Tackling bullying at work

A UNISON guide for safety reps

UNISON
the public service union

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Introduction

UNISON believes that everyone should be treated with dignity and respect at work. Bullying is totally unacceptable behaviour as it denies staff this right. Bullying at work is a major workplace problem that makes the daily working lives of many workers intolerable. Workplace bullying can lead to ill-health and work-related stress, it affects morale and is the cause of untold misery to workers.

This is bad for the workforce and bad for the organisation, because workers affected by bullying may take long periods of sick leave or leave the organisation altogether. Workplace bullying can remain a hidden problem but may be accepted or encouraged by the culture of the organisation.

These guidelines outline what UNISON branches, stewards, and safety representatives can do to combat bullying. It can be used to offer advice and support to UNISON members who experience bullying in the workplace and will also help when developing or negotiating policies/agreements on bullying.

This guide does not include advice on bullying by clients or other members of the public as this is dealt with in our guidance on violence at work. Work-related violence – for example threats, verbal abuse, harassment or actual harm from clients, patients, members of the public etc – is a very real risk for many UNISON members.

Under health and safety legislation, employers have duties to assess risks to staff, including work-related violence, and to introduce policies and procedures to control any risks identified. Details of UNISON guidance on preventing/reducing violence at work can be found in the further information section.

What is workplace bullying?

There is no simple definition of bullying because it can take many different forms. It occurs in a variety of situations and crosses gender, race, age and involve one or a number of individuals. However, UNISON has defined workplace bullying as persistent offensive, intimidating, humiliating behaviour, which attempts to undermine an individual or group of employees.

Bullying is generally carried out face-to-face but can also occur in writing by telephone, text messaging, email and on social media.

Bullying or harassment – is there a difference?

There are clear similarities between the two types of behaviour as both bullying and harassment are linked to an abuse of power. However, it is useful to understand the difference between the two, particularly as there are greater legal remedies available to someone subjected to harassment.

Harassment can be defined as conduct which is unwanted and offensive and affects the dignity of an individual or group of individuals. Whether the harassment is intentional or not is irrelevant; the key is that the person being harassed sees the comments or actions as offensive, demeaning, disrespectful or unacceptable.

Harassment is caused by prejudice against specific members of society, as in racial and sexual harassment, or harassment on the grounds of sexual orientation, gender identity, disability, age, religion or nationality. Most forms of discrimination are outlawed by specific legislation, so it is important to recognise when bullying takes a discriminatory form.

UNISON has produced separate guidance on harassment at work. See the further information section for details.

Recognising bullying

Bullying can occur in a number of different ways. Some are obvious and easy to identify. Others are subtle and difficult to explain. Examples of bullying behaviour include:

- ignoring views and opinions
- withholding information which can affect a worker's performance
- setting unreasonable or impossible deadlines
- setting unmanageable workloads
- humiliating staff in front of others
- spreading malicious rumours
- intentionally blocking promotion or training opportunities
- ridiculing or demeaning someone by picking on them or setting them up to fail
- overbearing supervision or other misuse of power or position
- deliberately undermining a competent worker with constant criticism.

Examples of bullying behaviour

There are many examples of bullying. The following are various types of bullying behaviour experienced by UNISON members:

Public verbal abuse

"I was blamed for my mistakes in front of the entire office. I was shouted at and told to do the work that should have been done and not to do it again. Everyone was listening as the manager shouted at me."

"Rubbishing your work, public humiliation through doing a job not to the required standard. Setting unrealistic targets, being made to feel 'unprofessional'."

Contract manipulation

"I was threatened with job loss because I wanted the bank holiday off with my family."

"I was harassed at home by phone by my ward manager when I was off sick. I was threatened about my job due to how much sick leave I'd had in the past six months. The sick leave was due to having to wait three weeks for a hospital admission."

"I needed time off with a viral infection. My manager told lies to other members of staff about why I was off work."

Undermining actions

"The manager totally undermined me in front of clients, giving them the impression I was not capable of helping them and advising them to come another day."

"Taking my clock card out of the rack and discussing my hours with general office staff. Not passing on messages; delaying paperwork so deadlines were missed."

"One slight error, the manager blows up as if you had done the whole page wrong. Will not listen to what you have to say; picks on different people at different times."

Cyber bullying

Technology has seen the development of new ways in which to bully, harass and abuse workers. As a result, cyber bullying, which is defined as 'any use of information and communications technology to support deliberate and hostile attempts to hurt, upset or embarrass another person', is on the increase.

Cyber bullying is as common as 'conventional' bullying in the workplace. Eight out of 10 workers said that they experienced one occasion of cyber bullying in the last six months, and 14% to 20% said they had experienced it on a weekly basis[1].

Examples of cyber bullying include:

- Offensive emails.
- Email threats. This includes emails that appear to be inoffensive, but the implied meaning behind it constitutes bullying. For example, a manager using email to bombard an employee with more work than they can handle, and not treating other employees in the same way.
- Posting defamatory gossip on blogs and social networking sites. It is possible that a person does not immediately experience the bullying directly because they are unaware of what is being posted about them on sites.
- Threats or offensive comments by SMS text messages on mobile phones.
- Harassment by email.
- Posting private and personal details about someone online.

