



# Dealing with bullying in the workplace

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# Introduction

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We live in a new world of work where soft skills, emotional intelligence and informality have replaced old hierarchies dominated by a command and control style. But bullying and harassment have stayed with us. It's become more hidden, more complex, more personal and painful. Bullying has a smiling face.

TUC research (2015) claims a third of the UK workforce has been bullied. We know bullying of employees leads to stress and poor mental health, to more long-term absenteeism, higher staff turnover rates, lower productivity and an insidious negativity that seeps throughout a workplace culture. Work in the USA suggests almost 75% of employees are affected either as the subject or witness of workplace bullying.

It's easy for an organisation to shout about its zero-tolerance position on bullying. Too easy. It's not going to help. On the one hand it makes employees less likely to speak out. Bullied staff are already three times less likely to make a complaint (according to the CIPD), due to feelings of embarrassment and the fear of worsening relationships and threats to their job. And it only makes bullies change tactics to stay under the radar.

One of the critical, if less attractive, roles of HR is to appropriately manage accusations of workplace harassment and bullying. This is an area where many HR leaders fall short; according to Xpert HR, a human resources firm – only about 2 percent of employees are satisfied with their HR department's response to claims of bullying.



**“By categorising and tracking cases, members of the HR team are easily able to search the system, allocate enquiries and view progress. This helps to keep a consistent narrative between all members of the HR team, as previous advice is logged and recorded.”**

*Jason Brannan,  
Assistant Director of HR and OD Services,  
North West Boroughs Healthcare NHS  
Foundation Trust*

# What is bullying?

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Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.

Examples of bullying or harassing behaviour include:

- spreading malicious rumours
- unfair treatment
- picking on or regularly undermining someone
- denying someone's training or promotion opportunities.

Bullying and harassment can happen:

- face-to-face
- by letter
- by email
- by phone.

# What is harassment?

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Businesses need mature, automated recording processes in place; simply keeping track of open and closed cases can be a burden, let alone trying to keep pace with which stage a case is at. In addition, they'll need proactive alerts or reminders for when key dates and deadlines approach; this means moving beyond spreadsheets.

More than that, they need meaningful data to help them identify the common characteristics within cases, typical hold-ups or delays, an understanding of the root cause of why cases are occurring, and when to intervene to reduce further cases. This data can also level the playing field for your employees – ensuring that all employees follow the same stages, steps and procedures, and are treated equally.

Moving beyond the spreadsheet can be a straightforward process and one that can be helped by using Allocate's Employee Relations analytics maturity model – a five step process to identify how to move from reactive basic data recording to proactive case management. The maturity model sets out the common processes involved in ER cases and provides practical, actionable intelligence on how to mature your approach to employee relations.

**'Allocate ER Tracker puts our HR policy front and centre, which is helping the team to meet the standards and timeframes we've set ourselves. We have peace of mind that if a case were to go to employment tribunal we'd have evidence of compliance with our HR policy.'**

# What are harassment and bullying behaviours?

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According to CIPD guidelines: Harassment and bullying may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. It can often occur without witnesses, and takes place in face-to-face interactions, as well as online.

Examples include:

- unwanted physical contact
- unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- failure to safeguard confidential information
- shouting and bawling
- setting impossible deadlines
- persistent unwarranted criticism
- personal insults.

# How should employers deal with bullying?

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Organisations should treat any form of harassment or bullying seriously not just because of the legal implications and because it can lead to under-performance, but also because people have the right to be treated with dignity and respect at work. Employers should foster a fair and inclusive working environment that enables everyone to feel they can contribute at work.

The conflict which harassment creates should not be underestimated. Employees can be subject to high levels of stress which can reduce engagement and may lead to higher labour turnover, increased sickness absence and less productive and effective teams. Furthermore, an organisation's public image can be damaged when harassment incidents occur, affecting relationships between an employer and their current and future employees, as well as their customers.

Employers' first responsibility is to clearly articulate the organisation's policy on bullying and harassment at work, dealing with any issues promptly, seriously and discreetly. But HR also has a role to play beyond the formal policies and practices. HR professionals should lead development of a broader positive culture in which harassment is known to be unacceptable and where individuals are confident enough to bring complaints without fear of ridicule or reprisal.

