

Back Off!

Confront workplace bullying & harassment now!

Carole Spiers



CAROLE SPIERS

BACK OFF!

CONFRONT WORKPLACE
BULLYING & HARASSMENT NOW!

Back Off!: Confront workplace bullying & harassment now!

1st edition

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ISBN 978-87-403-1160-0

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1 'ARE YOU BEING BULLIED?'

QUESTIONNAIRE

This questionnaire is provided to help you evaluate behaviour you may have experienced at work that could be regarded as bullying. Whilst the listing below only covers a limited range of unacceptable conduct, it does provide a comprehensive overview of the situations to which individuals may be exposed.

Rate yourself from 1–5 for each question. 1 = rarely, 3 = frequently, 5 = almost always.

1. Are you continually criticised by your manager and subjected to trivial fault-finding?
2. Are you ridiculed, overruled, dismissed or ignored in the office and at meetings?
3. Are you humiliated, especially in front of your colleagues?
4. Are you facing concerns over your performance that you believe are unjustified?
5. Are you being sidelined and excluded from important meetings that you would normally expect to attend?
6. Are you sometimes treated differently from the rest of your colleagues?
7. Are you subjected to unkind, unpleasant and often untrue remarks about your work or personal life?
8. Are you being subjected to attacks on social media sites?
9. Are you deliberately set unrealistic goals and which are often changed without notice or reason?
10. Are you denied access to information and/or resources necessary to enable you to carry out your work and achieve your objectives?
11. Are you denied support by your manager when you seek it or overloaded with work making it harder for you to achieve your targets?
12. Are you finding that your responsibility and/or authority is challenged?
13. Are you finding credit for your work being attributed to your manager or others?
14. Are you meeting a wall of silence when you walk into a room?
15. Are you unfairly blamed for mistakes that are not yours?
16. Are you receiving directions via short, sharp email, memos, or a succession of Post-it notes?
17. Do you find yourself being micro-managed?

Calculate your scores for each question and compare your totals to the table below.

Score your answers on a scale of 1 to 5

Score mainly 1's and 2's

You may possibly be experiencing some basic Workplace Bullying behaviour.

Score: 3's with some 2's and 4's

Workplace bullying is possibly becoming an issue for you. If this behaviour continues, you might like to start recording events to enable you to see if there is a pattern emerging. Be on the alert and familiarise yourself with the policies and procedures of your organisation.

Score: 50% 4's and 5's

It is highly likely that you are experiencing workplace bullying and harassment that is adversely impacting your work and your personal life and at this stage, it is appropriate to seek help. Talk to a counsellor who specialises in this area and take advice from your trade Union. Familiarise yourself with your organisation's workplace bullying policy and grievance procedure and consider engaging a mediator or a lawyer who specialises in this area. Be sure to keep a log of events and make a note of any colleagues who may be a witness to bullying behaviour.

2 WHAT IS BULLYING?

The facts:

- You don't have to be violent to be a bully
- Not all bullying is confrontational or verbal. Social Networking provides an ideal environment for cyber bullies
- Bullying at work can come from below as well as from above – it is not just managers that bully. Peer groups can also bully each other.

'You can kill a person only once, but when you humiliate him, you kill him many times over.'

– The Talmud

Bullying at work is undeniably a serious 'stressor', whose emergence as a workplace issue was brought to prominence in the UK by Andrea Adams's book, *Bullying at work: How to confront and overcome it*. Andrea's definition of bullying is 'the misuse of power or position to persistently criticise and condemn; to openly humiliate and undermine an individual's professional ability until this person becomes so fearful that their confidence crumbles and they lose belief in themselves'.

Such attacks on the individual may be irrational, unpredictable and demonstrably unfair. Despite this, bullying behaviour in the workplace is still perceived in many organisations to be part of an 'effective' management system that delivers the required results.

A person in an ultimate position of power is unlikely to be successfully challenged, and in many cases it has been found that a 'bullying' manager does not possess the necessary skills to negotiate and compromise successfully. There is also an assumption in some organisations that the more senior the position held, the less the requirement for management training and professional development.

**Bullying Behaviour May Be Confused
With And Viewed As:**

- Personality clash
- Attitude problem
- Autocratic management
- Poor management style
- Harassment
- Abrasiveness
- Intimidation
- Unreasonable behaviour
- Victimisation

Most bullies are extremely self-orientated. The way in which they see themselves will rarely coincide with the view of others who are, or have been, victimised by them. 'Just do as I say' will be seen, by some, as a justified command when given in a management role.

However, while the assertiveness implied by this is used to urge employees into action and could conceivably be considered to have a constructive effect, the damning, condemnatory and often covert behaviour of the adult bully invariably results in a destructive outcome.

Being bullied is an isolating experience that tends not to be openly discussed in case this increases the risk of further ill treatment. Those who are the prime targets often feel ashamed to discuss it with colleagues in case their professional credibility is called into question.

Even the mildest form of intimidation may be very disturbing for the target, and as bullying or intimidation intensifies over a period of time, the effect on the victim can become severe. The wider effects of bullying can also extend well beyond the people who are directly involved.

The following are just some of the issues that may result from this type of behaviour.

The Consequences of Bullying at Work Include:

- low morale and motivation
- a tense and apprehensive workforce
- staff feeling devalued and demoralised
- reduced creativity
- ineffective management
- increased costs
- declining productivity and profits
- absenteeism and high staff turnover
- loss of investment in training

3 WHAT IS HARASSMENT?

There is no, and probably cannot be, a simple definition of harassment. This is because harassment takes many forms, occurs on a variety of grounds, and may be directed at an individual or group. It is also important to distinguish harassment from, for example, sexual relationships freely entered into and acceptable to those involved. It is not the intention of the perpetrator but the deed itself and the impact on the recipient that determines what constitutes 'harassment'. Ultimately, the question that has to be asked is, 'Has the individual been treated in a detrimental way on improper grounds?'

People Can Be Subject to Harassment on a Wide Variety of Grounds Including:

- Their race, ethnic origin, nationality or skin colour
- Their sex or sexual orientation
- Their religious or political convictions
- Their willingness to challenge harassment, leading to victimisation
- Their membership, or non-membership, of a Trade Union or other body
- Their disabilities, sensory impairments or learning difficulties
- Their status as ex-offenders
- Their age (or youth)
- Their real or suspected infection with AIDS/HIV

The list is not exhaustive. Anyone who is perceived as different, in a minority, or who lacks organisational power, runs the risk of being harassed. Thus health, physical characteristics, personal beliefs and numerous other factors may lead to harassment, and this can occur between people of the same sex or the opposite sex.

Harassment may also take many forms. It can range from extreme behaviours such as violence and bullying, to less obvious actions like ignoring someone at work.

Forms of Harassment May Include:

- Unnecessary touching or brushing against
- Horseplay
- Assault, including sexual assault
- Comments, jokes, banter, insults and language related to age, creed, disability, nationality, race, religion, sex, sexual orientation or any other personal characteristic
- Suggestive remarks, innuendos etc.
- Continued suggestions for social activity outside the workplace, after it has been made clear that such suggestions are unwelcome
- Offensive or unwanted comments about dress or physical appearance, which are unrelated to the requirements of an individual's job
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- Isolation or non-cooperation at work, exclusion from social activities
- Racially or sexually-based graffiti or graffiti referring to an individual's personal characteristics or private life
- Display of pornographic or sexually suggestive pictures of either sex
- Leering, whistling and suggestive gestures
- Display of offensive objects

Extreme forms of harassment – such as sexual or racial assault – which constitute offences under criminal law are clearly recognisable. But although harassment may involve an overt abuse of power, coercion or violence, it can also appear in far more subtle guises, and in some cases can be unintentional on the perpetrator's part.

Employees can be harassed by colleagues or subordinates as well as by managers. Supervisors, customers, clients and contractors may also be involved, either as perpetrators or recipients, and witnesses can sometimes be affected as adversely as those directly involved.

4 BULLYING – THE KEY ISSUES

Case Study – Bullying at work

Jim, a Sales Executive, had worked harmoniously with his team for ten years. Staff turnover was kept to a minimum, and sickness levels were usually well below average.

However, when Jim's Line Manager retired, the position was taken by Mary, a former colleague. What ensued was six months of extreme discomfort and harassment as Mary systematically stripped Jim of his authority, ridiculed him in front of staff and unreasonably increased his workload. When Jim sought help, Mary questioned his professional ability.

Jim became nervous, over-anxious, confused, and his health began to suffer. Mary's style of leadership was not person-centred, and her constant references to the need for staff changes in the department resulted in Jim's anxiety turning to panic.

Constant paging by Mary, being set unrealistic tasks while being offered no support, and a wall of silence, eventually resulted in Jim experiencing disturbed sleep patterns, chest pains and violent headaches. His deteriorating health, however, brought no sympathy from Mary. Even when stress was eventually diagnosed, Mary continued to undermine his authority. Then, after one particularly disturbing incident, Jim was forced to conclude that he was the victim of psychological bullying over which he had no control. Unable to retain his composure, he sought further medical help, and then finally broke down completely.

