

DIGNITY AT WORK:

UNACCEPTABLE BEHAVIOUR, BULLYING AND HARASSMENT

A Comprehensive Guide
for Workplace Representatives
in the 'Not for Profit' Sector
of Unite the Union



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Introduction

The very least any worker should come to expect is 'Dignity at Work' and yet unacceptable behaviour, bullying and harassment show themselves in the workplace all too frequently.

The Not for Profit Sector is far from exempt from this, in fact one of the most frequent issues that representatives and Officers of Unite deal with in the Sector appertains to bullying in one form or another.

It is well documented that 1 employee in every 5 will experience bullying at some point in their working lives and the outcome of this can be devastating. Many remain scarred from their experiences, others have to move from their job, whilst most will testify that it has resulted in ill health, distress and an adverse impact on their personal and family lives, not to mention their work.

It is also our experience that employers in the Not for Profit Sector struggle to manage unacceptable behaviour appropriately and expeditiously, causing further distress to the targets of such behaviour.

Unite is leading the way in reversing these trends. From drawing on the experience of our members and representatives, progressive employers and that of international experts, we have produced this guide to enable all representatives to be well equipped in handling members' cases. This guide will assist in identifying the forms of unacceptable behaviour that have taken place and the appropriate resolution to the situation.

Furthermore, this guide also helps representatives to challenge their organisations and to work with them toward adopting a zero tolerance approach.

As representatives, a key objective which we should all strive for is to ensure we are all treated with 'Dignity at Work'.

Rachael Maskell
Unite National Officer
Community and Not for Profit Sector

2. Purpose of Guide

This guide is intended to be of specific use to workplace representatives who may find themselves advising or supporting members who believe they have been the target of unacceptable behaviour in the workplace and potentially 'bullied' or 'harassed'. It is also intended to be of use when representing members who are the alleged perpetrators of such behaviour.

Trying to promote dignity at work and dealing with the issues surrounding unacceptable behaviour, bullying and harassment can be extremely complex. The consequences are potentially very costly and personally devastating. For these reasons no advice is better than incorrect or inappropriate advice, no matter how well intentioned.

Representatives within the 'Not for Profit' sector may find themselves in a position of either offering some very brief informal advice to members or having to become involved in quite complex and detailed representations and potential investigations.

This guide is exactly that, just a guide, and is not meant to be definitive or cover every scenario or eventuality. It should however provide an initial reference point from which to develop an understanding and ensure as much as possible that the advice and support given is directly related to the available research on the subject and the actual experiences of workplace representatives.

The guide is intended to complement existing Unite publications and to focus in more detail on areas not covered in the other materials. There is a very useful publication, the union's "Guide to Tackling Bullying at Work" which can be accessed via the Unite website.

In addition the Unite sponsored 'Dignity at Work Partnership' has produced a number of publications and tools.

Remember that in many instances members may require far more support and advice than representatives can or should personally offer. All representatives should identify their own support needs to deal with the technical and emotional issues involved.

3. What is Dignity at Work?

THE CONCEPT

Dignity at work is a term used to describe how we should treat colleagues with dignity and respect within the workplace. It is about behaviour both from an organisations point of view and as individuals towards our colleagues. It is about valuing and respecting others, including their qualities and their differences.

LEGAL BACKGROUND

In the U.K. the Dignity at Work Bill was initially drafted by MSF Union in 1996 and was steered through the House of Lords in December 1996 and January 1997 by Lord Monkswell. Attempts to introduce the Bill into the House of Commons were blocked by John Major's Conservative Government in February 1997 and the Bill was put on hold.

The Bill started its progress again through the House of Lords in December 2001 under the guidance of Baroness Ann Gibson, chair of the Unite (Amicus)/ Government, 'Dignity at Work Partnership'.

The term can also be found in European law, whereby harassment and discrimination are examples of unacceptable behaviour which "affect the dignity of men and women at work".

Some aspects of unacceptable behaviour are addressed in employment legislation, for example in areas of discrimination and harassment, however there is as yet no specific statute regarding bullying in the workplace.

Unlike the U.K. a number of European countries do have specific legislation in place to address dignity at work issues, specifically bullying.

THE DIGNITY AT WORK PARTNERSHIP

The Partnership was established in July 2004, following a successful bid by Unite (Amicus Section) for £1 million from the Government. Initially set up to run for a three year period, the project seeks to encourage cultural change whereby trade unions, employers and employees work in partnership to foster greater respect and dignity for all, and establish a zero tolerance approach to bullying and harassment at work.

DIGNITY AT WORK POLICIES

Dignity at Work policies are a relatively recent concept. Previously most workplaces would have a number of stand alone policies dealing with issues such as bullying and harassment, discrimination, equal opportunities and diversity.

Dignity at Work policies attempt to bring all of these topics together under one umbrella policy although this should not be at the expense of minimising the importance of each separate and distinct topic. The intention is to focus more on promoting positive behaviours whilst ensuring there are clear and effective procedures for dealing with the negative behaviours associated with bullying, discrimination and harassment.

4. Defining Unacceptable Behaviour

THE IMPORTANCE OF DEFINITION

To promote a culture of dignity and respect and minimise incidents of unacceptable behaviour becoming issues of potential bullying and harassment it is crucial to define the type of behaviour considered unacceptable, and to provide examples so that people understand what is meant by it.

The terms 'bullying' and 'harassment' are often misused and a failure to clearly define can lead to confusion, misunderstanding and conflict between all of the parties involved. This is an unnecessary and costly diversion to effectively dealing with the issues and more likely to result in problems not being satisfactorily resolved.

Behaviours associated with bullying and harassment are often subtle in nature, may seem very trivial when viewed in isolation and tend to take place without witnesses. This makes it far more difficult to prove as it tends to be regarded as people's subjective interpretations of events.

Witnesses who are unaware of the context of a situation or the history between individuals, or who simply don't understand what constitutes unacceptable behaviour, can easily interpret events completely differently to the parties directly involved.

Therefore the significance of a particular event may only be known by the perpetrator and the target. This makes it far easier for the perpetrator to manipulate the situation.

HARASSING BEHAVIOUR

"Harassment, in general terms, 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 other personal characteristic, and may be persistent or an isolated incident.

The key to this is that the actions or comments are viewed as demeaning and unacceptable to the recipient." **ACAS**

It is common for employers and employees alike to lump together the two concepts of harassment and bullying. Although they may be similar in terms of impact and underlying principles, and always involving some abuse of power, they are different in other respects.

The key difference is that harassment focuses on an individual or groups social

identity i.e. their gender, ethnicity, sexuality etc. There is no such focus with bullying.

At times bullying can involve highly aggressive or violent acts but generally behaviours tend to be subtle, persistent and long term in nature. This is in contrast to harassment, where a single gross act, say of a sexual or racist nature, can be regarded as harassment.

It should also be noted that some definitions of bullying exclude 'physical violence' and 'physical assault' as examples of bullying behaviour, viewing such behaviour as so extreme that it stands alone.

BULLYING BEHAVIOUR

"Workplace bullying is behaving in a way that is offensive, intimidating, malicious or insulting, with the result being that the targeted person feels undermined, humiliated or injured.

Whatever form the bullying or harassment takes it is unwarranted and unwelcome to the individual."

ACAS

Bullying is "repeated and persistent negative acts that are directed towards one or several individuals, and which create a hostile work environment. In bullying the targeted person has difficulties defending him/herself; it is therefore not a conflict between parties of equal strength."

Denise Salin, 2001

"A situation where one or several individuals persistently over a period of time perceive to be on the receiving end of negative actions from one or several persons, in a situation where a target of bullying has difficulty in defending him/herself against these actions. We will not refer to one-off incidents as bullying."

Helge Hoel & Cary L. Cooper, 2000

"Bullying can take many forms. It is generally accepted as unwanted behaviour that offends, persecutes or excludes someone. It includes treating individuals in a demeaning and unacceptable way and can be intimidating, malicious or insulting, or a misuse of power to undermine, humiliate, threaten or cause injury. Harassment is usually seen as constant interference or intimidation that violates people's dignity or creates a hostile or degrading environment."

Dignity at Work Partnership: "Beat bullying in the workplace" guide, 2007

5. Common Features in Definitions

When we look at the different definitions of bullying given above, or others, some common themes emerge. Definitions of bullying make reference to

- negative behaviours,
- frequency of behaviours,
- duration of behaviours,
- issues of power/imbalance of power and
- some refer to intentionality.

NEGATIVE BEHAVIOURS/ CONSEQUENCES

Virtually all definitions make some reference to negative behaviours or acts carried out. Common words used are:

Abusive, coercive, controlling, criticising, degrading, demeaning, excluding, humiliating, insulting, isolating, intimidating, malicious, manipulative, offensive, oppressive, persecuting, ridiculing, threatening, undermining, victimising.

In terms of negative consequences felt by the target, common words include:

Anger, anxiety, contempt, distress, fear, frustration, injury, resentment, stress, suspicion, upset, vulnerability.

FREQUENCY

The behaviours are seen to be repeated and persistent. Isolated or occasional incidents of negative behaviour are not normally defined as bullying, even though they should still be regarded as unacceptable.

The exception is where the isolated behaviour is so extreme that it has a lasting negative effect on the target e.g. being physically threatened.

DURATION

Most definitions refer to the duration of the behaviours continuing over a period of time and for some targets the experience goes on for months or even years. Swedish Professor, Heinz Leymann, suggested that a target would have to have been exposed to negative behaviours for more than six months. Such an arbitrary and rigid time period is felt by many to be unhelpful.

In their Guide published in 2005 the Chartered Institute of Personnel and Development detailed issues of **'power'** and **'intention'** as follows:

ISSUES OF POWER

Bullying can happen when an unequal balance of power exists between two individuals in a conflict situation. Sources of power include:

Positional power – the power of a role or position

Relationship power – the power of a group

Resources power – the power to withhold scarce resources essential to one's role

Psychological power – the power of recognising an individual's vulnerabilities and exploiting this knowledge to the person's detriment

Knowledge power – the power to withhold information.

Delegated power – the power to use your relationship with someone to undermine and/or threaten others.

INTENTION

Definitions focus more on the impact of the behaviour on the target rather than whether there was intention.

It is not the intention of the perpetrator that is the key to deciding whether bullying or harassment has taken place; the defining principle is whether the behaviour was unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it.

However, the perpetrator's intention is relevant to understanding the impact of their behaviour on the target and in choosing the most effective ways to try and resolve the situation. There are three levels of intent:

Intentional – behaviour directed at the target with the intention of causing actual occupational, physical or psychological harm.

Instrumental – negative behaviour being an unintended side-effect of a behaviour directed at achieving another goal.

Unintentional – a lack of sensitivity or awareness of the negative impact of the behaviour.