Victims of cyber bullying experience the same feelings of fear, intimidation, stress and low morale as those bullied face-to-face. However, cyber bullying has been found to result in higher mental strain and lower job satisfaction than 'conventional' bullying[2]. A key difference is that by using information systems to cause harm, the victim has no control over who witnesses the abuse.

Cyber bullying should be treated as any other form of bullying, requiring a risk assessment and appropriate control measures. It should be included in any prevention of bullying policy and procedures. ACAS recommends that employers keep up to date with advances in technology and update their policies accordingly.

Cyber bullying can be difficult for employers to deal with because it is more likely to take place outside of work hours or the workplace than 'conventional' bullying. As the TUC advises, a responsible way to handle this is for the employer to negotiate a reasonable conduct policy with employee representatives, and make it clear to them what is expected of them in their private lives, both offline and online. This way staff will be less likely to get an unpleasant surprise when they find out their employer doesn't approve of something they said or did.

Under the Malicious Communications Act 1998 it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message that is indecent, offensive or threatening.

The Protection from Harassment Act 1977 also applies. Under this Act it is a criminal offence to make repeated threats of violence, whether intentionally or not. Such a case is brought by the police and if a person is convicted they could be sent to prison for up to six months and/or be given a fine not exceeding £5,000.

1 http://www.esrc.ac.uk/news-and-events/press-releases/23829/cyberbullying-in-the-workplace-worse-than-conventional-bullying.aspx

2 http://www.esrc.ac.uk/news-and-events/press-releases/23829/cyberbullying-in-the-workplace-worse-than-conventional-bullying.aspx

Government cuts fuel workplace bullying

Bullying is a very real problem in the workplace, with research indicating that millions of workers are affected. Results from a UNISON survey on bullying which was carried out in 2011 by Portsmouth University supports this. The survey of over 6,000 UNISON members found that six in 10 workers had been bullied or witnessed bullying in the last six months.

One in four workers said that staff cutbacks had led to workplace bullying - double the number from a survey conducted two years before - and around half said they would be too scared to raise concerns during the period of cuts.

The survey showed that the impact on the health of staff was enormous. It led to mental stress, anxiety, anger and lowered motivation. However, due in part to the cuts climate, more than half said they would stay in their jobs and suffer in silence - compared to only a quarter of staff in 2009.

The cuts have led to an increase in insecure work and electronic tagging and monitoring of workers. What's more, the political climate has focused on removing workers rights and on making it easier to sack people which can encourage bullying.

In relation to harassment, a UNISON survey from 2009 found that 765 (10.7%) of members had been harassed in the last six months at work and for 536 members this is ongoing.

Equality and bullying

Questions around the six equality strands of age, disability, gender, race, religious belief and sexual orientation were also included in the UNISON survey to help in identifying the extent of harassment and its causes. The results show that a large majority of the 765 respondents had been harassed across all spectrums of the equality strands. The table below sets out these results in more detail.

Grounds of harassment	Number of people harassed	Percentage
Age	302 Mostly older and younger – see below	4.2% of sample
Disability	114	1.6% of sample, 15% of disabled
Gender	42 men 126 women 168 overall	2.1% men, 2.5% women, 2.3% overall
Race	84 people	See breakdown below
Religion	34 people	1.2%
Sexuality gay lesbian, bisexual, heterosexual	 31 of 143, 17 of 103, 8 of 101, 19 of 6,207	 22%, 16% 8%, 0.3%

Statistics from our analysis of female workers in the 18-30 age range found that more than one in three young women are regularly being bullied at work. 33% have been bullied in the last six months and 66% say it is ongoing.

Of those that haven't been bullied in the last six months, a further 41% say they have been bullied at some point.

Ethnicity and bullying

Our results also reveal that Black women employees are twice as likely to be bullied as their white colleagues. For example, 52% of Black Caribbean, 56% of Black Africans, and 51% of UK-born Black employees reported being bullied compared to 33% of white employees. This increased to 67% when those in the category 'Black other' was included. Workers within other ethnic groups have also experienced high levels of bullying. Responses from ethnic groups are set out below.

	Number bullied in last six months	% of group
Bangladeshi	8 of 13	61%
Chinese	5 of 10	50%
Indian	31 of 58	53%
Pakistani	17 of 32	53%
Asian UK	21 of 32	66%
Asian other	16 of 30	53%
Black African	19 of 30	56%
Black Caribbean	42 of 81	52%
Black UK	36 of 71	51%
Black other	14 of 21	67%
White UK	2,004 of 6,134	33%
Irish	65 of 149	42%
White other	188 of 466	39%

Surveys carried out by other organisations have also shown that bullying exists in many organisations. For example, results from the TUC safety reps' survey in 2012 found that 41% of safety reps identified bullying as a problem at work – up from 37% in 2010. In addition, bullying featured in the list of the five most common concerns in 10 different industrial sectors, compared with two years ago.

