form of bullying was unfair criticism (71 per cent), followed by intimidating behaviour and ignored opinions (68 and 63 per cent respectively).
- Job-related bullying also seems to have a high incidence rate including responsibilities being taken away (45 per cent), excessive monitoring (45 per cent), given unsuitable tasks (37 per cent), and training provision being withheld (24 per cent).
- Three per cent of respondents in the survey had experienced physical abuse in the workplace.
- The effects of the bullying experienced tended to centre on worrying about attending work (89 per cent), affecting confidence (88 per cent) and lowering self esteem (87 per cent).
- Seventy per cent of respondents cited that the bullying led them to feel depressed, with 63 per cent noting that it affected the quality of their work.
- Fifty-three per cent of those who had experienced bullying had taken time off work with 36 per cent increasing their alcohol consumption or tobacco use.
- More than half of the respondents did not know how their organisation dealt with bullying.
- Only 23 per cent knew that their organisation had specific policies and procedures to deal with bullying and a further 26 per cent were aware that bullying was dealt with through formal grievance procedures.
- Fifty-five per cent of the respondents had made a formal and/or informal complaint about the bullying they had experienced.
- The same proportion noted that they had begun looking for alternative employment, while a further 21 per cent had sought legal advice.

- Only three per cent of respondents felt that their actions had solved the problem.
- Forty-two per cent of the respondents felt that their actions had no effect on the bullying experienced, and worryingly almost one-quarter felt that their actions actually made the situation worse.

There have been several studies over the years into the extent of harassment, particularly in relation to race, sex and disability. For example, recent research carried out in South Wales by the University of Glamorgan Business School and the Valleys Race Equality Council (LRD 2005) reported that 25 per cent of ethnic minority workers had experienced bullying compared to five per cent of their white counterparts. The research revealed that ethnic minority respondents suffered a 'catalogue of bullying behaviours', not only from managers, but from peers or colleagues on lower grades.

Streblor and O'Regan (2005) found that age was a factor in incidence of harassment. Those aged 35 to 44 reported significantly more incidents than other age groups. Likewise those with a disability and/or health issues tend to experience more harassment than those with no disability or health issues. The study of the higher education sector also revealed that employees with caring responsibilities – whether for adults and children – had a higher level of experience of harassment.

## The causes

It is difficult to pin down the reasons why bullying and harassment are more prevalent in one organisation than another, but certain contributory factors can be identified. These will vary from organisation to organisation. For example, the reportedly high incidence of bullying and harassment in some parts of the NHS has been partly attributed to its hierarchical structure (*Personnel Today*, 2005b). The CIPD (2005a) says that 'harassment thrives in a workplace culture where it is not challenged, but is ignored or swept under the carpet – an organisation should not assume there are no problems because they have not received any complaints'.

In its advice to employers, the Andrea Adams Trust urges organisations to examine the contributory aspects to workplace bullying. These might include:

- organisational culture
- styles of management
- consultation process
- job design and workflows
- performance expectations
- composition of the workforce

- inadequate staffing levels
- large workloads and increased work pressures
- workplace layout
- behaviour of clients
- levels of communication
- level and nature of training
- performance management
- lack of mutual trust.

The survey conducted by CMI (2005) asked respondents to identify the top three factors that contribute to bullying. These were: lack of management skills (66 per cent), personality of colleagues/managers (57 per cent) and authoritarian management style (55 per cent).

The majority of bullying incidents occur between two individuals. This can happen when there is an unequal balance of power between them that results in a conflict situation. Power is not restricted to relationships where one person has management or supervisory control over another. The CIPD (2005b) describes the following categories of power:

- positional power – the power of a role or position
- relationship power – the power of a group
- resources power – the power to withhold scarce resources essential to one's role
- psychological power – the power of recognising an individual's vulnerabilities and exploiting this knowledge to the person's detriment
- knowledge power – the power to withhold information
- delegated power – the power to use your relationship with someone to undermine and/or threaten others.

While bullying and harassment usually manifest themselves in behaviour between individuals, they also need to be understood within the wider context of managing conflict in the workplace. The CIPD survey (2005b) found that the behaviour and conduct of employees are the most important causes of employment disputes, and it is this area that is most likely to prompt employment tribunal applications.