It should be borne in mind that 'intent' is extremely difficult to prove and very few perpetrators would openly admit to intentionally harming someone.

6. A Working Definition

UNACCEPTABLE BEHAVIOUR

Any behaviour that could potentially undermine someone's dignity and respect should be regarded as unacceptable. If it is not challenged it is likely to escalate into bullying and harassment and lead to significant difficulties and costs for all concerned.

In establishing the links between unacceptable behaviour', 'bullying' and 'harassment' as well as drawing together the common themes and issues, the following, broader definition may be helpful:

"Any behaviour, always involving a misuse of power, which an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable in the workplace.

'Unacceptable behaviour' changes its label to 'bullying' or 'harassing behaviour' when it causes actual harm or distress to the target(s), normally, but not exclusively, after a series of incidents over a prolonged period of time.

Lack of intent does not diminish, excuse or negate the impact on the target or the distress caused. The degree of intent is only relevant in terms of how the behaviour should be challenged and the issues subsequently resolved."

Fergus Roseburgh March 2007

ILLUSTRATION OF BEHAVIOURS – UNDERSTANDING 'INTENT'

If we take an example of a manager who criticises a member of her team by angrily shouting at them in front of their colleagues we would probably all agree that this should really be regarded as unacceptable in the workplace. We would probably all agree that the manager ought reasonably to know that such behaviour could have the potential to cause offence and humiliation.

In most cases we would expect a competent and emotionally mature manager to recognise that this was unacceptable on their part, fully apologise to the member of staff and promise not to repeat such behaviour.

The member of staff would likely feel humiliated and offended but this would probably subside following a genuine apology and undertaking that there would be no repeat.

However, if no apology was forthcoming

and the manager started to regularly behave in this way toward the member of staff it is far more likely that they will start to feel actual harm, especially if they were being singled out.

When challenged about their behaviour the manager may come up with a range of excuses and claim that they didn't mean to cause any offence.

If hit by a car, the injuries are the same whether it was deliberate or accidental. Similarly, whether or not there was any intention is of no relevance to the immediate distress the manager caused the member of staff. It is the actual behaviour and its impact on the member that is the relevant factor although the distress felt would likely be greater if the behaviour was known to be deliberate.

The degree of intent is only relevant to how the behaviour should be challenged and how the issues should be resolved.

For example, if the manager always targeted particular individuals, would gloat about making their lives a misery, the power they had over them, how they enjoyed getting rid of staff to show the others who's boss and had victimised anyone who had ever tried to challenge their behaviour in the past, then advising the member of staff to directly confront the manager would not be good advice.

However, if it was felt that the manager was unaware of the consequences of their behaviour and if confronted was likely to be genuinely mortified and apologetic and anxious to put things right, then an informal challenging of their behaviour would be far more appropriate and likely to lead to a positive resolution.

In the first scenario the level of intent behind the behaviour would suggest that any informal resolution would not be appropriate or successful. Intentional bullying or harassment should be regarded as a far more serious offence and a potential disciplinary matter.

In the second scenario an informal resolution, such as mediation, is likely to produce the desired outcome.

In determining the most productive way of resolving an issue, the level of insight into the effects on the target which an alleged perpetrator has is also extremely relevant and shall be discussed later in this guide.

7. Types of Bullying

The majority of cases of workplace bullying and harassment in the U.K. involve an individual being bullied or harassed by their manager. Studies vary between figures of 50 – 80%.

Around a quarter of cases involve bullying and harassment by peers or subordinates

Both Tim Field's website and book, "Bully In Sight", and the C.I.P.D. Guide, written by Noreen Tehrani, offer excellent insight into the different 'types of bullying':

Pressure/unwitting - We are all prone to this. A 'bad day at the office' when under stress we can 'snap' or do something we know is wrong and hurtful. We quickly apologise and don't repeat the behaviour. This should not be referred to as 'bullying' but should be regarded as unacceptable.

Predatory - This happens when the target of the bullying has done nothing to justify the negative behaviour to them. The bully may be using the innocent target to demonstrate their power to others, or the target may belong to a separate group and is attacked as a representative of that group. Predatory bullying is more common in organisations where the culture permits or even rewards this kind of behaviour and the bully feels they are unlikely to be punished for their bad behaviour. Targets of predatory bullying find it hard to understand what they have done to cause the problems. However, the target doesn't need to have done anything wrong to cause the bullying.

Dispute-related - This develops out of a perceived slight or conflict that has got out of hand, souring the atmosphere in the workplace. One person believes that the other has wronged them, so the conflict escalates into a personal vendetta where the destruction of the opponent becomes the goal.

Dispute-related conflict involves intense emotions leading each side to experience feelings of fear, suspicion, resentment, contempt and anger. An allegation of bullying is used as a tactic between the opponents.

Escalating - Bullying can be explained by the way we attribute the reasons for our own and other people's behaviours. When we think about our own behaviour we tend to see positive behaviours as part of our personality and values and we put our negative behaviours down to external circumstances.

However, the opposite is true when we

think about other people's behaviour, so their negative behaviours are part of their personality and positive behaviours are due to external circumstances.

In most cases of escalating conflict, neither person is entirely passive. As each perceived negative act happens, one party will respond according to their interpretation of the intentions behind the other's actions. As the atmosphere deteriorates, it's possible that both people come to believe that the other is responsible for the breakdown of the relationship, and either may accuse the other of bullying.

Passive-aggressive - This form of bullying can be very difficult to recognise. People who use passive-aggressive bullying as a way of undermining and manipulating others tend to focus on the disadvantages in any suggestion or idea. However, instead of being open about their disagreements, they will resist undertaking any tasks allocated to them and covertly sabotage or undermine the efforts of their manager and others. Passive-aggressive bullies resist undertaking routine social and occupational tasks and constantly complain about being misunderstood or unappreciated.

They can demonstrate a wide range of emotions depending on what they want to achieve. To a peer or subordinate they can be sullen or argumentative as a way of avoiding work. On the other hand, they may be playful and charming to get the attention of their manager. Passive-aggressive bullies alternate between hostile attacks and contrition. They tend to emphasise their personal misfortunes, difficulties or needs as a way of manipulating others to provide them with help and support, or to deflect blame away from them.

Corporate - This is where the employer abuses employees with impunity knowing that the law is weak and jobs are scarce.

Organisational - This is a combination of pressure bullying and corporate bullying and occurs when an organisation struggles to adapt to changing markets, reduced income, cuts in budgets, imposed expectations, and other external pressures.

Institutional - This is similar to corporate bullying and arises when bullying becomes entrenched and accepted as part of the culture. People are moved on, long existing contracts are replaced with new short term contracts on less favourable terms with the accompanying threat of "agree to this or

else”, workloads are increased, work schedules are changed, roles are changed, career progression paths are blocked or terminated etc. and all of this is without consultation.

Senior team tactics – In some organisations, the chief executive may appoint a confederate to carry out harsh and uncaring actions, leaving the CEO with clean hands. When challenged, the CEO may even appear genuinely concerned about the negative behaviours, and may even punish the henchman/woman if things go too far.

Client – This is where the employees are bullied by those they serve e.g. teachers bullied by pupils and parents, nurses by patients and their relatives, social workers by their clients, executive boards by shareholders, projects by external funding bodies etc.

Client bullying can also be employees bullying their clients e.g. care staff bullying vulnerable residential home clients, buyers bullying their suppliers, etc.

Serial – This is where the source of all dysfunction can be traced to one individual, who picks on one employee after another and seeks to destroy them.

This is the type of bullying Tim Field focused on and most of his book and website is devoted to describing and defining the serial bully.

Personality disordered – This is linked to the behaviour exhibited by the serial bully described above.

People with a personality disorder may use bullying as a way of achieving their goals. Personality disorders are long-standing disturbances that commonly begin in late adolescence and continue throughout life. People with personality disorders engage in repetitive patterns of behaviour in their work and other relationships. Usually the people suffering from personality disorders are unaware of the impact their behaviour is having on others and frequently don't believe they have a problem.

There are many types of personality disorder and some of the milder versions are sometimes valued in the workplace e.g. to be single minded in approach can be viewed as an advantage.

However, people with more developed personality disorders are very difficult to handle due to the nature of their

condition. They tend to have difficulty in sustaining relationships with other people and see their own negative behaviours as virtues and strengths.

They will also frequently have a hidden agenda combined with low levels of emotional intelligence and rigid, irrational belief patterns. It's important to remember that personality disorders are an illness and that the person may have little control over their behaviour.

Secondary – This is mostly unwitting bullying which people start exhibiting when there's a serial bully in the department. The pressure of trying to deal with a dysfunctional, divisive and aggressive serial bully causes everyone's behaviour to decline.

Merry-go-round – This occurs when the serial bully selects one member of a team at a time to bully. All the team is constantly on edge as to whether or not it's their 'turn' to be bullied.

Pair/'Good guy', 'bad guy' – This is a serial bully with a colleague. Often one does the talking whilst the other watches and listens.

The 'good guy' will apparently be friendly and concerned about the target. They will find out about the impact of the negative behaviours and encourage the target to talk about their fears and concerns. This information is then passed to the 'bad guy' as further information on how to be more accurate in the targeting of the negative behaviour.

Gang – This is a serial bully with colleagues. Gangs can occur anywhere but flourish in corporate bullying climates. If the bully is an extrovert, they are likely to be leading from the front. If the bully is an introvert, they will be in the background initiating the mayhem but probably not taking an active part, and may thus be harder to identify.

A common tactic is to tell everyone a different story and encourage each person to think they are the only one with the correct story.

'Gang' bullying is what some refer to as 'mobbing'.

As this happens in a group, individuals don't need to behave in particularly bad ways or act on a frequent basis for the target to feel extreme distress. It's also easier for the individuals to justify and get away with their infrequent bad behaviour.

Vicarious/Delegated – This is where two parties are encouraged to engage in adversarial interaction or conflict. It is similar to gang bullying, although the bully may or may not be directly connected with either of the two parties.

One party becomes the bully's instrument and is deceived and manipulated into bullying the other. An example of vicarious bullying is where the serial bully creates conflict between employer and employee, particularly to stoke a conflict, but rarely taking an active part in the conflict themselves.

Regulation – This is where a serial bully forces their target to comply with rules, regulations, procedures of law regardless of their appropriateness, applicability or necessity.

Legal – The bringing of a vexatious legal action to control and punish a person. This is a particularly vindictive form of bullying.

Residual – This is the bullying of all kinds that continues after a serial bully has left.

The serial bully bequeaths a dysfunctional environment to those who are left. This can last for years.

Cyber – This is the misuse of modern communications such as email systems, internet forums, mobile phones etc. for sending aggressive 'flame mails' and other messages. Serial bullies tend to have few communication skills, thus the impersonal nature of email etc. makes it an ideal tool for causing conflict. Sometimes called 'cyberstalking'.