The Chartered Institute of Personnel and Development (CIPD) has also identified workplace bullying as a wide spread problem. Their survey carried out in 2012 found that 16% of employees had reported an increase in bullying by line managers since the economic downturn. Results from a similar survey by the CIPD conducted in 2006 show that the groups most likely to become victims of bullying and harassment are Black and Asian employees, women and disabled workers. Nearly one-third (29%) of Asian and Black workers had experienced some form of work-related bullying or harassment, compared with 18% of white employees. Employees with disabilities were at least twice as likely to have experienced one or more forms of bullying and harassment (37%), compared with non-disabled employees (18%).

The extent of bullying can vary between different employers and sectors.

The health sector

The Inquiry into Mid-Staffordshire NHS Foundation Trust by Robert Francis QC found that a chronic shortage of staff, particularly nursing staff, was largely responsible for the substandard care. Staff who spoke out felt ignored and there is strong evidence that many were deterred from doing so through fear and bullying[3]. Furthermore, results from a 2012 NHS staff survey show that 24% of respondents said they had experienced bullying, harassment or abuse from a manager, team leader or other colleague.

Higher education

Alarming levels of bullying and harassment also exist in the higher education (HE) sector. A UNISON survey of members working in HE revealed that around 20% of staff reported being subjected to violence at work, just under one third reported being harassed by other staff, and around a third of women respondents reported some form of sexual harassment.

3 http://www.midstaffsinquiry.com/pressrelease.html

As a result an Equality Challenge Unit has been funded by the HE Funding Council for a project to investigate both the causes of such behaviour and how to prevent it.

Case study

Sarah works as a management accountant in a large NHS trust in London. She had been there for two years before any bullying occurred but a change in her first line management changed that. Her supervisor targeted Sarah by making an issue out of every minor incident and being overly critical, Sarah believed that her new boss enjoyed having control and power over her. This included having to tell her when she was leaving the department on every occasion, including using the toilet. And when Sarah requested annual leave the manager made it difficult and would wait until the last minute to approve it, which meant that Sarah had to either pay more for her holidays or cancel them altogether. Sarah said "If I made an error, I was persecuted for it, I felt so helpless, as my every move was being watched and recorded."

Sarah's complaint to senior managers led nowhere as they expected staff to resolve such issues together and initially took no interest in the matter.

Following a formal complaint at director level, steps were taken to resolve the matter and mediation was used as the way forward. The hospital has since changed its bullying and harassment policy to include better ways of dealing with bullying.

The cost of bullying

The human, economic and social cost of bullying can be very high but the main cost of bullying is to the bullied individual themselves. Those who experience bullying can feel anxious, intimidated, threatened and humiliated. Bullying can cause feelings of frustration and anger and can lead to stress, loss of self-confidence and self esteem. Workers can also lose motivation affecting work performance and absence levels. In extreme circumstances bullying has led to self-harm and even suicide.

Bullying can also have significant effect on the physical and mental health of the workforce as it can be a major cause of work-related stress. Given that 40% of all sickness absence relates to stress, this can have a staggering effect on an organisation[4]. In addition to the effects on individual workers, bullying can affect both the performance and the morale of the workforce, including those who have witnessed bullying.

Other symptoms of bullying can include:

— headaches
— nausea
— ulcers
— contemplating suicide
— sleeplessness
— skin rashes
— irritable bowel syndrome
— high blood pressure
— tearfulness
— loss of self-confidence.

In addition, where employers base recruitment and promotion decisions on sickness absence levels, bullying and harassment can have a major impact on the career of individuals.

4 http://www.hse.gov.uk/statistics/causdis/stress/stress.pdf

Failure to deal with bullying costs the employer in other ways as it can have an effect on the culture of the whole organisation. If it is not tackled then it will be seen by others to be acceptable behaviour. If cases result in an individual taking their employer to an employment tribunal, which comes to the attention of the media, it can have a very bad effect on the organisation's reputation.

Any employer who believes that the only way people will work is if they are afraid and anxious must be made to question how they value and use their human resources – which are their most important asset.

Workplace bullying and the law

Although there are no specific laws relating to bullying at work, legislation exists that can be used by employers to help them prevent or tackle the problem. This means that employers who fail to tackle bullying are breaking the law. Under the Health and Safety at Work Act 1974, all employers must provide a safe and healthy working environment, including protection from bullying and harassment at work. The Management of Health and Safety at Work Regulations 1999 require employers to assess the nature and scale of workplace risks to health and safety (this includes mental health), ensure that there are proper control measures in place to avoid these risks wherever possible and reduce them so far as is reasonably practicable where not.

Branches can use the HSE Stress Management Standards, which refer to six areas of work that can lead to stress if not properly managed, to tackle bullying at work. One cause of stress is identified as the breakdown of relationships, which includes bullying and harassment. The Management Standards are based on the familiar 'five steps to risk assessment' model (see page 13), requiring management and staff to work together to effectively manage the causes of work-related stress, including bullying.