Despite increasing awareness of the problems of bullying and harassment, these behaviours are still a significant workplace issue.

An employer's first responsibility is to put in place a robust and well communicated policy that clearly articulates the organisation's commitment to promoting dignity and respect at work. But employers' responsibilities may extend to any environment where work-related activities take place, such as work parties or outings. An employer could be liable for events which take place on these occasions unless they can show they took reasonable steps to prevent harassment.

Importantly, all individuals have a responsibility to behave in ways which support a non-hostile working environment for themselves and their colleagues. They should play their part in making the organisation's policy a reality and be prepared to challenge inappropriate behaviour and take action if they observe or have evidence that someone is being harassed. Individuals can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law.

Employers and individuals can be ordered to pay unlimited compensation where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

# Policies, communication and training

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A well-designed policy is essential to tackle harassment. Policies should be agreed with trade union or employee representatives and be drawn to everyone's attention. They should:

- give examples of what constitutes harassment, bullying and intimidating behaviour, including cyber-bullying, work-related events and harassment by third parties
- explain the damaging effects and why it will not be tolerated
- state that it will be treated as a disciplinary offence
- clarify the legal implications and outline the costs associated with personal liability
- describe how to get help and make a complaint, formally and informally
- promise that allegations will be treated speedily, seriously and confidentially and that the employer prevents victimisation
- clarify the accountability of all managers, and the role of union or employee representatives
- require supervisors/managers to implement policy and ensure it is understood
- emphasise that every employee carries responsibility for their behaviour.



# All employees should:

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- be made aware - through induction, training and other processes - about their rights and personal responsibilities under the policy and understand the organisation's commitment to deal with harassment
- know who to contact if they want to discuss their experiences in order to decide what steps to take
- know how to take a complaint forward and the timescales for any formal procedures.
- The policy should be monitored and regularly reviewed for effectiveness, including:
  - records of complaints - why and how they occurred, who was involved and where
  - individual complaints to ensure resolution and no victimisation.
- It's also essential that line managers understand their role in addressing all forms of intimidating behaviour to stop it from being repeated, and that they have access to help and support with appropriate confidentiality and sensitivity.

All dignity at work or anti-bullying policies should be co-ordinated with the organisation's grievance and disciplinary policy

# Advice and counselling

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All employees should have access to someone inside the organisation trained for this role or an outside sponsored service. This enables them to talk in confidence about any intimidating behaviour they have experienced or observed in order to discuss the options available to resolve the problem and decide what action to take. The decision to progress a complaint should rest with the individual.

Guidance and counselling can be offered to people whose behaviour is unacceptable, as well as those affected by being harassed. Simply punishing those responsible for the harassment risks isolating individuals who may not understand how their behaviour is affecting their colleagues.

# Developing a culture of respect

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Dealing with bullying and harassment doesn't stop with the introduction of formal policies and practices. Employers should promote a positive culture at work for everyone based on personal respect and dignity.

Four elements are essential in this process:

- Creating an atmosphere in which the organisation and its leaders have a clear vision and sense of what a culture of dignity and respect would be like in practice
- Establishing and integrating a continuous assessment and improvement approach that is built on the shared commitment to make change happen
- Developing tools that measure qualitative and quantitative improvements in the culture of the organisation
- Identifying the necessary tools and approaches required for maintaining the momentum of cultural change

All complaints should be dealt with promptly. Some may be dealt with internally and informally. In minor cases it may be sufficient for the recipient of harassment to raise the problem with the perpetrator, pointing out the unacceptable behaviour. But if an employee finds this difficult or embarrassing, procedures should enable support from a colleague, an appropriate manager or someone from HR. A choice of contact should be available in case the person's manager is the alleged harasser.

## Mediation

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A CIPD conflict management survey shows that employers believe that mediation helps improve relationships between employees, reduce or eliminate the stress involved in more formal processes and avoid the costs involved in defending employment tribunal claims.

# Formal procedures

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If informal approaches don't work, formal procedures should be triggered. They're needed if the harassment is serious or persists, or if the individual prefers this approach.

Organisations should have a clear formal policy to deal with all types of grievances and disciplinary issues, including bullying and harassment.

