

**PCS**

# **Bullying At Work**

1, 2 and 3 day short courses  
for PCS Health and Safety  
Representatives.

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## **INTRODUCTION**

This course is part of PCS's health and safety education programme and should be used with the PCS publication "Bullying at Work - Guidelines for PCS Branches, stewards and safety representatives".

Workplace bullying can be included under the heading of health and safety as it is concerned with obligations between employers and employees. Workplace bullying becomes a health and safety problem because it adds to the load of work-related stress.

Under staffed and poorly managed workplaces can contribute to workplace bullying just as efficient and target conscious workplaces may also encourage it. The PCS safety reps' job is to:

- identify potential work organisation and staffing issues that may encourage bullying
- persuade the employer that bullying is an issue that needs to be addressed and managed
- provide members with support where bullying occurs.

Staff care is becoming more relevant as organisations increasingly demand an adaptable and flexible workforce. Staff well being is a matter of mutual interest to employers, managers and the workforce and an integrated approach to the management of bullying, violence, harassment and stress should be thought through and planned.

### **How the course will work**

Trade union education aims to help you develop confidence and practical skills, and to put the knowledge you gain during the course to good effect in your branch and workplace. This course will be organised in an active way that gives us all an opportunity to have a say, as well as listen to others.

You will often be working in small groups talking about your experiences and the health and safety issues important to your members. Everyone will be able to compare and discuss information relating to risk assessment and how it can be used. we will discuss together how to handle problems and the best ways of improving health and safety at work.

By working collectively on the course to resolve some of the main safety problems relating to bullying at work, you will feel better equipped to take these up with your members, branch and employer when you go back to work.

## AIMS/OUTCOMES

The course will help participants to:

- define and recognise bullying
- identify work organisation and staffing issues that contribute to workplace bullying
- understand how employment law principles and health and safety legislation apply to workplace bullying
- make employers aware of what they can do to recognise and eliminate workplace bullying
- develop a workplace strategy to inform members about what to do if they witness or suffer bullying
- develop a workplace policy on bullying at work
- understand that bullying affects everyone and can be seen in a wider context beyond that of a health and safety issue.

### Suggested Course Programme

The course book contains a series of activities that refer to information and resource materials in the “Bullying at Work - guidelines for PCS branches, stewards and safety representatives”. The course book and the PCS guidelines can be used in different sequences to run 1 day or 2 day Bullying courses. There are further ‘Sources of Information’ listed at the back of the course book and page 14 of the PCS Guidelines.

The Activities and Briefings are listed in the ‘Contents’ page of the course book and can be used in the following options:

#### 1 Day Programme

Session 1	Session 2	Session 3	Session 4
<u>Introductions</u>  <b>ACTIVITY 1</b>  <u>What is bullying at work?</u>  <b>ACTIVITY 2</b>	<u>Legal remedies for bullied employees</u>  <b>ACTIVITY 3</b>	<u>Advising members</u>  <b>ACTIVITY 6</b> (A, B, C)	<u>Bullying at work: what PCS can do.</u>  <b>ACTIVITY 9</b> (Task 1 and 2)  <u>PCS Action Plan</u>  <b>ACTIVITY 11</b>  <u>Course Review</u>  <b>ACTIVITY 12</b>

## 2 Day Programme

<b>Day</b>	<b>Session 1</b>	<b>Session 2</b>	<b>Session 3</b>	<b>Session 4</b>
<i>One</i>	<u>Introductions</u>  <b>ACTIVITY 1</b>  <u>What is bullying at work?</u>  <b>ACTIVITY 2</b>	<u>Bullying at work: the problem</u>  <b>ACTIVITY 3</b>	<u>Effects of bullying</u>  <b>ACTIVITY 4</b>	<u>Legal remedies for bullied employees</u>  <b>ACTIVITY 5</b>
<i>Two</i>	<u>Advising Members</u>  <b>ACTIVITY 6 (A, B, C)</b>	<u>Preparing to negotiate a workplace policy on bullying</u>  <b>ACTIVITY 7</b>	<u>Bullying at work: what PCS can do</u>  <b>ACTIVITY 9 (Tasks 1 and 2)</b>	<u>PCS Action Plan</u>  <b>ACTIVITY 11</b> <u>Course Review</u>  <b>ACTIVITY 12</b>

### 3 Day Programme

<i>Day</i>	<b>Session 1</b>	<b>Session 2</b>	<b>Session 3</b>	<b>Session 4</b>
<i>One</i>	<u>Introductions</u>  <b>ACTIVITY 1</b>  <u>What is bullying at work?</u>  <b>ACTIVITY 2</b>	<u>Bullying at work: the problem</u>  <b>ACTIVITY 3</b>	<u>Effects of bullying</u>  <b>ACTIVITY 4</b>	<u>Legal remedies for bullied employees</u>  <b>ACTIVITY 5</b>
<i>Two</i>	<u>Advising Members</u>  <b>ACTIVITY 6 (A, B, C)</b>		<u>Preparing to negotiate a workplace policy on bullying</u>  <b>ACTIVITY 7</b>	
<i>Three</i>	<u>Negotiating a policy on bullying at Work</u>  <b>ACTIVITY 8</b>	<u>Bullying at work: what PCS can do</u>  <b>ACTIVITY 9</b>	<u>PCS Action for Members on Bullying at Work</u>  <b>ACTIVITY 10</b>	<u>PCS Action Plan</u>  <b>ACTIVITY 11</b>  <u>Course Review</u>  <b>ACTIVITY 12</b>

## Pre Course Letter

Dear Colleague

### **PCS Bullying at Work Course**

Thank you for your application to attend the ..... day Bullying at Work Course on ..... . We are pleased to say that you have been enrolled on the course and your full joining instructions are attached.

It would be most helpful if you could use the enclosed pre-course activity to find some background information that will be used on the first day of the course.

We look forward to seeing you.

Yours faithfully

**PCS Education Officer**

## Pre Course Activity

### Finding Information on Bullying at Work

**Aims:** This activity will enable you to:

- prepare for the course
- find information that can be shared with others on the course

**Task 1:** Speak with some of your members about bullying at work. Try to speak to a cross section, eg. young and older workers, men, women, full and part-time workers, black workers.

***Points to cover:***

- who was involved
- what happened
- how was it recognised
- members and management attitudes
- how it was dealt with

**Task 2:** Bring to the course any procedures or agreements on bullying at work or other agreements that are relevant such as equal opportunities, harassment, violence or stress that may refer to bullying.

## **Activity 1:        Introductions**

**Aims:**        To enable you to:

- break the ice
- find out who is on the course
- agree aims for the course

**Task:**        Interview another person using the headings below:

- Name
- Union position
- Employer, workplace and job
- Members jobs
- Previous health and safety courses
- What you want from the course

**Report Back:**        Take some notes about the other person. You will be asked to introduce him/her to the other course members.

