

Acas Policy Discussion Papers

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Workplace bullying and harassment: building a culture of respect

The *Acas Policy Discussion Papers* series is designed to stimulate discussion and debate about key employment relations issues.

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Special thanks are given to staff at the Cardiff Acas office who gave their time to outline their experiences of dealing with bullying and harassment with employers and employees.

We welcome your comments and opinions. These should be sent to the authors c/o strategy@acas.org.uk

Reports charting an alarming increase of bullying and harassment have been widespread in the British media during the past decade. Calls about bullying and harassment to Acas' own helpline in 2004/05 numbered over 45,000, a disturbing statistic. Yet, despite the worrying indications that bullying and harassment are on the increase, many people remain unclear as to what these terms really mean.

The emergence of workplace bullying and harassment as serious social and organisational issues cannot be questioned. Research evidence from across the globe indicates that significant numbers of the working population feel they are experiencing bullying or harassment of one kind or another. What is less clear is the legitimacy of these claims. This is because workplace bullying and harassment have only risen to the fore and been reported on in the last 10 years or so. Researchers and policy makers are only now beginning to understand the difference between genuine bullying and inappropriate behaviour. As with any emerging field, there will be confusion before there is clarity.

Despite the majority of organisations now operating an anti-bullying policy, there is evidence of a persistent gap between policy and practice. In a 2005 report by the campaigning forum 'Opportunity Now', 59 per cent of women managers and 74 per cent of male managers said that they felt ill-equipped to handle instances of bullying and harassment of women in their team. The report, based on a survey of 800 line managers, concluded that more training investment was required on the part of organisations if managers were to deal effectively with bullying and harassment issues.

This *Acas Policy Discussion Paper* aims to offer clarity and guidance so that we might better understand the complexities and ambiguities of bullying and harassment, to help improve the working environment for us all. It also outlines Acas' experience of dealing with these issues and examines:

- definitions of workplace bullying and harassment
- the legislative and policy context

- the extent of the problem in UK workplaces
- the individual and organisational impact of bullying and harassment
- the incidence of different forms of negative behaviour, such as harassment against minority ethnic groups and 'upwards' bullying
- the most effective prevention strategies and
- the moral and business case for effectively tackling bullying and harassment.

Defining bullying and harassment

There is considerable confusion about the similarities – and indeed differences – between bullying and harassment. While there is clear anti-discrimination legislation covering, for example, race, sex and disability, bullying is far less clearly defined. Acas defines bullying as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'

Acas' definition of harassment is 'unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident.'

The harassment definition makes clear that an individual's dignity is affected by harassing behaviour and that the harassment is unwanted. While the definition of bullying does not express bullying as unwanted, it is taken for granted that no one desires bullying or that their dignity is affected by bullying: the reality of both bullying and harassment is that they are

both unwanted acts. Key to understanding whether either bullying *or* harassment has occurred is not whether the conduct was intended on the part of the perpetrator, but whether it was unwanted on the part of the recipient.

The other key difference between bullying and harassment, that the above definitions make clear, is that harassment is linked to a personal characteristic of the recipient, and therefore linked to anti-discrimination law in this country.

The terms used to describe bullying tend to vary between countries and studies. For example, in much of Europe 'mobbing' is used instead of bullying, while in the US the term bullying has only recently replaced the more general term 'emotional abuse'.

It has been suggested that focusing on definitions is not that important. Rather, it is the diversity of our knowledge that informs our thinking about bullying and harassment. Neatly bounded definitions of bullying and harassment – that establish set margins for behaviour – may prove unsatisfactory. For example, some individuals could fail to qualify even though they have legitimate grievances, while others may be forced to shoehorn their own situation into the terms of the definition.

For example, one well used and broadly accepted definition of workplace bullying suggests that for bullying to count as bullying, the experience must occur repeatedly and regularly over time, for example, six months. If such a boundary was established in a policy document or definition, how would someone who had experienced bullying for four months feel? Would their case be dismissed as failing to qualify? Could they be forced into enduring more bullying for a further eight weeks in order to comply with the accepted definition? It makes more sense for those dealing with bullying and harassment to have latitude in interpreting a definition.

What follows is therefore a broad set of principles and behaviour around which a definition may be more helpfully constructed.

Workplace bullying is most often defined as the repeated, less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. Unreasonableness or inappropriateness relate to actions that are offensive, intimidating, humiliating, or that degrade, ridicule or insult an individual at work. Often – although not exclusively – these actions are carried out by managers or supervisors against their staff. Bullying and harassment tend to consist of negative acts that occur regularly and repeatedly. A good legal tenet to apply is ‘would a reasonable person observing such behaviour see this as bullying or harassment?’

Verbal actions generally regarded as typifying workplace bullying include yelling, screaming, angry outbursts, name-calling, inappropriate comments about a person’s appearance, malicious teasing or being made the brunt of pranks or practical jokes. Other bullying behaviour includes:

- excessive or harsh criticism of work or abilities
- isolating employees from normal work interaction
- ignoring the person
- deliberately withholding productive work opportunities
- assigning meaningless tasks
- undermining work performance
- devaluing work efforts and
- failure to give credit when due.