Case study

A work-stress survey, conducted by UNISON City of Glasgow branch using the HSE Stress Management Standards, found that 23% of respondents were always, often or sometimes bullied.

The survey was prompted after concerns were raised by UNISON members over the affect the spending cuts were having on workloads and workplace pressures.

The branch's health and safety officer, Scott Donohoe said: "We had a 96% response rate, which was excellent. Unfortunately, a lot of the members' responses were in the red, meaning that work-stress was a big issue and that urgent action was required.

"After presenting our findings to the employer, we agreed that a couple of focus groups, consisting of employees, members and safety reps, would be setup to discuss the results of the survey and identify stressors.

"As a result of the focus groups, the employer completed a risk assessment and produced a work-stress action plan to implement necessary 'prevent and control' measures.

"The work-stress campaign has been successful in recruiting new members and activists. Our next step is to review the risk assessment to ensure that the 'prevent and control' measures have been implemented and are still relevant, and widen the work-stress campaign to include other employees."

Where bullying or harassment is motivated by the workers' sex, race, gender (including gender reassignment), sexual orientation, disability, age, religion or belief, marriage or civil partnership, pregnancy or maternity a claim can be bought under the Equality Act 2010, which aims to protect individuals from such treatment. Claims can be made to an employment tribunal although it is best, first of all, to try and exhaust all other avenues, including the employer's grievance procedure. However, there are time limits within

which claims must be pursued – a claim must be lodged so that it reaches the employment tribunal by no later than three months less one day of the incident about which an individual is complaining. So a claim about an incident that took place on 4 April would need to be lodged so that it reaches the employment tribunal by 3 July, and a claim about an incident that occurred on 28 February needs to reach the employment tribunal by 27 May. If the time limit is approaching, it may be best to lodge a claim with the employment tribunal and ask them to 'stay' i.e. not to take any action on the claim to enable internal procedures and any other avenues to first be exhausted without prejudicing an employment tribunal claim. You should seek advice as soon as possible about any incidents.

The Employment Rights Act 1996 allows employees to take out a constructive unfair dismissal claim if the employer fundamentally breaches their contract of employment provided that the employee:

— brings their claim in time

— has sufficient service with their employer.

It is possible that certain actions by the employer or a failure by the employer to protect their employees from bullying and harassing behaviour or failure to deal with any complaints of bullying and harassment might constitute a fundamental breach. However, the Labour Research Department (LRD) suggest that resigning and bringing a tribunal claim for unfair dismissal is rarely a good idea because it can be expensive and difficult to prove that the employer was at fault[5]. Therefore, we would strongly recommend that members seek advice before resigning.

In addition, under the Employment Rights Act 1996 Safety reps cannot suffer detriment, be dismissed or made redundant for raising a health and safety concern. Although the same protections can, in certain circumstances, apply to other workers, members are advised, if they have concerns regarding any form of victimisation, to raise the issue through their safety rep.

No person may suffer detriment, be dismissed or made redundant for:

1. Leaving or refusing to return to a place of work in circumstances of serious and imminent danger; or

2. Taking steps to protect themselves or others in these circumstances. "Circumstances of danger" includes danger of violence from other employees (Harvest Press Limited v MacCaffrey [1999] IRLR 778).

If workplace bullying has taken place which has resulted in psychiatric injury, it may be possible to bring a claim for personal injury in the civil courts. However, such cases are extremely difficult to succeed in. A member would have to show that their employer could have reasonably foreseen they would suffer from a psychiatric condition, the problem arose as a result of their employer breaching their duty of care to that member, and that it caused a medically recognised psychiatric illness.

In addition a member may be able to pursue their case under the Protection from Harassment Act 1997. Under the Act they need not show a foreseeable risk of injury but such claims are also very difficult to succeed in. A member must show a course of conduct, in the bullying, was pursued against him/her, by a fellow employee, which was targeted at that member and designed to cause distress. And the acts themselves must be very serious, i.e. oppressive and unreasonable. If a member is considering such a claim, they should seek legal advice as soon as possible. UNISON has a work related stress protocol in place which enables members to get the right assistance and legal advice. There is a deadline of three years for bringing a personal injury claim to court and under the Protection from Harassment Act 1997 that extends to six years; however it is always better to investigate such cases early on, so members should not delay in seeking help.

There is also scope to take action through legislation that falls outside the workplace. For example, under the Criminal Justice and Public Order Act 1994 it is an offence to cause a person harassment, alarm, or distress, use threatening, abusive or insulting behaviour either verbally or in writing.

5 http://www.lrdpublications.org.uk/publications.php?pub=BK&iss=1640&id=id134432

Case study

The Protection from Harassment Act 1997

The Protection from Harassment Act was introduced to combat the problems of stalking. It had not been considered that it would provide a remedy for bullying in the workplace until the case of Majrowski, below.