## **Activity 2:        What is Bullying at Work?**

**Aims:**        This activity will help you to:

- understand what is meant by bullying at work
- recognise the signs of bullying in your workplace

**Task 1:**        In your group, using the pre course activity, discuss examples of bullying and harassment you have come across at work.

Pick one or two examples from the group and summarise:

- who was involved
- the causes
- how was it recognised
- members and management attitudes
- how it was dealt with

**Report**

**Back:**        Prepare a brief report to give to the rest of the group. Elect someone to present it.

**Resources:** Pre course activity.

### **Activity 3:        Bullying at Work: the problem**

**Aims:**        This activity will help you to:

- identify and recognise bullying in the workplace

**Task 1:**        Working in small groups make a list of the direct forms, (eg shouting, setting unrealistic targets), and more subtle forms, (eg deliberate exclusion of individuals from activities, use of electronic mail to leave intimidating messages), of bullying in the workplace.

**Task 2:**        What are the individual and organisational factors that cause bullying to occur?

**Report Back:**        Write your key points on a flip chart. Elect a spokesperson to report back.

## **Briefing 1: Bullying at Work - The Problem: PCS Workplace Bullying Survey**

PCS's concern about increasing reports of workplace bullying encouraged the need to find out more about the scale and nature of the problem. PCS commissioned Staffordshire University to undertake a survey of PCS members working in the public service.

A total of 761 valid responses were received to an anonymous postal questionnaire sent out to a random sample of PCS members in autumn 1996. Most responding members came from local government and health sectors.

### **Main Findings**

- Two thirds of members have either experienced or witnessed bullying
- It is estimated that 14% of PCS members are being bullied in any six months period, and for a third (34%) of this group the bullying is likely to have gone on for three years or more
- 84.3% of currently bullied respondents state that the bully has done this before, and of those 73.4% stated that management knew about it.
- 11% of bullied people reported they were bullied on their own. For 32% of bullied respondents the whole of their working group was being bullied.
- Most people are bullied by one person (63%). The most likely attribute of the bully is that they are a manager (83%).
- Anger, stress and powerlessness are the most common reactions to being persistently treated in a negative way.
- For those who witness bullying, few (16%) have no reaction - most people experience stress (73%) and very few said their work improved as a result of witnessing the bullying (13%).
- 94% of respondents agreed with the statement 'This is an important area for PCS to provide support'.
- 92% of respondents thought that bullying was caused by overwork, 95% because the workers were too scared to report it, and 94% because the bullies could get away with it.
- 26.4% of people who had been bullied previous to this survey reported that they had left their jobs because of bullying.

- Making a group complaint has the most negative consequences with 96% of currently bullied people doing this being threatened with dismissal.
- When the complaint was taken to the union, this had the most positive consequences.
- While confronting the bully was the most populous response for the currently bullied, it was effective in only 13% of cases - being labelled a troublemaker much more likely (43%) and even being threatened with dismissal being more likely (19%) than it stopping the bullying (13%).
- Three quarters of those who were being bullied (75.6%) reported some damage to their health. Stress, depression and lowered self confidence were the most common non-physical complaints.

### **Examples of a Bullying Event**

Those who labelled themselves as having been bullied in the last six months were asked to provide an example of an incident and this added flesh to the results.

For example:

#### **Public Verbal Abuse**

Some respondents illustrated public verbal abuse:

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

“Rubbishing your work, public humiliation through doing a job not to the required standard. Setting unrealistic targets, being made to feel ‘unprofessional’.”

#### **Contract Manipulation**

Others identified contract and entitlement threats:

“Made to take a £2,000 pa. pay cut, otherwise will be out of work. Holidays cut, Sick leave cut, forced to sign new contracts”.

“I was threatened with job loss because I wanted Bank Holiday off with my family”.

“I was harassed at home by phone by my ward manager when I was off sick. I was threatened about my job due to how much sick leave I’d had in the past six months. The sick leave was due to having to wait three weeks for a hospital admission. I needed time off with a viral infection. My manager told lies to other members of staff about why I was off work.”

## **Undermining**

Further examples illustrate undermining actions:

“Baiting traps to get me into trouble. Not coming forward with information about job. Exaggerating truth to others. Passing the buck. Feel that I’m being watched all the time. Changing my hours to make life difficult.”

“Not giving me enough information to carry out tasks asked and then showing me up in front of other individuals and threatening disciplinary action”.

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

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

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

## **Humiliation**

Some examples identify behaviours designed to humiliate:

“Being told to wash some rubbish in front of a supervisor”.

“I am the one to wash my tea cup with a dirty dishcloth because I am a Man Utd supporter!”

These examples highlight how varied the types of bullying behaviour are that people experience at work.

## **Activity 4:        Effects of Bullying**

**Aims:**        This activity will help you to:

- identify and recognise problems which can arise where employees are bullied

**Task 1:**        Working in small groups use any examples of bullying you have discussed in the previous activities. Make a list of symptoms which an individual may show that point to bullying in the workplace.

- What are the effects on the individual?
- What are the effects on the organisation?

**Report Back:**        Write your key points on a flip chart. Elect someone to report back.

## **Activity 5:           Legal Remedies for Bullied Employees**

**Aims:**           This activity will help you to:

- identify how employment law and health and safety law can be applied to bullying at work

**Task 1:**           In small groups select one of the examples of bullying discussed in Activity 1

Use the worksheet on the next page to identify which employment laws and health and safety laws might apply and give your reasons why.

**Report**

**Back:**           List the key points on a flip chart and elect a spokesperson to report back to the rest of the group.

**Resources:** Pages 5, 24 and 25 PCS Guidelines 'Bullying at Work' and Briefing 1.

**Worksheet - Legal Remedies for Bullied Employees**

**Brief description of the problem:**

<b>Statutory Law</b>	Regulation, ACOP or section number	Reasons why they apply
Constructive Dismissal		
Sex, Race, Disability Discrimination		
The Health & Safety at Work Act		

**Worksheet - Legal Remedies for Bullied Employees**

<b>Statutory Law</b>	Regulation, ACOP or section number	Reasons why they apply
The Management of Health & Safety at Work Regulations (Including Risk Assessment)		
Safety Reps and Safety Committees Regulations (SRSC Regs)		
<b>Civil Law</b>		
Common Law Duty of Care (negligence/forseeability)		

## **Briefing 2:        Legal remedies for Bullying at Work**

Pages 24 and 25 in the PCS Guidelines 'Bullying at Work' list relevant employment law that may apply to bullying. There is no statutory equivalent for lesbians and gay men of the 1975 Sex Discrimination Act, 1976 Race Relations Act, and 1995 Disability Discrimination Act. Legal remedies for bullying at work are very much a backstop, a last resort and there are many hurdles to overcome. If a member has a case then it should be taken up with the PCS regional official and legal department. This briefing outlines health and safety legislation that may also apply and which safety reps can use to assess and control the risk of bullying at work.

