

Bullying – Guidance Notes

Introduction

1. These notes have been put together following research which showed that there is a significant level of bullying within the workplace. All senior and middle managers should be more aware of bullying issues, principally its causes and effects, and ways of identifying and combating it.
2. These notes are applicable to all Institution members and may be adopted by the employed staff. They are simply guidance notes and should not be taken as authoritative.

A Definition of Bullying

3. One of the problems in defining bullying is that it is a subjective experience, i.e. only the victim really knows what it feels like, and there are consequently as many potential definitions as there are incidents. However, some of the following characteristics may help to clarify the issue of bullying and its effects:

- Workplace bullying involves offensive treatment through vindictive, cruel, malicious or humiliating undermining of one or more people;
- Persistent attacks on personal and professional performance are unpredictable, irrational and often unseen;
- Abuse of power can cause chronic stress and anxiety so that the individual gradually loses self-belief, suffering physical ill-health and mental distress as a result.

4. We need to try to define bullying because there is great resistance to using the word. Many people see it as behaviour related to the school playground, but not to the adult world of work. However, rather than being a separate phenomenon from school bullying, workplace bullying can often be seen as a continuation of earlier behaviour.

5. Bullying at work can be equally petty, equally unnerving and can even reduce those who experience it to the mental state of frightened children. It is important, therefore, to overcome the taboo and the reluctance to recognise that bullying exists in the adult world. Failure to do so means that attempts to eliminate it will be handicapped.

6. The benefits of clearly identifying and labelling it are:

- To help make sense of an insidious and bewildering experience which employees have previously found too intangible to come to terms with;
- This enables victims to say “I’m not just imagining it - it’s real and I’m not putting up with it”
- It also prompts the bullies to ask themselves “Is this me?”
- It helps to define an intimidating work environment in which people may feel fearful and stressed through negative and offensive attacks.

Euphemisms and Excuses

7. Nonetheless, we often fall back on certain words or phrases which seem to make bullying more acceptable, excuse it or allow us to avoid tackling it. Words which are often applied to potential bullies and victims are:

About The bully:

Macho, strong or robust manager
Abrasive manner
Output or task driven
Doesn't tolerate poor performers
Has an unfortunate manner
Doesn't suffer fools gladly

About the victim;

Attitude problem
Too sensitive
Can't take a joke
A loner
Not a team player

About the relationship:

A personality clash

8. So what is it about someone that may make them the target of bullying? The conventional view concentrates on the victims' perceived shortcomings or oddities, thus making the victim the "problem". For example, the victim is often expected to be:

Timid, disabled, "odd" or "different", inexperienced, vulnerable, older or younger than the norm, or to have a different social background or sexual orientation from the norm

However, research has shown that victims often possess the following characteristics:

Popular with colleagues, successful, highly qualified, good social skills, outspoken, creative, attractive.

This begins to tell us more about the bully and their motivations, and shifts the emphasis from the victim as the problem to the bully as the problem.

Bullying Behaviour

9. Bullying behaviour can be broken down into two categories — overt and covert.

Overt bullying:

Public/private shouting or swearing	Talking to a 3rd party to isolate another
Spontaneous rages	Undervaluing effort
Public humiliation	Punishment out of the blue
Personal insults	Persistently ignoring another's point of view
Persistent criticism	Physical attacks
Malicious rumours	Persecution by threats
Ignoring or excluding	

10. Covert behaviour is much more difficult to detect. Some of the following behaviours may be entirely justified and legitimate management action. On the other hand, they may indicate that someone is being bullied.

Covert bullying:

Replacing responsibilities with menial tasks	Consistently blocking leave, training & promotion applications
Sabotaging performance	Tampering with personnel reports or appraisals
Refusing to delegate	Instigating complaints from customers or colleagues
Constantly changing targets	Withholding/giving wrong information
Destroying relationships with Others	Setting up to fail
Over-monitoring with	

malicious intent

11. Because bullying is a subjective issue, and covert behaviour is hard to pin down, it may be difficult to distinguish firm management from bullying. The checklist below will assist you in achieving this distinction. Managers should not be afraid to act when they need to in order to correct their staff or challenge their behaviour. But, as the checklist shows, the approach and tone of such action is all-important.