Off sick for six months, Jim was eventually forced to take early retirement. At his exit interview he unequivocally expressed his concerns about Mary. He believed that by highlighting the problem, action would be taken to ensure that Mary's unacceptable behaviour would be curbed. His comments were regrettably not taken seriously by his employer, and no action was taken. This allowed Mary to continue in her uncommunicative and aggressive manner, which resulted in a further staff member leaving and another suffering a nervous breakdown.

Despite this catalogue of damning evidence that highlighted Mary's shortcomings as a manager, she still remains in a managerial post with the same employer.

4.1 THE LEGAL POSITION

Harassment is unlawful under the Equality Act 2010.

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986.

There is no specific legislation in the UK dealing with the issues of workplace bullying, but a number of areas of law may be relevant and applicable.

AGE DISCRIMINATION ACT 2006

CRIME AND DISORDER ACT 1998

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1995

DATA PROTECTION ACT 1998

DISABILITY DISCRIMINATION ACT 2004 (amends the Disability Discrimination Act 1995)

EMPLOYMENT ACT 2002 (Dispute Resolution) Regulations 2004

EMPLOYMENT RIGHTS ACT 1996

EMPLOYMENT EQUALITY (AGE)

REGULATIONS 2006

HEALTH AND SAFETY AT WORK ACT 1974

PROTECTION FROM HARASSMENT ACT 1997

RACE RELATIONS ACT 1977

RELIGION OR BELIEF DISCRIMINATION ACT 2003

SEX DISCRIMINATION ACT 1975

Employers have a 'duty of care' to look after the health and safety of all their employees, this is required by:-

- **Statute** – the Health and Safety at Work Act – 1974
- **Common Law** – under the law of negligence and
- **Contract Law** – it is an implied term in the contract of employment that the employer will ensure the employees health, safety and welfare.

4.2 THE PROBLEM OF BULLYING IN UK WORKPLACES

According to the results of a study presented at an annual conference of the British Psychological Society, more than one in eight people admit to being bullied at work, and ganging up against the boss – often a middle manager – is on the increase.

These findings were echoed in research by the Chartered Management Institute which found that almost one-third of board directors surveyed had been subject to some form of bullying either by colleagues or subordinates; and that middle managers are the 'most bullied' section of British management. Over half of the women surveyed had been subject to bullying, compared to 35% of men.

'Don't nurse a grievance: Resolving disputes at work' (IRS Employment Review No 759), also found that bullying is a widespread and pervasive issue that tops the list of employee complaints:

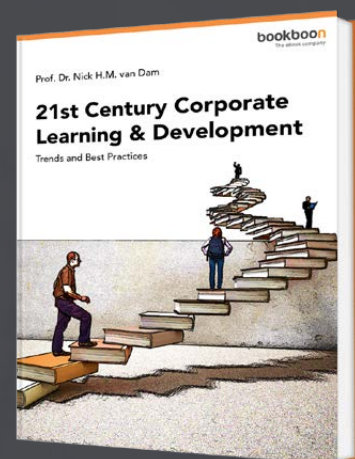
4.2.1 TOP 10 COMPLAINTS RAISED BY EMPLOYEES

Harassment / bullying	45%
Discipline	27%
New working practices	23%
Grading	22%
Discrimination	18%
Staffing levels	17%
Non-pay terms and conditions	17%
Pay	15%
Health and Safety	2%

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Over the past decade incidences of workplace bullying have doubled. This is In part thought to be due to the tough economic climate where managers need to drive costs down. Employment lawyers also confirm that bullying allegations have become a frequent feature of unfair dismissal and discrimination claims.

4.2.2 INDIVIDUALS MAY SUBMIT TO BULLYING BECAUSE:

- They are intimidated
- do not know what remedial action is available to them
- Have no confidence in any such action being taken
- Possess low self-esteem
- Are vulnerable
- May be apprehensive regarding the possibility of losing their job
- Are worried about the repercussions should they complain

4.3 ORGANISATIONAL FACTORS

According to the trade union AMICUS in their publication *'Bullying at work: How to tackle It'*, the type of workplaces where bullying is more prevalent are those where one or more of the following factors exist:

- An extremely competitive environment
- Fear of redundancy or downsizing
- Fear for one's position of employment
- A culture of promoting oneself by putting colleagues down
- Envy among colleagues
- An authoritarian style of management and supervision
- Frequent organisational change and uncertainty
- Little or no participation in issues affecting the workplace
- Lack of training
- De-skilling
- No respect for others and/or appreciation of their views
- Poor working relationships in general
- No clear published and accepted codes of conduct
- Excessive workloads and demands on people
- Impossible targets or deadlines
- No procedures or policies for resolving problems

Another issue is the difference between bullying and what could be considered to be ‘tough management’. Without doubt, some industries, professions and organisations encourage (or at least condone) ‘tough’ ways of working, and there can be a very narrow dividing line between these and ‘bullying’ behaviours. Bullying may, unfortunately, be part of the culture of an organisation and seen as integral to a strong management strategy – i.e. an effective way of getting things done quickly and efficiently.

4.4 WHAT ARE BULLYING BEHAVIOURS?

Being bullied is an isolating experience. It tends not to be openly discussed in case this increases the risk of further ill-treatment, and because the ‘target’ often feels ashamed to discuss it with colleagues in case their professional credibility is called into question. Even the mildest form of intimidation may be very disturbing, and, as this intensifies over time, the effect on the victim can be severe.

Early Warning Signs of Being Bullied Include:

- ‘This relationship is different to anything I’ve experienced before’
- ‘I’m persistently got at for no good reason’
- ‘My work is forever being criticised even though I know my standards haven’t slipped’
- ‘I’m beginning to question my own ability’
- ‘I wonder if all these mistakes are really my own fault’
- ‘My supervisor is overbearing and constantly rude’
- ‘My boss is constantly ridiculing me in front of my team’
- ‘I don’t want to go into work anymore. It’s making me ill’

4.4.1 ATTACKS ON PROFESSIONALISM

It’s not unusual to hear complaints from individuals that their professional competence has been called into question by their colleagues or managers. These attacks might be overt actions such as a public ‘dressing down’ for work errors, or covert behaviour such as circulating rumours or gossip that appear to question an individual’s ability.

One difficult area is where this includes ‘non-action’ – for example not giving acknowledgement and/or approval for a good piece of work, or not asking for an opinion from the person who is clearly best qualified to provide that input. These areas are also very difficult for the targets of bullying to raise as they question their own validity.

Examples of Bullying Behaviour

Bullies will typically:

- Make life at work constantly difficult for their targets
- Make unreasonable demands: constantly criticising
- Insist that their way of carrying out tasks is the only way
- Shout at victims, publicly, in order to get things done
- Give instructions and then subsequently change them for no apparent reason
- Allocate tasks which they know the person is incapable of achieving
- Refuse to delegate when appropriate
- Humiliate their targets in front of others
- Block promotion, refuse to give fair appraisals or refuse to endorse pay increases or bonus awards
- Exclude the victim from meetings or other legitimate business activities
- Constantly make attacks on the professionalism or personal qualities of their targets

4.4.2 PERSONAL ATTACKS

In addition to attacking a person's work role, bullying behaviour may also include actions and statements that are intended to undermine them personally, for example where someone has an interest that is easy to ridicule; or by making comments related to physical characteristics such as their height, weight, clothes or hairstyle – all of which are clearly inappropriate in a work environment and can undermine the person's standing at work.

With the advent of Social networking, this type of bullying behaviour has become much more common and may be referred to as cyber bullying.

4.4.3 EXAMPLES OF CYBER BULLYING BEHAVIOUR

- Sending offensive emails
- Sending numerous emails or texts demanding responses immediately
- Email threats
- Posting offensive comments about a person on a blog or social networking site
- Sharing personal and private data on line through social networking sites

4.4.4 ISOLATION

Social isolation and its effects should not be underestimated. It is reminiscent of the playground and can be just as miserable and humiliating for adults as it is for children (if not more so as it can jeopardise their livelihood). Enforced social isolation of an individual within a group also requires enormous courage for any one group member to break ranks with their 'bullying' colleagues and risk the consequent ridicule and rejection. Once these situations happen, for whatever reason, they are typically very hard to stop.

4.4.5 OVERWORK

Overwork, in a bullying sense, involves the imposition of highly unrealistic deadlines where people are effectively deliberately 'set up' to fail. This may also appear as 'micro management', where every dot and comma, bolt, nut and screw is checked so often that incompetence or inability is deliberately implied.

4.4.6 BULLYING BY SUBORDINATES

Bullying by subordinates can take many forms such as not delivering messages, hiding notes, changing documents, excluding people from social groups, or not delivering papers for meetings on time – all of which are designed to make the bullied manager seem incompetent.