### **Health & Safety Law**

There is no specific health and safety legislation which deals with bullying at work. However, employers have general duties to protect employees' health and to consult safety representatives about health and safety matters.

### **Statutory Law**

#### **The Health and Safety at Work Act - General duty to ensure health and safety**

Section 2(1) of the Health and Safety at Work Act 1974 (HSWA) in Britain, and Section 6(1) of the Safety, Health and Welfare at Work Act 1989 (SHWWA) in Ireland place a duty on every employer to ensure, so far as is **reasonably practicable**, to the health, safety and welfare of all his employees.

'Reasonably practicable' means a balance between the cost and effort involved in reducing risk, and the possible effects (injury or ill-health) if this money and effort is not spent.

In particular, employers must ensure that the following are safe and without risks to health:

- machinery, equipment and methods of working (eg. hiding or tampering with work equipment)
- use, handling, storage and transport of chemicals and equipment (eg. unreasonable demands to carry or handle loads)
- workplace
- working environment

Employers must also provide for employees:

- information, instruction, training and supervision (bullying may include failure to inform and train employees)
- adequate welfare facilities and arrangements

Employers of five or more employees must draw up a written statement of their health and safety policy, including the organisation and arrangements for carrying out the policy. Policies must be kept up to date and brought to the notice of all employees.

Sections 3 and 4 of the Act require employers to ensure, so far as is reasonably practicable, that people other than their employees are not put at risk. Other people could be visitors, passers-by, clients, patients, pupils, contractors' employees, etc. Health and safety arrangements should take into account risks to these people, as well as to employees.

### **Duties of employees**

Section 7 requires all employees to 'take reasonable care' for the health and safety of themselves and others. Employees must also co-operate with their employer in complying with health and safety laws.

Section 8 requires everyone, including employees, not to interfere with or misuse anything provided for protection, safety or welfare.

## **The Management of Health and Safety at Work Regulations**

### **Risk Assessment**

Every employer has a legal duty to make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed while at work, so that he can take the appropriate preventative and protective measures.

This duty is set out in Regulation 3 of the Management of Health and Safety at Work Regulations 1992 (MHSW).

Although not explicitly stated, the employer's duty to protect employees' health should be taken as referring to both physical and mental health and the employer should assess the risks to both.

## **Assessment of the Risks of Workplace Bullying**

A workplace policy on bullying should include a commitment from management to assess the risk of bullying occurring in their workplace and to rectify organisational deficiencies which could give rise to bullying.

Although risk assessment should be a key part of any policy on bullying it will often be the area which employers find the most difficult to address, particularly where bullying is rooted in the organisation's own culture and value system. However, they should review their organisation in a systematic way so that they understand in what circumstances bullying can arise and can determine the steps needed to reduce that risk, such as improved human resource management training, better lines of communication, etc. A useful way of identifying whether a problem of bullying actually exists is to include a question about it in any termination interviews held with departing employees. Many employers carry out attitude surveys of their employees and questions on bullying could be included in such surveys as another way of identifying the extent of bullying

## **Safety Representatives and Safety Committees Regulations (SRSC Regs)**

Under S2(6) of HSWA and under Regulation 4A of the Safety Representatives and Safety Committees Regulations 1977, employers have a duty to consult trade union Safety Representatives about health and safety matters.

These Regulations give safety reps the legal right to:

- represent their members on health and safety matters
- raise health and safety complaints with management
- investigate potential hazards, and complaints from their members
- inspect their members workplaces at least once every three months
- make additional inspections if work practices have changed or new information has come to light
- investigate causes of accidents, dangerous occurrences and work-related diseases
- obtain facilities, assistance and information from their employer, to help them carry out their safety rep functions
- obtain information and reports from health and safety inspectors
- insist that their employer sets up an agreed safety committee, if there isn't one already
- take time off with pay to carry out safety rep functions and to attend TUC or union approved training.

These following rights have been added to the Safety Representatives and Safety Committees (SRSC) Regulations 1977, as Regulation 4A.

## **Regulation 4A of SRSC Regulations - Employers duty to consult and provide facilities and assistance**

- 1 Without prejudice to the generality of section 2(6) of the Health and Safety at Work etc. Act 1974, every employer shall consult safety representatives in good time with regard to:
  - (a) the introduction of any measure at the workplace which may substantially affect the health and safety of the employees the safety representatives concerned represent
  - (b) his arrangements for appointing or, as the case may be, nominating persons in accordance with regulations 6(1) and 7(1)(b) of the Management of Health and Safety at Work Regulations 1992
  - (c) any health and safety information he is required to provide to the employees the safety representatives concerned represent by or under the relevant statutory provisions
  - (d) the planning and organisation of any health and safety training he is required to provide to the employees the safety representatives concerned represent by or under the relevant statutory provisions, and
  - (e) the health and safety consequences for the employees the safety representatives concerned represent of the introduction (including the planning thereof) of new technologies into the workplace.
- 2 Without prejudice to regulations 5 and 6 of these Regulations, every employer shall provide such facilities and assistance as safety representatives may reasonably require for the purpose of carrying out their functions under section 2(4) of the 1974 Act and under these Regulations.

## **Health and Safety (Consultation with Employees) Regulations 1996**

- Extra consultation regulations will now cover those workplaces without existing union recognition. They 'top up' the existing Safety Representations Regulations which are in place in full and recognised workplaces.
- The new 'top up' Regulations, effectively covering only workplaces without union recognition, provide less comprehensive rights than the safety Representatives Regulations.
- Employers who do not currently recognise unions will be able to choose whether to consult their workforce directly, or make arrangements for independent worker representatives to be selected by the workforce.

- Rights to time-off, training and protection from harassment will be essentially the same for Safety Reps and the new worker representatives, but they will not have rights to inspect or establish a Safety Committee.
- Without union backing, the right of individual workers to consultation and information is not likely to be as effective as the union Safety Rep system.
- These regulations provide PCS with many opportunities to improve safety rights of members in non-recognised workplaces.

### **Common Law Duty of Care**

- an employer's common law duty to take reasonable care for the health and safety of its employees covers physical and mental health. Thus an employer may be liable for a tort of negligence if a breach of duty causes a reasonably foreseeable stress-related mental illness or condition
- this might follow an employee's involvement in, or witnessing of, a specific incident at work, although there is no reason in principle why it should not extend to unduly stressful working conditions or practices which lead to mental or depressive illness over a period of time
- the duty is owed to each employee as an individual. The employer must therefore take into account any particular susceptibilities amongst its employees of which it is aware, or ought reasonably to be aware.

The employer has a duty to provide a safe place and safe system of work, so far as is reasonably practicable, for the employee. This is a duty implied into the contract of employment. It is also a duty set down in the Health and Safety at Work Act, 1974.