## Counting the cost

Bullying and harassment can have a devastating impact on those being bullied, their colleagues and families, and the organisation. The Health and Safety Executive (HSE 2003) calculates that the problem accounts for up to £2 billion in lost revenue each year – and some estimates come in higher than this. The Healthcare Commission (2005) research found that reducing the level of bullying and harassment in the NHS by just one per cent would save the NHS £9 million annually. According to the CIPD (2005b) victims of bullying take an average of seven days more sick leave a year than those who had neither been bullied or witnessed bullying. Based on a bullying rate of ten per cent, this would account for 18 million lost working days in the UK. Acas (2005) says that bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation, including:

- poor morale and poor employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations
- damage to company reputation
- tribunal and other court cases and payment of unlimited compensation.

The research in the higher education sector by Strebler and O'Regan (2005) found that respondents who had experienced harassment were more negative about:

- the way their performance is managed
- their belief that they have a caring institution
- the amount of stress they experience
- the level of communication.

In rare cases, workplace bullying has even led to the threat or occurrence of industrial action – for example, in 1998 when the transport and travel union TSSA threatened its first strike since the 1926 general strike over bullying at train-operating company Connex (Labour Research Department, 2005).

The effect of bullying can be catastrophic to the person experiencing it, on their physical, mental and social welfare. There is an increasing body of research quantifying these effects. For example, the CIPD (2005b) lists some of the physical and

psychological symptoms as loss of appetite, skin complaints, palpitations, anxiety, depression, burnout, low self-esteem and irritability. It is also now recognised that exposure to bullying can cause post-traumatic stress disorder (Rennie Peyton, 2003). At the more extreme end of the spectrum, some recipients of this kind of behaviour experience suicidal thoughts – such as the Birmingham postal worker Jermaine Lee who hung himself in November 1999, leaving a note claiming that he had suffered racial harassment at work for five years. In 2002, Royal Mail reached an out of court settlement with the bereaved family, and several managers were sacked.



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# Tackling Bullying and Harassment

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## Overview

Employers need a sophisticated understanding to identify and tackle bullying and harassment – they can be well hidden within organisations and manifest themselves in a wide range of isolated or recurring behaviours. Acknowledging that the problem exists, and equipping line managers with the skills and knowledge to identify negative behaviour, are the first steps. A particularly challenging aspect is determining the difference between strong management and bullying behaviour. It is important that managers feel confident to tackle under performance within teams without the fear of being branded a bully. And yet an open and inclusive management style can help to create a culture that encourages dignity and deters negative behaviour.

One of the key developments of the past decade is the growing number of organisations with a bullying and/or harassment or dignity at work policy – a CIPD survey (2004a) puts the number at 83 per cent. While this is an important first step, a policy needs to be positive in the kind of conduct it encourages from employees. For example, some organisations have introduced behavioural frameworks to guide employees. Organisational policy is starting to shift from the more traditional focus on punitive measures for the bully alone, towards one that recognises that those individuals who are accused of bullying also need support.

A proactive approach, that communicates the policy to all staff and trains line managers and key staff in its application, is fundamental to any anti-bullying strategy. Line managers have a particular responsibility to implement any policy and need additional training in areas such as mediation and counselling skills.

The most effective way of dealing with the majority of instances of bullying and/or harassment is thought to be through informal approaches, when working relationships have the best way of remaining intact. Informal approaches that have proved successful for some organisations include counselling, mediation or setting up a network of harassment support advisers who act as the first point of contact for

people who believe they are being bullied. Not all cases can be settled informally, however, and it is vital that organisations have in place fair and robust procedures for dealing with complaints. Stamping out bullying and harassment is not necessarily an easy task: it can involve significant time and resources on the part of the employer and ultimately may require a cultural-change programme.

### Identifying the problem

Having a clear legal understanding of what constitutes bullying and harassment does not necessarily make it any easier to identify when these types of behaviours are occurring. The Andrea Adams Trust points out that a good deal of workplace bullying can be overlooked because a number of euphemisms – such as ‘bad attitude’, ‘personality clash’ and ‘poor management style’ – are frequently used to justify what is really bullying behaviour. It also categorises obvious bullying behaviour – for example, public humiliation, persistent criticism, personal insults and name calling, increasing responsibility whilst decreasing authority – as opposed to the less obvious types of behaviour, which can be much harder to detect. These include:

- setting individuals up to fail
- setting uncontracted tasks
- setting unrealistic deadlines for an increased workload
- removing areas of responsibility and imposing menial tasks
- deliberately sabotaging or impeding work performance
- constantly changing guidelines
- withholding work-related information.