4.4.7 DESTABILISATION

People who are deliberately 'destabilised' feel that they have lost control over their work environment and, as a result, have ceased to be able to carry out their duties in a relaxed manner without being threatened.

Instead they live from day to day as they fight to regain a position of normality, often unsuccessfully.

Workplace behaviour such as obvious inconsistencies in the allocation of rewards, unequal enforcement of working standards, withholding privileges, changing objectives without warning, or breaking agreements, also invariably leads to extreme discomfort for the individual(s) concerned.

Bullying Checklist

Bullies Typically:

- **INSIST THAT THEIR WAY OF DOING THINGS IS ALWAYS RIGHT.**
- **TELL PEOPLE WHAT NEEDS TO BE DONE, AND THEN KEEP CHANGING THE INSTRUCTIONS, PERHAPS IN THE HOPE THAT THEY WILL MAKE MISTAKES.**
- **GIVE PEOPLE TASKS THAT THEY KNOW THEY ARE INCAPABLE OF ACHIEVING.**
- **PERSISTENTLY PICK ON PEOPLE AND CRITICISE THEM IN FRONT OF THEIR COLLEAGUES.**
- **SHOUT AT THEIR STAFF IN ORDER TO GET THINGS DONE.**

Ways That Bullies Abuse Their Power:

- **MAKING LIFE DIFFICULT FOR THOSE WHO HAVE THE POTENTIAL TO DO THEIR JOB BETTER THAN THEY DO.**
- **KEEPING INDIVIDUALS IN THEIR PLACE BY BLOCKING THEIR PROMOTION.**
- **PUNISHING OTHERS FOR BEING TOO COMPETENT BY REMOVING THEIR RESPONSIBILITIES.**
- **TAKING CREDIT FOR OTHER PEOPLE'S IDEAS.**
- **REFUSING REQUESTS FOR LEAVE FOR NO REASON.**
- **REFUSING TO DELEGATE BECAUSE THEY FEEL THEY CAN'T TRUST ANYONE BUT THEMSELVES.**

4.5 WHO DOES THE BULLYING?

In the UK, bullies have been reported to be in managerial positions in around 80% of cases. However, some environments such as hospitals have quite complex management hierarchies, and therefore in certain organisations, reports that identify the bully show lower rates of bullying by direct line managers.

It should also be noted that around a third of respondents to surveys (who label themselves as being bullied) claim that there is more than one bully. Such a scenario provides added complexity for investigators, since exploring such incidents is clearly more difficult. The table below shows replies to a questionnaire from respondents who work in a complex management setting – i.e. civilian staff in the police service.

4.5.1 RESPONSES TO A UNISON POLICE SECTION QUESTIONNAIRE

People who had labelled themselves as bullied were asked to 'Please identify who has been bullying you'.

Person(s) instigating bullying:	Type of setting respondents worked in:			Total
	On their own	With other civilians	With other police officers	
Line manager	13	9	4	26
'Manager' (x1)	10	5	8	23
'Managers'	12	5	4	21
Police office manager (x1)	9	0	4	13
Police officer managers	0	0	2	2
Police officer	18	6	4	28
Co-worker (civilian)	8	4	0	12
Co-worker (police officer)	2	0	2	4
<i>Total</i>	72	29	28	129

Source: 'UNISON police section members experience of bullying at work'

Note: The table shows numbers of people reporting. Managers are specified in 85 of the 129 cases (66%) which is relatively low – most other studies provide a figure of around 80%. Police officers are identified in 55 of the 129 cases (43%). There is ambiguity in that many managers are not identified specifically as police officers or civilians.

4.6 CAN THE ORGANISATION ITSELF BE 'THE BULLY'?

A not insignificant point is that in some circumstances the organisation itself can be perceived as 'the bully'. This contention has had very little exploration as in general, it has not yet been the subject of staff questionnaires. However, an important piece of work by Liefoghe and MacKenzie Davey found that people in call centres described feeling undermined, humiliated, isolated and over-controlled.

Staff blamed the way they felt on the design of the software and performance management systems that were implemented to control their work and output, rather than their actual

supervisors or managers. In one organisation, for example, staff were allotted a specified number of minutes that they were allowed to be away from their terminal in order to visit the toilet, and their bonus could be affected if the time taken away from the terminal was in excess of the time allotted.

Many organisations employ methods of working which (albeit inadvertently) can be causes of stress. Is it therefore possible that the organisation can be identified as a 'bully'? Such a notion has typically been resisted on the grounds that no employer would knowingly condone obvious bullying behaviour. However, the role of the organisation in a bullying environment is gaining validity – for example as a result of organisations choosing to ignore a bullying 'culture' of which they have been made aware; or situations such as the call centre environment described above (although it should be noted that there are also some excellent employers in this field!).

4.7 THE ROLE OF CULTURE AT WORK

There is little doubt that the organisation can play a part (in terms of the messages that it does or does not send out) in relation to its potential complicity in the incidence of bullying at work. Unless 'bullies' are made aware that their actions are deemed to be unacceptable and that they will be brought to task if they continue to engage in such behaviour, then the organisation will be seen (by its employees) as specifically condoning bullying in the workplace.

Early work in the UK identified the fact that where people held the opinion that 'bullies could get away with it', then this was one of the key reasons for bullying to be present in their organisation (Rayner). Of course, it is quite possible that bullies within a particular organisation cannot, in fact, 'get away with it', but if staff think they can, then a belief system will be set up that underpins and reinforces the incidence of bullying. This attitude will also contribute to staff being unwilling to report the situation because they do not believe that any remedial action will be taken, even if they did make the effort to report what was happening.

If there is one single message for organisations to understand regarding bullying at work, it is that 'doing nothing' is not seen by staff as a neutral act – it is perceived to be the organisation positively condoning bullying at work.

In order to avoid such a judgement, tangible action needs to be seen to be taken, meaning that even if the organisation is not perceived as 'the bully', the level of action taken (or not taken) against bullying can influence the impression that staff have of its collusion in, and therefore acceptance of, bullying behaviour.

4.8 EFFECTS OF BULLYING BEHAVIOUR ON THE INDIVIDUAL

A full discussion of the different types of harm resulting from bullying behaviours can be found in Rayner, Hoel and Cooper, *Workplace Bullying*. In general, bullying can be seen as a 'psychosocial stressor', and the effects are those which would normally be associated with psychological stress. It is also important to remember that whether or not people actually label themselves as being bullied, they are nevertheless likely to suffer the effects shown in the table below.

Also, during Professor Leymann's studies of severely affected targets of bullying, he established that they could be shown to exhibit symptoms that would normally be associated with Post Traumatic Stress Disorder (PTSD) or Prolonged Stress Duress Disorder (PSDD). He also postulated that bullying at work contributed to adult suicide. Fortunately, many people do not experience such a traumatic effect, but we must be clear that such extremes do exist.

4.8.1 PHYSICAL, PSYCHOLOGICAL AND EMOTIONAL EFFECTS OF BULLYING BEHAVIOUR ON THE INDIVIDUAL

Insomnia	Anxiety
Headaches	Irritability
Increased blood pressure	Panic attacks
Skin rashes	Depression
Nausea	Lack of motivation
Sweating, shaking	Lack of confidence
Stomach / bowel problems	Feelings of isolation
Back pain	Hopelessness
Change in eating habits	Suicidal feelings

Often the victims of bullying will choose to leave their jobs rather than to stay and allow themselves to continue to be bullied, fearful that complaining will merely exacerbate the negative behaviour towards them.

4.8.2 HOW DOES THE PERSON FEEL?

People who are being bullied can feel helpless. They believe that nothing can be done to alleviate the situation and consequently take no action. Most people believe that their complaints would be seen as trivial or, even worse, that they would end up being labelled as troublemakers.

The person can feel foolish that they can't cope with the situation. The Manager who laughs off problems of this kind with 'I'm sure you can handle it' reinforces this.

Fear is another aspect of bullying behaviour, which seriously affects the person's ability to behave normally in the workplace. The latter is particularly poignant when bullying behaviour takes place when there are no witnesses – perhaps in the manager's office, a car, an isolated part of the factory, on business trips or at lunch.

4.8.3 IDENTIFIABLE PATTERNS OF RESPONSE IN THE INDIVIDUAL

One area that remains to be investigated is differences in reaction and harm, and how these relate to the patterns of bullying.

For example, a study in 1997 of a large sample of UNISON members found that one third of 'bullied' people claimed that the whole of their workgroup was subjected to the same behaviour, whereas at the other end of the spectrum, around 10–15% of people reported being singled out and victimised.

These two experiences obviously differ. In the former, the bullying behaviour is relatively unlikely to be 'personal', whereas when an individual is singled out, it would be logical for the target to regard this behaviour as 'personal'. As yet, there is little or no systematic data on how these processes affect people, either in terms of the nature of their reaction, or their ability and choice of strategy to deal with the situation.