Impact of Bullying on the Victim

12. The unpredictability, unfairness and repetitive nature of bullying produce confusion and distress in the victims. The gradual grinding down effect erodes their self-esteem, undermines their confidence and reduces their personal effectiveness. A self-fulfilling prophecy sets in: often individuals who are bullied are good performers, but the effect of bullying degrades their performance which in itself brings about an increase in bullying. The victim moves from asking "Why am I being picked on?" to accepting "Yes, I deserve to be picked on."

13. Bullying arouses a range of destructive emotions, ranging from anger and frustration through fear and humiliation to bewilderment and despair. This emotional turmoil has a serious effect on the physical and mental health of the victim, for example:

Physical:

Sleeplessness
Nausea and palpitations
Sweating, shaking
Migraine/severe headaches
Lethargy
Skin complaints
Backache
Stomach/bowel problems

Emotional:

Acute anxiety
Panic attacks
Irritability
Lost confidence or self-esteem
Lack of motivation
Anger/murderous feelings
Depression
Suicidal thoughts

Impact of Bullying on The Employer

14. The adverse effects of bullying are not limited to the victims. There are clear consequences, too, for the employer where bullying occurs, i.e.:

- Rise in sickness absence
- High staff turnover
- Reduced productivity
- Missed targets
- Risk to public image
- Tense atmosphere amongst staff
- Low morale & loss of staff respect
- Loss of initiative & job satisfaction
- Loss of customer satisfaction
- Costly legal proceedings

15. The legal consequences are numerous and costly — see the sections below on legislation, vicarious liability & constructive dismissal.

Understanding the Bully

16. Though bullying is clearly something that cannot be tolerated, dealing with it is more difficult if we demonise the bullies rather than try to understand why they do it. Research has shown that:

- Bullies are not born that way, neither do they turn into bullies overnight. Bullying behaviour is very often the result of childhood experiences.

- Much bullying is based on insecurity: many bullies grew up in an atmosphere of verbal or physical aggression in which they were the butt of constant criticism, public humiliation or scapegoating.
- As children they were powerless to stop this behaviour: as adults, in a position of power over others, similar behaviour can be seen as a pre-emptive strike, a form of self-defence to keep others at bay and ensure that no-one gets the better of them again.
- Many are unaware of the impact that they have on others; for them their behaviour is justified and logical.
- Some bullies derive a form of sadistic satisfaction in making others suffer through excessive control and verbal persecution.
- Some bullying is based on envy. Because the bully is insecure, they resent the confidence and competence of others. Popular people with clear ability remind the bully of something the bully wants to be and is not. Talented subordinates appear to threaten the status and position of the bully. The remedy is to make them look incompetent to shore up the bully's self-esteem.

17. Bullies exhibit some or all of these personality traits or behaviours:

- think they are never wrong and blame everyone but themselves
- poor communicators prone to anger and irritability
- devious or dishonest, vindictive
- subject to mood swings, control freaks
- selective memory, good at twisting the truth
- insecure, experiencing stress
- see people as objects
- tyrannical to subordinates but charming to outsiders/superiors

Detecting Bullying

18. Detection is difficult, because:

- Bullies are devious
- Bullying may be unconscious
- Bullying is often subtle and covert
- Bullying often takes place behind closed doors
- There may be no witnesses
- Where there are witnesses, they may be reluctant to come forward
- Victims are often reluctant to complain

19. There are signs in a team or organisation which may indicate that bullying is a problem, e.g.:

- High sickness absence rates, especially for stress-related complaints e.g. depression, anxiety etc.
- High staff turn-over through job applications, transfer requests, resignations etc.
- Symptoms of discontent such as grievances or appeals
- A climate of no discussion or dissent in offices, team meetings etc.
- A gut feeling for morale and motivation through regular visits to offices, talks with staff etc.
- Personality traits in potential bullies as set out above
- Use of code words or euphemisms as set out above

What Can Your Organisation Do To Eliminate Bullying?

20. The most important action that your organisation can take is to recognise publicly that the problem exists. This commitment at the highest level can lead to a programme of action being launched as follows:

- Awareness measures, comprising not only these notes but a poster campaign plus a booklet for every member of your organisation. This will provide advice on what comprises bullying and harassment, and what to do if you receive it, witness it or think you may be guilty of it.

- Appointment of an Equal Opportunities Champion, supported by a network of Assistant Equal Opportunities Representatives throughout the organisation
- Continued surveys and focus groups to see whether the problem is being tackled effectively
- Full co-operation and partnership with the Trades Unions to reduce the level of bullying in the organisation
- Maintaining good HR principles and practices to ensure that staff are properly inducted, appraised, informed, trained and developed. The more that people are aware of what is expected of them, the less scope there is for the bully to make unreasonable demands

21. The success of all these measures depends to a great extent on you taking away the knowledge acquired from these notes and applying it in your organisation and to its management practices.