Subordinate – A small number of cases involve the bullying of a manager by a subordinate. Sometimes this can be subtle and unintentional but the impact is disruptive. It can involve procrastination, undermining, publicly challenging, withholding information from, or failing to pass on important messages. When a group of subordinates is involved the damage to the target can be even greater.

8. Examples of Behaviour

EXPECTED BEHAVIOUR

"Tackling a difficult and complex issue like bullying at work is about much more than having a policy in the staff handbook. It's not just about an absence of negatives, but about actively defining and promoting positive working relationships.

The focus needs to be moved from the destructive stance of punishing and isolating alleged perpetrators to a more explicit presentation of positive options.

Building a culture of dignity and respect at work means creating a workplace where appropriate ways of behaving are clearly communicated, promoted and supported. It also means individuals being supported in accepting responsibility for their behaviour and actions, and working towards solutions when problems occur." C.I.P.D. Guide

If a policy of zero tolerance is to be adopted and aspired to, then clearly the leaders of an organisation need to set a model example of positive and dignified behaviours for all to follow. In addition such behaviours need to be made explicit and promoted widely to all staff.

Staff, management and the trade union must sign up to and agree to follow such behaviours. It is helpful to list these for all staff to refer to and be measured by. (See **Appendix One** for examples).

'FIRM MANAGEMENT' OR 'BULLYING'?

"Good human relations at work do not mean being soft in one's treatment of people, but being fair and frank with them, giving praise where praise is due and constructive criticism when such is justified. This is important." **Marcus Sieff (Lord Sieff of Brimpton)**

"You don't manage people by demeaning them, devaluing them and putting them down. That's the most ineffective way of managing human beings. If you don't manage your employees well, they'll leave, so you'd better be good people-managers, otherwise you're going to be out of business." **Professor Cary Cooper, BBC Radio 4, 1991**

Many of us, particularly managers, tend to be confused when distinguishing between the concepts of firm management and 'bullying'.

We also make assumptions that the more senior someone is, the less management training they need as surely individuals would not have been appointed to a management position if they didn't possess the required skills.

However, the reality is that whilst many managers have excellent technical skills, their communication, conflict resolution and general people management skills are sometimes lacking.

There is a very fine line between 'firm management' and behaviours associated with bullying and harassment. That line is crossed when an individual or group is persistently targeted with behaviours that cause distress.

It is extremely important to understand and recognise the distinct behaviours of 'firm management' as opposed to the unacceptable behaviours associated with 'bullying' and 'harassment'.

Often managers accused of 'bullying' or 'harassment' find it difficult to recognise themselves as behaving in an unacceptable or aggressive way and describe such behaviour as just being 'firm'. Conversely, some managers are concerned that in having to be firm to tackle poor performance or conduct issues they will be accused of being a 'bully'.

In addition, unacceptable behaviour can soon become part of an organisations culture and thrive where it is confused with 'firm', 'strong' or 'robust' management. Where this is the case it tends to filter from the top down as people follow the example set by their leaders.

This is especially the case in highly competitive and pressured environments where many managers consider such behaviour as the accepted and justified method of motivating staff and achieving results. Whilst this may result in the achievement of some short-term goals it will have a negative effect on productivity and success over the medium to long-term.

In workplace cultures such as the above members may feel that they have to put up with such behaviour as "that's just the way things are" and see it as being 'part of the job' and that nothing will ever change.

A competent manager may at times need to be firm to achieve agreed objectives but will demonstrate a style of leadership that ensures everyone works together and

everyone is valued and supported. Positive pressure can be harnessed to enhance performance and fuel achievement but this is dependent upon excellent interpersonal skills, high behavioural maturity, the ability to compromise and clear leadership skills.

Having to be firm on occasions is appropriate when the intention and outcome is positive and constructive but this should not be confused with overbearing, condemnatory and often covert behaviour, which results in a wholly destructive outcome.

'Firm management' is often a euphemism for behaviours which are experienced as domineering, isolating, threatening and coercive and create a climate of fear.

'Firm management' becomes unacceptable behaviour when professional firmness is tainted with an element of personal vindictiveness. Attempting to make people toe the line by singling them out, demeaning and devaluing them should not be labelled as a style of management.

Being 'firm' does not mean displaying unfair and unethical behaviours that cause extreme distress and disruption to the individual, group and ultimately the whole organisation.

Being 'firm' is unlikely to affect people's mental and physical health and normally everyone is on the receiving end. If the manager becomes too overbearing they can be challenged by the whole team without fear of reprisal. Sometimes even a 'good moan' among colleagues will relieve the tension.

Managers do need to be 'firm' at times but this should always be done in a way which does not undermine the dignity and self respect of those staff they manage.

UNACCEPTABLE BEHAVIOUR

Providing a detailed list of examples of unacceptable behaviour will help a member who has raised concerns to construct their case by enabling them to not only understand what is unacceptable but also to put time, dates, details and narrative to the behaviour they have experienced.

Members will often be struggling to verbalise what has happened to them. They are likely to have difficulty in compiling a coherent and ordered recollection of events. Referring to a list acts as a useful guide in helping them to logically structure their experience.

It is particularly important for everyone involved to understand that an inability to describe what has happened may be a direct consequence of what the member has suffered and not an indication of lack of evidence.

There is some debate as to whether lists of behaviours associated with bullying and harassment are useful. Some experts argue that a long list is too prescriptive and too short a list is too vague to be useful.

Some employers are concerned that having an extensive list will lead to a flurry of staff claiming that they have been bullied or harassed but in reality it is extremely difficult to construct a false or malicious claim. The evidence quite simply will not be there or will not stand up to investigation. It is however vital to ensure that anyone assessing evidence has been adequately trained.

There have been many attempts to try and categorise examples of unacceptable/negative/bullying/harassing behaviours but

due to the subtleties and complexities of the behaviour involved there does not appear yet to be any universally agreed categorisation.

Perhaps the easiest method of categorisation would be that developed by Professors Helge Hoel and Cary L. Cooper (2001) who found that behaviours tend to fall into two main categories, personal and work related. One point to bear in mind with this method is that some behaviours can easily fit into both categories e.g. shouting at someone could be related to a personal as well as a work related issue.

For the purposes of this guide the categorisation used will be similar to that used by the C.I.P.D. in their guide:

1. Behaviour that offends or insults
2. Behaviour that intimidates or threatens
3. Behaviour that excludes or isolates
4. Behaviour that is directly work related.

(See **Appendix Two** for examples).

9. Advising Targets of Unacceptable Behaviour

Validate and verify
Acknowledgement and awareness
Listen
Investigate
Detail the case
Assess and discuss options
Take action
Evaluate

(In trying to remember all of the salient points when advising members it may be helpful to refer to the above acronym).

VALIDATE AND VERIFY

Validate their experience

A crucial first step for any member who feels that they have been the target of unacceptable behaviour, bullying or harassment is to be able to understand what is going on, to **validate** their experience.

Many targets believe that they are in some way responsible through some fault on their part and may also be wondering why they were selected as a target.

Members should **never** blame

themselves. It is not their fault. They did not ask to be offended, humiliated, intimidated or excluded.

By being able to put a label on what is happening, such as unacceptable behaviour, bullying or harassment, responsibility shifts from the member toward the perpetrator and the burden of guilt can be removed. By having a frame of reference and a language to describe events the member can find a voice and start to express what has happened and regain some control of the situation.

In helping the member to develop an understanding of what is happening, they can start to employ strategies to positively confront and deal with the issues.

Receiving such validation and recognition is the first step in the healing process.

Symptoms

The member is likely to be suffering from a number of symptoms which are classic indicators of stress i.e. confusion, anxiety, insomnia etc. **It's important to advise the member that such symptoms are**

a completely normal reaction to the abnormal behaviour to which they have been subjected. This again helps to validate their experience.

Believe

One of the most important things a workplace representative can do is believe the member. Failure to do so only compounds the situation in that it causes secondary wounding to the member.

This doesn't mean that you are agreeing with everything that they say but simply that you believe their perception of what is happening to them. It is primarily this perception that needs to be taken seriously.

Be mindful that there are at least two sides to every story when offering validation and support. However the key issue is how the behaviour has impacted on the target rather than the detail of the incidents.

No advice is better than bad advice

Everyone concerned, workplace representative or other, needs to understand that this is such a potentially damaging issue that no advice is better than bad advice. If you don't feel confident, seek advice from elsewhere.

Be aware that, whatever course of action is taken, the bully's behaviour has the potential to get worse. It's a virtual certainty that the bully's behaviour will not improve of its own accord. Members need to seek help and support now rather than sustaining further injury.

Whilst it may seem sensible to advise a member to try and stand firm, remain confident and keep calm the reality may well be that the member's confidence, self-esteem and normal coping mechanisms are low and dysfunctional. The advice given should be mindful of the physical and psychological impact of the negative behaviour on the member.

It is very easy to fall into the trap of using standard clichés, such as "it's normal", "it's just a personality clash", "don't be so sensitive", "you're over reacting", "it's just the way they are", "get over it", "take no notice", "don't let it worry you", "keep your head down", "ignore it" etc.

This only dissuades the member from speaking out about what is happening to them.

Target v victim

In supporting members we should always be mindful of the language we use and the messages such language conveys.

There is a debate as to whether the word 'target' rather than 'victim' is more appropriate when referring to those who have suffered from negative behaviours.

The word 'victim' can be used as a tactic to avoid responsibility by playing on the prejudices and preconceived notions about 'victims' e.g. that in some way the 'victim' invited the behaviour.

Use of the word 'target' clearly shifts the focus of responsibility solely on to the perpetrator.

There is never any justification for bullying or harassment.

Therefore anything that can be done to minimise the use of excuses for such behaviour should be followed.

Verify membership

Check the person is actually a union member and encourage them to join straightaway if they are not. If they do not want to join the union then we cannot formally represent them and they will not have access to the wider support and expertise which the union can offer.

The issues they raise may have implications for some of their colleagues, who may be union members, and we would therefore want to raise the issues in support of those members.

ACKNOWLEDGEMENT AND AWARENESS

Part of your role is to assist members to work through and explore their experiences and associated feelings, so that these can be put into context.

Acknowledge impact

Members may feel that they have to put up with bullying behaviour as part of the job and may not wish to complain for fear of further victimisation or being labelled a troublemaker. Members may often feel ashamed to discuss their experiences with colleagues because they feel their professional credibility is being called into question.

Irrational beliefs can lead to negative behaviours. For example, where a member has an irrational belief that

everyone hates them, their behaviour may become aggressive toward their colleagues. This in turn can bring about a situation in which colleagues become less friendly, thereby reinforcing the member's original view.