5 HARASSMENT – THE KEY ISSUES

5.1 PERSONAL EXPERIENCES OF HARASSMENT

'You felt put down, demeaned by his constant attacks on your dress, your lifestyle, your professional capabilities. I can remember feeling anger flooding through me one day when he screeched at a colleague literally inches from his face and I wondered why he employed any of us if he thought we were 'all off the scrap heap of life'.'

– Advertising Secretary

'He was the master of the memo, often running to two pages of A4, criticising office conduct or professional competence. It was always made plain that copies had been circulated to every head of department.'

– Provincial Journalist



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'There were times when I'd become so angry and depressed I'd go around school kicking doors out of sheer frustration. I long to throttle her, shake sense into her. Everyone was affected, but no one talked to each other. It was awful.'

– School Teacher

'It put a terrible strain on my marriage because I became so depressed. I didn't want to go out or do anything. It still appals me to think that when she came into the room I'd go white and shake.'

– Civil Servant

'People became too afraid to act on their own initiative in case it backfired. Youngsters with promising careers lost confidence because of his bullying. In the end they gave up and left.'

– Insurance Executive

'I didn't want to leave but my faith in myself after 12 years in the same profession was at rock bottom. I am extremely bitter at what that man did to me and to all the other individuals who did nothing to have their lives wrecked.'

– Policewoman

5.2 THE EMOTIONAL EFFECTS OF HARASSMENT

Employees can be subject to fear, stress and anxiety, which may put great strains on personal and family life. This can lead to illness, increased absenteeism, an apparent lack of commitment, poor performance and even resignation. All these have a direct impact on organisational effectiveness.

No employer should underestimate the damage, tension and conflict within the workplace that harassment creates. The result is not just poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams. Although the effects may be difficult to quantify, they will eventually show through in the performance of the organisation.

A distinguishing characteristic of bullying or harassing behaviour is that employees subjected to it are very vulnerable and are often reluctant to complain. They may be too embarrassed or unsure as to how to make a complaint, or concerned that it will be trivialised. They may fear reprisals. People may not want attention focused on the situation; they just want the unwanted behaviour to stop, so they suffer in silence.

The consequences for the individual will range from irritation to depression. The people who are subject to these types of behaviour are often least able to protect themselves. They may be young, lacking in interpersonal skills, shy and inhibited. People in these categories may already have low self-esteem, and harassment will further inhibit their ability to develop self-confidence.

Work is often disrupted since the victim is unable to concentrate on their tasks. Erratic timekeeping and absenteeism are commonplace. Tasks involving cooperation between people will suffer and group cohesiveness will be lost.

Sexual harassment in particular generates friction between employees, causes productivity to fall, increases sickness and can ultimately lose the organisation experienced employees. There may also be legal implications if a person leaves on the grounds of alleged sexual harassment.

5.2.1 SEXUAL HARASSMENT

The person suffering sexual harassment will feel embarrassed by the things that are being said or the environment within which they work: crude jokes, pin-ups, sexual innuendo, whistling and so on. A workforce is quick to spot those people who will be particularly embarrassed by this behaviour.

Outwardly people will attempt to brush it off and stay calm and collected, but inside embarrassment quickly gives way to anger. This anger is also usually hidden.

'They make me feel so humiliated, my neck goes all red and I start shaking, and every time I think – one of these days', reported a young male clerk in a department of women, who'd disclosed (confidentially) that his current girlfriend was his first, and had subsequently become the focus of the daily round of jokes.

The person is also likely to be angry even when they are apparently playing along with the sexual harassment. Jane, for example, found that the way men treated her was depressing and made her job even harder than she considered it to be as a woman in a male dominated system. *'But what can you do? If you were going to stand and fight, you'd be doing it every day.'*

It's easier to let them touch your bum, and to play up to their silly jokes. Superficially it's easier. It helps get you through day to day, otherwise you end up getting very upset and very uptight. In the end though you're angry at the whole set-up and at yourself for playing the game,' she says.

Sufferers will also feel guilty for a number of reasons. They may feel that they have contributed to the situation in some way and constantly review their behaviour, style of dressing and the content of conversation, in an effort to pinpoint what initiated the attention. The reality is that they are unlikely to have caused the situation.

Feelings of guilt can become overwhelming and begin to be reinforced by conscious efforts to keep the fact that the sexual harassment is taking place away from their husbands, wives, boyfriends or children. The person being harassed will often feel that their partner wouldn't understand their feelings and would believe that they should be able to handle the situation and put a stop to it, or that the problem was being exaggerated.

Alternatively, they may feel their partner would either become angry and threaten to go into the workplace in order to 'sort it out', or prevent the partner from continuing to work in that environment. The partner may even blame them for attracting harassment and becoming angry if they refuse to leave or make a complaint. This may eventually lead to the harassed partner saying the problem has ceased when it hasn't, in order to relieve pressure on the relationship.

The tension and anger, fear and frustrations that build up can result in physical problems, which may include headaches or nausea, and depression, insomnia and hypertension.

5.3 REACTIONS TO SEXUAL HARASSMENT

The female manager may experience similar reactions to a female employee, particularly if she has prospered despite sexual harassment or if she has never been subjected to this type of problem. Either experience may adversely affect the objective response needed when discussing this problem with a female employee.

The manager may immediately experience feelings of embarrassment and guilt. Some managers may find the complaint titillating, especially when he or she finds the other person attractive.

Care must be taken where this is experienced since the same problem may emerge during the interview, through being overly sensitive and sympathetic. People are often very vulnerable after unpleasant stressful experiences and should not be taken advantage of. The manager is not there to provide a shoulder to cry on.

The manager may also have friends or close colleagues among the work group (or individual) being discussed. This may result in feelings of anger and resentment towards the complainant and/or colleagues, feelings which will again interfere with the objectivity required in this situation.

Managers should lead by example and avoid indulging in game playing or jokes which can result in a member of staff feeling belittled or excluded. They should reflect on their own behaviour and feelings concerning sexual harassment in order to be able to deal objectively and fairly with any complaints that may be raised.

5.4 HARASSMENT CHECKLIST:

5.4.1 FEELINGS ASSOCIATED WITH BEING HARASSED

PHYSICAL	EMOTIONAL
• FEELING SICK	• ANXIETY
• SWEATING, SHAKING	• IRRITABILITY
• DISTURBED SLEEP	• PANIC ATTACKS
• PALPITATIONS	• DEPRESSION
• LOSS OF ENERGY	• ANGER, MURDEROUS FEELINGS
• STOMACH/BOWEL PROBLEMS	• LACK OF MOTIVATION
• SEVERE HEADACHES	• LOSS OF CONFIDENCE
• LOSS OF LIBIDO	• FEELINGS OF ISOLATION
• MINOR ACHES AND PAINS	• REDUCED SELF-ESTEEM

5.5 HARASSMENT CHECKLIST

5.5.1 EFFECTS OF HARASSMENT IN AN ORGANISATION

- | | |
|---|-----------------------------|
| • HIGH STAFF TURNOVER | • ABSENTEEISM |
| • REGULAR OR PROLONGED SICKNESS ABSENCE | • LESS CONCERN WITH QUALITY |
| • STAFF LOOKING TENSE OR TROUBLED | • LOW MORALE |
| • A CHANGE IN ATMOSPHERE | • LOSS OF INITIATIVE |
| • REDUCED PRODUCTIVITY | • LACK OF CREATIVE INPUT |

6 WHAT CAN ORGANISATIONS DO ABOUT BULLYING AND HARASSMENT AT WORK?

It is clearly important that employers recognise the impact that bullying and harassment can have on the organisation as a whole, as well as on individual employees. The implementation of a bullying policy indicates that the organisation takes the issue seriously, and provides a mechanism for dealing with complaints, both informally and formally.

6.1 DEVELOPING A POLICY ON WORKPLACE BULLYING

It is important to have a formal policy and procedures in place to deal with the issue of workplace bullying and/or harassment. The policy should include a clearly written and user-friendly statement on the organisation's view of the types of behaviour that may be interpreted as bullying. Statements contained in the policy need to assure staff that the organisation takes these types of adverse behaviour seriously.

The Trade Union AMICUS Recommends That A Policy On Bullying Should:

- have commitment from the top, and be jointly drawn up and agreed by management and trade unions
- recognise that bullying is a serious offence
- recognise that bullying is an organisational issue
- apply to everyone throughout the organisation and at all levels
- guarantee confidentiality
- undertake that anyone complaining of bullying will not be victimised
- be implemented as early as possible

The complaints process should be appropriate to bullying at work, and employers must properly investigate individual cases and the aftermath with sensitivity for all parties concerned.

There is frequently less clear evidence related to bullying than might be found in other cases of discrimination such as sexual or racial harassment. Investigators need to look at situations where a large number of small and, taken on their own, insignificant actions are the basis of a reported incident – but which when taken together may reveal a discernible picture of consistent bullying behaviour.

The system therefore needs to be able to cope with such patterns of evidence, and allow for proper investigations whereby people connected to the parties involved can also be safely interviewed.

One third of 'bullied' UNISON members reported that the whole of their group was treated in the same manner, so it is often possible to find corroborating evidence.

