

# Bullying at work

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**Guidelines for UNISON branches,  
stewards and safety representatives**

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## **Introduction**

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Bullying has extended from the playground to the workplace making the daily working lives of many workers intolerable. Bullying at work can lead to work-related stress and ill-health causing untold misery to workers. This is bad for the workforce and also bad management because the most productive workplaces are those where workers are contented. Workplace bullying often remains a hidden problem and may be accepted or encouraged by the culture of the organisation.

UNISON believes that all workers have the right to be treated with dignity and respect at work and as bullying denies this right it is totally unacceptable behaviour.

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

**Please note:** bullying by clients or other members of the public is different from bullying within the workplace and so is not dealt with in this document. However, 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 separate policies and procedures to control the risks. UNISON has produced separate guidance on violence at work. See further information on page 23.

## **What is workplace bullying?**

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Workplace bullying can be defined as persistent unacceptable ‘offensive, intimidating, malicious, insulting or humiliating

behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress’.

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 point is that it is offensive.

As both bullying and harassment are linked to an abuse of power there are clear similarities between the two types of behaviour. However, there is an important difference in that harassment springs from discrimination. While harassment is often aimed at individuals on the grounds of their race, gender or sexuality etc., it can also be a form of bullying. As many forms of discrimination are outlawed by specific legislation, it is important that cases of harassment are identified as such.

## **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 can include:

- withholding information which can affect the worker’s performance
- ignoring views and opinions
- setting unreasonable/impossible deadlines
- setting unmanageable workloads
- humiliating staff in front of others
- being shouted at or being the target of spontaneous rage.

There are many other examples of bullying. The following are real examples taken from a UNISON 1997 survey on workplace bullying.

These examples highlight the various types of bullying behaviour that people experience at work:

### **Public verbal abuse**

*“I was blamed for my own 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.”*

## The extent of bullying

Bullying is a very real problem for a large number of people at work, but the extent of bullying appears to be a particular problem in some sectors. For example, a nationwide study of staff in the NHS found that three in five people have witnessed bullying at work in the past two years. Reports from UNISON members suggest that bullying is becoming an increasingly common problem in the education, police and voluntary sector. In addition, a UNISON survey carried out by Staffordshire University in 1997 found that two thirds of members had experienced or witnessed bullying.

Workplace bullying is also a continuing concern for many safety representatives. For example, the TUC survey of safety representatives, published in 2002, shows that nearly 30% of safety representatives reported bullying as a major problem at work.

Recognition that bullying at work can cause serious problems for both employees and employers is spreading. A large UK study on bullying at work published in 2000 by the University of Manchester Institute of Science and Technology (UMIST) and supported by the TUC shows that:

- one in 10 workers had been bullied in the past six months
- one in four workers had been bullied in the last five years
- 47% of workers had witnessed bullying at work.

The survey also confirms that any worker regardless of gender, grade or status can experience bullying, with almost equal numbers of men and women reporting that they had been bullied. It found that while managers and supervisors are more likely to be the bully, they are also just as likely to be bullied. For example, almost equal numbers of workers with and without supervisory responsibility reported being bullied in the previous six months, and 9% of senior managers reported being the targets of bullying.

Bullying at work is increasingly being treated as an important issue throughout the European Union. For example, Sweden has specific legislation against victimisation at work while new European legislation agreed in 2000 outlaws bullying on the grounds of sexuality, religious beliefs, age and disability. However, the true size of the problem will remain hidden until all employers recognise that it is an issue that needs to be managed and until workers can feel confident that their complaints will be addressed fairly and that they will not be victimised for complaining about bullying.

### **Case Study**

A UNISON member, 25-year-old Miss X was employed as a security officer.

Her supervisor was an ex-RAF handler. From almost day one of their working relationship the supervisor referred to Miss X as “*slag*”, “*scutter*” and other derogatory names. He never addressed her by her name, even in the presence of other colleagues and visitors.

On two separate occasions he twisted her arm up her back and threw her to the floor in front of at least one colleague. On another occasion he took a pair of scissors and cut off a large piece of her hair which she was wearing in a pony-tail.