The more subtle forms of bullying are by their nature more ambiguous. Often, a single incident is difficult to characterise as definite bullying behaviour but a few incidents taken together indicate a pattern suggestive of bullying (Rennie Peyton, 2003). More subtle forms can include hiding behind company policy, for example, where activities such as assessment and annual appraisal can be used as instruments with which to bully people.

Most people will agree on extreme cases of bullying and harassment but it is sometimes the ‘grey’ areas that cause most problems (Acas, 2005). It is therefore good practice for employers to give examples of what is unacceptable behaviour in their organisations and this may include:

- spreading malicious rumours or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know

- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

The CIPD (2005b) says that the negative behaviours most frequently identified with bullying fall into four main groups:

- personal insults (*eg* humiliation, personal criticism, ridiculing or demeaning comments)
- intimidation (*eg* threats of physical violence or psychological intimidation, misuse of power or position)
- work-related harassment (*eg* withholding information, having one's responsibilities removed, work overload, misrepresenting your work as their own)
- social exclusion (*eg* isolation, scapegoating, victimisation).

Bullying and harassment are not necessarily face-to-face, they can be manifested in written or electronic communication, or by 'phone. Such behaviour can even be reflected in automatic supervision methods or in the recording of telephone conversations if these activities are not universally applied to all employees.

Many trade unions have mounted concerted campaigns to tackle bullying and harassment in the workplace, and some have also published guidance material. The Communication Workers Union's guide (CWU, 2004) provides useful lists of behaviour to help recognise the different forms of harassment. For example, harassment of workers with disabilities could include intimate questions about an individual's disability or an assumption that a physical disability means that the individual lacks intelligence. Religious harassment, meanwhile, could take the form of unwanted comments on dress or mocking or derision of people's religious beliefs. Harassment and bullying can range from extremes, such as violence, to less obvious forms, like ignoring someone (CIPD, 2005a). Whatever the form, it will be behaviour that is unwanted and unpleasant. Examples include:

- physical contact
- jokes, offensive language, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or a lack of co-operation and exclusion from social activities
- coercion for sexual favours and pressure to participate in political/religious groups
- intrusion by pestering, spying or stalking
- failure to safeguard confidential information.

Sometimes, the recipient of the bullying or harassment may not be sure that they are being bullied or harassed, thinking perhaps that a particular type of behaviour may be 'normal' for that organisation. The fear of reprisal, or being accused of over-reacting, may deter the employee from reporting the problem. This acts as a further impediment to effectively identifying and dealing with incidents of bullying and harassment.

## Types of bullying

Bullying, and some harassment behaviours, can display many complicated facets, which is another reason for the significant challenge that many organisations experience in trying to deal with the problem. How exactly bullying is instigated and develops between individuals is a complex and personal process. The CIPD (2005b) says that, in order to effectively tackle bullying at work, it is helpful to try and identify the nature of the bullying behaviour. Individual bullying usually falls into a number of types: predatory, dispute-related and escalating.

'Predatory bullying' happens if a bully is using the recipient to demonstrate power to others. It is more common in organisations where the culture permits this type of behaviour and the bully feels that he or she is unlikely to be punished for their bad behaviour. 'Dispute-related bullying' develops out of a 'perceived slight or conflict that has got out of hand, souring the atmosphere in the workplace'. One person feels that the other has wronged them, and an allegation of bullying is used as a tactic between the opponents. 'Escalating bullying' can be explained by the way we attribute the reasons for our own and other people's behaviours. For example, we tend to see positive behaviours as part of our own personality and blame external factors for any negative behaviours, but the opposite interpretation is applied to other people's behaviour.

The CIPD guide goes on to describe how bullying can manifest itself within organisations, for example, 'merry-go-round bullying', where the bully selects one member of the team at a time to bully. The whole team is constantly on edge, and all members are wondering whether or not it is their 'turn' to be bullied. There is also

'good guy/bad guy bullying', where two or more individuals become involved in the bullying behaviour. The 'good guy' will apparently be friendly and concerned, and encourage the recipient to talk about their fears and concerns. They will and then pass this information on to the 'bad guy' so that it can be used to more accurately target the bullying. One form of bullying that can be particularly difficult to recognise is 'passive-aggressive bullying', where the bully manipulates or undermines others by focusing on the disadvantages of an idea or proposal.