In more extreme cases the member may well be suffering from shock. Most of us tend to think of shock as a natural consequence of a single frightening incident. However shock can result from a series of small but regular and persistent unpleasant incidents.

Awareness of effects on health

If the member's health appears to be suffering, psychologically or physically, then advise them to visit their G.P. Some members are reluctant to do this as they see it as a sign of weakness or are concerned about having a poor sickness absence record if they decide to either stay or move on. However insist that their health and wellbeing should be the primary and immediate consideration.

Reassure the member that it is not a sign of weakness and if they are 'signed off' by their G.P. this can help them not only recover but also give them the space to gather their thoughts and make informed decisions about what to do next.

Advise the member to ensure that if 'signed off' the correct reason is given i.e. 'work related stress' as opposed to 'stress' or some other less specific or ambiguous diagnosis. Should the issues become contentious then having an accurate and specific medical diagnosis is extremely helpful.

Additional support for a member may also be necessary i.e. through a trained counsellor. Some employers provide such a service.

The behaviours associated with bullying and harassment are a major cause of stress in the work place. In the most serious cases this can lead to major physical and psychological impairments of health leading to significant personality change and nervous breakdown. It can also have a devastating effect on the target(s), their colleagues, family and friends.

Commonly diagnosed disorders are Depression and Generalized Anxiety Disorder, Adjustment Disorder and Post Traumatic Stress Disorder. Some psychiatrists have questioned diagnosing

P.T.S.D. as this disorder is normally associated with highly traumatic and often acute events whereas behaviours associated with bullying and harassment tend to be more subtle and prolonged. An alternative diagnosis is Prolonged Duress Stress Disorder (P.D.S.D.).

Whilst it is up to a G.P. or specialist to diagnose any condition it is helpful to understand some of the behavioural signs and effects of stress. (See **Appendix three**).

Acknowledge strength

Acknowledge that the member should not suffer in silence and that by contacting you they have made the first and most important step toward resolving their situation. That takes strength.

What has happened to them is not a result of being 'paranoid' or 'mentally ill'. What has been inflicted upon them should be referred to as a 'psychiatric injury', an injury caused by something external to them, rather than a 'mental illness' which many people assume to be inherent and allows for suggestions that the member is in some way responsible for their condition.

Suggesting a target has a 'mental illness' is sometimes used as a tactic to try and deny responsibility and legal liability.

Acknowledge fears

Acknowledge and understand that the member may have lost their confidence and be confused about their personal and professional characteristics and abilities. Again, it is important to acknowledge this and reassure them that all of their feelings are a normal reaction to abnormal circumstances.

Acknowledge that they may feel terrified by the prospect of either meeting the perpetrator face to face at a meeting or of being viewed as a troublemaker. If possible, offer reassurance that they won't suffer any negative consequences e.g. having to leave their job or move office etc.

Encourage the member not to isolate themselves or withdraw. They should continue to socialise and try as far as possible to lead a normal life.

They should seek support from a variety of sources and recognise that rather than being powerless, the opposite is true.

The member has a position of power because it is their popularity or ability which has clearly threatened the alleged perpetrator.

Awareness of confidentiality

Reassure the member about issues of confidentiality, so they feel properly protected. Explain the circumstances in which confidentiality cannot be guaranteed.

Under Health and Safety legislation employers have a 'duty of care' toward staff.

In certain scenarios a member may be making serious allegations which potentially will be affecting their health and that of their colleagues. Whilst they may not want any action to be taken, the union and employer have a responsibility to ensure the matter is properly investigated and dealt with.

Care should be taken to explain this to members. Whilst confidentiality cannot always be upheld, any subsequent action should be taken with a view to respecting the member's wishes as much as possible. They should also be kept fully informed of developments and consulted about action taken.

The member should be in control of events as much as possible. In only the most extreme cases should it be necessary to take action against the wishes of a member i.e. when their own safety or that of others is put at risk.

Awareness of Policy/Procedures

If they have not already done so, encourage the member to read up on the organisation's policy and to start learning about issues of unacceptable behaviour, bullying and harassment e.g. they could be provided with a copy of this guide.

Remember that knowledge equals power.

LISTEN

Listen carefully to what the member says and make it clear that you don't consider them to be over-sensitive, that the incident isn't silly or trivial, and that the union is prepared to help.

You may be the first person that the member has approached for support and the first person to have heard their 'story'. At this stage the most important

thing is that they know that someone will listen to them.

As Tim Field states, targets of bullying "often have an overwhelming and at times almost uncontrollable desire to tell their story. This obsession probably has its origins in the heightened sense of injustice combined with the lack of recognition and want of opportunity to talk to people who understand the unimaginable awfulness of what has happened."

The potentially debilitating effects of being the target of unacceptable behaviour mean that a member may have difficulty or be unable to find the words to describe what has happened to them. It may take a significant period of time before the member is able to recall and recount a complete and coherent picture of events but with the right help and support this time can be significantly reduced.

INVESTIGATE

The role of a workplace representative can involve conducting some form of investigation into the issues that a member is raising.

The size of an organisation, the resources at its disposal, the provisions of any Dignity at Work policy and the level of organisational commitment toward effectively challenging and dealing with unacceptable behaviour will all influence the degree to which a workplace representative should and will be involved.

In an ideal world an organisation would commission an external, independent and specialist investigator or failing this an internal, trained investigator. This increases the objectivity of an investigation.

In most cases, at least initially, the workplace representative has to help the member gather the evidence and investigate the allegations.

Some members may have already kept a diary/journal/log or collated a body of evidence to support their claims. If not encourage them to do so retrospectively and to discreetly record every future incident.

The detail of all incidents which have caused upset should be recounted, including date, time, witnesses, how they felt after each incident and the affect

this had on them and others, both personally and professionally.

It is extremely helpful to have a list of unacceptable/negative behaviours to use as a prompt, such as that in **Appendix two**.

It's not necessarily each incident that is relevant but more the number, regularity and especially the patterns that reveal potential bullying and harassment.

The alleged perpetrator may offer explanations of individual incidents but cannot explain away the pattern.

The quality of evidence will vary between:

- hard, factual, documentary evidence
- incidents that have been witnessed
- alleged incidents where it will simply be one person's word against another (these may be more down to individual's perception of events).

Even if the evidence appears to be weak reassure the member that their perception of what is happening to them will be taken seriously and is the overriding concern.

Advise them to gather as much corroborating evidence as possible in writing: emails, text messages, letters, faxes, memos, reports, documents, appraisals, supervision notes etc. Previous appraisals are important to check as they can confirm that it is not the member's performance which has altered. Performance issues can also be checked with colleagues.

Make sure that the member has or obtains a copy of their job description so they can check if the responsibilities they have been given match it.

When trying to persuade the relevant parties that a member has been subject to unacceptable behaviour and has potentially been bullied or harassed, the more evidence the better.

Collating such evidence and having to learn about the issues can also help the member to validate their experience and therefore assist recovery.

As well as potentially witnessing incidents, colleagues may also have been the target of similar treatment and at some stage it may be appropriate to approach them to see if they will

support the member.

They may be willing to offer support in person or prefer to do so in confidence. They should be asked if they will provide a written statement.

Quite often several members of staff may be affected at any one time. The more people experiencing the same type of conduct and willing to come forward, the less likely any complaint will be thought of as a personality clash on the part of the member.

Advise the member to keep any records in a secure place, preferably away from the workplace. This is to ensure nothing is 'lost', 'misplaced' or tampered with.

DETAIL THE CASE

The complaint should be as objective as possible so that the member cannot be accused of making a vexatious, false or malicious allegation.

It is important that any evidence is written up in a logical, coherent and structured manner, as this will greatly assist anyone connected with advising on the matter or attempting to resolve the issues.

Everyone will make their own assessment of the information in front of them. The clearer that is, the more likely that all concerned will reach the same conclusions and agree on the most appropriate way forward.

The role of the workplace representative in this process may be to assist the member to logically structure their information and evidence. In more extreme instances it may mean that you have to write a report on the member's behalf, however, it is important to ensure that the report is essentially in the member's own words.

This may well have resource implications which will need to be addressed and should not be ignored.

ASSESS AND DISCUSS OPTIONS

Discuss with the member how s/he wishes the case to be pursued.

Your role is to help the member to explore all available options for dealing with the issues they have raised, so that they can decide what to do next and take ownership of that decision.

Doing nothing is not an option as this will undoubtedly make matters worse and may place the employer in breach of their policy and the duty of care they have toward the member and other colleagues.

Whenever possible it is always best to 'nip issues in the bud' before they escalate and become more serious but any attempt to resolve the matter should, when appropriate, be done in a way that enhances the possibility of retaining the basis of a working relationship in the future.

Whatever option is chosen the workplace representative should ensure that the issues are dealt with as quickly as possible by management and that agreed deadlines and actions are adhered to.

Remind the member about their rights to representation throughout the process.

TAKING ACTION

Irrespective of the course of action taken, workplace representatives need to be careful that the employer does not try to 'sweep the issue under the carpet', collude with the perpetrator, breach confidentiality or unnecessarily delay the process.

If there is a genuine commitment to achieving a positive outcome then the problems listed above should not arise.

An informal approach is normally inappropriate when the allegations are serious e.g. potential gross misconduct or if the member feels that it will make matters worse.

Talking to the perpetrator

Even though this would appear to be an apparently straightforward and 'common sense' approach it needs very careful consideration as to whether it is appropriate. It can be a very effective means of resolving the issue and is more likely to be successful when the working relationship is generally positive, the problems are recent and the perpetrator is felt to be open to reflection and compromise.

Sometimes individuals are unaware that their behaviour is unwelcome and hurtful and an informal approach can lead to greater understanding and an agreement that such behaviour is unacceptable.

The benefit of this approach is that issues can be resolved quickly and healthy working relations can quickly be restored.

Only if the member is extremely confident of a positive outcome should they speak to the alleged perpetrator alone.

It is not an appropriate course of action when there have been threats or threatening behaviour.

It is also not appropriate when dealing with someone felt to be a serial bully as they will most likely deny their actions or 'play victim'. In addition they are likely to counter attack, becoming even angrier and more vindictive toward the member.

If a member chooses to talk directly with the perpetrator alone, or with a workplace representative/colleague present, then ensure that what will be said is clearly planned beforehand. A suitable time and place should be chosen to ensure that there will be no interruptions and confidentiality can be maintained.

If a member intends to have a workplace representative/colleague present then ensure the alleged perpetrator is advised of this before the meeting.

The member, or the workplace representative/colleague speaking on their behalf, should clearly describe what it was about the behaviour which they found upsetting, how it left them feeling and the impact. They should provide examples and be clear about the resolution they are seeking.

When providing examples of the unacceptable behaviours the member should describe the emotional impact but try and avoid being too emotive in their language. They should avoid personalising the behaviours e.g. say "the behaviour was undermining" rather than "you undermined me".