In the past we have assumed this means keeping the workplace physically safe for the employee, ie. so that he/she does not suffer a broken leg or contract an industrial disease. However, recent case law, in particular **Walker -v- Northumberland County Council** established the employer must also keep the workplace psychologically safe for the employee. In other words, the employer has a duty to take reasonable care that an employee's mental health is not damaged in the course of his/her work.

These claims are very difficult because there are many hurdles to overcome.

It is necessary to prove that **the management of the company (by that it is meant someone in authority such as a supervisor, foreman or manager) knew or should have known that the bully was acting in such a way that they were making the workplace unsafe for a particular individual.**

The law states that the employer is “vicariously liable” for the negligent acts of an employee. In other words, the company must take responsibility for the negligent acts of their employee (there are some exceptions to the rule and for this reason in legal proceedings a claim is likely to be brought both against the company and against the individual personally). Obviously for financial reasons there is usually no point in pursuing legal proceedings which are very expensive against an individual personally alone as he/she will not be insured.

In order to show that the company knew or should have known that the bully was acting in an inappropriate manner it is necessary to show:

- That the victim of the bully complained about the individual (this is often a problem as victims suffer in silence).
- The victim used the grievance procedure to bring the bully’s attention to the manager.
- It is necessary to show that the behaviour of the bully was so out of order that he/she fell below the standards of a reasonable manager/colleague.

The nature of the bullying behaviour is very important. One person’s interpretation of harassment may be another’s interpretation of valid criticism of poor performance.

It has to be shown that the victim has suffered a **recognised psychological injury** as a result of the negligence of the company. It isn’t enough in legal terms to be simply ‘stressed out’ or upset. A report is necessary from a psychiatrist to show that the victim is suffering from a clinical condition because the law does not compensate for injured feelings alone. There is often a problem with medical evidence because if the individuals are suffering other critical ‘life events’ at the time of the bullying, a psychological illness may be due to those events.

Events known to cause stress related illness include the following:

- Death in the family
- Serious illness of family or friends
- Financial worries (especially debt)
- Unemployment or fear of losing employment
- Moving house
- Having a child or infertility
- Retirement

### **Foreseeability**

It has to be shown that the employer knew or should have realised that the behaviour of the bully was such that it was likely to cause actual psychological or physical injury.

No matter how appalling the behaviour of the bully, it is likely to be very difficult to prove foreseeability unless the victim has actually already brought it to the attention of management that he/she has been absent from work on sick leave as a result of the bully's behaviour.

In the Walker case, Mr Walker, a social worker, was subject to enormous pressures of work and excessive volumes of work. He complained repeatedly to his managers about this. He then went absent from work with a nervous breakdown. On his return to work he was told things would change. He would be given assistance and his workload would be cut. However, none of these offers of help materialised and Mr Walker continued working as before, again complaining to his managers. He then suffered a second nervous breakdown and never returned to work. Mr Walker won his case but only on the basis of his second nervous breakdown. The Judge said at the time of the first nervous breakdown, although he was working excessive hours and he had complained to his employers repeatedly, it was not foreseeable by them that the workload would cause him to suffer psychological injury.

### **The Employers' Defence**

Finally, even if we jump through all these hurdles, the employer has a defence if he can show that he did all that was 'reasonably practicable' to provide a psychologically safe system of work. For example:

- carried out risk assessments as required by the Management of Health and Safety at Work Regulations 1992 (there is no reason why these Regulation should cover only the risk of physical injury)
- had proper procedures for employees to complain through the grievance procedure
- a policy for dealing with bullying and harassment
- perhaps a counselling service

### **General Problems with these Claims**

The burden in a civil case is of course on the victim to prove his or her case. Bringing a case in itself is likely to be challenging and stressful. Obviously if there is evidence from other employees about the behaviour of the bully that is extremely helpful, but often other employees are unwilling to assist.

## **Council Pays Social Worker £66,000 for Work Stress caused by “Bullying” Boss**

The only reported concluded case relating to a claim for negligence arising out of the bullying of a victim at work is **Ballantyne -v- Lanarkshire County Council**. This is not a judgement. The case did not reach the Court. It was settled. Its value to lawyers is therefore limited.

The residential social worker has accepted £66,000 from her former employer after she was forced to retire on grounds of work-induced stress.

The following legal award is of significance as an issue of bullying. Although bullying was not mentioned by name, Miller’s alleged conduct included: deliberately threatening, ignoring, humiliating and offending staff; keeping them ignorant of information relevant to the performance of their jobs; failing to consult them; and subjecting them to stress and confrontation.

The announcement, made on 11 June 1996, follows the £175,000 settlement for another social worker and PCS member, John Walker, after work pressures caused him to have two nervous breakdowns. The latest settlement, which was offered by South Lanarkshire Council, was without any admission of liability (the council inherited the case from Strathclyde Regional Council, following a major reorganisation of local government).

Janet Ballantyne had worked for Strathclyde’s social work department from 1979, most recently as the deputy officer-in-charge of its Maypark home for the Elderly in Hamilton. The problems started with the appointment in November 1991 of a new head of the home, a Ms Miller.

The summons issued in the Scottish Court of Session on Ballantyne’s behalf alleged that Miller had a reputation “for being heavy-handed with her staff [which] was or ought to have been known” by the council. She routinely ignored staff and humiliated them in front of their colleagues, and “she demeaned the residents by her conduct and attitude towards them.” Two residents wrote to the council to complain, and a senior member of staff sent a detailed report on her behaviour to the council.

Ballantyne eventually logged a complaint about Miller’s handling of £400 for the purchase of some clothes for a resident, and her use of an emergency ‘hotline’ to telephone a boyfriend in Greece. Although Miller admitted the complaints were factually accurate, the summons alleged that the council took inadequate disciplinary action.

Ballantyne then sought a transfer. Despite further incidents, no action was taken by the council and her health began to deteriorate from April 1992, with the onset of panic attacks and stress. She returned to work in November 1992 pending a transfer, but had to continue at Maypark. After six days, she was sent home on the point of collapse, and was unable to work from 20 November 1992. An examination by the council’s regional medical officer on 5 January 1993 diagnosed anxiety, depression and a peptic ulcer, and found her medically unfit to continue in her

employment. She took early retirement on medical grounds on 25 April 1993 and is still ill.

The summons argued that the council had a duty to take reasonable care for the health of its employee, provide a safe system of working and working environment, provide her with competent and co-operative colleagues, investigate a complaint quickly and thoroughly, and take steps to reduce the risk of her health suffering - either by resolving the dispute or by removing one of the protagonists from the home.

Ms Ballantyne's solicitor, David Sandison of Lawford Kidd, said that an important factor, as with the Walker case, seemed to be the employer's failure to deal with the problem when the employee returned to work in November 1992 after a period of illness.

Once again, as in the Walker case, **the crucial factor was the employer's failure to deal with the problem when the employee returned to work after a period of illness.**

### **Value of the Claim**

If successful, the employee will recover compensation for pain and suffering (in this country notoriously low). He or she will also recover compensation for loss of earnings and any future loss of earnings.