Aside from bullying between individuals, it is important to recognise that organisational bullying exists. This occurs when practices and procedures are used to oppress, demean or humiliate the workforce (CIPD, 2005b). Sometimes organisations themselves are bullied or put under external pressure by shareholders or customers, for example, to meet targets that in turn causes distress to employees. Organisational culture and management style can also perpetuate bullying. In other organisations, the chief executive may appoint a 'henchperson' to carry out harsh actions, leaving the him- or herself with clean hands. 'Process bullying' occurs when oppressive organisational practices are used to bully staff.

## Managers' right to manage

One of the major challenges in combating bullying and harassment in the workplace is defining the fine line that exists between these negative behaviours and what is merely firm management. Conversely, the fear of being accused of bullying can inhibit some line managers from tackling the poor performance of their teams. Perception does play a role here: behaviour that is considered bullying by one person may be seen by another as simply tough management. It is often the case that individuals are unaware of the negative impact their behaviour is having. But it is possible to differentiate between using reasonable management techniques and bullying at work. Indeed, a key part of equipping managers to tackle bullying behaviour in a confident and effective manner is in ensuring that they are clear on where the differences lie.

The CIPD guide on bullying (2005b) provides a useful table showing the differences between strong management and bullying behaviour when tackling poorly performing teams. For example, when identifying the performance issue, a strong management approach would involve looking at all the potential reasons for the poor performance, while a bullying response would make no attempt to do so. Similarly, when agreeing new standards of performance a firm manager would involve team members in the activity, while a bullying manager would impose the new standards without discussion. Failure to achieve the standards of performance would be dealt with as a performance-improvement issue by a firm manager and support would be provided for someone who was struggling, although disciplinary action would be taken if the individual is unwilling to comply. A bullying manager would simply exert pressure to conform that may include ridicule, sarcasm or criticism.

The Andrea Adams Trust says that the fine line between strong management and bullying is crossed when the target of the bullying is persistently downgraded with the result that they begin to show signs of being distressed, becoming either physically, mentally or psychologically hurt. It also points out that bullying thrives where it is common behaviour across the management hierarchy. In companies that pride themselves on strong management, bullying can soon become part of the company's culture.

Strong management does not mean that an overbearing management style is adopted. An open and inclusive management style, that involves employees and encourages direct communication and feedback on performance, is more motivating and can engender much greater commitment from employees. The CMI (2005) study found that those organisations with more open, trusting management styles tended to experience a lower level of bullying. More 'authoritarian, secretive or suspicious styles' tended to show slightly higher levels of bullying. Management style is closely linked to organisational culture, an area that is covered in more depth below.

## A positive policy

As bullying and harassment have emerged as an increasingly prominent issue in employment over the past few years, so the number of organisations developing and implementing policies in this area has increased. For example, the CIPD (2004a) found that 83 per cent of organisations had a bullying/harassment policy, while 39 per cent had one covering dignity at work. The CMI (2005) survey, meanwhile, found that 55 per cent of organisations had a formal policy on bullying. The survey also asked respondents how effective they considered their organisation's approach in relation to two key areas: deterring bullying and responding to specific incidents of bullying as they occur. Whether or not there was an organisational policy in place was a key determinant in how effective respondents perceived their organisation to be in successfully tackling the issue.

Introducing a formal bullying and/or harassment policy has to be the first step in successfully tackling bullying. It can make clear what constitutes this type of behaviour, that it will not be tolerated and set out how such incidents will be dealt with. There are different approaches to consider when developing a policy in this area: it can be seen as an extension of an organisation's equal opportunities policy – and may even be incorporated within it – but, increasingly, employers are drafting standalone policies for bullying and harassment (IRS, 2006). The TUC's advice is to deal with the issues within the context of health and safety, while a growing trend is to develop a dignity at work policy that covers both bullying and harassment. Any policy covering this area is also closely linked to an organisation's grievance and disciplinary procedures. Acas (2005) says that a policy 'need not be over-elaborate', especially for small firms, and sets out the following checklist for what a bullying and harassment policy should include:

- statement of commitment from senior management
- acknowledgement that bullying and harassment are problems for the organisation
- clear statement that bullying and harassment will not be tolerated
- examples of unacceptable behaviour
- statement that bullying and harassment may be treated as disciplinary offences
- the steps the organisation takes to prevent bullying and harassment
- responsibilities of supervisors and managers
- confidentiality for any complaint
- reference to grievance procedures (formal and informal), including timescales for action
- reference to disciplinary procedures, including timescales for action, counselling and support availability
- training for managers
- protection from victimisation
- how the policy is to be implemented, reviewed and monitored.