6.1.1 INFORMAL PROCEDURES FOR DEALING WITH ALLEGATIONS OF BULLYING AND HARASSMENT

An informal procedure can be a useful way of resolving complaints quickly with confidentiality maintained. AMICUS suggest that the problem can often be resolved at this stage if the following facts are made clear to the alleged bully:

- that their behaviour is contrary to the organisation's policy and procedures related to bullying
- that their behaviour must comply with the organisation's required standards of policy, procedure and codes of conduct
- that they must realise the impact their behaviour has on others
- that they must modify their behaviour and that the situation will be monitored accordingly
- what will be the consequences should their behaviour not be satisfactorily modified
- that the discussion is informal and confidential, at this stage

In instances where no action is taken until formal complaints have been registered, the staff involved are often in an irretrievable situation of escalated conflict. Many people are unwilling to take formal action, and this might be a contributory factor in the high exit rates associated with instances of bullying at work. Undoubtedly the most effective intervention is the training of managers to help them ensure the fast and effective resolution of disputes between their staff.

6.1.2 MAKING A FORMAL COMPLAINT

A formal complaint should be brought in accordance with the organisation's policy on bullying and harassment, or where such a policy is not in place, under its existing grievance procedure.

The complaint should be made in writing and should give as much information as possible regarding alleged incidents including date, time and place, along with the names of any witnesses. The document should be signed and dated and handed to the designated person within the organisation responsible for dealing with such issues.

It is likely that a bullying and harassment policy will be invoked alongside an organisation's grievance procedure, and organisations should take great care to protect both the alleged perpetrator and the complainant, whilst a full investigation is carried out.

6.1.3 INVESTIGATIONS

Most policies allow for the informal resolution of a complaint, and this route should be fully explored before a formal investigation is undertaken. If no informal resolution can be reached, then it will be necessary for a formal investigation to be undertaken.

This process, depending on the nature of the complaint, may be carried out by individuals from within the organisation (but not in direct contact with the parties mentioned) or by an external investigating body.

Once an investigation is complete, the findings (in a written report) will be put before the commissioning manager, and it is at this point that a decision will be made as to what further action should be taken. Where allegations are proven, it is most likely that action will be taken using the organisation's standard disciplinary procedures. Where allegations are unfounded, then the organisation will need to consider what mediation may be required to ensure that the alleged perpetrator and the complainant are able to return to work and interact effectively together.

6.1.4 THE ROLE OF THE INVESTIGATOR

Investigators need to be trained and their actions seen as fair. It is imperative that they are totally impartial. Their role will be to interview witnesses, the complainant and the alleged perpetrator, collate evidence from all those involved, and evaluate whether or not there is a case to answer. It may also be appropriate for investigators to make a recommendation for future actions relating to training and changes to organisational policy and procedures.

During the investigation, both parties need to be treated with sensitivity, and managers would do well to remember that being accused of bullying can be a devastating experience.

Staff members who are alleged to have been involved in bullying may need as much support as those who bring the complaint.

As investigators can encounter complex situations, it is recommended that training in the gathering of evidence is undertaken by all investigators. Complexity will increase dramatically if more than one ‘bully’ is implicated, and investigations can also uncover long-term patterns of negative treatment, which in turn can be distressing for the investigators themselves.

It is therefore good practice to have two people working together on any alleged case, plus a nominated person who they can call upon for help if necessary. Smaller organisations may wish to secure the services of external agencies to help with, or to conduct, the whole investigation.

6.1.5 APPEALS

Within the policy and procedures, there needs to be some form of appeal process. This will accord with general ‘good practice’ in relation to other unacceptable behaviour, e.g. racism and sexism that organisations have had to deal with for some time. As with incidents of racism and sexism, it is possible that some staff might need to be dismissed where bullying is proven. While such situations are always difficult to handle, so long as the process has been (and has been seen to be) fair, then the effect on remaining staff is likely to be positive.

6.1.6 MALICIOUS ACCUSATIONS

Many organisations are worried about malicious claims. While bullying can be hard to establish, it can also be hard to defend. As stated above, it is crucial that policies that deal with bullying mirror good practice, as in instances of ‘whistle-blowing’, malicious accusations need to be treated seriously and may therefore be considered a dismissal offence.

6.1.7 MONITORING

It is considered advantageous for an organisation to formally monitor levels of feeling amongst staff regarding the topic of bullying, and for larger organisations this can probably best be done as part of annual or bi-annual staff survey.

Smaller organisations may wish to engage external agencies for the gathering of such information so that staff members are clear that they are giving information in confidence, and anonymity should always be an option. In this way, the organisation can monitor staff attitudes and feelings, and track the success (or failure) of their actions.

6.1.8 EXIT INTERVIEWS

These can be a remarkably effective way of ensuring that problems to do with bullying are brought to the surface.

Essentially, exit interviews ask people who are leaving (or have left) the organisation to appraise their experience of their period of employment, in a candid manner – with an assurance that any comment will in no way affect any reference given.

As the employee is leaving or has already left, they should have nothing to lose by commenting on issues they might not have revealed at an earlier time.

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Clearly, confidentiality is still of importance, but the value of evidence from exit interviews can be very good and serve to identify specific problems that might otherwise remain unknown.

Listed overleaf are examples of the types of questions related to bullying that might typically be asked during an exit interview.

6.1.9 EXIT QUESTIONNAIRES

Some questions to be included:

- Have you been bullied in the last six months?
- Have you ever been bullied?
- Have you ever witnessed bullying behaviour?
- Is there anything you think we should know about how staff members treat each other in your former department/unit?

6.1.10 BACK TO BASICS

The real opportunity for organisations in dealing with bullying at work is to identify it informally and at an early stage.

This means that 'good' standards of behaviour need to be clearly established and those managers are trained to deal with early concerns expressed by staff.

7 WHAT CAN INDIVIDUALS DO ABOUT BULLYING AT WORK?

Possible actions available to those being bullied:

- confront the bully
- approach the bully's immediate superior
- contact the human resources department and/or occupational health
- involve a trade union
- speak to a colleague
- stay and do nothing
- leave the job

The UNISON survey of police section members (see page 20) asked those who had successfully combated bullying what actions they had taken.

A wide range of actions was reported, ranging from reacting with aggressive hostility, to taking the 'bully' aside and gently explaining the effect of their actions. What was common to these 'success stories' was that all actions were taken quickly, i.e. on the first or second occasion. It would seem that once bullying has become established and entrenched as an 'acceptable' pattern of behaviour, then it is extremely difficult to stop or modify.

7.1 COMBATING BULLYING WHEN IT STARTS

If individuals were to follow the findings from the UNISON survey, the advice would be to confront the bully *immediately*, and in a direct but low key way that does not escalate the situation, i.e. so that the bully is not insulted and does not wish to exact revenge. This seems to be quite sensible advice. De-escalation of emotion is a principal aim, and consciously treating others with dignity and respect at all times is fundamentally beneficial to good relations (both in and out of the workplace).

In this way, it may be possible to resolve the situation quickly, without it escalating into a position that can be damaging not only for those directly involved, but also the section and/or department in which they work.

All our knowledge of this topic points to the nature of conflict escalation, whereby parties often end up in formal proceedings and then question how the situation could have deteriorated so far in such a short time.

7.2 WHEN BULLYING IS ESTABLISHED

If an individual is in a situation where they consider that they are subject to an ‘established’ pattern of bullying, the very real difficulty of bringing about substantial change should not be underestimated. Staff often report that informal complaints are met with ‘nothing’ as a response. While confidentiality practices may preclude clear and immediate responses being given to complainants, communication to indicate that something is being done would clearly be welcomed by staff who have expressed concern over a bullying situation. This view applies not only to personnel departments, but also to trade union representatives as well.

7.3 LEAVING THE JOB

It is estimated that 25% of people who have been bullied eventually leave their jobs and seek work elsewhere. This represents an enormous drain on any organisation, in terms of disruption and replacement costs. Whilst there is little hard evidence, it is suspected that many of these people leave quietly, without ever making a formal complaint. It should also be noted that over 20% of people who directly witness persistent bullying to others change their jobs as well, possibly because they want to avoid similar treatment, and so take a proactive approach to ensure their own future work security.

7.4 CASE STUDY – CONFRONTING BULLYING AT WORK

Christine worked as a commercial IT trainer. Having been a contractor for a telecommunications company, she was subsequently offered a permanent position – a role she had happily settled into. However, two weeks after accepting her revised job status, Bob, a new manager arrived. His style was not so much a ‘new broom’ as a policy of someone committed to the strategy of ‘divide and conquer’.

Christine’s confident manner, together with her loyalty to her team, unfortunately made her an immediate target. The new manager did not so much ‘move the goal posts’ as keep them ‘constantly floating’. Whenever Christine got close to completing a project or assignment, he revised the objectives and added to the task.