In both Walker and Ballantyne the individuals have been retired on ill-health grounds and the relatively large awards were made up of sums for loss of earnings (Mr Walker £175,000 and Ms Ballantyne £66,000).

Note the overlap between the Industrial Tribunal and the Court, eg. race discrimination claim where the Tribunal has awarded approximately £21,000 for injury to feelings and loss of earnings. This sum will have to be deducted from any award arising out of a successful claim for compensation in the Court.

## **HSE Health and Safety Guidance 'Stress at Work'**

The Health and Safety Executive (HSE) has published guidance for employers on preventing stress at work which makes it clear that bullying can be a cause of stress and that preventative measures must include action to eliminate bullying where it exists.

**Safety Representatives can use this general legislation and guidance to raise the issue of bullying with employers. Safety reps can use the four steps to Identifying and Preventing Stress outlined in the HSE guidance and adapt it to identify signs of bullying.**

## **Identifying and Preventing Stress at Work - HSE Guidelines that help to identify and reduce bullying at work**

### **Step One**

The key to identifying causes of stress and eliminating them is risk assessment and employers should adopt a systematic step by step approach as with their other risk assessment duties under the Management of Health and Safety at Work Regulations 1992 and the other health and safety legislation referred to earlier. Employer should first seek to identify potential or actual causes of stress in the workplace. A checklist developed to suit the organisation could be used as a starting point.

### **Step Two**

Having identified potential sources of stress in the organisation employers should next determine the perceived level of stress amongst employees. The only way to do this is by asking employees themselves. This may be done by means of a questionnaire to all employees or by asking employees who take sick leave to complete a simple form asking them whether they think their illness was stress related. While the former may be anonymous the latter clearly is not. Employers will need to explain clearly why they are asking for the information and assure employees that it will be treated on a no-blame basis. Other ways of determining whether there may be a problem include looking at sickness absence trends, staff turnover rates, etc.

### **Step Three**

Risk assessment also requires employers to examine their existing preventative and protective measures and to evaluate their effectiveness. So for the next step they should check their health and safety organisation and ensure that measures to prevent or control physical, chemical, biological or environmental are adequate. This means looking also at the adequacy of information, instruction and training for employees. No matter how good control measures are, if employees do not understand the nature of the risks they may face and what steps have been taken to protect them they may experience high levels of anxiety.

### **Step Four**

Employers should also look at their organisation and other relevant policies to see whether they are adequate or whether more needs to be done. For example, employers should check that policies to prevent violence, harassment, bullying, etc., are actually being implemented and are working.

If provision is made for regular departmental meetings employers should check that meetings are actually held and that they provide an effective forum for discussing problems, disseminating information, etc. Employers should ensure that they make clear that management training is a requirement of the job and not an optional extra. They should also ensure that employees are provided with and take up training opportunities.

Employers should ensure that they provide real information to employees about their work, eg. by means of staff handbooks or work manuals and by regular bulletins. In-house journals which concentrate on stories about personalities are not sufficient.

Employers should also ensure that they are consulting trade union representatives on a regular basis about all issues which affect their members.

### **Remedial Action**

Once any problems have been identified remedial action will need to be taken. Some problems may be easy to resolve, others may require a longer term strategy. Priorities for action should be agreed jointly and it should be clear who has responsibility for implementing them. Organisational and management problems must be taken equally seriously as problems with, for example, the work environment. If what is needed is a change of organisational culture, a review of management practices, the development of management training or the improvement of internal communications, then these changes must be implemented according to an agreed timetable.

### **Reporting and Recording Procedures**

Bullying can cause stress-related ill health which is treated by the law in the same manner as physical ill-health. Therefore, employers have a legal duty of care to ensure that employees' health is not placed at risk through excessive and substantial stress, and employers should consider the implications of this when they undertake the mandatory assessment of the possible health hazards in the working environment. Employers should have a coherent policy which takes account of the way work is to be organised, working conditions, the working environment and any relevant social factors.

The crucial feature of any strategy to reduce the risk of bullying is an effective reporting procedure. Research suggests that only serious health effects or incidents are reported. The reasons being that:

- the bullied person may be frightened by the consequences of reporting the bully
- there may be doubt in the worker's mind about reporting effects of bullying because there may be a workplace culture, or an individual view, that complaining and reporting implies some professional failing, and inability to cope with the work
- the effects of bullying is not considered sufficiently serious

- there is insufficient time to make a proper written report, or the reporting system is over complex
- there may be a belief that there is no point in reporting the effects of bullying because nothing will be done.

An accurate record of the causes and effects of bullying are necessary to:

- identify individuals or groups at risk
- identify the potential sources of bullying at work
- identify measures to reduce the risks
- assess whether those measures are working
- provide evidence to support complaints, absence for ill-health or effects on work levels.

All causes and effects of bullying should therefore be reported. Too often, only when it is too late and the person has a nervous breakdown or is disciplined at work is bullying reported. There should be systems in place to ensure that bullying is taken seriously and people encouraged to seek advice at an early stage without threat of victimisation or job loss. Reporting systems should be easily accessible and confidential. This may require a counselling system or method of recording the effects of bullying before it becomes a reportable or disciplinary event.

A system should also be in place to ensure a prompt and effective response is made. Management should act on reports in a sympathetic manner. Individual reports should be considered seriously to see whether further problems can be avoided. Collective reports should be considered at a senior level and at joint Safety Committees to identify and control particularly high or increasing levels of stress. Staff must be trained in reporting stress situations. Training should include the reasons for reporting, the required methods for reporting and recording stress related causes and effects, and guidance on the sort of problems which should be reported.

## **Activity 6:        Advising Members (Case Study)**

**Aims:**        This activity will help you to:

- speak to members who witness or report bullying
- offer advice and guidance to assist members progress their complaints about bullying
- develop investigation and negotiating skills

**Task 1:**        You will be asked to work in groups of three.

Discuss the checklists in Briefing 2 'Interviewing a Member About Bullying' and 'Advice to Members Who Seek PCS Advice About Bullying'. Are there any points you would add?

### **Report**

**Back:**        Give a short verbal report to the rest of the class.

**Task 2:**        Using the Advising Members Case Study on the next page,

- A        prepare a course of action (short term)
- B        interview the bullied member
- C        investigate and plan the case (long term)
- D        raise the issue of bullying with management

**Resources:** Briefing 2  
Pages 8-11 PCS Guidelines 'Bullying at Work'

## **Advising Members - Case Study**

### **Background**

#### **The Workplace**

The situation takes place in a Housing Benefits Office. There are 8 people working in the department. Jobs are rotated during the day between seeing clients in the open plan office and admin work. There is a target for each person to see eight clients within a morning or afternoon session. PCS has been complaining about this for some time and want to reduce it to five clients per session.