These descriptions of bullying allow for broad interpretation. Any definition should not

preclude an individual from bringing forward their own grievance, nor should it prevent managers from identifying examples of bullying and harassment.

The legislative context

Explaining the differences between bullying and harassment is difficult. In many situations, the terms are used interchangeably although ‘bullying’ is more widely used than harassment.

Bullying

The legislative context of workplace bullying is difficult to interpret. As the legislation changes with regularity and case law sets new precedents, it is wise to seek up-to-date advice from a legal source.

Most people would agree that the law should encourage preventative measures to minimise occurrences of bullying at work, but there is no specific legal provision protecting employees from bullying. We would also expect the law to protect all employees and to recognise employers who take proactive steps to deal with bullying incidents as they arise. Similarly, we would expect the law to provide aid to victims, including compensation or other entitlements if they have suffered from bullying in the workplace.

There is a range of statutes that can be relied on in cases of bullying. For example, the Employment Rights Act 1996 enables an employee to claim unfair constructive dismissal if the employer has failed to maintain trust and confidence and has breached their employment contract.

The employer’s duty of care under health and safety law could also apply to cases of alleged bullying. As well as forming a common law duty, there is the Health and Safety at Work Act 1974. An employer could be civilly liable for damages if inadequate steps have been taken to fulfil its duty

to an employee. In the worst cases, the perpetrator of the bullying behaviour could be criminally liable under the Public Order Act 1997 or the Protection from Harassment Act 1997.

Harassment

Harassment, in its general interpretation, tends to be applied to front line employees such as hospital or social services workers who are experiencing unwanted attention from members of the public. In its more specific interpretation, it refers to discriminatory behaviour, for example, of a sexual or racial nature. It is important to understand that in an employment law context, harassment only applies to behaviours that are covered by the various strands of anti-discrimination legislation.

A key development has been the UK's adoption of the Equal Treatment Amendment Directive (2002/73). This directive has effectively altered the 1975 Sex Discrimination Act to allow 'free standing' harassment claims, bringing the provision into line with the other anti-discrimination strands. From October 2006, of course, the new legal definition of, and remedy for, harassment will also apply to age.

Employers are liable for actions of their employees who commit bullying and harassment unless reasonable steps have been taken to prevent it – this is known as vicarious liability. Action could still be taken against an employer even though an employee has left the organisation. Equally, action could be taken against an employer for behaviour of third parties such as clients or customers when these parties are under the control of the employer.

An employer who does not take reasonable steps to prevent bullying and harassment of an employee could therefore be liable for any of the following:

- a breach of duty of care to provide a safe and healthy working environment

- discrimination on grounds of race, sex, disability, sexual orientation, religion, or other belief if employees believe that an employer has not dealt with their concerns
- unfair constructive dismissal and/or
- criminal penalties for intentional harassment.

From an employer's perspective it is clear that, to avoid legal actions, a preventative strategy is the best course of action.

Why does bullying occur?

There are many possible answers to this question. Research evidence is varied and typically focuses on one of three different areas: people who have been traumatised by their experience of being bullied at work, the exploration of workplace bullying within a working population, or the use of incidence studies.

There is significant evidence indicating that the speed of organisational change is a contributory factor in the incidence of bullying and harassment. Today, organisations have to cope with the demands of a rapidly changing and competitive environment that in turn can lead to pressures in how they manage staff.

Employers also have to adapt quickly to a vast range of challenges exacerbated by globalisation, for example, the pressure of technological change, the need for corporate social responsibility and enhanced ethical practice, and fluctuating economic conditions. In an environment of constant restructuring, the result can be a decline in staff morale. All these factors increase the pressure on both managers and employees and set the scene for an environment in which workplace bullying may proliferate.

Organisational pressures such as these might encourage the development of cultures where the achievement of

organisational goals justifies the means. Where such a culture develops, managers may be predisposed or forced to use whatever means are at their disposal to organise their human resources. This process might create an environment of perceived bullying.

Change puts pressure on the way people relate to each other. This pressure can result in inappropriate behaviour and perceptions of, or actual, bullying.

A small number of research psychologists have argued that personalities of both bully and victim help to inform our understanding. It has been suggested that those who are seen to be the perpetrators of bullying have limited social skills, are autocratic, have poor communication skills, or enjoy hurting others. Conversely, it has been suggested that targets or victims of bullying are vulnerable or are not strong enough to resist the bullying.

Far from a few dysfunctional individuals being responsible for the phenomenon, the contributory factors can actually be many and varied. They might include organisational culture, management style, performance expectations, inadequate staffing levels and a lack of mutual trust within the employment relationship.

How many people experience bullying at work?

On an international level, the research indicates that between 5 per cent and 50 per cent of employees will experience bullying at some time in their working lives. More time-specific analysis indicates that between 10 per cent and 20 per cent of employees report feeling bullied at any one time. It is important to note that, in some studies, employees recognised that they were suffering the negative acts that constitute bullying but did not subsequently label themselves as being bullied. This finding requires further research but, if shown to be commonplace, would mean that many more people experience the negative

behaviours associated with bullying than is reported. This evidence also means that the label of bullying may act as a barrier to our understanding of the phenomenon. We will return to this later.