If an employer is developing a policy for the first time, it is worth considering at the outset what approach should be taken and how it should be presented to staff.

Interestingly, the top reason for having a policy cited by respondents to the CIPD survey (2004a) was to ensure that they met their legal duties. Only eight per cent introduced one to help reduce disputes, while just five per cent did so to improve individual performance. This compliance-based approach was accompanied by a focus on defining the negative, rather than the desired, positive behaviours within the policy itself. A more balanced approach is to define both intimidating and positive examples of behaviour in any bullying and/or harassment policy. A dignity at work policy can fulfil this aim by identifying positive behaviours, and the benefits they can bring to the organisation and to individuals. Framing the policy in a more constructive and affirmative way can be the starting point for encouraging a climate that does not tolerate bullying but also fosters more productive working relationships. The CIPD (2005b) guide includes an example of a dignity at work policy. As well as presenting the benefits and organisational principles in a positive and proactive way, its aims set the tone for how the organisation views and deals with negative behaviour:

- ensure the dignity at work of all our employees
- respect and value differences

- make full use of the talents of the workforce
- prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours
- demonstrate our commitment to equal opportunities for all
- be open and constructive in our communications
- handle conflict creatively
- be fair and just in our dealings
- educate our workforce in the development of positive behaviours.

Some organisations have gone further to encourage positive behaviour as part of their policy approach to dealing with bullying and harassment, and have developed behavioural frameworks (IDS, 2003). This approach may facilitate greater understanding of the issue by avoiding defensiveness sometimes associated with bullying or harassment.

**Behavioural framework at Isle of Wight Healthcare Trust**

The Isle of Wight Healthcare Trust's framework comprises 11 standards, each accompanied by a brief explanation and concrete instances of behaviour required. For example:

- self-management – shows tolerance towards others and a calm approach under pressure
- teamwork – ensures that other people in the team know what is expected of them and share information for the good of the team
- managing tasks – delegates tasks where appropriate and supports others in achievement of their tasks when needed (IDS, 2003).

Any policy on bullying and/or harassment needs to be a proactive one: on its own, a policy statement is worth little unless it is backed up by other supportive measures, including the top-level commitment of the senior management team. The Healthcare Commission (2005a) recently commended the Devon Partnership NHS Trust for its progress on tackling bullying and harassment. The trust's proactive approach was far-reaching: as well as new policies and procedures, communication practices were improved, a HR business partner model has been adopted to give line managers more day-to-day support and a confidential hot line was set up so that staff could raise issues directly with the chief executive. The result was a reduction in reported levels of bullying from a third of all staff in 2003, to around ten per cent in 2005.



## Communicating and implementing the policy

The CIPD (2005a) says that, to be effective, policy statements should be agreed with union representatives. The policy should be communicated to ensure that all employees:

- know their rights and personal responsibilities under the policy
- understand the organisation's commitment to deal with harassment
- are aware of who to contact if they want to discuss their experiences in order to decide what steps to take
- know how to take a complaint forward and the timescales for any formal approaches.

Acas (2005) advises that the policy will gain additional authority if staff are involved in its development. In its work to develop and implement new bullying and harassment procedures at the Mersey Regional Ambulance Service NHS Trust (2003), Acas initially conducted a series of workshops involving large sections of the workforce. When the trust was ready to implement its new dignity at work policy, it held seminars with senior managers and trade union representatives to explain how it would operate and discuss wider issues around bullying and harassment. It also set up a working group to devise strategies for raising awareness across the workforce and appointed 'fair treatment advisers'. These employees played a key role in explaining the new policy and educating people about the new procedures.

Organisations have a wide range of media at their disposal to promote its policy. IDS (2003), for example, found that employers use a variety of methods, such as leaflets and policy booklets, articles placed in internal journals and the intranet. The IDS study includes the example of London Underground. The Tube operator's communications roll out of its strategy began with a launch by the managing director to 400 managers. Simultaneously, a booklet for senior managers and another for employees was issued on a one-to-one basis. Large posters and lists of harassment advisers were placed on all staff notice boards, and a video/DVD was sent to every employee on the first anniversary of the launch.

The choice of communication channel will depend on the culture and needs of the organisation and could include email alerts as well as face-to-face approaches such as team briefings, presentations by senior management and roadshows. Information covering the bullying and harassment policy and the types of behaviour that will not be tolerated should also be included in staff induction and training, and in health and safety training (Labour Research Department, 2005).