#### **The Bully**

The bully is a 29 year old graduate who has risen quickly in the organisation and has been the department manager for 18 months. They have been a member of PCS for a number of years. They have high expectations of their future career and want to gain a higher position. However, as there are few vacancies at a higher level being advertised they feel stuck in a rut and unable to show off their real capabilities in this small department.

#### **The Bullied Member**

The bullied member is aged 50 and has worked in this department for eight years and knows the job very well. They have a lot of experience from three previous jobs that dealt with advising clients. They are sensible, capable, live alone and like jazz music. They used to like the job and the people that they worked with but during the last 18 months the bully's insults have got worse. Sometimes the bullied member doesn't want to come to work because of this and has started taking days off.

#### **The PCS Safety Rep**

The PCS Safety Rep has a young family (a daughter aged 2 and a son 6-months) and often comes in late to work. They are easy going and keen to be a good safety rep. They have been the safety rep for a year. They get on well with the bully who doesn't seem to mind about their occasional lateness which can't be helped as it takes ages to organise the kids' breakfasts in the morning.

#### **Other Employees in the Department**

There are five other people in the office who keep their heads down, do a lot of overtime and never complain about anything except to each other.

## **The Bullied Member's Brief**

The bully has favourites, in this case the PCS Safety Rep. The bully always turns a blind eye when the Safety Rep comes in late and ignores the personal telephone calls that they get regularly from their partner. The bully thinks you are slow at your work and often speaks through another member of staff when he wants to address you; talks out loud in front of staff about how slow you are at giving in reports; makes comments about the way you dress and derogatory remarks about you not being married. You have been bullied like this for 18 months since the bully was appointed as department manager.

Last week the bully required a report on a client to be updated and asked a member of staff to ask you to have it ready by the next morning. When you heard of this you knew that the report would take at least two days to prepare as there were some details to check and you had a pile of other work to finish.

Over the last few months, you had worked 2 hours overtime, 3 or 4 times each week to catch up with unfinished work.

This morning, when the report should be ready, the bully is waiting for you to arrive at work. The bully asks you for the report but you say that you haven't managed to finish it because of all your other work. The bully is furious and shouts at you that you are 'miserably incompetent' and should find another job.

You are very upset and at your wits end. You rush out of the room just as the PCS Safety Rep arrives, late as usual!

You head for the rest room and a few minutes later the PCS Safety Rep arrives to see if you are all right. You try to explain what happened but you are still upset. The PCS Safety Rep says they will come back in fifteen minutes when you feel better.

## **The PCS Safety Rep's Brief**

You are the PCS Safety Rep for the department. You think you have done a good job so far and the department manager, who is a PCS member, seems to be interested in health and safety and often stops to chat with you about it.

However, the department manager is always criticising members of staff in front of other staff and it is embarrassing. Comments are made about the way they dress and the slowness of their work.

This morning you come in half an hour late, which you seem to do a lot lately as the kid's breakfasts take so long to sort out. You pass one of your members flying out of the office door and into the rest room obviously very upset. When you walk into the office, the department manager is standing there, hands on hips, and says:

“I told you all the staff were incompetent in here. The report I wanted wasn't ready and that proves my point”.

You decide to go and see the member in the rest room, who gives you a garbled story about what happened. You suggest that you will return in fifteen minutes when the member feels better.

**Activity 6A: Advising Members (Case Study) - Prepare a Course of Action**

**Aims:** This activity will help you to:

- develop a step by step approach to tackle a workplace problem on bullying

**Task:** Using the case study on bullying, in your group of three, decide what course of action you would take in the short term if you were the safety rep in this department.

**Report Back:** Give a short verbal report to the rest of the class.

## **Activity 6B: Interviewing a Bullied Member**

You will be divided into groups of three and you should agree who will act as:

- safety representative
- member
- observer

Using the 'Advising Members' case study.

The safety representative will interview the 'member'.

The 'member' will explain the problem in response to the safety representative's interview questions.

The 'observer' will note on the report form on the next page, how the interview progresses, using the guidance questions listed on the report. Once the interview is finished the observer will lead a discussion on how the interview went, based on the points on you report form.

## **Activity 6B: Interviewing a Bullied Member**

### **OBSERVER'S REPORT FORM**

Did the safety representative:

- make the member feel at ease?
- explain why they were interviewing the member?
- check on union membership
- take notes?
- ask open-ended questions?
- get all the important facts about the risk? If not, what was left out?

Were they aware of what health and safety standards might apply or have to be checked?

Were they aware of what other information might have to be obtained from other sources?

If the case involved personal information about the member, how did the safety representative handle this aspect of the case?

Did the safety representative:

- check the main points at the end of the interview?
- make an assessment of the case and explain it to the member?
- propose action to the member?
- make arrangements to let the member know about progress?

## Activity 6C: Investigating and Planning

**Task:** Now in your group of three from the interviewing activity analyse and prepare:

- a course of action (long term)
- how you would raise the issue with management

Use a systematic approach to tackling the problem. Think about:

### The Problem

- What are the facts?
- What are the causes?
- Is it a 'one off' or a broader problem?

### Investigation

- What does PCS say?
- What do my agreements say?
- What do my members want?
- What does the law say?
- What questions should I put to management?

### Plan

- What are PCS's aims?
- How should I involve my members?
- How should I take up the issue?
- What pressure and arguments should I use?

## **Activity 6D: Raising the Issue of Bullying with Management**

### **Aims:**

**Task 1:** You will be asked to role play a Safety Committee meeting and prepare for the meeting in two groups:

- a group of management
- a group of PCS reps

Two people will be asked to act as observers and use the Observers Report Form on the next page. There is one item on the Agenda: 'Dealing with Bullies at Work'.

The role play about interviewing a member revealed that one manager in particular had been bullying a member of staff for 18 months. The situation has come to a head and PCS has asked for the issue of bullying to be put on the next agenda of the Safety Committee which is in a week's time. The union safety representative and the department manager (the bully) both sit on the Safety Committee.

Each group should use the outline negotiating plan on the next pages to prepare for the meeting. Each group should consider how they will deal with the situation of the safety rep and the bully being present at the meeting

**Timing:** 30 minutes to prepare for the meeting.

30 minutes to conduct the meeting.

**Task 2:** In small groups, after the negotiation has concluded, decide the main things you have learned from the whole activity (A, B, C and D).

What can safety reps do to identify potential causes of bullying?

### **Report Back:**

List your key points on a flip chart.

Elect a spokesperson to report back.

## Activity 6 (D) Outline Negotiating Plan

### Problem

Main Facts:

Cause of the Problem:

### Information

- Relevant provisions from legal requirements
- PCS policy and guidelines
- Member's views
- Other

### Aims:

Maximum:

Minimum:

Your main arguments:

Management's likely response:

### Timescale:

Management's likely response:

Your planned response:

# **OBSERVER'S REPORT FORM**

## **Presenting the Case**

Did the representative:

- 1 Work the objectives out in advance?
- 2 Present the case with courtesy and firmness?
- 3 Put the case simply and clearly?
- 4 Use the risk assessment requirements to good effect?
- 5 Get the management talking?
- 6 Defend the union case in argument?
- 7 Get a firm decision from management?
- 8 Make sure the outcome was clear?
- 9 Keep a record?