They should not be apologetic or justify how they felt or their right for the behaviour to stop. It is also inappropriate at this meeting to enter into a discussion or debate about the behaviour.

Such informal meetings should be followed up in writing to confirm points made and agreed action to be taken. This letter should be copied and retained as it may be required as evidence at a later stage.

Writing a letter

This is appropriate when talking to the perpetrator has not achieved the desired

outcome or a physical meeting is either difficult to arrange or felt to be too distressing for the member.

This approach allows preparation time, enabling the member to be clear about what they want to say and it acts as a precise record of what has been communicated.

The letter should be structured in a similar way to the advice given above for talking to the perpetrator.

Copies of all correspondence, including a letter such as this, should always be kept.

A member should only write a letter if they are able to deal with the potential responses and are prepared to talk about the difficulties directly. It would not be appropriate if it was felt that the perpetrator would react in a negative manner and target the member further.

Mediation

This is appropriate when there is a need for support in dealing with a problem, there is agreement on the existence of an issue and both parties are willing to work for a win-win solution.

It is not appropriate when one or more parties are unwilling to take part in the process, there has been serious bullying or harassment or the parties are not willing to negotiate.

A mediator can help to:

- Identify what has happened by speaking confidentially to all parties,
- assess the best way to bring the parties together,
- hold a joint meeting,
- explore the issues and build an agreement for future working relationships.

It is not the mediator's role to solve the problems and mediation will not be successful if the parties involved dwell on the past and look to apportion responsibility/blame.

It is recommended that professional mediation should be used since this is a highly skilled area of conflict resolution. A manager acting as 'go-between' would not be appropriate.

Formal interventions

Formal methods are appropriate when

the incidents are considered very serious by the target, informal routes have been unsuccessful/inappropriate or one or more parties concerned believe the formal process to be the most suitable course of action.

Formal methods are not appropriate to pursue when in so doing the member is likely to suffer further extreme distress which could have been avoided by pursuing an alternative course of action.

The formal method should involve following the organisations Dignity at Work procedures.

Professional Advice

At some stage, and each case is different, it may be appropriate to seek professional support from the union. This is normally via the Regional Officer and may involve the union's solicitors (if membership of the union exceeds 6 months).

The legal advice should clarify whether a member is likely to have a case should they wish to pursue a legal claim against their employer for potential constructive / unfair dismissal or a personal injury claim against the employer/perpetrator.

Always encourage a member to await the outcome of advice either from the union's full time officials and / or legal department before making any 'rash' or 'knee jerk' decisions e.g. deciding to resign.

Wherever possible members should also be advised to exhaust all internal processes and procedures for resolving disputes. Failure to do so could severely weaken any legal case they may have had.

EVALUATE

It is important at different stages of a representation and at the end of a case to evaluate the success of the advice and support offered and if necessary to make further representations on behalf of the member.

In addition there may well be valuable lessons which should be learnt and implemented for the benefit of the wider workforce.

There may well be a number of residual issues left over which need dealing with if any reoccurrence of problems is to be avoided.

Programmes of rehabilitation for those involved and counselling may also be appropriate. If the member has been off 'sick' then a phased return to work may be helpful and a planning meeting should be held to facilitate this and other outstanding issues.

An important part of the rehabilitation process is the assurance that everyone shares the same expectations of the way people will behave toward one another in the future.

The needs of all involved should be clearly assessed and regular meetings held to ensure all issues are satisfactorily dealt with. This may need to include the wider staff team that, whilst not directly involved, may have witnessed and been drawn into events and have a number of residual issues that need to be addressed.

Far too often, targets of bullying and harassment are expected to return to work and carry on as if nothing had happened and with no recognition of the long lasting and damaging effects. Recovery time can be anything from a few months to a number of years.

If the member decides that they wish to move on then they should also be given positive assistance to achieve this.

Further reviews may be necessary to assess the long term outcomes.

Finally, evaluation should focus on whether the unacceptable behaviour has stopped and the member and other colleagues are operating in a healthy working environment.

It should be ensured that any agreement is effective.



10. Representing an Alleged Perpetrator

UNION POLICY

The policy of Unite is to oppose discrimination and harassment of any kind and this includes bullying. Representatives should make it clear that Unite does not tolerate bullying and will not defend bullying behaviour by members. The perpetrator should be advised to accept counselling, mentoring, training or other types of assistance to help him/her recognise and change their behaviour.

Unite will, however, provide representation for members accused of bullying to ensure that due process is followed and, in circumstances where both the target and the alleged perpetrator are both members, separate representation will be provided for each party.

Workplace representatives should bear in mind that inaccurate/false accusations can be made and on occasion these can be malicious or a form of counter attack. Do not jump to conclusions or presume guilt.

UNACCEPTABLE BEHAVIOUR OR BULLYING/HARASSMENT

In determining how best to deal with incidents of unacceptable behaviour it is necessary to understand what type of perpetrator the organisation is dealing with and the severity of the behaviour. This will influence how the issues are resolved in terms of stopping the behaviour and what action to take with regard to the perpetrator. This may be punitive or rehabilitative or a mixture of both.

We are all prone to having a 'bad day at the office' when our own behaviour falls well below what we normally aspire to. Equally some of us may have poor communication and interpersonal skills which mean that our behaviour toward colleagues can also at times be unacceptable.

Alleged perpetrators can be unaware of the impact of their behaviour and actions. To be accused of bullying or harassment can be a shock. Therefore it's important that they are provided with an appropriate level of care and support during both informal and formal processes.

If the alleged perpetrator is demonised they may well become defensive and enter a state of denial. Care must be taken to adopt an approach that assists them to take ownership of their behaviour, accept responsibility and want to change. It is more helpful to refer to their behaviours as negative, inappropriate or unacceptable, rather than personalising their behaviour and labelling them as a 'bully' or 'harasser'.

Organisational factors or issues of ill health may influence the behaviour of an alleged perpetrator and should be taken into consideration and addressed.

An emotionally mature person will genuinely apologise for their behaviour and take on board any necessary learning. Being made aware of and being able to identify the effect of their behaviour on others is sufficient to make them want to stop or seek help in stopping.

At the other end of the scale is extreme behaviour where the personality of the perpetrator is such that it is accurate to label them as a serial bully. Such individuals tend to be spiteful, vindictive and destructive toward their target(s) and abuse their position of power for their own gratification.

A serial bully is arrogant and usually believes they will get away with their behaviour.

Their capacity to manipulate, deceive and deny should never be underestimated.

That is why they are able to bully without being effectively challenged.

It is therefore of crucial importance that workplace representatives understand the methods and tactics of a serial bully or harasser. Failure to do so will undoubtedly have a negative outcome for the member(s) involved, the organisation and others in the future, including the perpetrator. It will almost certainly result in an unsatisfactory resolution of the issues.

Workplace representatives should also ensure that management and HR staff understand such methods and tactics.

11. UNDERSTANDING THE TACTICS OF A SERIAL BULLY

In his book, "Bully in Sight", Tim Field suggests that:

When a serial bully is challenged their underlying behaviour pattern is predictable, showing some, if not all, of the steps outlined below.

By carefully recording the bully's responses, their actions can be shown to conform to the pattern of behaviour characteristic of a bully and in this way **they convict themselves through their own behaviour.**

When dealing with a serial bully, watch for this fifteen-step behaviour exhibition:

Surprise – This may be the first time the bully has been challenged in this manner and the surprise may be genuine. On the other hand, the bully is so accustomed to behaving like this that it is more likely to be an instinctive response, "I thought we were friends".

Denial – The first outward sign of unwillingness to accept responsibility. This is an inborn self-protection mechanism that most people will resort to when alerted to some potential unpleasant consequences as a result of their actions e.g. "I'm not a bully, it's not in my nature". Unfortunately it's part of the human survival instinct and therefore in all of our natures.

Projection – The bully now tries to project their own failings on to the other person, who under the pressure of threat and intimidation, possibly backed up with guilt begins to doubt themselves e.g. "You have an attitude problem, I can't trust you" etc.

Sympathy – An instinctive response by which the bully tries to claim sympathy. It's a form of diversion and precursor to the final stage in the process e.g. "Do you know how much I've suffered?", "I'm under so much pressure" etc.

Alarm – When the target doesn't back down or fall for the sympathy trap, the bully may become alarmed that the tactics are not working and offer to discuss the concerns 'openly' e.g. "We can sort this out between us", "I'm here to help, trust me", "There's no need for anyone else to be involved" etc.

Threat – The bully tries to intimidate and frighten the target. The target has always succumbed before e.g. "This isn't doing your reputation any good", "I'll have to bring this up with the Director",

"It could get nasty", "I might have to speak to my solicitor" etc.

Most of the threats are implied rather than real. In most cases the bully has no intention of contacting anyone. Sometimes however, the bully may contact those regarded as potential allies.

This approach is also used to imply that the bully has the full support and backing of the colleagues they name. This may be true and in the event of a confrontation these colleagues may indeed side with the bully, thus turning the threat into a self fulfilling prophecy.

It is also possible that the bully does not have the support of anyone.

Threats are provocative, anticipating the next step. If it is suspected that the bully really has consulted a third person and made them aware of the 'facts', pause and consider how to approach the situation. A sudden reaction, which is what the bully wants, may be inappropriate or unnecessary and may make the situation worse. A considered, discreet enquiry at a suitable time may be more appropriate. If a member decides to double check, advise them to stick firmly to the facts.

Provocation – This is an attempt to elicit a knee jerk reaction. In doing so the bully is trying to gain 'evidence' that can be used against the target as justification in portraying the target as untrustworthy, immature, unreliable, etc.

Although difficult the target must try to ignore such provocation. This will annoy the bully even more and encourage them to engage in further inappropriate behaviour. The more impeccable the target's behaviour, the more corroborating behaviour the bully will exhibit. They therefore convict themselves through their own actions.

No matter what the provocation, advise the member to try and maintain their self-respect and professionalism.

Encourage them never to sink to the bully's level.

Notes of every interaction and everything the bully says, does and threatens should be made. The motivation behind such behaviour is the relevant factor here, not the content of what the bully says or does.

"I know people in high places who will put a stop to your game", "I don't see how we can continue to work together if

you continue to behave like this”, “I’m reporting this to senior management this afternoon”, “You’re behaving in a childish and immature manner”, “You’re embarrassing yourself, me and the company”.

The last provocative remark contains guilt and implied threat. It is a weak but often effective attempt by the bully to align themselves with both high moral standards and the standards of the employer. It can have a strong isolating effect on the target.