He constantly made remarks about her uniform being untidy. Her employers could not provide her with the proper size of uniform, therefore all her uniforms were on the large side. He constantly made unjustifiable remarks about her.

He also made comments to her in the presence of others that her “*arse was too big*” and her “*chest was too flat*”.

Miss X suffered this kind of treatment for almost two years before being persuaded to approach UNISON.

The case was raised with her employer, who after hearing the facts and being given the names of 12 willing witnesses, decided to

investigate the matter. They interviewed three of the 12 witnesses and decided there was no case to answer. They went through a mock disciplinary with the supervisor, gave him a written warning and allowed him to keep his supervisor's post (contrary to their own policies).

### **What UNISON did**

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On behalf of our member, UNISON was successful in prosecuting a sex discrimination case against the employer.

The member was awarded a £20,000 lump sum settlement, plus £1,000 towards medical treatment. She was redeployed with her earnings protected for three years at a cost to the employer of £12,000, plus her entitlement to half sick pay was increased to full pay for six months at a cost of approximately £3,500. The total cost was approximately £35,500.

### **The effects of bullying**

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Bullying can have a significant effect on the physical and mental health of the workforce. In many cases, the effects can remain beyond the time of the bullying experience, sometimes affecting victims for years. Bullying has been found to be associated with anxiety, depression and aggression, as well as with high levels of stress. Typical stress symptoms such as insomnia, melancholy and apathy are commonly reported, as well as concentration problems, insecurity and lack of initiative. Cary Cooper, an expert on stress from the University of Manchester Institute of Sciences and Technology (UMIST), says that bullying is a very significant factor in stress at work and could account for between a third and half of all work-related stress.

The Health and Safety Executive (HSE) also acknowledges bullying at work as a cause of stress. They say that stress at work can be

triggered or made worse where ‘there is prolonged conflict between individuals, including ... bullying or where staff are treated with contempt or indifference.’

Persistent exposure to bullying is also likely to affect the behaviour as well as the attitude of workers. It can lead to an increase in accidents, lack of concentration and increased use of alcohol and tobacco consumption. Exposure to persistent and regular bullying may also make it difficult for workers to cope with daily tasks.

Other symptoms of bullying can include:

- anxiety
- headaches
- nausea
- ulcers
- various illnesses of organs such as the kidney
- contemplating suicide
- sleeplessness
- skin rashes
- irritable bowel syndrome
- high blood pressure
- bursting into tears
- loss of self-confidence.

In addition to the effects on individual workers, bullying at work can also have a major affect on an organisation. Victims of bullying are likely to suffer from stress-related illnesses leading to significant levels of sickness absence. Given that a third of all sickness absence relates to stress, this can have a staggering effect on organisations. 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.



Failure to deal with bullying also 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 industrial 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 have got to be faced with the question of how they value and use their human resources.

## **Workplace bullying and the law**

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Although there are no specific laws relating to bullying at work, legislation exists that can be used by safety representatives to help them tackle the problem. Under the Health and Safety at Work Act 1974, 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.

The Health and Safety Executive in their guidance on stress makes clear that *“there should be systems in place to deal with interpersonal conflict such as bullying or harassment.”*

Where bullying or harassment is motivated by the workers' sex, race or disability a claim may be brought under the Sex Discrimination Act 1975, the Race Relations Act 1976 or the Disability Discrimination Act 1995.

The Employment Rights Act 1996 also allows employees (with qualifying service) to claim unfair dismissal if they are forced to leave their job because of actions by their employer and to deal with

any complaint. Such actions can include failure by the employer to protect their employees from bullying and harassing behaviour or failure to deal with any complaints of bullying or harassment.

The EU framework directive for equal treatment in employment and occupation was agreed in 2000. It states that harassment of a person related to their sexual orientation, religion, disability or age will be contrary to the principle of equal treatment. Legislation to ban bullying on these grounds is expected in the UK by the end of 2003. The provisions relating to age and disability come into force in 2006.

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. Under the Protection from Harassment Act 1997 victims of harassment can seek civil injunctions against behaviour which causes distress.