Majrowski v Guy's and St Thomas' NHS Trust 2005

Mr Majrowski worked for the Guy's and St Thomas' Hospital Trust as a clinical co-ordinator. He made a formal complaint of harassment against his manager Mrs Freeman in April 1998. He alleged that she had bullied and intimidated him. He stated that she was rude and abusive to him in front of other staff. She criticised him continually and imposed unrealistic performance targets on him. She then threatened him with disciplinary action if he failed to meet them. He alleged the treatment was "fuelled by homophobia" as he was gay. The complaint was upheld by the trust and they found harassment had occurred in 1999. Mr Majrowski was dismissed by the trust for an unconnected incident. Nearly four years later he claimed damages under section 3 of the Protection from Harassment Act for distress and anxiety caused while he was employed by the trust. Initially the case was struck out by Judge Collins at the Central London County Court. He stated that the 1997 Act did not create a level of liability in employment law and that employees were already adequately protected by the common law.

Mr Majrowski appealed to the Court of Appeal. On 16 March 2005 the Court of Appeal allowed the appeal, stating that the Protection from Harassment Act could cover the situation where an employee was bullied during the course of his employment. The defendants appealed to the House of Lords. The question raised was whether an employer is legally responsible (ie vicariously liable) for harassment committed by an employee in the course of his/her employment.

On 12 July 2006 the House of Lords upheld the decision of the Court of Appeal

The role of risk assessment

Challenging bullying at work can be especially difficult in workplaces, particularly where it is accepted as part of the culture. However, in any workplace, it is important that bullying is raised and tackled at the earliest possible opportunity. Leaving it to go on means more stress and suffering for the person being bullied and colleagues who have witnessed it. It also makes it harder for the problem to be sorted out and is not the traditional risk assessment approach to dealing with hazards.

People who are being bullied are often wrongly made to feel that they should put up with the pressures they are under. Victims do not speak out about bullying because they fear that the bullying will only get worse if they do, or that they will not be believed, which will ensure it gets worse.

The only way to stop this is to ensure that bullying does not become the accepted culture and that managerial practices are controlled within reasonable limits. That is the role of risk assessment.

In most cases bullying at work is tackled by focussing on the problem once it has occurred. This means that people are hurt before something is done. Like any workplace hazard, the basis for any action to tackle bullying should be risk assessment. The aim of risk assessments is to prevent harm occurring in the first place. The Health and Safety Executive's Five Steps to Risk Assessment approach and how it applies to bullying was developed by the Hazards Campaign and is set out below

Step 1 - identify the hazard

A hazard is something that may cause harm, such as bullying. Bullying behaviour can take many forms including persistent, offensive, intimidating, or humiliating behaviour that may undermine an individual or group of employees and may cause them to suffer stress or other harm. Workplace policies must include a definition and list examples of behaviour that is deemed unacceptable.

Step 2 - decide who might be harmed and how

Those who are the target of a bully are clearly at risk, but so are those who witness the bullying behaviour. Results from the 2011 UNISON survey on bullying reveal that nearly 23% of those who witnessed bullying became worried that they would also become a target for the bully and over 4% had decided to change jobs for this reason. There may also be particularly vulnerable groups at risk from bullying and harassment such as young workers, those on work experience, or those with mental health conditions. All of them may suffer fear, anger, stress, anxiety, and/or depression. Patients and clients may also witness the bullying and other forms of harm may be suffered. Some victims of bullying have committed suicide.

Step 3 - estimate the chance of harm and identify ways to avoid or reduce that risk

To work out the chance of harm, employers need to think about how likely it is that those at risk will suffer harm and how serious that harm may be. This helps to set priorities. Clearly, the longer any bullying goes on, the greater the risk of harm. In addition, vulnerable individuals may be less able to cope and may therefore suffer more serious harm

The second part of this step is to think about what measures can be put in place to avoid or reduce the risks. As already mentioned, most guidance on bullying looks at controlling the problem once it has occurred, when the approach should be about putting measures in place to prevent it happening or reducing its consequence before it occurs.

So what measures could be taken? These might include: information and/or training for all staff on the issue of bullying and what is and isn't acceptable behaviour; promoting a workplace culture which does not unnecessarily punish individuals if something goes wrong, but instead uses the event as a learning experience together with a policy, systems and procedures which promote positive behaviour and tackle negative behaviour at its outset.

Step 4 - record and apply the findings

The employer should record that the assessment has been done, and include the important findings and details of any groups particularly at risk. Any steps identified to prevent or reduce the risk of bullying must now be applied.

Step 5 - review the assessment and update it as necessary

Do the measures taken appear to be working? Has something happened or has there been some change which means a review is necessary. How do staff feel? Maybe they could be surveyed. Alternatively have there been any complaints of bullying behaviour? If so then the measures of prevention and control will need to be reviewed.

Negotiating a policy on bullying

The first priority in dealing with bullying is to eliminate it from the workplace. But dealing solely with the consequences of bullying is not a solution because it wrongly focuses attention on individuals rather than concentrating on the culture that has allowed the bullying to occur in the first place. To overcome this a joint policy on bullying should be agreed. The policy should form an essential part of any approach to managing bullying at work and will demonstrate to all staff that the issue is being taken seriously. Procedures for dealing with complaints should be included.