Any other comments on how the case was presented.

## **Briefing 3: Advising Members**

### **Interviewing a Member about Bullying**

If a member approaches you saying he/she has been bullied, the following steps can be taken:

- Ensure that you treat any cases of bullying seriously and be supportive to the person bullied. The nature of bullying means that in many cases it will be the word of the bully, who is often in a more influential position, against the bullied.
- 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.
- Encourage the member to write down details of each occurrence of bullying, including what was said and done and the date and time.
- Find out whether other workers have experienced similar problems, and if so ask them for details of any bullying which has occurred.
- Discuss with the member how he/she wishes the case to be pursued.
- If the member agrees, seek the support of other workers.
- Advise the member to report the incident to management. Help the member to do this if he/she so wishes. Take all written information about the case with you when you discuss it with the management.
- Offer to represent and/or support the member at any stage of the enquiry into the allegations.
- Ensure that the case is dealt with as quickly as possible by management, ensure each step is followed up promptly and press for a deadline to complete the enquiry.
- Ensure that any agreement reached is effective

### **If the Bully is a PCS Member**

All members are entitled to representation to ensure that disciplinary procedures are conducted fairly. If the person being bullied and the alleged bully are members of the same branch they cannot both be represented by the same person. Branches should have an appropriate system of representation for bullying cases. Branches can seek assistance from their regional office. In some situations the regional officer could represent one member and a branch official represent the other.

## **Advice to Members who Seek PCS Advice about Bullying**

If you are being bullied at work you should not suffer in silence but should seek immediate advice from you union representative or Regional Officer. You should not feel guilty or weak or that you are to blame in some way for inviting bullying behaviour. PCS believes strongly that bullying is a severe offence which must be taken seriously by employers. People's complaints must be believed and dealt with swiftly and sensitively. Confronting a bully on your own is not easy and is only effective in the early stages. The longer the bullying goes on the harder it becomes to confront the bully so you should use the union to help you.

Actions that you can take yourself and that will help the union take up your case include:

- Log all incidents of bullying - dates, times, nature of incident, details of slurs, accusations, criticisms, etc. - making sure you stick to the facts.
- Write down your feelings at the time and your own response.
- If you cannot confront the bully, try writing a memo to make it clear why you object to their behaviour and keep copies of the memo and any written reply.
- Keep copies of all annual appraisals, and letters/memos relating to your ability to do the job.
- Try to get witnesses to bullying incidents - try to avoid situations where you are alone with the bully.
- Find out if you are the only person being bullied or whether other people are also affected and try to make a collective complaint.
- Talk to colleagues and see if they will support you.
- make sure that you know exactly what your job description is so that you can check whether the responsibilities you are given match it.
- Find out if your employer has a policy on harassment or unacceptable behaviour which may cover bullying
- Make sure you keep the PCS representative whom you have asked for help informed of all developments
- Stand firm and don't let yourself be a victim.

If you wish to pursue a legal claim against your employer you should seek advice from your PCS Regional Officer in the first instance. If you have a well founded case, PCS will take it up on your behalf.

## **Activity 7: Preparing to Negotiate a Workplace Policy on Bullying**

**Aims:** This activity will help you to:

- assess the contents of existing policies on bullying
- identify the key points that should be included in a policy on bullying
- prepare arguments to use with management to support the key points included in a policy on bullying

**Task 1:** A Safety Committee meeting has recently been held with management to discuss how to tackle the issue of workplace bullies. The meeting agreed that a workplace policy on bullying should be introduced. A working party has been set up, half management, half PCS, to make recommendations for the content of the policy. The first meeting is in a week's time and you need to plan your strategy. Working in small groups and using the worksheet on the next page identify:

- the key points to include in a workplace policy on bullying (refer to workplace policies brought to the course or the example of a joint management/union policy on bullying in Briefing 3)
- arguments you would use to support each of the key points
- management's likely response to each of your arguments
- further arguments you would use to counter management's response
- any other useful strategies to help achieve a workplace policy on bullying.

### **Report**

**Back:** Each group will be asked to explain one or two of their key points and arguments.

**Resources:** Pages 8-19, PCS Guidelines 'Bullying at Work'.  
Briefing 3 - Example of a Joint management/Union Policy on Bullying at Work

**WORKSHEET**

**Preparing to negotiate a Workplace Policy on Bullying**

<b>Key Points</b>	<b>PCS Arguments</b>	<b>Management's Likely Response</b>	<b>PCS Counter Arguments</b>	<b>Other Useful Strategies</b>

## **Activity 8            Negotiating a Policy on Bullying at Work**

**Aims:**            This activity will enable you to:

- plan a negotiating strategy to achieve a workplace policy on bullying
- practice negotiating skills

**Task 1:**            Having considered the contents and arguments for a workplace policy on bullying, use the Outline Negotiating Plan on the next page to prepare your negotiating strategy - use the plan to:

- decide what information you need to back up your arguments
- establish your PRIORITY arguments
- set out you minimum and maximum aims

**Task 2:**            Role play the Safety Committee meeting you have prepared for to achieve a workplace policy on bullying.

Two people should act as observers and use the Observer's Report Form 'Presenting the Case' used in Activity 6D.

**Report Back:**            The observers will be asked for their comments at the end of the role play.

Are there any further points you would add to the worksheets on Preparing to Negotiate and the Outline Negotiating Plan to improve a strategy for health and safety reps to achieve a workplace policy on bullying.

## Activity 8

## Outline Negotiating Plan

### Problem

Main Facts:

Cause of the Problem:

### Information

- Relevant provisions from legal requirements
- PCS policy and guidelines
- Members views
- Other

### Negotiating Aims

Maximum:

Minimum:

### Timescale:

### Your priority arguments

## Briefing 4 Example of a Joint Management/Union Policy on Bullying at Work

- 1 The '*Name of Organisation*' consider that no form of bullying or harassment should be tolerated. It undermines the respect to which individuals have a right, produces anxiety and distress and compromises the effectiveness of the organisation.
- 2 The '*Name of Organisation*' have, therefore, considered what advice they might issue to help eliminate bullying at work. The following guidelines set out management and union's views on good practice. They are not intended to replace equivalent statements or guidelines which may be in operation at present.
- 3 The '*Name of Organisation*' fully support joint initiatives between authorities, employees and trade unions which are designed to eliminate bullying at work. They define bullying as:

Unreasonable, offensive, intimidating or insulting behaviour, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines confidence and which may cause stress.