## **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. 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 tend to escalate conflict, especially if the

perpetrator is not being dismissed. Bullying can too often be part of the whole culture of the organisation. To deal with bullying as an organisational issue it is important for the policy to focus attention on stopping 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:**

#### ■ A statement of commitment

The policy should demonstrate a clear commitment on the part of the employer to tackle bullying and harassment. It should make clear that bullying and harassment 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.

#### ■ A definition of bullying and harassment

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

#### ■ Prevention measures

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

#### ■ 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 and harassment.

#### ■ 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 and receiving complaints. Giving them equal status to

managers will promote partnership working and build confidence among staff.

#### ■ Contact officers

Some employees may find it difficult to raise bullying concerns 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 and harassed.

#### ■ 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 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 induction 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 in representing both the bullied and 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 and harassment:

- details of the policy and its implementation
- the meaning of bullying and harassment, its causes and effects

- the reporting procedures
- how to get support
- the assistance available to those being bullied or harassed.

## **Procedure for complaints**

A procedure for complaints relating to bullying and harassment 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 normal 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. Branches 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 and harassment. This is particularly useful if they do not understand why their behaviour has been found unacceptable.

## **Monitor and review**

The policy should be monitored and reviewed regularly to ensure that it is achieving its objectives and is effective.

A draft policy on bullying is available on UNISON's web site

## 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 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 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 outside professionals and in-house 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 that on the management of bullying, and on
  - 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) assistance, 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.

## **What branches can do**

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- Raise awareness of bullying in general. This helps members who are being bullied 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
- encourage members to come forward and report cases of bullying
- organise meetings so that members can talk together about bullying
- persuade stewards and safety representatives to respond positively to members' concerns
- encourage safety representatives and stewards to attend training on bullying
- negotiate a policy on bullying and harassment with employers
- encourage members to keep written records of all bullying incidences
- 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
- include articles on bullying in branch magazines and newsletters.

# Appendix A

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

## **Draft branch bullying survey**

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Bullying at work is where an individual abuses a position of power or authority over another person. 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 union 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).

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**Where do you work?**

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

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Are you:

Male

Female

(Tick those relevant)

Is bullying at work:

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)  
.....

(Tick those relevant)

What form does the bullying take?

- 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)

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How often does the bullying happen?

- Daily
- Weekly
- Monthly
- Less than monthly

(Tick those relevant)

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?

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What do you think causes bullying?

Stressed managers

Stressed colleagues

Excessive workloads

Pressure to meet deadlines

Pressure to meet work targets

Staff shortages

Pressure not to take sick leave

Inadequate training for managers

Inadequate training for staff

Poor management

Performance approach

Other reasons (please state what they are)

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(Tick those relevant)

What measures would you like to see to reduce bullying?

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Have you got access to a counselling service?      Yes       No

If yes, how effective is it?

Very effective

Sometimes effective

Useless

Any other comments?

Thank you for completing this questionnaire.

Please return it to:

## **Further information**

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UNISON has produced a number of publications that may be useful to branches or safety representatives who are dealing with workplace bullying. They are available from the Communications Unit at UNISON Head Office.

*Stress at Work* – a guide for safety reps. (stock no.1725)

*Control or Management?* – Guidelines on sickness absence policies (stock no. 1450)

*The Health and safety six pack* – UNISON's guide to health and safety law (stock no. 1660)

*UNISON's health and safety representatives guide* (stock no. 1684)

*Violence at Work* – Guidelines for safety representatives and stewards (stock no. 1346)

Additional health and safety information and guidance can be found on the UNISON web site at [www.unison.org.uk](http://www.unison.org.uk)

## **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 National Office.

UNISON's Health and Safety Unit is at:  
1 Mabledon Place, London WC1H 9AJ,  
Tel: 020 7551 1156 Fax: 020 7551 1766  
Email: [healthandsafety@unison.co.uk](mailto:healthandsafety@unison.co.uk)

## **Your comments**

UNISON welcomes comments on this booklet from branch safety officers and safety reps. Either write or email to the Health and Safety Unit at the address above.



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