Christine went from being a happy, content and conscientious person to dreading the time she had to spend in the office. Worse still were the twice-weekly face-to-face meetings, always in private, with no witnesses, that resulted in a gradual whittling away of her confidence and self-esteem. Christine talked to her colleagues with whom she had an excellent working relationship, but

gained the impression that most of them thought she was bordering on paranoia – even though some entertained vague doubts about Bob.

Eventually, Christine approached the human resources (HR) department, who had noticed the change in her demeanour. A meeting was subsequently arranged to discuss the worsening relationship, at which Bob attempted to change the theme of the meeting and focus instead on Christine's work performance. Christine was ready for this, and after a short time the rest of the meeting was spent trying to set objectives for their future working relationship.

Christine found the meeting so stressful that four hours later she was admitted to hospital for emergency treatment for severe chest pains. Her condition was of a physical nature, but how far the stress of the situation at work had contributed to it was difficult to ascertain. Bob's bullying subsided for a couple of weeks, only to restart again with added vigour.

Christine decided that enough was enough. She could no longer withstand being bullied at work, a situation that was making her ill, and made a personal decision to leave the company at the first available opportunity. The end of her probationary period was near, and so when the meeting between her and Bob to discuss the end of her probation was arranged, it was her turn to have her say.

On the Friday when she was summoned to the meeting, Christine was ready – her profile of a serial bully in hand. She waited for the moment when her future employment with the company was to be discussed. It was then that she announced that she had no intention of staying with the company, and with both the HR manager and Bob looking shocked by her response, she was given the opportunity to explain her reasons.

Christine was calm and professional. She talked through all the points she had prepared, and ended by saying, 'Bob, you are a bully and I will no longer submit to your behaviour'. She left with her head held high, her dignity intact, and a tremendous feeling of relief.

From then on, Christine decided to return to being self-employed – she would no longer allow herself to be the target of a bullying manager. Despite the professionalism with which she had handled the situation, Christine still had times when she would entertain doubts about herself, but she knew in her heart that what had happened had not been her fault.

Six months later Christine received a phone call from another member of her former team, who had been made redundant with a proviso that they would receive an enhanced payoff if they discontinued the grievance procedure they had instituted against Bob. For Christine, this was an added justification that it was Bob's unreasonable behaviour that had caused her to leave her job.

8 WHAT CAN MANAGERS DO?

It is important to be aware that most targets of bullying have two main aims – to keep their jobs and for the situation to return back to ‘normal’. These apparently simple goals can get lost in the distractions of defensive positioning regarding possible legal claims and worries about future action to remedy the situation.

Possible Results of Management Interventions:

- Nothing (this is often the most likely)
- Complainant labelled as a trouble maker
- Allegations overruled
- Dismissal threat to complainant
- Bullying worsens
- Complainant offered a sideways job move
- Bully disciplined
- Bullying stopped

If the perpetrators of bullying behaviour can be talked to quietly and succinctly regarding their actions and the harm that they are causing, then this could be the ideal solution. However, such interactions are difficult to handle, and it is essential for those in authority (who have to deal with these complaints) to make sure that they feel comfortable with managing the situation effectively. Quite often, managers do nothing simply because they do not know what to do.

It is important that this type of informal dispute handling becomes part of management training, so that managers can perform this facet of their job effectively. Talking to staff without escalating the situation, gently pointing out that intent is not an issue, and ensuring that all staff feel in a safe environment at work, is a major aim and, as such, an essential management skill.

With a potentially high staff turnover from the targets and witnesses of bullying leaving their jobs, it is in everyone’s interest to expose and deal with these situations. For managers, this might mean the need to keep a close eye on aspects of employee behaviour in addition to the usual performance appraisal. Being sensitive to negative changes in the workplace and keeping a lookout for staff that appear to be nervous or frightened, can clearly help in the detection and elimination of workplace bullying.

It should be borne in mind that managers need to create a mechanism to enable staff to ‘whistle-blow’ if they feel the need to do so. The role of witnesses speaking out (or not) is suspected to be another factor contributing to bullying at work being seen as the ‘norm’. If an individual is a witness, it is important for them to have a safe place to express their concerns – possibly through existing management reporting procedures; central services such as human resources; or through an external party such as a trade union or staff representative.

Managers may often hear reports from colleagues or other professional staff about individual members of their teams, possibly regarding bullying further down the hierarchy. While it may be tempting to always defend their own staff, it may be very unwise to do so in the case of bullying at work. Many people present different ‘faces’ to different people, and managers are typically likely to be presented with the ‘best’ aspects of staff who may not be so rational, reasonable or tolerant towards others in the organisation. This is why it is so important to treat accusations of bullying carefully, to suspend judgement until after inquiry and not to pre-judge the situation. Calmness and level-headedness as in other situations, will save considerable time and effort in the long run.

8.1 FEELINGS EXPERIENCED BY THE MANAGER DURING A HARASSMENT INTERVIEW

- **EMBARRASSMENT**
- **AWKWARDNESS**
- **ANGER OR RESENTMENT (IF DISCUSSION IS RELATING TO A FELLOW COLLEAGUE OF THEIRS)**
- **OUT OF THEIR DEPTH**
- **NOT KNOWING WHAT TO SAY**
- **LACKING IN CONFIDENCE**

8.2 WHAT TO SAY DURING THE INTERVIEW

The Complaint Interview – Types of Questions to Ask

'EXPLAIN WHAT HAPPENED'

'WHO WAS INVOLVED?'

'WHEN DID THE INCIDENT TAKE PLACE?'

'WHERE DID THE INCIDENT TAKE PLACE?'

'HOW DID YOU REACT?'

'WAS THIS THE FIRST TIME THE CONDUCT OCCURRED OR HAS IT HAPPENED PREVIOUSLY?'

'DID ANYONE ELSE SEE THIS OR A PREVIOUS INCIDENT?'

'DID YOU SPEAK TO ANYONE ELSE ABOUT THIS OR A PREVIOUS INCIDENT?'

'IS THERE ANY OTHER PHYSICAL EVIDENCE OR DOCUMENTATION OF THE INCIDENT?'

'HOW HAS IT AFFECTED YOUR WORK?'

8.3 WHAT NOT TO SAY DURING THE INTERVIEW

The Complaint Interview – Types of Questions Not to Ask

'DID YOU DO ANYTHING TO LEAD HIM / HER ON?'

'WHAT WERE YOU WEARING AT THE TIME?'

'SURELY, HE / SHE WAS ONLY JOKING?'

'I KNOW THE MAN / WOMAN YOU ARE TALKING ABOUT AND CAN'T BELIEVE HE / SHE WOULD (SEXUALLY) HARASS SOMEONE. ARE YOU SURE THERE ISN'T SOME MISUNDERSTANDING?'

'DO YOU REALLY WANT ME TO TAKE THIS COMPLAINT FURTHER?'

8.4 TYPES OF QUESTIONS TO ASK A PERSON WHO IS FEELING HARASSED

WHAT HAS CHANGED?

DO YOU HAVE A NEW BOSS?

HAS PRESSURE ON YOUR CURRENT BOSS INCREASED?

HAVE YOU RECENTLY CHANGED JOBS?

ARE YOUR OBJECTIVES BEING REPEATEDLY ALTERED?

HAVE YOU BEEN ASKED TO DO THINGS OUTSIDE YOUR JOB DESCRIPTION?

ARE YOU UNDER MORE PERSONAL SCRUTINY?

ARE YOU FEELING LESS INVOLVED?

8.5 TACTICS FOR THE PERSON FEELING HARASSED

STAND FIRM IF YOU COME UNDER VERBAL ATTACK. TELL THE BULLY THAT YOU WILL NOT TOLERATE PERSONAL REMARKS.

REMEMBER THAT THIS TYPE OF PERSON IS LIKELY TO BE AT THEIR WORST WHEN THEY FEEL UNDER PRESSURE.

REMAIN CONFIDENT IN YOUR OWN JUDGEMENT AND ABILITY.

IF YOU CLASH OVER WORK CONTRIBUTIONS, KEEP CALM AND SAY WHAT HAS TO BE SAID QUIETLY AND COHERENTLY.

IF OBJECTIVES OR INSTRUCTIONS ARE UNCLEAR, ASK FOR WRITTEN CLARIFICATION. EXPLAIN THAT THIS WILL PROVIDE AN AIDE-MEMOIRE TO HELP YOU ACHIEVE THE AIMS WITHIN THE GIVEN TIME.

8.6 HOW A MANAGER SHOULD DEAL WITH SEXUAL HARASSMENT

For all managers who find themselves involved in dealing with alleged sexual harassment, effective use of counselling skills will enable an accurate picture to emerge and decisions to be made. It is easy to sound disbelieving or patronising. Clarification needs to be sought sensitively, and once this has been achieved the manager should not pressure the person to

make a formal complaint. If they decide not to at this stage then he or she should look at other ways in which the person may be able to stop the sexual harassment.