It is important that the policy's focus is on bullying behaviour rather than on bullies. This approach recognises that not all people who bully are bad, or do so knowingly. It avoids labelling people as bullies, which can lead to conflict, especially if the perpetrator is not being dismissed. To deal with bullying as an organisational issue it is important for the policy to focus attention on preventing the unwanted behaviour in general. If the policy just concentrates on individual acts of bullying by named individuals, the underlying cause – a management culture of bullying – will not be tackled.

The policy should include the following elements:

1. A statement of commitment

It should demonstrate a clear commitment on the part of the employer to tackle bullying. It should make clear that bullying will not be tolerated and complaints will be taken seriously. It should spell out the rights of all staff to be treated with dignity and respect at work.

2. A definition

A definition is needed with examples of the types of behaviour that are considered unacceptable so that staff are clear on what will not be tolerated.

3. Prevention measures

The policy should outline the steps that employers will take to prevent workplace bullying. It should include the steps taken to reduce factors that contribute to bullying, such as bad management practices or styles and organisational cultures.

4. Duties of managers and supervisors

The policy should be clear on the duties of managers and supervisors and their responsibilities for preventing or eliminating bullying.

5. Trade union involvement

The role of safety representatives should be made clear in the policy. They have a dual role, which includes educating members about bullying as well as receiving complaints. Giving them equal status to managers will promote partnership working and build confidence among staff.

6. Contact officers

Some employees may find it difficult to raise concerns about bullying with their manager. This may be because the manager is the one doing the bullying or because the feelings they experience make it hard for them to speak out to anyone. For this reason, the policy should include details of an independent contact officer to provide help and support for those being bullied.

7. Information and training

Once agreed, the policy should be widely publicised to all new and existing staff. It should also be brought to the attention of outside contractors, agency staff, patients, clients, visitors and so on. Outside contractors should also comply with the policy and its requirements. A statement of the policy should be included in all contract specifications.

Information about the policy and the types of behaviour that will not be tolerated should be included in health and safety training and in staff inductions etc. It is especially important that managers are included in any training provided. This is because in many cases it is the manager or supervisor who is the bully. They should be made aware of what constitutes bullying, what the policy is, and what their responsibilities are in preventing

or eliminating bullying at work.

Because of the safety representative's involvement, whether representing the bullied or the bully, they should be given equal training as well as time off to carry out this duty.

The following should be included in any training programme on bullying:

— details of the policy and its implementation

— the meaning of bullying, its causes and effects

— the reporting procedures

— how and where to get support

— the assistance available to those being bullied.

Procedure for complaints

A procedure for complaints relating to bullying should be developed. This should ideally be separate from the usual grievance procedure. If this is not possible then the normal grievance procedure can be used. However, the usual grievance procedure will not always be sufficient, as the facts of the case need to be established in a sensitive way. In addition, the bullying may be by the member's line manager, who is normally the person a problem is raised with in the first instance in a grievance procedure.

Whatever procedure is used, it should give the bully the opportunity to change their behaviour, as some people are unaware that their behaviour in some circumstances is bullying. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. Where this is not possible more formal measures may be needed. The policy should therefore include an informal and formal procedure for dealing with bullying complaints.

Representing a bullied member and an alleged bully when both are UNISON members

All members are entitled to representation to ensure that disciplinary procedures are conducted fairly. If the person being bullied and the alleged bully are members of the same branch they cannot both be represented by the same person. Branches should develop an appropriate system of representation for these types of bullying cases and can seek advice from their regional office.

Access to counselling

Bullying can affect a person's mental and physical well-being. Counselling may help workers cope better with the stress of being bullied. Access to an independent, professional counselling service provided by trained counsellors should be available. This service should be strictly confidential. The availability of counselling and the procedures for referrals should be included in the policy and publicised.

Staff under stress from being bullied should be encouraged to seek support. It should be made clear that this is not seen as a fault or weakness on the part of the individual being bullied. Counselling should also be offered to those carrying out the bullying. This is particularly useful if they do not understand why their behaviour has been found unacceptable.

Rehabilitation

If bullying and harassment results in ill-health or sickness, the bullied individual may require a period of rehabilitation. Their return to work should be managed properly. When an employee returns to work after a stress-related illness, such as the effects of bullying, the employer should offer support in the form of occupational health or counselling, reduced hours and a gradual increase in hours, adjustments to workloads, and the possibility of a change of job.

Monitor and review

In common with all health and safety policies, the policy should be monitored and reviewed regularly to ensure that it is achieving its objectives and remains effective.

Case study

The joint Association of Colleges and union working party which includes UNISON has produced a national guidance agreement on harassment and bullying in employment in further education colleges.