## Training

Training, and additional specialist support for those charged with a particular role in dealing with bullying and harassment, are fundamental in preventing its occurrence of bullying and harassment and dealing effectively with specific incidents. In the CMI research (2005), training emerged as a particularly effective aspect of a bullying policy: 83 per cent of those managers whose policies included training rated their organisation as quite or very effective in deterring bullying. The CIPD (2005b) says that the training should cover everyone in the workplace, 'from the most senior managers to the newest recruit'. 'Core training' should be given to everyone in the organisation where a dignity at work policy is introduced, and should include:

- an outline of the policy
- the way in which the policy and procedures link to the organisation's values and behaviours
- identifying the behaviours that demonstrate dignity and respect within particular teams
- how to deal with instances where team members or others behave badly
- the guidance and support that is available to anyone who believes that they are being treated unfairly or bullied.

The Isle of Wight Healthcare Trust (IDS, 2003) takes a 'whole-team' approach to training – the programme is implemented with a team at its request, or when a new team takes up duty, or after inappropriate behaviour is detected. All members of the team must attend and agree their team's action plan. Each programme comprises a sequence of half-day sessions, plus follow-up team meetings. The essence of the approach is that the team takes responsibility for its behaviours, future objectives and achievements.

### **Managers' responsibilities**

Managers have a key role in implementing any policy on bullying and/or harassment, or dignity at work, and therefore need to be adequately trained. IDS (2003) found that the employers it surveyed all assigned line managers an active role in, at least, informal discussions and attempts to settle any complaint and monitor subsequent behaviour, while recognising the need to provide an alternative avenue for redress for staff who have a complaint against a line manager. LRD (2005) goes a step further and advises that, since it is often the manager or supervisor who is the bully, they should be trained to be aware of the behaviour that could be construed as bullying (for example, excessive monitoring of work or ignoring views and opinions).

According to the CIPD (2005b), although HR can support the line manager in their role of identifying, managing and dealing with inappropriate behaviours, the line

manager needs to set the standard of behaviour for the team. As well as understanding the policy and procedures, the line manager also needs to be able to recognise when relationships within the team are becoming strained, and how to deal with any conflict. The line manager's training should cover:

- listening and responding skills
- challenging and reframing skills
- awareness of mediation skills
- counselling skills
- knowledge of the disciplinary and grievance process.

London Underground (IDS, 2003) has adopted a distinctive route of appointing accredited managers for harassment, whose primary responsibility is to handle formal complaints. Their intensive training was a key priority at an early stage, and the strategy has resulted in the transfer of responsibility for the conduct of formal complaints away from HR professionals, whose role changed to one of championing change, evaluating and reporting, and providing these specialist managers and staff harassment advisers with guidance and support.

## Informal approaches

### 1. Talking to the parties involved:

- issues may be resolved quickly
- relationships can be improved

### 2. Writing a letter:

- allows preparation time
- acts as a record of the incidents

### 3. Mediation:

- increases the likelihood of resolution
- can improve working relationships.

Commentators and expert bodies are unanimous in their advice that the most effective way to deal with the majority of bullying and harassment situations is to first follow informal processes. The CIPD (2005b) points out that not everything that causes an employee to become upset is bullying. An initial, informal discussion can help to clarify whether there is any basis for the claim. Acas (2005) says that people are sometimes unaware that their behaviour is unwelcome, and an informal

discussion can lead to greater understanding and an agreement that the behaviour will cease. Informal procedures may also provide the opportunity for a manager to try to resolve the issue by having a discussion with the individual accused of bullying, possibly with the help of a HR officer.

Acas (2003) found that the informal approach enshrined in Mersey Ambulance Service NHS trust's dignity at work policy has been very effective in tackling bullying and harassment. The informal route enabled the recipient of the bullying behaviour to ask the perpetrator to stop, explain the effect it had on them, and provided the option of taking a colleague with them. It also gave the option of seeking help from a manager to set up a meeting with those involved. Many employees had opted to take complaints through the informal route, with the benefit that problems were resolved quickly and not 'left to fester.'

For the organisation, the advantages of the informal route are the reduced risk of sometimes irreparable damage to working relationships and teams, and less involvement of HR and management resources, which a formal investigation and possible disciplinary action would otherwise absorb.