While a number of studies among different working populations have been conducted in the UK, there appears to be no research surveying the workforce economy-wide. There is therefore no reliable estimate of the overall number of UK employees experiencing workplace bullying. This is because UK surveys of bullying are mere snapshots based on individual employers, particular professions, specific sectors or trade union memberships.

Evidence from the Acas helpline in 2004/05 showed that most calls about bullying were from employees rather than employers, and that most callers were women. The majority of calls were from people aged over 35 and minority ethnic groups were over-represented in the calls made. The public sector was represented more than the private sector in calls to the helpline.

Individual impact

There are many studies quantifying the effects of workplace bullying on those people who experience it. Researchers of workplace bullying have described a range of health effects caused by workplace bullying. Psychological effects such as severe stress symptoms or anxiety, panic attacks, sleep disturbances, concentration difficulties, mistakes and accidents at work, smoking, excessive drinking, and overeating have all been reported. International health authorities report physiological effects contributing to raised blood pressure and heart disease, reduced resistance to infection, stomach and bowel problems, skin problems, fear or anxiety or depression leading to suicide, and severe loss of confidence and self-esteem. Studies have shown that medical support or professional counselling are often needed to deal with the symptoms resulting from bullying.

It is important to understand that the impact of bullying is not confined to the person on the receiving end. Colleagues who witness the negative behaviour can be prone to health and emotional effects, and domestic relationships with partner or family can also be affected.

Unfortunately, symptoms tend to persist over long periods: in some cases, the psychological experience of bullying can last many years after the bullying has ceased. For example, one overseas study reported that three-quarters of people who experienced long-term bullying showed symptoms of post-traumatic stress disorder (PTSD), including 65 per cent of people where the actual bullying had ceased five years previously. The individual cost is often immeasurable.

The organisational impact

It is very difficult to come up with an accurate picture of organisational costs. From existing research it has been established that direct economic effects, such as the cost of paid sick leave and replacing staff, and the legal and compensation outlay arising from complaints and grievances, are significant. European estimates put the cost at between £18,000 to £60,000 per case in Sweden and £30,000 per case in the UK. One of the limitations of such studies is that they tend to be restricted to those impacts readily identifiable such as related absenteeism, staff turnover, lost productivity, investigation time, local management time, and the time spent by other employees such as welfare officers and senior managers. These cost estimates are likely to be conservative. Investment in any Employee Assistance Programme and occupational health costs are often significant but concealed, for example.

Other productivity effects such as reduced work output, impaired decision making, reduced quality and increased wastage through errors have all been reported in

international research studies. There are also similar productivity effects on co-workers who witness bullying. For example, in the case of staff who have resigned because of bullying, a realistic estimate of lost productivity costs should also include the initially lower efficiency level of replacement employees until they reach the same standard of performance as those they replaced. This also applies, although to a lesser extent, to situations where the person who has experienced the bullying transfers to a new position within the same organisation.

Lost opportunity costs also need to be identified. These exist where people who experience bullying do not take up training or promotion opportunities, or become inflexible about working hours or arrangements that in turn reduce organisational opportunities and productivity. The potential loss of employee innovation and creativity can be hard to quantify but can have a serious effect on missed company growth and profits.

The negative impact on employee relations and on customer and client relationships also needs to be considered. Corporate reputation can be seriously damaged in high-profile litigious cases, with the resultant impact on shareholders and other key stakeholders. In the modern, media-intensive gaze of society, corporate social responsibility (CSR) extends beyond glib claims of corporate-social harmony to include the very real issue of internal stakeholder wellbeing. Bullying at work therefore counts as a very real cost to good CSR practice.

Minority ethnic groups and bullying

Evidence from a very recent report on stress, health and ethnicity for the Health and Safety Executive (HSE) found that racial discrimination, especially when combined with gender, is a significant influence on stress at work. In a broader social sense, UK society continues to evidence higher

crime rates for some minority ethnic groups, lower employment opportunities and high economic inactivity in some households. Broad social and economic figures such as these demonstrate significant disadvantage for minority ethnic peoples. This section therefore casts the spotlight on this one area of discrimination to provide some insight into the incidence and experience of racial harassment, while bearing in mind that harassment covers all those groups covered by the various strands of UK anti-discrimination law.

Institutional racism within some UK organisations has been shown to continue to exist. For example, the Macpherson report into the Stephen Lawrence inquiry revealed clear evidence of institutional racism within the Metropolitan Police Service (MPS). The Commission for Racial Equality (CRE 2003) indicated that institutional racism also existed in the Prison Service following the murder of Zahid Mubarek. Yet, despite such evidence, research into workplace bullying against ethnic minority groups is in its infancy.

Few studies have concentrated on bullying and ethnicity directly, although secondary analysis has demonstrated that specific problems exist for minority ethnic employees. For example, a study of a regional UK Fire Service revealed bullying to be endemic, partly because of the culture of the service but also because of 'white male dominance'. It was argued that such a culture had a negative influence on both gender and race issues. The research demonstrated how initiation ceremonies might be misconstrued as hostile or isolating rather than as a universally applied ritual. The conditional unwritten rule of having to 'fit-in' appears to be a major cultural barrier inside many organisations.