Delay – Bullies may put off disciplinary meetings, hearings, appeals, etc. as often as they can get away with it. Dates, times and places will be changed, often at short notice, the other party will be informed with the minimum of notice but justified by seemingly plausible excuses. Important and vital documents will be withheld until just before the meeting or until just after. Another seemingly plausible excuse and apology is offered. One or two important pieces of evidence may be ‘lost’, ‘in the post’, ‘wrongly filed’, ‘between departments’, in fact anywhere other than where they should be.

Panic – The bully senses a real risk of exposure as it is rare for a target to have got this far down the list. Attempts are made to gather support from peers, management, subordinates, friends, anywhere. Time to challenge the target and repeat threats.

The bully continues to try and put off meetings, deadlines etc. and may unilaterally try to postpone any grievance procedure, meeting or attempt at arbitration. In a show of apparent sincerity, the bully may repeat their offer to discuss openly; “Let’s talk”, “It’s all a big misunderstanding”, “It’s a mistake, you’ve got it all wrong”.

Defence – Or rather, attack. A string of counter accusations are made; some will be false, some (usually trivial) will be true but most will have a **grain of truth** in them. The bully picks on any faults and mistakes the target has made, magnifies them, then portrays them as the norm, rather than the exception. The bully’s objective is to keep the spotlight and the focus on the target and what s/he has or hasn’t done.

Confusion/Diversion – Leading on from defence, particularly if the tactic does not appear to be having the desired effect,

the bully’s supporters join in with the bully and close ranks. By sowing seeds of confusion and doubt on a regular basis and involving as many different people as possible the bully may convince the employer that it is the target who’s at fault and should be removed.

The target’s record is scoured for any trivial mistakes, which are now highlighted. This diversionary tactic distracts attention away from the behaviours of the bully and of the bully’s supporters. **The give-away is the triviality** and irrelevance to the current situation of the allegations.

Sometimes the management position becomes entrenched. Typically the case presented has nothing to do with the target’s performance, which is probably on record as ‘above average’. The triggering event in this type of case is usually the target filing a complaint against a senior manager who is known to have a history of bullying.

Counter attack – The bully makes counter allegations, either related or unrelated. The bully states openly their belief, in the form of a claim or threat; that they are the one being bullied or harassed e.g. “You’re being too hard on me”. The effectiveness of this last tactic can be increased dramatically by engaging a ‘friend’ to say it on the bully’s behalf, especially in front of witnesses, “Are you sure you’re not over reacting and being too hard on ‘X’?”.

In so doing, they are preparing the ground for the final step in their defence.

Humility – This behaviour will only appear if the bully is acting alone and has no one to turn to and particularly if faced with overwhelming odds or has been caught red handed. The bully’s only recourse is to surrender in the hope of winning sympathy, leniency or mitigation. Suddenly and unexpectedly the bully offers a full, sincere apology and complete cooperation.

In the workplace, the tactic is highly effective when used on persons not alerted or trained to recognise it. The sudden change of tack touches the forgiving chord and can induce feelings of doubt, “Have I been too hard on this person?”, “Have I made an awful mistake?”.

With serial bullies, this behaviour is a tactic designed to get them out of the hole they’ve dug for themselves. To the

alert observer it is also an admission of the bully's unwillingness to accept responsibility for the consequences of their behaviour.

If this was a genuinely full, sincere apology and offer of complete cooperation then it would have been expressed at the beginning of the process rather than at such a late stage.

All those involved should be alert to this tactic and not view such an apology and offer of cooperation as a step toward resolution. Previous patterns of behaviour will soon reassert themselves. By fooling those involved the bully lives to fight another day and will potentially seek revenge on the target.

Play victim – As a last resort the bully feigns innocence, swaps into 'martyr mode' and plays the part of a victim, ensuring witnesses are present. Tears are likely to be produced.

This unabashed use of guilt has a very high probability of success as it is very difficult not to feel sympathy for someone who portrays themselves as a victim and subject of persecution e.g. "Why are you doing this to me?", "What have I done to deserve this?", "What good will it do?", "I'm the one being bullied!".

This 'performance' is highly convincing to onlookers who have not been trained in recognising such bullying tactics. The bully may even be signed off with sickness, usually 'stress'.

To counter this behaviour in a disciplinary hearing or related meeting draw attention to the motivation behind the behaviour exhibited, rather than what the bully says or does, the content.

It is useful to refer to this list or one similar and at the appropriate moment summarise what has been observed. The bully's own behaviour can be used as evidence against them to identify and prove the case.

INSIGHT

When confronted or challenged about bullying or harassing behaviour, the perpetrator will potentially display some or all of the tactics described above. This does not necessarily mean that they should always be labelled as a serial bully.

It is vital to distinguish between someone who is reacting defensively out of shock at hearing how their behaviour has impacted on staff - and someone with a

potential personality disorder. One means of determining this is to focus on the issue of **insight**.

Where a perpetrator's level of insight is reasonably strong they may initially be angry, upset and look to place some blame elsewhere. However, on reflection they will very quickly step back from this position and accept full responsibility for the consequences of their actions.

They will display genuine remorse for causing any upset, be willing to offer a full and unconditional apology to the target, take on board any recommended training or learning and be committed to avoiding causing further offence.

They will also be able to demonstrate a high degree of insight into why their behaviour was unacceptable and be able to empathise with the distress caused to the target. This requires emotional maturity.

In contrast a serial bully or harasser may attempt to demonstrate some of these positive behaviours but is unlikely to convince an investigator / observer that they have any detailed insight into the consequences of their actions. As such they betray the fact that, yet again, such attempts are merely a tactical ploy to evade responsibility.

Even when the negative behaviour is less extreme an inability to demonstrate insight or empathy should still be of concern. It suggests that the perpetrator is emotionally immature and could present an ongoing risk to colleagues.

Level of insight is therefore crucial in determining how to deal with an alleged perpetrator and assessing the level of ongoing risk they pose to the target, other staff and the organisation.

The 'level of insight' can be tested in any investigation by questioning the alleged perpetrator. Coaching/leading questions should be avoided at all costs.

Relevant questions could include:

"B was upset by your behaviour, can you explain why he might have felt that way?"

"C was upset by your behaviour, what do you think she felt?"

"In behaving in the way you did, what did you hope to achieve?"

"What could you do differently in future, in order to avoid any distress?"

12. Methods of Resolution

In seeking a resolution most members will simply want the behaviour to stop, as should the organisation.

The organisation should also ensure that they accept responsibility by not colluding with behaviours that create a culture of unacceptable behaviour.

In reaching a satisfactory resolution any intervention should have the aim of helping the perpetrator(s) to:

- Recognise their behaviour was inappropriate/unacceptable and take responsibility.
- Identify any underlying causes for their inappropriate/unacceptable behaviour and address these.
- Offer a genuine apology for the distress caused.
- Learn how to behave in a way that respects and values the dignity of others.

There are a number of methods by which perpetrators can be helped to examine and reflect on their behaviour and avoid any repetition. They should also be made aware of the consequences if they fail to do so.

For low level incidents of unacceptable behaviour, simply bringing the matter to the perpetrator's attention will suffice. Reference should be made to the appropriate policies.

Others options for behaviour regarded as less extreme include:

Behaviour modification/awareness raising programmes/training

Counselling

Coaching

Group work

Group training

Mentoring

Monitoring

Such interventions may be a recommendation of a formal or an informal process and may or may not be imposed alongside a disciplinary sanction.

If the perpetrator is felt to be a serial bully then the possibility exists that they may have a personality disorder and as such they will be unlikely to positively respond to interventions such as behaviour modification or awareness raising training.

Personality disordered bullying should not be treated in the same way as other types of unacceptable behaviour as in doing so there is the potential for far greater conflict. The system and procedures will be used for the perpetrator's own ends and they won't recognise the confusion and mayhem their behaviour is causing.

In the most extreme scenarios legal action may be appropriate, which would be accompanied by internal disciplinary processes.

For serious cases involving a serial bully/harasser the behaviour is likely to constitute gross misconduct. In this scenario disciplinary action will be appropriate and subsequent dismissal from the organisation is highly likely.

Depending on the seriousness of the case, and the level of contrition and insight demonstrated, there may be a desire to retain the perpetrator but organisations should be mindful of the effect on the target(s) and the message it sends to other staff.

In some instances the cost of retraining/counselling/mentoring and the time needed may be too prohibitive for an organisation to reasonably bear. Dealing with a serial bully is extremely challenging for all involved and ideally help should be sought from trained professionals e.g. psychologist.

Even when a member of staff is not facing dismissal on disciplinary grounds it still may not be feasible for them to continue in the organisation or return to work following suspension or 'garden leave'. In such scenarios it may be appropriate to use other procedures for managing the departure e.g. capability/ill health etc.

Alternatively it may be appropriate to move the perpetrator to another office/location and/or suspend/remove their line management responsibilities. However, this is not appropriate as a resolution in itself as it is merely shifting the problem without addressing the underlying issues.

It is always important to remember that every employer has a responsibility or duty of care to its employees. They should be reminded of this legal obligation when determining how to resolve the issues.

13. A collective approach

As a trade union, Unite recognises that the most effective way of dealing with unacceptable behaviour is to try and prevent it happening in the first place.

A key method by which this can be achieved is to have an effective work-place approach to Dignity at Work. This must involve an accessible, understandable and robust policy for dealing with situations when they arise. Any policy should be developed and implemented with the consensus of all relevant parties.

There is a wealth of material available to assist management and trade unions to formulate effective policies for their organisation. Such material includes 'model' policies that can be adapted to suit your own organisation. In this guide the aim is to highlight some of the key features.

Formulating an approach

To genuinely promote Dignity at Work and positively deal with targets and perpetrators of bullying and harassment organisations need more than just a policy. A live strategy which is constantly being applied across the whole organisation is required. The strategy should include:

1. An audit to analyse the extent of bullying/unacceptable behaviour, and any specific issues
2. A policy which promotes positive behaviours and makes bullying/unacceptable behaviour a potential disciplinary offence
3. Training for line managers who are responsible for implementing the policy
4. A process whereby all targets and witnesses can raise a complaint without fear of reprisal or victimisation
5. A network of representatives to assist employees wishing to raise an issue
6. Clear communication about the organisation's stance on bullying and commitment to Dignity at Work, informing all staff of their rights and responsibilities
7. Training on raising awareness and developing the skills needed to deal with issues of bullying and harassment
8. Regular monitoring and review of procedures and their effectiveness
9. The provision of independent and

confidential counselling for the target and witnesses

10. The provision of coaching for the perpetrator.

Formulating a policy

Policies should be clearly written and easy to understand. They should start by stating the organisations understanding and commitment to Dignity at Work and the right of all employees to work in an environment free from bullying and harassment. It should also open with a statement on the responsibilities and duties of both individuals and the organisation in collectively promoting dignity and respect and tackling unacceptable behaviour.