Checklist - Bullying or Firm Management?

Please place a tick against any of the following examples which you regard as bullying. If you are not sure, say what further information you would need to be able to decide.

- Being told off for not completing a task properly
- Having challenging & interesting jobs withdrawn for no reason
- Constantly having telephone calls listened to by your manager
- Being asked to account for errors you have made
- Not being invited or sent to meetings you had previously attended
- Being stared at by your boss
- Being criticised for poor timekeeping
- Having visits to the lavatory timed
- Receiving accusatory notes from your manager just before going on leave
- Being berated for disregarding an agreed written brief
- Having all scope for initiative and decision-making removed
- Being reprimanded for producing work after an agreed deadline
- Having to change offices to accommodate a new colleague
- Being teased or laughed at for being a vegetarian, shy or overweight
- Being criticised for having a slovenly appearance
- Being threatened with an adverse report for poor performance
- Having applications for training or leave turned down

The Legal and Organisational Costs of Bullying

Legislation

1. Bullying in the workplace is covered by a number of pieces of legislation. Individual bullies may be liable to criminal prosecution under the Public Order Act 1986, the Protection From Harassment Act 1997 or the Crime And Disorder Act 1998. Other Acts provide particular protection to vulnerable groups from discrimination and, through case law, harassment or bullying in the workplace.
2. These acts have been supplemented by Codes of Practice from the Equal Opportunities Commission, the Commission for Racial Equality and the Department for Education and Employment (on disability). Breach of these Codes by an employer is not illegal, but they have statutory status which is taken into consideration by Employment Tribunals.
3. National legislation is now being increasingly overlaid by Codes of Practice on the protection of the dignity of women and men at work, and national courts and tribunals are obliged to take these into account when considering relevant cases. The Human Rights Act also provides additional protection for individuals' rights.
4. Embarrassing though prosecutions under the above legislation would be, employers should be even more worried by the implications of the Health and Safety At Work Act 1974, which places a statutory duty on employers to ensure the health, safety and welfare at work of its employees. This, and common law and contractual liability, lays employers open to prosecution in respect of work-related stress and psychological injury, two of the most common outcomes of bullying in the workplace.

Vicarious Liability

5. An employer can be held vicariously liable for its employees' unlawful acts. For example, where an individual brings a claim for damages on the basis that the employer was negligent in failing to stop or prevent bullying which resulted in injury or illness, that employer could not hide behind the fact that it did not sanction or authorise the bullying, nor even that it expressly forbade it. Case law has established that an employer is liable for employees' acts which amount to an unauthorised way of doing what they are authorised to do. In other words, where authorised behaviour (such as giving instructions to subordinates) is done in an unauthorised way (e.g. in a demeaning, humiliating, insulting or oppressive manner), the employer can be held liable.

Constructive Dismissal

6. This occurs where an employee resigns due to the employer's intolerable conduct amounting to a breach (explicit or implicit) of the contract of employment. There is a number of terms implied into all contracts of employment, as a matter of law, which should afford protection against bullying at work, or which require the employer to act against such bullying. These include duties relating to health, safety and welfare (as mentioned above); dealing promptly and reasonably with grievances; and not acting in a way which destroys without just cause the mutual trust and confidence necessary to the employment relationship. All of these duties have an obvious bearing on the issue of bullying at work.
7. Once again, intolerable conduct by a supervisor, manager or colleague will be taken to be the conduct of the employer, and the employer's position is even more serious if it failed to take up and deal satisfactorily with complaints of bullying.
8. Where constructive dismissal is deemed to have taken place, an Employment Tribunal may award compensation without limit.

Other Costs

9. The costs of bullying are far greater and more wide-reaching than those awarded by the courts. Bullying commonly leads to a decline in the victim's performance, with consequences for the efficiency of the organisation. It is common also for absenteeism to increase through stress, depression or other psychological side effects, and for a drop in the morale of the team in which the bullying is taking place. In extreme cases, victims are likely to resign, causing a loss of expertise and investment in training and development, as well as increased recruitment costs.
10. All of these factors increase the organisation's overheads, and decrease its ability to meet its goals and satisfy its customers.

August 2020