1. Establish whether the person would feel confident in their ability to confront the harasser in order to:
 - Express how the person's behaviour is making them feel.
 - Give statements of fact, e.g. 'I have a happy and secure relationship'
 - Be explicit and avoid using polite phrases which can leave the person in doubt about the meaning or message being conveyed, e.g. 'I respect you and like you as person and I hope we can have a professional relationship...' (or) 'We can just be friends...'
2. Possibly role-play to help the person in what he or she wants to say.
3. Encourage the person to be professional. They may want to make a formal complaint at a later stage.
4. Encourage the person to think how their work environment would change if the harassment ceased. How would it be improved? The person should be able to see the benefits of taking control in changing their circumstances.
5. Consider with the person whether they would benefit from an assertiveness training course.
6. Help the person assess the risks involved in following a course of action. This will enable the person to evaluate the options and consider in advance their reactions if things do not go as hoped.

8.7 RESISTING SEXUAL HARASSMENT

The Degrees of Sexual Harassment

The sexual harasser often begins by testing the potential victim with looks or flirtatious comments. But some go so far as to sexually assault an employee or student with no preliminaries. There is no way to predict precisely how harassment will begin.

Assertive Ways to Stop Sexual Harassment

There is some evidence that assertiveness sometimes improves the situation. But it must be done thoughtfully, and gauged to fit the level of harassment. People with high esteem tend to recognise disrespectful treatment and are inclined to assert themselves against harassment. You must believe that you deserve respect as a worker or student.

If you are sexually harassed, you probably want to keep your job. All studies show that victims are very reluctant to bring incidents to the attention of the organisation. But unless they do, this offence will continue unabated.

Professionally Pleasant Versus ‘Friendly’

Employees need to learn a precise line between a pleasant attitude appropriate to their role and the kind of friendliness that could imply sexual openness.

Friendly Versus Seductive

This line is even more difficult to draw. Semi-flirtatious behaviour goes on in offices. It can be fun, and it’s harmless – as long as there’s no misunderstanding of intent.

What if you could build your future and create the future?

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One generation's transformation is the next's status quo. In the near future, people may soon think it's strange that devices ever had to be "plugged in." To obtain that status, there needs to be "The Shift".

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The Pressure to ‘Smooth It Over’

Tiny minorities of women are flattered by sexual overtures from their supervisors or managers and play along, hoping to get something out of the harasser. Most women are very uncomfortable and simply try to remain pleasant in the hope that nothing harmful will happen. Smoothing it over (by continuing to be just as friendly after the harassment) does not work very well: often the harasser regards it as a positive response or even a come-on.

Getting Your Professionalism Across

These rules help people convey their businesslike intentions:

1. Evaluate your eye contact
2. Perfect the professional smile
3. Evaluate the sexiness or business message expressed by your clothes

Making a Joke

It is difficult for most people to think of a joke as a response to harassment but some people are artists at turning an insult into a joke. You might find a way to joke that stops harassment, but you need to be aware that the harasser may already think it is a joke. If you ever decide to make an official complaint, you will need to demonstrate that, from the very beginning, you did not like the harassment.

Avoid Being Alone With the Harasser

Try to avoid being alone with people who are giving the signs of being a bully.

Keep a Record

Even if one episode of harassment is experienced, a written record of all harassing incidents and of any complaints lodged against the harasser should be kept.

Arranging a Talk

Talks may stop the problem before it goes any further. One advantage of a talk is that it is still less formal than the next step one can take. One disadvantage is that there is no record of the conversation unless it is taped. It will probably not seem as official as a letter, but that could be a benefit as well.

Writing a Letter

1. Describe what happened:
 - 'You have asked me out four times'
 - 'You keep mentioning sex with me'
 - 'You have made jokes about my body'
2. Describe feelings:
 - 'My stomach is in knots all day'
 - 'I can't sleep over this'
 - 'Since then I have constant headaches'
 - 'I'm so humiliated I want to hide'
3. Describe what you would like to happen:
 - 'I want you to be strictly professional'
 - 'I want you to stop making any sexual remarks to me'
 - 'I want you to treat me like an employee'

Seeking Emotional Support

Talk to professional and trusted people. In confiding, you may also find others whose ordeals corroborate your own.

8.8 HELPING THE EMPLOYEE DURING A SEXUAL HARASSMENT INTERVIEW

HELP THE PERSON TO EXPRESS TO THE HARASSER HOW THEIR BEHAVIOUR IS MAKING THEM FEEL.

GIVE STATEMENTS OF FACT: 'I HAVE A HAPPY AND SECURE RELATIONSHIP'.

BE EXPLICIT WITH THE HARASSER.

BE PROFESSIONAL.

HELP THEM APPRECIATE THE BENEFITS OF TAKING CONTROL IN CHANGING THEIR CIRCUMSTANCES.

SUGGEST ATTENDING AN ASSERTIVENESS TRAINING COURSE.

EXPLORE RISKS INVOLVED IN TAKING ACTION.

IT MAY BE HELPFUL TO PRACTICE A ROLE PLAY WITH THE EMPLOYEE

8.9 INFORMATION NEEDED IF DISCIPLINARY ACTION IS TO BE TAKEN

If a formal complaint is made, the manager will need to have collected specific information before talking to the harasser. This should include:

1. The substance of the complaint – action, abuse, comment etc.
2. The name of the person against whom the allegation is being made.
3. Were there any witnesses – who are they?
4. Where or when or how often has the harassment happened?
5. What are the effects on the victim?
6. Has the person making the complaint taken any action already – have they complained to or told the alleged harasser they will not tolerate such behaviour?

Finally, the manager should summarise – check that he or she correctly understands the nature of the complaint. The manager will have to speak to the person against whom a complaint has been made. Disciplinary action should be taken for inappropriate behaviour such as sexual harassment: simply having an informal chat with the harasser is insufficient.

8.9.1 PROTECTING THE HARASSED

Employees will need to know that:

- The bully is transferred to another section or department.
- They will remain safe.
- Any direct contact from the bully to them, not via an appointed third person, will result in disciplinary measures.
- The person is made fully aware of the effect their behaviour is having on others.
- The bully is being helped to unlearn his or her aggressive behaviour and style – and how.
- That until those responsible for human relations are satisfied that the individual concerned has been successfully retrained, he or she will not be put in a position of managing other employees.

9 THE WAY FORWARD

9.1 THE WAY FORWARD

The following are some of the most useful steps that managers and organisations can take to help combat bullying behaviour:

- Watch the workplace for a change in atmosphere among staff – particularly when cheerfulness turns to virtual silence.
- Adopt a holistic approach to bullying that is problem solving and not punitive.
- Focus on ‘soft’ skill development.
- Use stress/culture audits to identify problem areas.
- Define and identify what is considered to be unacceptable behaviour.
- Introduce agenda-free meetings to provide a platform for troubled staff.
- During exit interviews, include the specific question, ‘Have you experienced bullying within this organisation?’
- Ensure that all levels know that bullying behaviour is unacceptable and could possibly lead to dismissal.

9.2 KEY LEARNING POINTS

- Bullying at work can happen anywhere and to anyone regardless of gender, age or hierarchical position.
- The effects of bullying can be severe, in extreme cases resulting in suicide or significant mental breakdown.
- Around 25% of people who are bullied leave their job because of it, and many do so quietly and without fuss. In addition, around 20% of witnesses leave their jobs. Together, such exit rates place a very high cost on any organisation.
- In the UK, a majority of bullies are reported to be managers (80%).
- The organisation’s action (or inaction) taken in relation to bullying will often be judged by staff, with inaction by organisations being seen as condoning bullying at work.
- Individuals should attempt to stop bullying behaviour becoming a pattern by bringing the negative effect of the bully’s actions very quickly to their attention, in a non-confrontational way.
- Once bullying behaviour has become established, it is much more difficult to remedy.
- Organisations need to have formal policies and procedures in place to give employees a structured route to make legitimate complaints about bullying and harassment at

work. However, the most effective way to challenge bullying is to train managers and supervisors not to engage in any behaviour that can be construed as bullying themselves, and to be able to deal with complaints regarding others early, informally and without escalating the situation.

9.3 CYBERBULLYING

The internet is a wondrous place. A technological marvel and a credit to a progressive society. But, as is often the case, it can at times be far from plain sailing. The less sensitive among us have been provided an online platform with which to vent their fury, often at the expense of other undeserving members of the online community.

Cyberbullying is a growing concern, and the voices calling for harder legislation are similarly growing in stature.

What is Cyberbullying?

Cyberbullying, at least according to a quick Google definition, is:

“the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.”

The .gov site covering Cyberbullying gives examples of text messages, emails or embarrassing social media posts as examples of bullying of the cyber variety. Central to the current debate however, is that there are no actual laws that specifically cover Cyberbullying.

If anyone feels like they are a victim of online abuse, it would have to fall under one of the following laws in order for it to be deemed a crime:

- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act 1994
- Malicious Communications Act 1988
- Communications Act 2003
- Breach of the Peace (Scotland)
- Defamation Act 2013

The current laws are seen as unsuitable in a world where people are communicating in greater numbers online, and from a younger age. And that is often to crux of the argument for change.