Checklist for safety representatives

Does the policy include:

- ☐ a commitment from senior management?
- ☐ acceptance that bullying is an organisational issue?
- ☐ a statement that bullying is unacceptable and will not be tolerated?
- ☐ clear definitions of unacceptable behaviour?
- ☐ a statement that bullying may be treated as a disciplinary offence?
- ☐ steps to assess and prevent bullying?
- ☐ duties of heads of departments and supervisors?
- ☐ confidentiality for complainants when they report bullying?
- ☐ procedures to protect complainants from victimisation?
- ☐ procedures for investigating complaints?
- ☐ informal complaints procedure?
- ☐ formal complaints procedure?
- ☐ information and training about bullying and the policy?
- ☐ access to support and independent counselling?
- ☐ procedures for regular reviewing and monitoring the policy?

And:

- ☐ is it jointly agreed by the employer and trade union?
- ☐ does it cover everyone, including contractors?
- ☐ is it implemented?
- ☐ is it widely publicised?
- ☐ is training provided for all staff including managers and supervisors?
- ☐ are details of the policy included in induction health and safety training courses?

Safety representatives' rights

The Safety Representatives and Safety Committees Regulations 1977 give safety representatives strong legal rights. Where the health and safety of employees is concerned safety reps have the right to:

- consult with members – eg meetings and surveys on bullying
- carry out inspections – eg in search of the problems identified as causes of bullying
- information from employers – of relevance here are the results of anonymous bullying surveys, consultants' reports, sickness absence data, and risk assessment results
- consultation with management in good time (ie well in advance of changes taking place) on work equipment, the workplace, job content, hours of work, and any proposed changes to these
- the planning and introduction of new technologies including new equipment, new computer software, and the need for subsequent training
- the appointment of competent persons, including internal and external professionals including independent counsellors. Those responsible for carrying out risk assessments on bullying will need extra training and the provision of adequate time, resources, and authority to take decisions
- health and safety training for members including the management of bullying
- health and safety information: literature, leaflets, and posters on bullying for example, which the employer wishes to use.

There are also rights to access facilities (a private room to talk to members and the use of internal mail systems to circulate a survey for instance), paid time off to carry out safety representatives' functions (meetings with other safety representatives or members for example) and to attend UNISON or TUC training.

More detailed guidance on the rights and role of safety representatives is available in UNISON's Guide for Safety Reps.

Advising bullied members

If you are approached by a member that says they've been bullied or harassed, the following steps can be taken:

- Ensure that you take any cases of bullying seriously and be supportive.
- Listen to them carefully, make it clear that bullying is not a silly or trivial issue, and that the union will help.
- Encourage them to write down each incident including the date, time, emotions, and what was said and done.
- Ensure that they keep copies of appraisals or anything relating to their ability to do the job.
- Try and find witnesses.
- Try and avoid them being on their own with the bully.
- Ask other members if they are being bullied as it may be a collective issue.
- If their manager is the bully, ask them if there is someone else in a higher position that they could raise the issue with.
- Ask colleagues whether they will give their support.
- Make sure they know their job description and whether it matches the responsibilities they're given.
- Find out if the employer has a bullying or harassment policy.
- Ask them to notify you of all future developments.
- Remind them to be strong and to take it one step at a time.
- Ask open ended questions to obtain the facts.
- Ask them how they want the case to be dealt with.

— Advice them to report the incident and help them to do this.

— Represent them during all stages of the enquiry.

— Push the management to deal with the case quickly.

— Ensure that any agreement reached is effective.

What branches can do

- Raise awareness of bullying in general. This helps members who are being bullied to recognise the fact. Also, some people who bully may not be aware of the impact of their behaviour and will change in response to a general campaign.

- Conduct a survey of the extent of bullying experienced by members. This is one of the best ways of identifying the scale and extent of the problem. A draft survey can be found at the end of this guide.

- Encourage members to come forward and report cases of bullying and organise meetings so that members can talk together about bullying.

- Persuade safety representatives and stewards to respond positively to members' concerns and encourage safety reps and stewards to attend training sessions on bullying.

- Negotiate a policy on bullying and harassment with employers.

- Encourage members to keep written records of all bullying incidences and inform employers in writing that incidents are occurring. This must be done in a general way if a member has raised the issue with the union in confidence.

- Circulate UNISON material on bullying to members and non-members as this will help to raise bullying as a workplace health and safety issue and can help to recruit and retain members. Also include articles on bullying in branch magazines and newsletters.

Appendix A

Branches can use the following survey to gather evidence on the scale and extent of bullying in the workplace.

Draft branch bullying survey

Bullying at work is persistent offensive, intimidating, humiliating behaviour, which attempts to undermine an individual or group of employees. It can take many forms, including shouting at or humiliating an individual, especially in front of colleagues; picking on an individual; undermining someone's ability to do their job; abusive or threatening behaviour which creates a stressful or intimidating atmosphere. Such bullying behaviour is an abuse of power and a denial of our right to be treated with dignity and respect. Bullying causes stress. It damages the health and safety of staff and adversely affects the quality of service provided.

UNISON is concerned about the amount of bullying that goes on at work.

In order to convince management that bullying of staff is a serious problem and that changes are needed to eliminate bullying, your UNISON branch is conducting this survey.