We know from undercover TV reporting of some UK police forces that both new recruits and other employees hold discriminatory beliefs. The 2004 documentary by the BBC,

The Secret Policeman, showed determined attempts to bully one member of staff, from a minority ethnic background, out of the force. It is not difficult to see how anyone from a minority group who is working in such a culture could become easy prey for the workplace bully.

Should we separate bullying from racism?

There is limited research exploring the link between bullying and racism. We do not definitively know, in all cases, whether people who are bullied at work are being bullied because of their personality, their race, their disability or their gender. More research is needed to explore the underlying reasons for the inappropriate behaviour.

The existing research indicates that stigmatised individuals exist because of both bullying and persistent racism. Whether such stigmas are caused by racism first and bullying – or indeed harassment – second, or bullying first and race second, is in one sense irrelevant. What should be of primary concern is the abolition of negative behaviour, regardless of the labels applied.

A glance at the research evidence may help to uncover the extent to which racism plays a role in bullying behaviour. In a recent study conducted in South Wales among public sector workers, less than one in 10 (9 per cent) of white respondents said that they had experienced bullying, while over a third (35 per cent) of minority ethnic respondents said that they had been bullied. The research also revealed that minority ethnic individuals experienced more bullying from line managers as the perpetrator group compared to their white colleagues. This was the most evident in negative behaviours such as demeaning work, continued criticism and exclusion. Equally startling was the finding that peer-to-peer bullying – for example, being patronised or belittled – was three to five times more likely to be reported

by minority ethnic employees compared to white employees.

These survey results, although gathered in one region, demonstrate that minority ethnic employees suffer consistently higher levels of bullying compared to their white colleagues. What is not discernable from this study is whether the bullying occurred directly because of racist attitudes. Nevertheless, the high incidence of reported bullying by minority ethnic groups points to the need for more research in this area.

Fostering a culture of respect

With the caveat of further research being needed to verify the emerging evidence of a higher level of bullying against black and minority ethnic groups, the fact remains that disadvantage at work exists, or is perceived to exist, among minority ethnic employees. This finding also appears to be borne out by the higher proportion of calls by people from minority ethnic groups to the Acas helpline.

It is important to note that, while the South Wales study focused on bullying and ethnicity, we should not lose sight of the importance of other forms of 'difference', whether this is the result of disability, gender, sexual orientation or any other form of harassment.

The research indicates that organisational culture is a good starting point to understand the roots and incidence of some types of bullying and harassment. While being notoriously difficult to understand and research, organisational culture locates many prejudices. If cultures and sub-cultures exist between managers and employees, or between peers that encourage bullying of any minority group, this seriously disadvantages all employees.

It also means that managers specifically, and all employees more generally, have a responsibility to develop a workplace culture where inappropriate behaviour is not tolerated. It should be made clear that behaviours associated with workplace bullying and the discriminatory mistreatment

of people is prohibited. If such behaviour is detected, it needs to be dealt with swiftly, consistently, and in accordance with well-developed policies that address the problem. Swift justice will help to prevent or limit future occurrences. Any workplace anti-bullying policy should also outline the positive behaviours that are expected of staff.

The Welsh research also makes clear that standardised intervention strategies for dealing with bullying are unlikely to work. If the evidence indicates that managers and peers are more likely to bully minority ethnic groups than white employees, training and intervention strategies require careful targeting. Management training for this area will need to be distinct from other training programmes.

With the UK and much of Western Europe facing continued labour shortages in some sectors, such as nursing and education, and recruitment difficulties in others such as catering, hotels and tourism, we are increasingly reliant on non-UK labour sources. Our reliance on global labour will force us all to consider the implication of 'difference' at work and in society. An organisation's competitive advantage rarely comes from equipment or machinery. Rather, it arises from the quality, productivity, efficiency and effectiveness of its staff in dealing with customers, suppliers, other stakeholders and with each other. Instead of seeing difference as a source for attack, we should see difference as a foundation of opportunity and competitive success. We should not discriminate, full stop.

Understanding the routes that bullying can take

Research conducted in the UK in 2000 revealed that supervisors and managers are increasingly vulnerable to workplace bullying. In today's leaner organisations, supervisory positions are scarcer and there is therefore greater competition for such positions. Furthermore, roles have been

enlarged and supervisors tend to be more vulnerable because of the intensity of change processes.

In a 2005 study sponsored by Acas, UNISON and the Chartered Management Institute, well over a third (39 per cent) of managers reported being bullied in the last three years with managers across all grades experiencing such behaviour. Middle managers formed the group with the highest incidence of being bullied, and the sources of such behaviour were not only hierarchical. Bullying by junior colleagues was reported, for example, as was bullying by customers or clients.

Many more managers are now responsible for aspects of people management than was the case two decades ago. Appraisals, training, recruitment and selection, performance management and other HR processes are increasingly the domain of the manager. These tasks, coupled with tight budgetary constraints, can make the management role a highly pressured one.

