

Quick reference guide

for dealing with bullying and harassment

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What are bullying and harassment?

These terms are used interchangeably by most people. Harassment is clearly defined under the European Commission Code of Practice on the Protection of the Dignity of Women and Men at Work as “*Unwanted conduct affecting the dignity of men and women in the work place. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.*”

Under certain laws harassment related to sex, race or disability, may be unlawful discrimination. Laws also gives protection against harassment relating to religion or belief and sexual orientation.

Bullying is characterised as

intimidating or malicious behaviour
offensive or insulting behaviour
abuse or misuse of power
intention to undermine, humiliate, denigrate or injure the recipient

Bullying or harassment may be by

an individual against an individual
by a manager or supervisor
by an individual against a manager/supervisor
by a group of people
It may be obvious or
it may be subtle

Bullying and harassment are unwarranted, unwelcome to the individual and should not be tolerated by the organisation

Examples of bullying/harassing behaviour include:

- ▶ Spreading malicious rumours and gossip, or insulting someone by word or behaviour (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief),
- ▶ Copying memos that are critical about someone to others who do not need to know
- ▶ Ridiculing or demeaning someone — picking on them or setting them up to fail
- ▶ ‘Freezing people out’ from work or social activity
- ▶ Exclusion and victimisation
- ▶ Unwelcome sexual advances — touching, standing too close, the display of offensive materials, sexual innuendo or offensive language, lewd remarks and jokes, obscene gestures
- ▶ Making threats or comments about job security without foundation
- ▶ Overbearing supervision or other misuse of power or position, unfair treatment
- ▶ Deliberately undermining a competent worker by overloading, constantly setting unrealistic deadlines
- ▶ Removing responsibility, allocating menial tasks
- ▶ Nitpicking, constant criticism of a personal or professional nature
- ▶ Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, text messages and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Common effects of bullying and harassment

Anxiety, fear, fright, humiliation

Anger and frustration at being unable to cope

Trying to retaliate in some way

Loss of self-confidence, de-motivation

Lack of self-esteem

Worry about job security

Poor work performance

Deteriorating relationships with others

Being isolated

Stress, illness,

Absence from work, resignation

What the law says

Under the Health and Safety at Work Act 1974 your employer has a legal responsibility to ensure that your health, safety and welfare at work are protected. Employers are usually liable in law for the acts of their workers, and this includes bullying or harassing behaviour. It should be made clear that such behaviour will not be tolerated.

The Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 make unlawful any bullying or harassment that includes elements of discrimination, for instance sexual harassment or gender related bullying behaviour. The law gives protection against discrimination on the grounds of religion or belief, sexual orientation and age.

Certain types of harassment, such as stalking, are covered in criminal law by the Protection from Harassment Act 1997, and the Criminal Justice and Public Order Act 1994.

What can you do?

Sometimes people are unsure whether or not the way they are being treated is acceptable. Consider:

- ▶ Has there been a change of management or organisational style you are trying to adjust to?
- ▶ Do you have a new manager or work requirements?
- ▶ Can you agree changes to workload or ways of working that will make it easier for you to cope?

If you think you are being bullied or harassed, then putting up with it will simply encourage the perpetrator and it may affect your physical and mental well-being, your work performance and your relationships.

- ▶ Discuss your concerns with your personnel manager, your line manager/supervisor, union representative, HR – there may be someone with specific responsibility for equality issues
- ▶ Is there an organisational statement of standards of behaviour that you can consult?
- ▶ Call your EAP helpline for advice or counselling, a Citizens Advice Bureau, an ACAS enquiry point or one of the bullying help lines that are now available by phone and on the Internet
- ▶ Let your union or staff representative know of the problem
- ▶ Talk to colleagues to find out if anyone else is suffering, or if anyone has witnessed what has happened to you

- ▶ Avoid being alone with the bully or harasser
- ▶ Tell the person to stop whatever they are doing that is causing you distress – they may be unaware of the effect of their actions
- ▶ Be firm, not aggressive when face to face. Be positive and calm
- ▶ If you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour. Stick to the facts. Deny or correct false claims. Keep copies of this and any reply.

Bullying or harassment that persists

Bullying and harassment are often revealed through patterns of behaviour and frequency of incidents.

- ▶ If criticism continues, you may be being bullied, seek help. Keep a factual log of all incidents related to it – records of dates, times, any witnesses, your feelings, work you were doing, the effect on your work etc. Keep it factual, avoid personal speculation or animosity. Date and initial each entry.
- ▶ Keep copies of anything that is relevant: annual reports, letters, memos, notes of meetings that relate to your ability to do your job.
- ▶ Keep records and inform your employer of any medical help you seek.

Making a complaint

- ▶ Follow your employer's procedures, which should give you information about whom to complain to and how your complaint will be dealt with.
- ▶ If you have access to a union representative or other adviser, ask them to help you state your grievance clearly, as this can help in its resolution and reduce the stress of the process.
- ▶ After investigation, your employer may take disciplinary action against the bully/harasser in accordance with the organisation's disciplinary procedure.
- ▶ Disciplinary action can also be taken against someone who makes an unfounded allegation of bullying or harassment.

What about taking legal action?

If despite all your efforts, nothing is done, take advice on your legal rights. If you leave and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation, and any records you have kept will be considered when it hears your claim.

SUGGESTED READING

Harassment Bullying and Violence at Work

A practical guide to combating employee abuse

Angela Ishmael, The Industrial Society, 1999

Difficult People; a guide to handling difficult behaviour

Barry Winbolt, ISR Publishing, 2002

(available on-line at www.isr.org/books)

The Bully at Work

Gary and Ruth Namie Source Books 2003

USEFUL CONTACTS

Your EAP Helpline

ACAS: Advisory Conciliation and Arbitration Service

Information on employee relationships

www.acas.co.uk