## Investigation

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Formal allegations of harassment, bullying or any intimidating behaviour should be treated as a disciplinary offence. Investigation should include:

- a prompt, thorough and impartial response
- taking evidence from witnesses
- listening to both the alleged harasser and the complainant's version of events
- a time-scale for resolving the problem
- confidentiality in the majority of cases.

Employers should always make a record of complaints and investigations. These should include the names of the people involved, dates, the nature and frequency of incidents, action taken, follow-up and monitoring information.

## Taking action

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Where a complaint is upheld it may be necessary to relocate or transfer one of those involved to another part of the organisation. It should not automatically be the complainant who is expected to move, but they should be offered the choice where practical.

Where the perpetrator is transferred, no breach of contract must occur or a claim of constructive unfair dismissal could arise.

# Five positive steps to end bullying

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## **1. Be clear on what bullying means in your organisation**

It's important to establish the ground rules based on your sector and existing working culture. Make sure people at all levels know what's expected from them in terms of manner, what constitutes 'civility', and the difference between robust management and bullying and harassment. Remove the potential for inadvertent bullying due to a lack of skills and ability through training and personal development, focusing on the key issue of ensuring people are equipped to manage performance in ways that sustain and strengthen relationships with staff as well as deliver on objectives.

## **2. No labels, just new language**

Labelling people as bullies just shuts down conversations. Few people are ever willing to accept the idea of themselves or their behaviour as bullying, it's the verdict of formal processes. But managers will talk about instances of mistaken decision-making and thinking, and what they can learn from it. Experience shows that people accused of bullying are often horrified by the label, and end up feeling they are the victimised party, only adding to the cycle of conflict. Instead, introduce the idea of 'incivility', a term with less baggage which provides a better basis for discussion and the all-important stages of moving forward with conversations and resolutions.

## **3. Provide early and informal solutions**

Offer a support service that meets different needs. This can include training staff internally to act as advisors, conflict coaches or mediation and harassment advisors, or involve setting up an independent option with external experts. This makes it easier for employees to deal with issues early, talking to someone outside of the organisation able to listen, show empathy and support and help them reach a constructive decision on next steps. It's worth also running focus groups and surveys to find out why people with worries about bullying and harassment have been unwilling to make a formal complaint.

## 4. Encourage tolerance

Just proclaiming a 'zero-tolerance' policy on bullying and harassment can have unintended consequences. Instead of an impact on actual day-to-day behaviour, it drives bullying underground and into more subtle forms. The victims are even more aware of how serious the accusation is and more reluctant to speak out. With no new training or services to access. Managers stick to what they know. using different tactics. Instead. employers stick to what they know. using different tactics. Instead. employers need to be encouraging more self-aware management. focused on maintaining the balance between building trust. openness and delivery. And most of all. the role here for good conversation skills for all. that awkward problems of all kinds will disappear with the simple combination of openminded and grown-up talking, listening and understanding.

## 5. Offer routes to resolutions

Employees who believe they're being bullied keep it to themselves because they can't see or imagine a positive resolution. It's important for the organisation to be able to offer access to professional mediation, the kind of fair, authoritative and reasonable expertise that can unpick quickly the typical tangles of misconceptions and sensitivities. Mediation is an effective way of returning to a situation of balance and understanding, redressing the inequalities between the vulnerable employee and a dominant manager without resorting to blame.

Managers should have conflict coaching in order to reflect on the impact of their style and behaviours, and to find their own internal motivation for change. They need to become aware of 'attribution theory', how when we act in a particular way we see a rational reason, a justification; but when we see others acting in the same way, we think more in terms of their character, that's the kind of thing they'd do. So their bad behaviour is bullying, a case of poor judgment, a form of immorality; or they are making a complaint because they aren't good at their job and are just finding excuses. Managers, and anyone dealing with grievance and conflict cases need training to ensure they are able to step outside this instinctive frame of thought.

## Best practice process

HR departments need to ensure they have a thorough process for tracking and managing all types of HR cases. One option is to consider a solution that provides a built in workflow adhering to your HR policy, that ensures you meet the stages and steps required for each case within the allotted time frame, and includes the right people within your organisation.

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To find out more about any of the topics discussed in this report, please email: [marketing@allocatesoftware.com](mailto:marketing@allocatesoftware.com)