One of the main reasons for the existence of bullying relates to power and the abuse of it. For some time, it has been reported that most bullying in organisations is caused by managers who abuse their power because of the status they hold. While this is both straightforward to understand and helps to explain the phenomenon of bullying, it is only one piece of the jigsaw. Power is both formal and informal. It is formal because of officially appointed roles, and it is informal because of associations with a person's influence, or a person's knowledge and experience, or because of another person's vulnerabilities or lack of power. The potential therefore exists for those in informal positions of power to perpetrate workplace bullying against those in formal positions of power, such as a supervisor or manager.

Legitimate management authority applied in performance management or appraisal scenarios is fertile ground for false claims of bullying. Fear of being branded can make some line managers cautious about tackling performance or capability issues.

It is increasingly reported that managers feel vulnerable to inappropriate claims of bullying by those staff who are unwilling to accept performance targets, negative performance appraisals or personal improvement plans. Staff members may use such environs to 'get back' at the manager by accusing them of being a bully. In upwards bullying, it appears that any personal adversity or hindrance is followed by a search for someone or something to blame, rather than accountability for one's actions.

There can be a very thin line between bullying and firm management. Managers have a legitimate right to manage and set realistic performance objectives, and raise poor performance with team members. The key point is the manner in which managers raise and communicate poor performance issues: for example, an open and inclusive management style can do far more to encourage better performance than an authoritarian management style.

The routes of bullying do not necessarily follow a vertical line either upwards or downwards. As the Welsh research on bullying and minority ethnic employees shows, peer-to-peer bullying also exists. While bullying by managers towards subordinates is still the most common form of bullying, the upwards and horizontal forms are becoming more recognised and need to be dealt with just as firmly. It has been suggested that, if an organisation does not treat the claims of those who experience workplace bullying seriously, and deal with the situation carefully and quickly, it is colluding with the perpetrator. Whatever the source of the negative behaviour, prompt action is essential.

A preventative policy

As indicated above, there appears to be a close correlation between the growth in case law on bullying and harassment and an increase in policy development in the area. The late 1990s saw a rush in policy writing by employers and trades unions as

they struggled to have in place preventative measures to tackle bullying and harassment. Numerous policies are to be found on organisational websites and most follow a standard format. But are they appropriate? One of the fundamental problems of policies is that they focus on the negative alone: for example, outlining negative behaviours and actions and advising how they will be dealt with. This policy discussion paper advocates the more positive stance of developing a Dignity at Work policy, as indeed a number of employers and trade unions have done. Perhaps we should turn our attention to the 1948 Universal Declaration of Human Rights where article 1 states:

"All Human Beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Construction of a policy around a set of positive behaviour principles like these could help to promote standards to be upheld that reinforce the organisation's expectations. Failure to uphold these standards would then have consequences for those who fail to meet them.

Policy framework

The law, as it stands, requires positive action from employers and it is essential that a policy on bullying and/or harassment, however named, should include the following:

- a glossary of terms and what they mean
- examples of negative behaviours that may constitute bullying and harassment (also making clear that the list is not exhaustive)
- a clear statement that the behaviours outlined will not be tolerated and if proven, could result in dismissal
- the positive behaviours that are expected of employees
- how harassment and bullying are covered by existing legislation
- some reference to the organisation's commitment to recent legislative changes on race equality (in statute from April 2006)
- procedural details, including timescales and formal and informal processes
- a contact name and secondary name to cover the possibility that such contacts may be themselves accused of bullying
- statements on fairness of process, appeals, guidance and support and
- how this policy fits into wider statements of values, ethical conduct and corporate social responsibility practices.

These central policy components are a minimum and not a maximum. A positive approach, that allows for proactive mechanisms to implement the policy, should also be incorporated. Regular review should be a key feature of any organisational policy.

Induction and training are also key forums to help prevent bullying, and a good opportunity to promote the employer's expectations for good conduct. There are several factors that can contribute to the success of any such initiatives, for example:

- the active support of senior management
- appointing a senior HR and trade union/works council representative to have direct input
- training those with specific responsibilities within the policy and
- regular review of complaints and grievances to observe patterns of behaviour that may lead on to bullying or harassment.

The SME sector

One of the major challenges to the functioning of the UK economy comes from engagement with the SME sector, despite this sector being responsible for a large proportion of economic activity. Because of the smaller size of such firms, there is often a lack of functional expertise, with many senior managers occupying more than one role. We know from calls to the Acas helpline in 2004/05 that many calls about bullying and harassment originate in firms with less than 50 employees. It is therefore critically important that SMEs understand the link between negative work environments and poor organisational performance. SMEs rarely form part of bullying and harassment studies and it is important that researchers and this vitally important part of the UK economy work together more closely.

An Acas helpline example:

One helpline adviser interviewed two young women in their late teens who complained about bullying in their workplace. It appeared that the main perpetrator of the bullying, which was severe and prolonged verbal abuse, was the actual employer. He ran a small family company and his behaviour was copied to a lesser degree by other family members working in the company. Consequently, the whole atmosphere was offensive, humiliating, intimidating, and undermining. Both female employees had attempted to raise a formal grievance without success and, like others before them, were now intending to leave the company.