As well as initial discussions with line managers and/or HR, there are several other processes that an organisation can adopt to support an informal approach. For example, some organisations have set up a system of advisers – usually termed anti-bullying champions or harassment advisers – who are trained to act as an early point of contact for people being harassed or bullied. These special advisers are volunteers, and are equipped to listen and deal confidentially with any complaints, as well as promoting the organisation's policies on bullying and harassment more generally. For example, the Isle of Wight Healthcare Trust (IDS, 2003) set up such a volunteer network called employee support advocates, while the aim of a similar system at Barclays Bank was to provide employees who are suffering from harassment, bullying and/or discrimination of any kind with objective support and guidance on the options available to them. It is important to note that these support volunteers at Barclays are not counsellors – if the volunteer feels the employee needs counselling, or if the individual requests it, they are referred to an independent counselling service.

Counselling can play a vital role in complaints about bullying and/or harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without the need for any further or formal action (Acas, 2005). The CMI survey (2005) found that nearly half of organisations (49 per cent) provided internal, confidential counselling for such a purpose, and 23 per cent opted for external provision. Other organisations opt to provide this service as part of a wider, employee assistance programme (EAP). According to Acas, counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

Mediation, where a neutral third party helps the two parties to reach an understanding on the issues, is another approach that can be very useful in helping to resolve complaints about bad behaviour. Some organisations have adopted an element of mediation as a first stage of the formal grievance process in bullying and harassment cases, although less than one in ten (nine per cent) of organisations used external mediation as part of their approach to tackle the issue. The CIPD (2004a) says that mediation is an increasingly useful tool in managing workplace conflict, and its research shows that companies who train their employees in mediation skills have fewer disciplinary and grievance cases. The CIPD (2005b) guide on bullying and harassment advises that mediation is appropriate when there is agreement on the existence of an issue, and when both parties are willing to work for a win-win solution. It is not appropriate if an individual is unwilling to take part or if there has been serious bullying or victimisation.

## Formal action

### **Employment Act 2002 (Dispute Resolution) Regulations 2004**

- Establishes a three-step programme for dispute resolution including formal written explanation of the employee's conduct and behaviour that may lead to disciplinary action, followed by a hearing where the issue can be discussed, and the right of the employee to appeal against any decision made.
- Suitable when the incident that brought about the complaint is very serious or informal routes have been unsuccessful.

Not all alleged cases of bullying or harassment can – or should – be settled via an informal route and it is vital that organisations have clear and thorough formal procedures in place for dealing with complaints about bad behaviour. Some organisations make use of their standard grievance and disciplinary procedures – and since October 2005, all employers must have minimum procedures in place by law – but many have tailored them to deal more effectively with bullying and/or harassment claims. Employees must know to whom they should make a complaint. IDS (2003) says that formal procedures are generally activated:

- at the request of the complainant
- when informal attempts to resolve the problem have failed
- when harassment is persistent
- for a single serious incident of harassment.

Following a formal complaint, the first stage is an investigation, which must be followed in accordance with the organisation's disciplinary procedure. Acas (2005) cautions that in the case of a complaint of bullying or harassment, there must be

fairness to both the complainant and the person accused. The purpose of the investigation is to gather all the facts pertinent to the case to inform a decision about whether bullying or harassment has occurred (IDS, 2003). Most organisations in the IDS study emphasised the need to carry out the investigation as quickly and confidentially as possible, with the investigator revealing only necessary details to those who need to know. If the investigation finds that bullying or harassment has taken place, a decision needs to be taken on whether to take informal or formal action. This will depend on the individual circumstances of the case. Detailed guidance on how to handle disciplinary matters is available on the Acas website.

Penalties may include an oral or written warning, demotion, bans on promotion, compulsory transfer, final warnings or even dismissal. The CIPD (2005a) says that, where a complaint is upheld, it may be necessary to relocate or transfer one party, although it should not automatically be the complainant who is expected to move but they should be offered the choice where practical. Where the perpetrator is transferred, no breach of contract must occur or a claim of constructive dismissal could arise. If a complaint is not upheld, a voluntary transfer of one of the employees should be considered. IDS (2003) found that particular penalties for bullying and/or harassment cases included a requirement to attend a behaviour change programme (London Underground) or a written warning for the duration of employment where the alternative would be dismissal (Isle of Wight Healthcare Trust).

One further aspect that should be highlighted is the need for managers or other employees to understand their position if accused of bullying. Traditionally, there has been little acknowledgement of the need to provide support for those accused of bullying, and the majority of policies and remedial action focus on punitive measures directed at the alleged bully. While there is certainly a place for disciplinary action, some bullies can be unaware of the impact of their behaviour. To be accused of bullying can be a shock and it is important that the accused person is provided with the same level of care and support as the person doing the accusing (CIPD, 2005b).