It should be stated that all complaints will be taken seriously, that confidentiality will be respected, and that victimisation of those that raise complaints will not be tolerated. The policy should also detail the sources of support available to a target.

The procedure itself should consist of:

- An informal stage
- A formal stage
- An appeal stage.

An informal stage

Most people just want the bullying to stop. An informal route, properly managed, can be quick at achieving this. It can enable the case to be aired in full and a positive way forward identified, including the setting of standards of appropriate future behaviour.

A trade union representative must be able to support the target and the perpetrator and their role is to provide guidance, information and assist in problem solving.

This comprehensive guide can be used to assist the target to recognise what has happened to them. Other support services can help the target regain their confidence and self-esteem.

A formal stage

This route should be pursued when the seriousness of the incident is such that only a formal route is appropriate or when attempts to resolve the situation informally have not been successful. Occasionally the target may prefer to use

the formal route to try and resolve the situation.

Employees need to understand that all complaints raised will be taken seriously and will be properly investigated.

It should be noted that quite often grievance procedures are inadequate for dealing with issues of potential bullying and harassment as they only allow matters to be raised with the employee's line manager or line manager's manager. As it is often these managers that are responsible for potential bullying and harassment it is necessary to provide other named individuals with whom a complaint can be raised and who have the authority to commission a proper investigation.

It is essential that an impartial and, wherever possible, independent investigation is undertaken. An internal investigation should be carried out comprehensively and expediently by a trained individual with proper regard for confidentiality. Thorough recording of all the interviews should also take place.

On some occasions it may be appropriate to bring in an external, trained, professional investigator. There are several organisations that specialise in this area.

The investigation's recommendations may lead to disciplinary action, in which case procedures must ensure that the target is not subject to further unwanted behaviour.

An appeal stage

If the target is not satisfied with the outcome of the formal stage, they must have the option of taking the matter to an appeal.

Communication

An organisation must have a clear communication strategy for regularly stressing its commitment to Dignity at Work. Although it is important for all employees to be made aware of any policy developments, simply stating an organisation's commitment at the time of launch is not enough.

Using posters in the workplace, outlining the organisational approach on an intranet site, providing advice to employees and putting information into team briefings are some of the ways to ensure that Dignity at Work remains high on the agenda.

Training

To ensure that a policy is effective, training must take place at all levels in the organisation, particularly for those with designated responsibilities in both the informal and formal procedures. Training should go beyond the technical application of a policy. It should also examine behaviours and the working environment and culture in which such behaviours take place.

Monitoring

Finally, the best way of assessing any strategy's effectiveness is to regularly evaluate it. Such an evaluation should include:

- Reviewing the policy at regular intervals by holding meetings with representatives and managers
- Keeping records of complaints made in the informal system
- Keeping records of the outcomes of formal investigations and the time taken to resolve issues
- Reviewing the nature of complaints, without breaking confidentiality guidelines
- Checking exit interviews and performance appraisals for signs of bullying and harassment
- Carrying out intermittent audits and surveys.

The Beat Bullying in the Workplace report produced by the Dignity at Work Partnership examines some of these issues in more detail.

14. Organising

Every trade unionist should look for opportunities to organise around relevant workplace issues and Dignity at Work is a classic example.

Trade unions have made great progress in raising the importance of this issue and have persuaded many organisations to address the many forms of unacceptable behaviour, such as violence, bullying, harassment and discrimination.

Trade unions are extremely effective at developing good workplace policies and practices and we provide members with excellent support through our trained representatives.

A high percentage of employees are either targeted or witness incidents of unacceptable behaviour during their working lives. This reality, placed alongside the positive efforts of the union to address the issues, means we have a massive opportunity to organise around this key theme.

Raising awareness

Informing employees of the work of unions in this area will help them to understand the added value that we bring to organisations. It will also help to demonstrate the invaluable advice and support we offer members in times of trouble.

Circulating information

Circulating leaflets and other materials in the workplace about this issue is another means of promoting the message. This should include advising individuals on how to respond when faced with unwanted behaviour.

Holding events

Holding an event in your workplace, whether a stand in the foyer or a seminar for all employees in the lunch break, is another means of promoting **the issue and the union** through how it addresses this issue.

It is important that you have the right material to support this work, and Unite has produced specific information about Dignity at Work – leaflets, posters, and other recruitment materials like pens, coasters, and so on. As representatives, always make sure that you have wider information about the union available, as well as application forms (although people can always join on-line).

Finally, if you need any support with organising in your workplace, then contact your Regional Officer who will be able to advise how to make the most of this opportunity.

15. Conclusion

Numerous surveys and studies have shown and continue to show that what we commonly refer to as bullying and harassment remains a real and relevant issue in all sectors of life, from the playground and classroom, to domestic life and the workplace.

Whilst the law provides some protection from discrimination and harassment there is as yet no legislation dealing with the specific phenomenon of bullying in the workplace. Other countries have introduced legislation and it is long overdue in the U.K.

Perhaps of more relevance is the failure to adopt legislation to cover the positive concept of dignity at work. For too long now a debate has continued, attempting to define bullying and harassment. Without common agreement it is too easy for some to label legitimate work place behaviour as bullying and too easy for others to label their bullying behaviour as simply being firm or misunderstood.

This has detracted attention away from promoting positive behaviours and what should be the real focus of the debate. We have a right to be treated with dignity and respect and this human right should be the primary concern for employers, employees and particularly the trade union movement.

Any workplace that is free of bullying and harassment should be commended. However, a model employer is far more likely to experience occasional problems but have robust and effective policies and procedures to deal with issues as and when they arise.

Promoting a culture of zero tolerance is not easy and for workplace representatives such an aspiration can seem unrealistic and naïve. However developing and promoting an understanding of the benefits for all concerned can help to persuade employers and employees alike.

It is crucial to remember that bullying

and harassment will only take place in organisations that allow such behaviour to take place.

A starting point is to describe behaviours that unreasonably distresses colleagues as unacceptable. If such behaviours are regarded and understood as unacceptable/negative/inappropriate by us all, the likelihood of them escalating into what we refer to as bullying and harassment will be minimised.

It is only in doing so that a common understanding can be developed and strategies agreed upon to combat such behaviour.

Having to advise a member can be a daunting experience but can also be extremely rewarding. With appropriate understanding and training the member can be assisted in choosing the most appropriate path for securing a positive outcome. They appreciate and can identify that your advice is the starting point in regaining confidence and control.

By acting calmly, being willing to learn and avoiding jumping to conclusions we can soon become competent in recognising what is really going on and influencing the appropriate intervention on behalf of members.

Hopefully this guide provides comprehensive information on how to deal effectively with behaviour associated with bullying and harassment. It is not a subject to be trivialised or ignored and appropriate training should be sought. Remember that no advice is better than bad advice.

By using this guide and the other materials referred to, Unite workplace representatives and officials can play a vital role in supporting members, supporting each other and working with employers to share learning and ensure that negative and distressing behaviours are regarded as unacceptable in the modern workplace.

14. Appendix One

EXPECTED BEHAVIOUR (Taken from The Children's Society's Dignity at Work Policy)

WE EXPECT ALL STAFF TO:

Treat colleagues fairly and equally.

Value differences in others and the contribution they make.

Treat all colleagues with politeness, courtesy and respect when carrying out your work.

Behave at all times with integrity, honesty and openness.

Be aware of how your behaviour impacts on others and change it if it is likely to cause offence or has caused offence.

Only put in writing what you would be prepared to say in person.

Challenge inappropriate behaviour constructively and bring unfair treatment you have witnessed or strongly suspect to the attention of relevant managers or other designated staff.

Offer appropriate support to colleagues where possible, as the lodging of a complaint and any associated investigation can be extremely difficult and distressing for both the complainant and the subject of the complaint.

Cooperate with investigations into allegations made under this policy and maintain confidentiality as agreed.

OUR MANAGEMENT POLICY

We recognise our moral and legal accountability for the resources entrusted to us, and our management policy must be seen to take account of our stewardship of material resources and of the human skills and personal commitment of paid staff, volunteers and supporters.

We believe that our objectives and the nature of the staff we employ indicate the need for a proactive and flexible management style, within certain broad principles which are common to the whole organisation.

We recognise that conflicts of opinion and interests arise and that if managed properly they can form a healthy means of challenging assumptions, encouraging progress and generating fresh energy.

Managers have the right to set targets and standards of performance and monitor their achievement. Poor

performance and unacceptable behaviour will be addressed by professional management behaviour which does not undermine the dignity of employees. This will include the application of the capability and disciplinary procedures where this is warranted.

Legitimate management action within agreed procedures to deal with staff whose ability or behaviour is in question is not bullying or harassment.

However, if that manager's behaviour is outside of what is considered "legitimate and reasonable management action" then such action is likely to be considered as bullying or harassment.

In order to promote a positive work environment and encourage dignity in the workplace we expect **all managers to uphold the following broad principles, to:**

Reach out by committing ourselves to respect all staff and to value their personal and cultural backgrounds, regardless of their organisational position.

Involve and listen by recognising the contribution which individuals make to good decisions, and take active steps to secure their participation.

Overcome injustice by encouraging fair and just processes within the organisation.

Recognise and nurture by ensuring that all staff and volunteers add value to our work and are developed to achieve business outcomes.

We expect all managers to adopt a style which:

Leads by example and sets high standards in terms of expected behaviour in the workplace.

Results in any process of change being as positive as possible for all those involved.

Results in conflicts being contained in a constructive way.

All managers are expected to:

Behave at all times in an ethical and morally responsible manner, accepting responsibility and accountability for their own actions.

They must concern themselves with the performance, progress, employment conditions, well being and development

of each member of their team as we see the care, support and development of staff as an integral part of management.

Therefore managers are required to manage employees effectively in a fair and consistent way and to foster mutual trust and respect within their team.

This includes a requirement to:

Promote a healthy work/life balance, and give fair consideration to requests for flexible working.

Ensure that communication is two way, straightforward and timely and be available to staff to discuss their problems or concerns and to provide appropriate support.

Fully listen to and answer views and questions, giving the appropriate level of detail and explanation. Fully explore all reasonable options in a diligent and timely fashion.

Undertake consultation with a view to reaching agreement on any change.

Take all reasonable steps to assist and support staff through any process of change.

Clarify roles and tasks of team members, including levels of authority and accountability, and involving staff as fully as possible in the planning, budgeting and monitoring of the tasks in which they share.

Be open to feedback and give constructive feedback related solely to genuine performance issues.

Involve appropriate staff as fully and openly as possible in reaching a decision, achieving as much participation by staff as the situation permits.

If it has not been possible to consult then to explain to staff the reasons for a decision as fully as possible, including the principles and rationale behind any proposals and disclosing all relevant information in an open, honest and consistent manner.