The problem in a case like this is not just the abuse of the two young women workers, it is the failure of any internal processes to deal with the grievance. This not only exemplifies poor management practice, it makes no business sense. Recruitment, selection, training and getting new employees up to speed all cost

money. Repeating that process because of ineffective management only increases the organisation's financial burden.

Encouraging dialogue

Research in the UK has shown that one of the major obstacles to dealing with bullying is the reluctance of victims to come forward, regardless of the existence of an anti-bullying policy. This is partly due to feelings of guilt, shame and anxiety on the part of the person experiencing the bullying. The following excerpt from an interview with an educational professional who had been bullied illustrates this:

"I was unable to contact Personnel because I felt so foolish. After all, here I am a married woman with two children, husband, career and all that goes with it, going to Personnel to say I am being bullied. I simply couldn't do it."

Interviewer "What about contacting the union?"

"I contacted the union many times but never took things forward. I thought about how he could have replied 'We get on fine, what on earth are you worried about.' I replayed these different scenarios of how foolish I would look if I took proper action either through Personnel or my union"

This extract is not uncommon in research undertaken with victims of bullying. Employers must therefore find appropriate ways to encourage open dialogue that retains individual privacy but at the same time brings matters forward for action. Evidence from studies with HR and trade union professionals shows that, often, complainants wish to 'tell someone' but do not want any action taken. This is unfair and places the organisation in an

impossible position. Any anti-bullying policy and supporting training intervention should therefore find some way of encouraging dialogue but not at the expense of institutional silence and lack of action.

The informal option: mediation

The benefits of using more informal approaches such as mediation, or 'alternative dispute resolution', to help resolve cases of bullying, where appropriate, are increasingly becoming recognised. Mediation refers to a range of voluntary processes involving a neutral third party that brings two sides together to resolve differences without having to resort to litigation. In the right circumstances, it can provide a flexible, confidential and speedy alternative to formal procedures.

In most cases, this means the two parties working *together* to find a mutually acceptable agreement. As with the stages of conflict, ADR itself can be described across a continuum, ranging from the low-level facilitation of an informal meeting to discuss the next step, to more interventionist or directive forms. Acas has successfully worked with a wide range of organisations to help resolve individual differences before they develop into full-blown disputes.

Mediation will not be appropriate for all alleged bullying cases: because it is a voluntary process both parties must agree to its use. Neither would it be appropriate if the alleged bullying incident was of a serious nature. Mediation can be particularly useful if the alleged bully is not aware of the impact of their actions, or that the behaviour constitutes bullying. It can also be useful in cases where the alleged bullying behaviour was not proven. There will be some situations that demand the use of formal procedures but, where the circumstances allow it, mediation can help sustain the employment relationship rather than sever it.

Managing the aftermath

One area that is gaining importance in dealing with bullying and/or harassment effectively is managing the aftermath of an investigation, for example, where the allegation has not been proven. Even if the investigation does not find evidence of inappropriate behaviour on the part of the alleged perpetrator, the impact on the individuals concerned – particularly the person that has been falsely accused can be far-reaching.

If an organisation is to be effective in tackling bullying and harassment, it is not enough to have in place policies and procedures to deal with complaints and carry out an investigation. While these are crucial, organisations need to develop a longer-term view. For instance, there needs to be support in place to manage any differences that continue after the investigation has finished. Just because the formal investigation has finished does not mean that the conflict has been resolved. While the behaviour may not be categorised as bullying or harassment, it is still important to get to the bottom of the reasons for the difference. Otherwise, there could be a far-reaching impact on the working relationships of the individuals concerned and the rest of the team. Support also needs to be available to the person who has been falsely accused. Again, mediation could be a powerful approach to help resolve differences and restore the employment relationship.

The moral and business case

It has already been established that the cost of bullying to an organisation can be significant, while the emotional cost to an individual, their family, and co-workers can be immeasurable. Here is an anonymous extract from another research interview. The individual concerned was a well-qualified professional woman whose bullies were fellow female colleagues:

"I also felt unwell anytime I went out, you know, into the city. My worst nightmare came last Christmas, where I saw her and I just had to get out of there. I was terrified. I knew it was abnormal. I thought 'This is ridiculous', but it's that sense of sheer terror. And now I don't want to go to the city centre in case I see her or the other woman. So I suppose I am wanting to hide away. It's like confronting demons."

These words illustrate the depth of anxiety and mental ill-health an individual can suffer as a result of bullying. Words such as 'terror' and 'demons' show how deep-seated the experience can be.

We see in the extract below how absence and ill health were the result of bullying for another victim.

"I was away from work for five months, and a lot of that time was spent dealing with my feelings and allowing myself to get to the point where I would go to see my GP every month and get a sick paper for the next month. To say that this was because of bullying allowed me to own up to myself and to the people in my life what was happening to me. But that left me with a tremendous feeling of shame. It hardly seems something to be proud of and I think that sense of erosion of confidence, of not being strong enough to deal with it, has left its mark on me. So I think I try to comfort myself with the sense that I have, actually, probably handled a tremendous amount and I just ran out of energy to do so."