The victim of the bullying behaviour, particularly when they have been bullied for a long time before seeking help, may suffer a range of psychological difficulties and disorders, for which a number of counselling models and interventions may be necessary.

## Cultural change

There are no short cuts to eradicating bullying and harassment within an organisation. If the incidence is widespread and there is a culture where negative behaviour is condoned, or swept under the carpet, often a significant investment on the part of the employer is needed to turn the situation round. Organisations that are serious about promoting dignity in the workplace need to create a culture where positive approaches are encouraged. The CIPD (2005b) says that four elements are essential to this process:

1. creating an atmosphere in which the organisation and its leaders have a clear vision and sense of what a culture of dignity and respect would be like in practice
2. establishing and integrating a continuous assessment and improvement approach that is built on the shared belief that change does not happen by chance, but is made to happen
3. developing monitoring tools that measure qualitative and quantitative improvements in the culture of the organisation
4. identifying the necessary tools and approaches required for maintaining the momentum of dignity at work.

Reports of bullying and harassment at the Royal Mail Group (RMG) were, at one time, commonplace in the press, and in 2003 the Equal Opportunities Commission launched a formal investigation into allegations of widespread sexual harassment against female postal workers. Since then, the company has embarked on a massive cultural change programme to eradicate bullying and harassment from the business (Foster, 2004). In order to change a culture where bullying and harassment were historically ignored or indirectly condoned, the programme demanded large-scale commitment and investment from the RMG. Dignity at work was approached within the context of managing diversity, and specific initiatives included a fast-track complaints procedure, specialist investigators, a free phone victims' helpline and company-wide training. Similarly, at Devon Partnership NHS Trust (Healthcare Commission, 2006), a 'zero tolerance' approach towards bullying and harassment was adopted, although it was recognised that it takes time to effect cultural change.

The role of senior managers in leading the change process cannot be over-emphasised. Leading by example is key if employees are going to be prepared to change their own behaviour. The CIPD (2005b) advises that leaders need to be seen to be 'championing a culture of respect' by having an ongoing conversation with employees about the organisation's values, and by providing formal and informal recognition for people's achievements. Leadership competencies can also play a pivotal role.

Introducing a policy on bullying and/or harassment alone will not be enough to stamp out inappropriate behaviour – an organisation's approach needs to be integrated within the range of its people processes and systems in order to be effective. Any policy also needs to be monitored regularly to assess whether it is achieving its aims. Anonymous feedback can be gathered via staff appraisals and surveys to help gauge the true extent and incidence of bullying and harassment, and determine the quality of any policies in this area.

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## Conclusions

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Some recent surveys point to an alarming amount of bullying and harassment in the workplace. While more research on the extent of negative behaviours is needed, dealing effectively with bullying and harassment is increasingly becoming a key priority for many organisations. Today's strong external competitive climate and the internal drive for high performance can increase the pressure on working relationships – but also mean that it is vital that employers implement effective policies and procedures to tackle bullying and harassment. Bullying and harassment can have a devastating impact on both the individual and the organisation. For the organisation, the effects can include under-performance, higher absence, increased turnover and lost productivity. For the individual being bullied, there are often serious physical and psychological symptoms that, in extreme cases, can include post-traumatic stress disorder.

Bullying at work is one of the most difficult issues that HR professionals and line managers can be faced with. Far from being attributed to a few vindictive individuals, its causes can be varied and its occurrence often hard to detect. The complexity of the issue is not helped by the lack of a legal definition for bullying, although there is specific statutory provision outlawing harassment on several grounds. While bullying or harassment usually manifests itself in individual relationships, it has to be understood within the wider context of managing conflict. One of the key challenges in tackling bullying and harassment is defining the fine line that exists between firm management and bullying behaviour: managers have the right to manage, but a more open and trusting management style can help to reduce negative behaviours.

Implementing a formal dignity at work policy is the first step in both deterring bullying and harassment and dealing with specific incidents of bad behaviour. While the majority of organisations appear to have a policy, however, there appears to be a gap between policy and practice. Interestingly, the research shows that legal compliance is the driving force for the introduction of most policies. If a policy is to be effective, it needs to promote the positive behaviours that can encourage a culture of dignity and respect at work. It also needs to be proactive, and to be accompanied by



supportive mechanisms – such as training, a network of anti-bullying champions and specialist support for line managers – that help translate policy into practice.

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