Cyberbullying is a problem for people of all ages. But for children, it is an epidemic. Much like bullying in face-to-face interaction, the rhetoric is often centred around the impact it has on children.

In the 2013 Cyberbullying report, it became clear how widespread the problem has become. 7 out of 10 young people are reported to have been victims of cyberbullying at some stage in their lives. 20% have experienced extreme cyberbullying on a daily basis (1.26 million in real numbers), with Facebook found to be twice as likely as any other social network as a platform for cyberbullying.

The impact cyberbullying has on the fragile minds of younger generations has led to tragedy. Megan Meier is possibly the highest profile case of child suicide being linked to bullying online. Megan took her life in 2006 age 13.

The Megan Meier Foundation was founded in December of 2007 by Tina Meier, mother of Megan Taylor Meier. Tina's vision and passion is as strong today as it was on the day the foundation was created.

Their mission is to promote awareness, education, and positive change in response to the issues surrounding bullying, cyberbullying, and suicide. They aim to create awareness and promote positive change regarding the issues surrounding bullying and cyberbullying and believe that through empowering our society we can work together to make a difference and create a safer and kinder world.

Such is the increase in use of social network by young people, cases such as this have since been joined by several others. Off the back of the case, nearly all US states passed the "Megan Meier Cyberbullying Prevention Act", thus providing direct regulations on the impact of Cyber-hate.

That cyberbullying largely affects the lives of young people is fuelling calls for legislative action. If the current laws are inadequate in their attempts to protect young people, what measures should be put in place to change that?

Should Laws be Introduced?

Flipping the coin over reveals the other side of this prickly debate. Some fear that taking direct action against cyberbullying will actually cause greater damage than the current negative impact of the action.

Cyberbullying, let's not forget, is purely a subdivision of bullying. And of course, there are no specific laws that deem the act of "bullying" as a crime. Again, the subject largely revolves around the lives of children located in the school playground. As a result, it's usually dealt with by parents and teachers, as the Metropolitan Police state on their own website. They do however, state that some examples of bullying should be reported to them, as they could be deemed as illegal acts:

- harassment and intimidation over a period of time including calling someone names or threatening them, making abusive phone calls, and sending abusive emails or texts (one incident is not normally enough to get a conviction)
- anything involving hate crimes

Given that any crimes such as stalking, harassment and hate crime such as race or sexual orientation are covered under an already existing piece of legislation, then what might cybercrime cover? This is the base of the argument for those who believe anti-cyberbullying laws will be a hindrance rather than a help. Bringing in any active legislation would likely be based around criminalising the use of certain words. Minimising the freedom users of social media have on using certain terms that aren't deemed offensive enough to be illegal is purely a vehicle for infringing freedom of speech. Issues surround government surveillance and privacy are political hot potatoes in 21st century Britain, and any attempts to undermine civil liberties should be treated as a worrying precedent.

If not Laws, then what?

If direct legislative action isn't the answer, then further empowering teachers and their schools has been outed as an alternative. Indeed, schools have actively taken part in a number of bullying prevention schemes in schools, but studies have suggested that they actually have a negative impact on schooling.

A study published in the *Journal of Criminology* of 195 US schools found a correlation between anti-bullying programmes and the likelihood of a child being bullied (although not necessarily cause). The suggestion is that, on the whole, anti-bullying programmes offer little in the way of positive effects, and the cost of running them is simply not worth it. And that's before you get to the logistical issues of schools attempting to police cyberbullying.

Schools and teachers attempting to deal with cyberbullying would likely be delving into activities done at home, treading dangerous ground in the process.

Grateful thanks is given to Will Hinch for this copy on Cyber-bullying.

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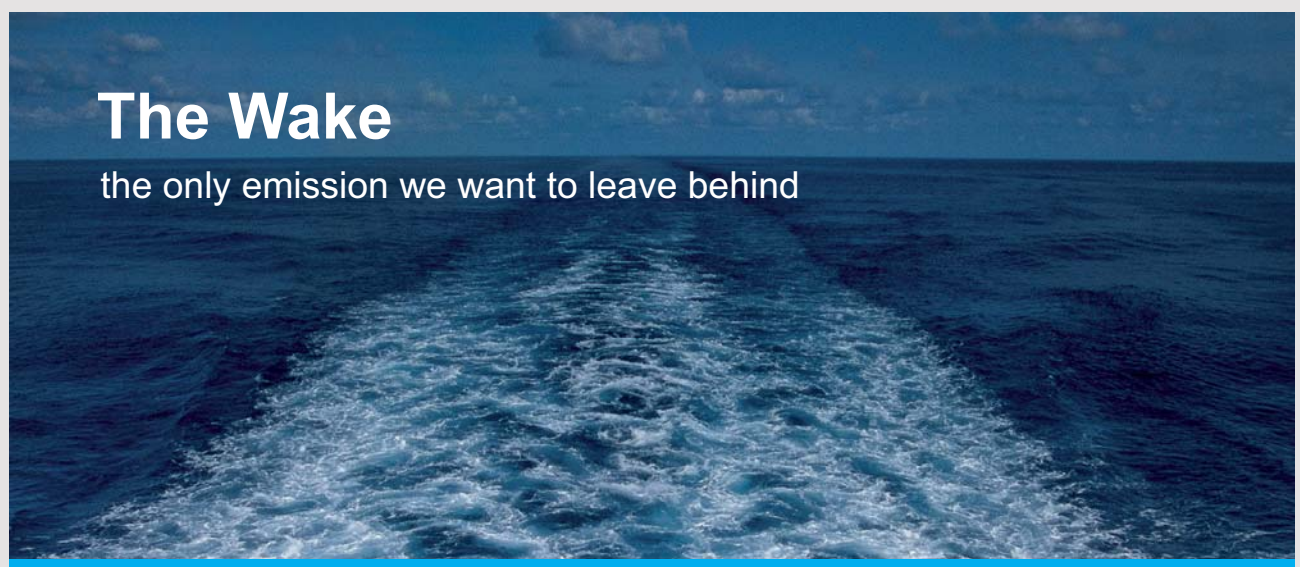
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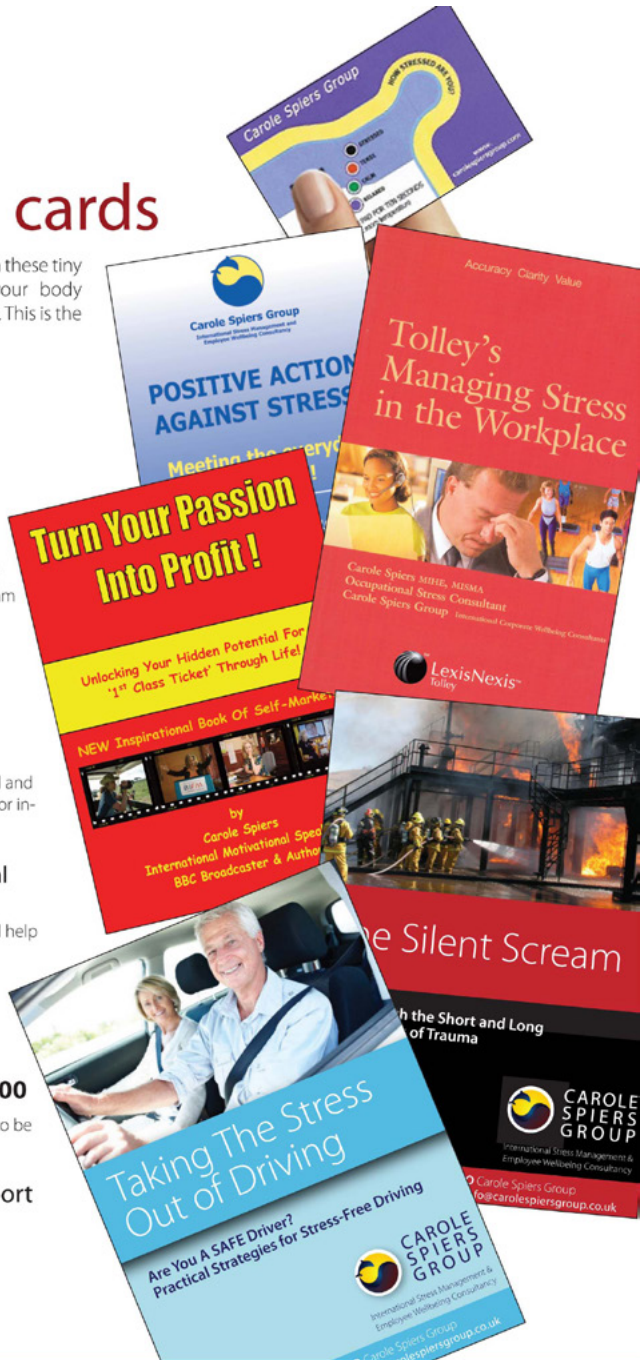
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