Actively seek and or develop staff who excel (even if they are or become more knowledgeable and experienced than yourself).

Ensure that the staff they manage have read this policy, follow it and fully understand the expected standards of behaviour within the workplace.

15. Appendix Two

EXAMPLES OF UNACCEPTABLE BEHAVIOUR

1. Behaviour that offends or insults

Shouting at a target, alone or in front of others.

Criticising, belittling or patronising a target, alone or in front of others.

Using foul, obscene, malicious or offensive language.

Back stabbing, back biting, sniping, mud slinging etc.

Spreading rumours and gossip.

Telling tales to discredit.

Displaying offensive and insulting pictures, graffiti, emblems etc.

Regular use of sarcasm to demean the target and without consent.

Libel or slander.

Inappropriate jokes, banter, comments, suggestions or aspersions about the target.

Snide remarks, jibes, name calling, use of offensive nicknames.

Insubordination intended to undermine the target.

Exacting punishments for mistakes.

Being 'two faced', saying one thing to the target's face, something else, normally the opposite, to others.

2. Behaviour that intimidates or threatens

Threatening violence.

Physically attacking a target.

Pointing and wagging of fingers.

Thumping a table.

Stamping of feet.

Jumping up and down.

Screaming.

Having a temper tantrum.

Going purple in the face.
 Intrusion of a target's personal and intimate space.
 Standing over a target.
 Inappropriate touching, caressing, holding, grabbing etc.
 Shoving, barging and pushing.
 Blocking or barring the way.
 Vandalism of a target's property.
 Spying, pestering or other inappropriate intrusive questioning, particularly into the target's personal or domestic life.
 Making a target the subject of a 'witch hunt'.
 Deliberate action outside of work that adversely affects the target's working life.
 Blaming a target automatically for anything that goes wrong.
 Encouraging colleagues to spy, snoop, eavesdrop or 'snitch' on the target.
 Malicious or ambiguous letters sent to the target's home, partner, family or friends.
 Anonymous telephone calls to the target or target's family, especially at unsocial hours.
 Ordering of unwanted goods or services to the target's home address with malicious intent.

3. Behaviour that isolates or excludes

Excluding the target from anything to do with the running/operation/working/management of the project, team, office, department.
 Sending a target to 'Coventry'.
 Giving a target the 'cold shoulder'.
 Ignoring a target's views or opinions.
 Talking about a target, in their presence, in the second or third person.
 Excluding a target from social activities.
 Limiting communication to memo, e-mail or via a third party in lieu of speaking directly.
 Forcing the target to sit apart from colleagues e.g. in a remote corner.
 Ending conversations when the target enters the room.
 Whispering about the target in their presence of behind their back.

4. Behaviour that is directly work related

Setting a target up to fail.

Changing targets/deadlines without consultation and for no good reason or at short notice.
 Constantly highlighting errors or mistakes.
 Withholding of information, permission approval consent etc. that the target has a reasonable expectation of being given in order for them to carry out their duties.
 Withholding of support at times of necessity.
 Denying the target the resources or equipment necessary to do the job, whilst allowing others the resources and equipment as and when required.
 Denying training opportunities for a new job so as to keep the target incompetent and therefore open to criticism.
 The removal of status, authority, or tasks for which the target was recruited, especially in an underhand or devious manner.
 Removal of any authority which is necessary for the target to carry out their work.
 Refusing to assign or delegate work, then criticising for non completion of the same work.
 Increasing the target's responsibilities but removing the necessary authority.
 Increasing responsibilities without informing the target.
 Deliberate and persistent undermining of the target's professional competence.
 Setting tasks without timescales and then criticising for not completing the work 'on time'.
 Sabotaging, interfering or impeding performance for the purpose of later criticism.
 Preventing the target from progressing by intentionally blocking promotion or training opportunities.
 Assessing performance far lower than documented achievements merit.
 Assessing performance or appraising significantly and adversely at variance with previous reports.
 Assessing performance at odds with the assessment of the individual, subordinates, colleagues, peers, former managers, customers, clients etc.
 Excessive monitoring of a target's work.
 Being coerced into regularly undertaking work of a higher grade but without recognition or remuneration.
 Setting impossible, arbitrary or unclear targets re: quality or quantity of work.

Refusing to clarify target's job description /function.

Overburdening the target with work.

Inappropriate, overbearing or excessive supervision.

Removing areas of responsibility without consultation.

Ordering a target to work below their level of ability and competence.

Reassigning work unnecessarily or unexpectedly, perhaps replacing it with inappropriate or menial tasks.

Imposition of non tasks or work which is unnecessary.

Claims of misconduct, breach of discipline etc. but refusal to formalise or put in writing.

Misusing power/disciplinary procedures to ensure the target's removal, dismissal etc.

Demotion, real or implied.

Making threats of disciplinary action for trivial or fabricated incidents but refusal to discipline other staff for severely disruptive behaviour.

Holding meetings, the purpose of and attendance at is significantly at variance with what the target has been lead to believe.

Refusal to minute meetings or attempting to deny the opportunity to take minutes of meetings.

Producing minutes that are inaccurate and one-sided.

Meetings, hearings, appeals etc. run more like interrogations.

Attempts to deny representation e.g. in disciplinary meetings.

Suggesting a target should resign.

Regularly taking advantage of the target's good nature with regard to work tasks.

Refusing to give approval for training until the very last moment or withdrawing approval at short notice.

Refusal, without reasonable cause, of reasonable requests for leave, compassionate leave, change of hours etc.

Unreasonably delaying approval for the above until the last moment.

Making threats or comments about a target's job security without foundation.

The monitoring of telephone conversations without consent.

Contacting the target at home, on holiday or sick leave with "urgent" work or unreasonable demands.

Interfering with, intercepting or "losing" mail addressed to the target.

Denial of opportunity for the target to compete with others on an equal footing.

Giving the target difficult tasks but colleagues are given 'nice' or 'easy' ones in comparison.

Misrepresenting a target's work as their own or taking undeserved credit.

Colleagues being appointed/promoted without recourse to the correct procedures/due consultation.

Unwarranted copying of critical emails to others.

Unwarranted contact with higher authority e.g. Chief Executive/Head of Personnel, without reference, notice, or anything in writing, especially in relation to allegations.

The use of innocent third parties to fabricate complaints.

Using third parties to carry intimidating messages or carry out unwelcome actions toward the target.

Claiming that there are complaints about the target but refusing to substantiate or confirm in writing, or be specific.

Claiming that third parties agree, concur or support the perpetrator's point of view, especially with respect to criticisms or alleged shortcomings.

Criticising the target for doing what others do without being criticised.

Inconsistent criticism.

Criticism that exaggerates, makes mountains out of molehills.

Giving unjustified praise to confuse or deceive.

Written communication which includes bold, red and capital letters or offensive language.

Demanding that work be redone or repeated, especially when it's satisfactory or complete.

Refusal to acknowledge performance, achievement, results, worth, value, success etc.

Deliberately undervaluing, downgrading, ignoring or minimising the value of the target's contribution.

Frequent changes of mind, reversal of decisions with little or no notice and without explanation or reason.

16. Appendix Three

STRESS RELATED BEHAVIOURS AND EFFECTS

Psychopathologic

(psychologically abnormal behaviour) – anxiety reactions, panic attacks, tearfulness, fragility, apathy, increased sense of futility/failure/powerlessness, avoidance reactions, sense of isolation/withdrawal/detachment, concentration problems, increased forgetfulness, clumsiness, lack of initiative, suicidal thoughts, depressive mood, negativism, melancholy, gloominess, desperation, mood swings, angry outbursts, loss of humour/ability to feel enjoyment, resentment, fear reactions, hyper-arousal, insecurity, fragility, vulnerability, insomnia, intrusive thought, irritability, increased obsessiveness, heightened sense of guilt/shame, adoption of “victim mentality”, intolerance/disinterest in others’ feelings/ idiosyncrasies.

Psychosomatic (caused or aggravated by mental conflict/stress) – arterial hypertension, cardiac palpitations, coronary heart disease, heart attacks, angina, sweating, chest pains, tachycardia (abnormally rapid heart beat), anaemia, hair loss, poor skin

quality, skin irritations e.g. athlete’s foot, dermatitis, eczema, psoriasis, rashes, shingles, joint and muscle pains, back ache, neck ache, migraine, headaches, dulled senses, especially touch, taste and smell, loss of appetite, eating disorders, disturbed eating patterns, abnormal thirst, indigestion, unsettled stomach, stomach pains, stomach ulcers, irritable bowel syndrome, flatulence, intolerance of certain foodstuffs, unusual allergies, urinary infections, unusual hormonal changes, thyroid malfunction, breathlessness, asthma attacks, lethargy, fatigue, constant exhaustion, loss of strength, loss of stamina, disturbed sleeping patterns, inability to sleep or get to sleep, nightmares, flashbacks, frequent coughs, colds, flu, sinusitis and other minor infections, conjunctivitis, tired and sore eyes, excessive or compulsive picking, scratching, biting of nails, grinding of teeth, anaesthesia, numbness, pins and needles in hands, feet or lips, poor circulation, cold extremities, intense dislike of cold.

Other effects can include increased alcohol and drug intake, increased smoking and sexual dysfunction.

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AUTHOR OF THE GUIDE – FERGUS ROSEBURGH

Fergus Roseburgh is the Senior Staff Representative for Unite at The Children's Society, a national children's charity. This is a full time post which he has held for over 10 years. During that period he has advised and represented a number of colleagues who have felt they were being bullied or harassed.

For over two years he has been extensively researching issues concerning Dignity at Work, bullying and harassment, an interest borne out of his involvement in a number of complex internal representations and a desire to properly understand the issues involved. Recently he attended an international course on 'bullying and harassment at work'. This was led by some of the world's foremost experts on the subject.

The Children's Society has signed up to the Dignity at Work Partnership and Fergus, together with the Unite Chair of The Children's Society, Dan Connolly, have worked in partnership with management in planning the development and implementation of a new internal Dignity at Work Policy. They have also devised training courses which have been and will continue to be delivered both internally and externally. The courses are aimed at a variety of audiences including senior executives, managers, staff in general, volunteer first contacts, workplace representatives and other union activists.

Fergus and Dan have both been involved in the wider work of the Dignity at Work Partnership in Unite, including being part of the Employee Representative's Focus Group. The Children's Society has also been used as a case study in some of the publications, as an example of 'model partnership working' in combating workplace bullying and harassment.

More recently, Fergus and Dan have been supporting representatives across many organisations to assist them in changing the culture in their workplace, and they are now spearheading a Not for Profit Sector-wide campaign to roll out this work.

Unite thanks both Fergus Roseburgh and Dan Connolly for their vision and hard work in tackling one of the biggest issues blighting the Not for Profit Sector and the wider workforce today.

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