We need your views and experiences on any bullying you face at work. Please help us to help you by answering the following questions. Your replies will be treated as confidential (you will notice that you have not been asked to provide your name).

Where do you work? _____

What is your job?
(Give a description if your job title would identify you) _____

Are you: ☐ Male ☐ Female

Is bullying at work: (Tick relevant box)

A very serious problem?	☐ Yes	☐ No	A serious problem?	☐ Yes	☐ No
A minor problem?	☐ Yes	☐ No	A non-existent problem?	☐ Yes	☐ No

Have you ever been bullied at this place of work? ☐ Yes ☐ No

Are you currently being bullied? ☐ Yes ☐ No

If yes, when did the bullying start? _____

What are the main sources of bullying? _____

From your line managers _____

From senior managers _____

From colleagues _____

From the public (clients, patients, customers and so on) _____

From visitors _____

From contractors' staff _____

Other (please state) _____

What form does the bullying take? (tick relevant box)

Shouting ☐
Threats ☐
Abuse ☐
Intimidation ☐
Humiliation ☐
Excessive criticism ☐
Setting unrealistic targets or deadlines ☐
Altering targets, deadlines and so on ☐
Excessive work monitoring ☐
Keeping you out of things ☐
Victimising you ☐
Malicious lies or rumours ☐
Refusing reasonable requests, such as for leave ☐
Other (please state) ☐

How often does the bullying happen? (tick relevant box)

Daily ☐ Weekly ☐ Monthly ☐ Less than monthly ☐

Have you or other staff in your area ever had time off work because of bullying? Yes ☐ No ☐

Have any staff left their job because of bullying at work in your area? Yes ☐ No ☐

If yes, how many? _____

What do you think causes bullying? (tick relevant box)

Stressed managers ☐
Excessive workloads ☐
Pressure to meet work targets ☐
Pressure not to take sick leave ☐
Inadequate training for staff ☐
Performance approach ☐
Stressed colleagues ☐
Pressure to meet deadlines ☐
Staff shortages ☐
Inadequate training for managers ☐
Poor management ☐

Other reasons (please state what they are) _____

_____

_____

_____

What measures would you like to see to reduce bullying?

Do you have access to a counselling service? Yes ☐ No ☐

If yes, how effective is it? (tick relevant box)

Very effective ☐ Sometimes effective ☐ Useless ☐

Any other comments?

Thank you for completing this questionnaire. Please return it to the person who gave you this survey.

Further information

The following publications are available from the UNISON online catalogue.

Anti-bullying leaflet (stock no. 2918)

Anti-bullying poster (stock no. 2637)

Say no to bullying at work stickers (stock no. 2799)

Risk assessment: a guide for UNISON safety representatives (stock no. 1351)

The health and safety six pack: a guide to the six pack set of regulations (stock no. 1660)

Stress at work: guidance for safety representatives (stock no. 1725)

How stressed are you? A leaflet for members and potential members (stock no. 2812)

Respect: a health and safety issue. Guidance for young workers on bullying and harassment at work (stock no. 2530)

Safety representatives and safety committees (stock no. 1819)

Health and safety inspections at work: a guide for UNISON safety reps (stock no. 1939)

Health and safety representatives guide (stock no. 1684)

Violence at work: guidelines for safety representatives and stewards (stock no. 1346)

Legal services: a branch guide to what we offer (stock no. 2596)

Stress at work – A factsheet for Unison members (stock number 1925)

Stress claims – A guide for Unison branches and regions (stock number 1926)

Work related Stress form (stock number 1984)

See also UNISON knowledge

http://www.unison.org.uk/knowledge/health-and-safety/

http://www.unison.org.uk/knowledge/discrimination/

http://www.unison.org.uk/get-help/help-with-problems-at-work/

Other sources

TUC

http://www.tuc.org.uk/workplace (follow links to health and safety and bullying)

HSE

http://www.hse.gov.uk/stress (follow links to work related stress and bullying and harassment)

EU-OSHA

https://osha.europa.eu/en/topics/stress

LRD

Bullying and harassment at work: a guide for trade unionists

ACAS

Advice leaflet - Bullying and harassment at work: Guidance for employees

Advice

If you have any specific health and safety queries, your branch health and safety officer or branch secretary may be able to help you. If they are unable to answer the query, they may pass the request to the regional office or to the health and safety unit at UNISON centre.

Address: UNISON Health and Safety Unit, UNISON Centre, 130 Euston Road, London NW1 2AY

Telephone: 0207 121 5156

Fax: 0207 121 5101

Email: healthandsafety@unison.co.uk

Twitter: www.twitter.com/UNISON_HS

Facebook: www.facebook.com/UNISONHS

Your comments

UNISON welcomes comments on this booklet from branch health and safety officers and safety reps. Please write to or email the health and safety unit at the address above.

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Designed, printed and published by UNISON Communications, UNISON Centre, 130 Euston Road, London NW1 2AY
CU/JULY2013/21695/STOCK NO.1281/UNP REF:13045 www.unison.org.uk