Bullying can occur at any level and with any relationship. It is not confined to management or supervision. Employees may bully colleagues on the same, lower or higher grades and groups of employees may bully individuals. Generally, there is a pattern of behaviour that constitutes bullying, not a single event. Here are some examples:

- unfair and unjustified criticism
  - humiliating or disparaging remarks about individual ability, personality or other characteristics
  - workloads or deadlines which are deliberately unreasonable
  - taking credit for other people's work, passing blame from one person to another
  - unreasonably changing duties or responsibilities, for example, giving menial or pointless tasks
  - unreasonably refusing requests for leave, training, etc.
  - preventing promotion where it would otherwise be due.
- 4 Bullying affects both the organisation and the individual. The organisation experiences worsening working relationships, reduced productivity, increased turnover and increased costs. For the employee, the results are low morale, lack of motivation and confidence and increased stress and sickness. In their 1995 guide for employers 'Stress at Work', the Health and Safety Executive (HSE) make it clear that bullying can be a significant cause of stress. Employers have a clear responsibility to act to reduce unnecessary stress and are likely to be in breach of their duty of care if they fail to act reasonably.

- 5 The '*Name of Organisation*' seek to ensure that harassment policies and procedures are adapted to cover bullying and to include all groups of workers and, if no harassment policy exists, that new arrangements are introduced to cover all forms of harassment. Trade Unions have a legitimate interest in eliminating bullying and should be fully consulted when policies and procedures are drawn up. These should cover:
- 5.1 Recognition of the seriousness of bullying, the detrimental effects it may have on employees and organisations and the need to develop working cultures which respect the dignity of individuals.
  - 5.2 A statement that bullying will not be tolerated and may lead to disciplinary action.
  - 5.3 Recognition that allegations of bullying place complainant and perpetrator under considerable stress and that complaints must, therefore, be investigated sensitively and as quickly as possible so that the situation is resolved.
  - 5.4 A statement that false or mischievous allegations may also lead to disciplinary action.
  - 5.5 Procedures which place emphasis on the need to protect complainants from further stress, improve working relationships and resolve complaints as near to their source as possible.
  - 5.6 Provision for investigation including information on morale, management style, sickness levels, turnover, changes in behaviour, etc. as well as direct information from the complainant, alleged perpetrator and any witnesses.
  - 5.7 Emphasis on the need to ensure that proper records are taken at all stages.
  - 5.8 Access to counselling and support for people affected, including those against whom allegations are made.
  - 5.9 Training for employees designed to prevent bullying and harassment, training for managers and supervisors in dealing with complaints.
  - 5.10 Monitoring of informal and formal complaints by department or work unit. Monitoring of the effectiveness of training, counselling and the procedure in general.
  - 5.11 Regular review of the policy and procedure in the light of monitoring.

- 6 The Employer and the trade unions have responded to several requests to carry out sensitive and confidential investigations of individual problems. The *'Name of Organisation'* commend this approach, however, they also recognise that a joint investigation is not always appropriate. The employers will respond immediately to any requests for employer or employee advice or support.

## **Activity 9:            Bullying at Work: What PCS Can do**

**Aims:**            This activity will help you to:

- find out what stops members raising the issue of bullying
- Identify the PCS response to these problems

**Task 1:**            Identify what stops members raising the issue of bullying at work. List your key points on a flip chart leaving a space between each point. Exchange flip charts between groups.

**Task 2:**            Using the points on a flip chart from another group, identify how PCS safety reps can overcome these barriers.

**Report**

**Back:**            Elect a spokesperson to report back your key points.

**Resources:** Pages 8 and 9 (What PCS can do), pages 20 and 21 (Information for Members, Draft Branch Bullying Survey), and page 27 (Bullying at Work Poster).

## **Activity 10: PCS Action for Members on Bullying at Work**

**Aims:** This activity will help you to:

- organise an action plan within your workplace to raise awareness of workplace bullying
- produce materials and resources to use in the plan

**Task 1:** In groups look in detail at one area of information for members concerning bullying raised during the course. These might include:

- a poster to put on your noticeboard to highlight the issue of bullying at work
- a leaflet to give to members explaining how PCS are working to prevent workplace bullying at your workplace.
- a motion from your branch to Regional Council/Conference on the issue of workplace bullying
- an advice sheet for members on what to do if they witness or suffer bullying
- a one-day bullying awareness course for members
- a checklist for safety reps on interviewing a member about bullying
- a bullying incident reporting or recording form
- any other relevant information

Select one example to work on and make copies for the rest of the class.

### **Report**

**Back:** Explain what you have prepared and how you might use it.

**Resources:** Pages 8 and 9 (What PCS can do), pages 20 and 21 (Information for Members, Draft Branch Bullying Survey), and page 27 (Bullying at Work Poster).

## **Activity 11:      PCS Action Plan on Bullying at Work**

**Aims:**      This activity will help you to:

- prioritise and draw up an action plan to tackle bullying at work

**Task 1:**      In you small group develop a list of priorities that will form part of your action plan at your workplace to tackle bullying. The following headings may be useful:

- Union organisation and recruitment
- Management organisation
- Agreements, policies and procedures
- Employer 'Signing up to Safety' with PCS and PCS Risk Assessment Campaign
- Tools/materials to help
- Education and training
- Other priorities

**Report**

**Back:**      Write your key points on a flip chart and elect a spokesperson to report back.

**Resources:** PCS Guidelines 'Bullying at Work'.

## **SOURCES OF INFORMATION    *PUBLICATIONS***

### **PCS Publications**

**Available from the Communications Department, PCS Head Office, 20 Grand Depot Road, London, SE18 6SF, the following publications are free to PCS members.**

- ‘Bullying at Work’ Guidelines for PCS branches, stewards and safety representatives. Page 14 contains list of information and resources including details of a training package and videos ‘Combating Offensive Behaviour in the Workplace’.
- PCS guide to the ‘Management of Health and Safety at Work Regulations’.
- ‘Bullying at Work’ A5 leaflet.
- ‘Stress at Work’ A5 leaflet to raise members’ awareness.
- Work-related stress in manual workers: a heavy load. Free to PCS members
- Stress at Work
- Violence: a preventative strategy
- ‘Office Health and Safety - a guide to risk assessment’. Has chapters on stress and violence (jointly produced by PCS and City Center)
- Dealing with Violence and Stress in Social Services (in association with the British Association of Social Workers).
- ‘Harassment’. A PCS guide to policy and representation. Contains chapters on sexual and racial harassment, harassment of lesbians and gay men and disabled people, and how to take up complaints.

### **TUC Publications**

**Available from TUC Publications Department, TUC Congress House, Great Russell Street, LONDON, WC1B 3LS, 0171 636 4030, Fax: 0171 636 0632.**

‘Hazards at Work’, TUC guide to health and safety, 1988, ISBN 1 85006 368 0, £20.00

### **HSE Publications**

‘Stress at Work’ HS(G)116.