The issue of 'shame' is also apparent from calls made to the Acas helpline. As one Acas helpline adviser stated:

"Sometimes I am the first and only person they have discussed this with and they often get upset admitting that they are being bullied as an adult. We've all heard about it in the playground, but I had a call from a

chap who said: 'I'm over six feet tall and dig up roads for a living – I never expected to be treated like this.'"

These are but short illustrations but they exemplify the need to take a moral stance on bullying at work. The current campaign to deal with bullying in schools should show that, as a society, we are not prepared to accept anything short of basic human dignity, regardless of age, gender, race, religion or any other qualifying difference.

Open and transparent workplaces where dignity, fair treatment, equity, tolerance, and understanding are valued are critically important to UK business. Creative, innovative people who thrive in a culture of trust and respect can help to sustain competitive advantage. All employees have a responsibility to create and uphold such a culture and managers have an added responsibility to make it work.

Employees, as well as having rights, have responsibilities. They are required to comply with the organisation's policies and procedures on bullying and harassment, and to treat others fairly and with respect at all times. They are also required to take a firm stand so that their words or actions do not condone workplace bullying by others. They have a duty to report instances of workplace bullying and offer support to those on the receiving end.

Ultimately, the business case for tackling bullying at work becomes little more than a paper-based exercise unless all employees reflect the appropriate behaviours that dignity at work demands. The organisation's values must reflect these principles if it is to flourish.

Conclusion

Research into workplace bullying and harassment continues to evolve. It is clear from the growing body of evidence that bullying and harassment are real problems

faced by real people. While the issue remains primarily one of perception, the courts are making significant and substantial awards to victims. Yet even here, there are situations where justice is not easy to come by, particularly if a 'victim' falls outside of current legislative practice. Discussions about introducing bespoke legislation have taken place for a number of years and perhaps this needs to be accelerated into real action.

Evidence tells us that many employees are reluctant to come forward with grievances or complaints about being bullied for fear of job security or exacerbating their situation. Some simply feel ashamed at being unable to cope. These are classic symptoms of bullying found in the playground. As adults, we would be distressed to witness a child being bullied. Should we feel any less distressed about a colleague going through the same experience?

Workplace bullying and harassment takes its toll on us all whether we are the victim, bully, family, bystander, investigator, trade unionist or employer. Bullying and harassment are pernicious, nasty, expensive and ugly. Such behaviour degrades every one of us and we all have an ethical duty to eradicate it.

How can Acas help?

The following case study is an example of how Acas helped the Merseyside Regional Ambulance Service NHS Trust deal with issues of bullying and harassment.

In 2001, Acas was commissioned to undertake advisory work in the Mersey Regional Ambulance Service NHS Trust. The Trust has 1,100 employees located across a number of sites. Acas advisers first became involved in a collective issue around bullying

and harassment. Once they had helped resolve these immediate issues, Acas officers met with managers and representatives from the two unions recognised by the Trust to discuss what further help Acas could offer. Managers and representatives recognised that the existing policy around bullying and harassment was not working effectively and needed revising. Following these discussions Acas agreed to help them develop a new policy, and a strategy for implementing it.

What Acas did

The first step in this process involved Acas staff running a series of workshops attended by large numbers of employees, who worked to identify issues around bullying and harassment in the Trust, and the shortcomings of the existing policy. A Joint Working Party was then established in early 2002 comprising managers, union representatives, and interested employees. Over a period of months, they drafted a new Dignity at Work bullying and harassment policy. Once approved by senior management, the working group designed a strategy for raising awareness of the policy throughout the workforce and for appointing a group of "Fair Treatment Advisors". Seminars were then held for senior managers and senior union representatives in which the subject of bullying and harassment was discussed and the new procedures were explained.

Positions for Fair Treatment Advisors were advertised within the

Trust and staff who were interested in the position were interviewed. Ten advisors were selected. These advisors are beginning to play a crucial role in implementing the new policy by educating staff about the procedures, and providing them with support and advice in the event of a bullying or harassment incident.

Through its Workplace Training function, Acas then trained around 70 managers, Fair Treatment Advisors, and trade union representatives in the new procedures. These training sessions were developed by a small working party, facilitated by Acas advisers, who were charged with devising strategies for ensuring that the policy was implemented throughout the Trust. The Trust itself has since used the Acas training material to develop a new training syllabus and workshops for both operational staff and new managers, and has incorporated training on Dignity at Work procedures into its induction programme for all new employees. Members of the working party have developed and distributed widely a leaflet explaining the procedures, and regularly highlight issues relating to Dignity at Work and the role of the Fair Treatment Advisors in staff newsletters.

Outcomes: Changing behaviours

On evaluation of the project in late 2003, those involved described how the revised policy represented a

marked improvement on the former policy. Union representatives felt that the new procedure set out a process which was more “dignified” for employees. Importantly, the new policy enables those subjected to bullying to opt for tackling problems internally, through an informal route, by asking the person to stop their behaviour, and explaining the effect their behaviour has on them, with an option of taking a colleague with them for support. The informal process also includes the option of seeking help from a manager to set up a meeting with those concerned. It was reported that many staff have indeed opted to take complaints through the informal route, with the benefit that problems are resolved quickly and not “left to fester”.

One manager described the Trust’s former, little-used policy as a “bottom drawer” policy which staff used in an adversarial fashion to “score points against the policy”. The new policy, however, was used more often, and in the more positive context of raising dignity issues that needed addressing. It was felt that in the past, certain managers had little understanding of the impact that their behaviour had on employees’ dignity at work. Now, through employees alerting managers to their behaviours by using the informal process, they were being made more aware of the repercussions of such behaviours.

Outcomes: The impact on employment relations and workplace climate

Fair Treatment Advisors reported that employees are now generally more willing to report bullying and harassment, as they know that they will not have to deal directly with the individual who is bullying or harassing them. An important outcome is that grievances are now being raised that would not have surfaced in the past, when the Trust had a culture which did not encourage staff to raise issues. According to managers, this meant that such issues were suppressed and usually worsened over time. Because of the focus on early intervention in the new policy, one manager described how “much pain can be taken out of a problem”.

While all involved acknowledged that it is difficult to change entrenched attitudes among managers, the growing confidence of the Fair Treatment Advisors means that they are increasingly able to challenge managers on their behaviour. In the period since they had been appointed and trained, Advisors recounted many instances of contact with people over issues of bullying, and discussion with many more employees around the Advisors’ role, and issues around bullying more generally. Advisors also reported that staff are now more generally aware of the impact of their behaviour on others, and were highly receptive to the new policy. And managers described how Fair Treatment Advisors now serve as an important “temperature

gauge” of staff opinion and morale, each of which are strongly linked to dignity issues.

Managers at the Trust acknowledged that it was difficult to make a definitive link between changes in performance measures or other outcomes and Acas’ involvement in the bullying and harassment initiative. Despite this, one favourable outcome was reflected in the findings of the most recent NHS national staff survey conducted in October 2003. The issue of bullying and violence is one of critical concern to NHS workers, and the national staff survey data showed that the Trust was in the top 20 per cent of organisations in terms of staff satisfaction with measures taken by the Trust to tackle bullying and harassment. Managers believed that the positive response to the national survey signalled a strong increase in satisfaction with the Trust’s efforts to address bullying and harassment issues. The revised policy has played a pivotal role in reinforcing the new culture of openness and receptivity to different viewpoints that managers are trying to encourage within the Trust. The process of using a joint working group to consult with stakeholders and develop procedures was so successful that managers now intend to use joint working and early problem-solving to tackle a wide range of policy development and operational issues, rather than waiting for problems to emerge and then “having to clean up the mess at the end”. This contrasts with the past, where the tendency was for

managers to impose solutions on the workforce that were not always well received.

Managers and trade union representatives described one of the key strengths of Acas' involvement as its role as an "independent honest broker" which had the respect of both parties. They considered that if the Trust had paid consultants to facilitate the process, staff and union representatives would have been wary that "there was a catch to what management is saying", in terms of their promotion of change within the organisation.

This case indicates the growing importance of Acas' role in tackling workplace bullying and harassment through its advisory project and workplace training functions in organisations that are becoming increasingly aware of the costs of not addressing bullying in terms of employee turnover, sickness, morale and poor relationships in the workplace.

Acas support and advice for SMEs and other organisations

Acas runs a network of 11 regional offices across England, Scotland and Wales to help SMEs and other organisations to manage their employment relations. These offices always have an ongoing local programme of open access training events specially targeted at small and medium-sized companies. These cover the range of employment relations and people management issues, and always include one on bullying and harassment. Acas is also running a new series of “holding difficult conversations” events. Details of all Acas training programmes can be obtained from regional offices and the contact details are at **www.acas.org.uk** Acas also produces a number of advisory publications and other support, also available to download from its website:

Bullying and harassment, Acas e-learning package, www.acas.org.uk

Bullying and harassment at work – guide for managers, Acas advisory leaflet

Bullying and harassment at work – guide for employees, Acas advisory leaflet

Absence and labour turnover, advisory leaflet, www.acas.org.uk

Managing Absence, Acas advisory booklet, www.acas.org.uk

Tackling absence problems, Acas e-learning package, www.acas.org.uk

Useful sources of information

- Acas helpline: 08457 47 47 47
- British Association for Counselling and Psychotherapy: 0870 443 5252
- Commission for Race Equality: 020 7939 0000
- Disability Rights Commission: 08457 622 633
- Equal Opportunities Commission: 0845 601 5901
- Mental Health Foundation: 020 7803 1100.

Further reading

Bullying and Emotional Abuse in the Workplace: International perspectives in research and practice, Einarsen, S., Hoel, H, Zapf, D. and Cooper, C. (Eds.) (2003), London, Taylor and Francis.

HSE Research Report number 308, 2005, www.hse.gov.uk.

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Acas can help with your employment relations needs

We inform

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website **www.acas.org.uk**

We advise and guide

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

We train

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

We work with you

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.

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