

# Workplace Bullying in United Kingdom

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## Background

Interest in and awareness of the issue of workplace bullying emerged in the UK in the early 1990s. Through a series of radio-programmes the journalist and broadcaster Andrea Adams, who is believed to have originally coined the term ‘workplace bullying’, explored the problem and its significance in UK workplaces. The programmes and the following media debate functioned as an eye-opener for a wider audience and, with the landmark publication of the book “Bullying at work: How to confront it and overcome it” (Adams, 1992), the interest in the issue quickly gained momentum. Within a time-span of less than ten years, the phenomenon of bullying found a resonance with large sections of the British public. Supported by empirical evidence (e.g. Hoel, Cooper and Faragher, 2001; UNISON, 1997, Quine 1999), suggesting that a substantial proportion of the UK working population perceived themselves to be bullied, with implications for individuals, organisations and society alike, the issue gradually moved upwards on the agenda of trade unions, organisations within the private and the public sectors, as well as within Governmental agencies.

## Current situation with regard to workplace bullying

### Prevalence

In terms of prevalence, although methodologies by which evidence has been obtained vary, most studies have reported figures in the order of 10-20%. For example, Hoel and Cooper (2000) in a random nationwide survey involving 70 organisations with altogether more than one million employees, found that 10.6% of respondents reported themselves to be bullied. Whilst a study in a large multinational organisation reported that 15% considered themselves bullied (Cowie et al., 2000), other studies carried out with trade union members have often reported even higher figures, with a recent study of members of the largest UK public-sector union reporting a figure of 34% (UNISON, 2009). By contrast, two relatively recent studies, both large-scale and using representative samples of the UK population, found lower prevalence rates, reporting figures of four and five percent respectively (Grainger and Fitzner, 2007, Fevre et al., 2009), or in the latter case 7% when experience of working for a former employer is also included. Notwithstanding, it is worth noting that in these studies respondents were interviewed face-to-face in their own homes, a method which is likely to yield lower numbers than a survey, whether paper-based or carried out on-line. Still, even with a prevalence rate of 4%, Grainger and Fitzner (2007)

nevertheless concluded that bullying and harassment is a serious problem in UK workplaces, affecting around one million workers.

Whilst most studies in the UK found no difference in prevalence for men and women, a recent development in research on bullying in the UK is the growing recognition that certain minority groups experience particularly high levels of bullying. For example, several studies have suggested that ethnic minorities are vulnerable to bullying (e.g. Lewis and Gunn, 2007), although the experience varies between ethnic minorities as well (Hoel and Cooper, 2000). Furthermore, the two Fairness at Work surveys (Grainger and Fitzner, 2007 and Fevre et al., 2009) found that disabled employees as well as lesbians, gay men and bisexual (LGB) employees were particularly at risk of bullying, with prevalence rates of bullying double those of the general population. As far as disabled employees are concerned, those with long-term illnesses, learning difficulties and psychological conditions were particularly at risk, also reporting exceptionally high levels of exposure to physical violence. By contrast, employees with physical disabilities reported prevalence rates similar to the non-disabled population (Fevre et al., 2008).

Whilst there exists uncertainty with regard to which occupations are associated with the highest risk of bullying, there appears to be consensus about the fact that bullying is more widespread in the public than in the private sector (Hoel and Cooper, 2000; Fevre et al., 2009).

There has been some discussion about whether the level of bullying has been on the rise in recent years. Thus, the previously reported prevalence rate of 34% in 2009 among members of the public sector union UNISON (UNISON, 2009) suggested a near doubling of the number (18%) from a similar study undertaken ten years earlier UNISON, 1999). However, this view is not supported by the two most recent representative samples, which only report a slight increase from four to five percent (Grainger and Fitzner, 2007, Fevre et al., 2009).

A critical distinguishing factor of the British pattern of bullying (Beale and Hoel, 2010), is the identification of someone in a managerial or supervisory role or capacity as the main culprit and the victim likely to be a subordinate (Rayner, Hoel and Cooper, 2002, UNISON 1999, 2009), with managers responsible in 70-80% of incidents. The fact that the predominant pattern of bullying in the UK is top-down also means that some managers are victimised by their superiors (Hoel et al. 2001). By contrast, approximately one third of alleged perpetrators are to be found among colleagues (whilst being bullied by a subordinate is reported by less than 10% )(Hoel and Cooper, 2000, Grainger and Fitzner, 2007). Clients are also identified as the culprit or perpetrator by some targets, with the majority of complaints of this type occurring in customer or client-facing services such as teaching, the health service sector, retail and the hospitality industry.

The majority of targets reported being bullied either alone or together with some of their work colleagues (Rayner et al, 2002). Also, as reported in Beale and Hoel (2010), there seems to be a qualitative difference between being singled out for negative treatment and being bullied alone, as opposed to being bullied together with the rest of the work group. Whilst the first category of experience may be referred to as 'victimisation', the latter form may be characterised as an 'oppressive work regime' (Beale and Hoel, 2010).

### **Consequences**

The consequences and impact of bullying, and ultimately the costs it incurs, have received considerable attention in the UK debate about the issue. Whilst the debate in some

countries seems to have focused on the consequences of bullying for the individual, the business case or the costs to organisations seem to have dominated the UK debate on consequences. In this respect Giga, Hoel and Lewis (2008a) were commissioned by the Dignity at Work Partnership (see below) to produce a report assessing the cost of workplace bullying. The report systematically reviewed research on costs of bullying to the individuals, organisations and society. It is somewhat difficult to disentangle entirely the UK contribution to this body of knowledge as there seems to be little that can be attributed to the UK context alone, as many UK findings seem to replicate findings emerging in other countries. Therefore, in terms of individual consequences, UK studies have confirmed that bullying is associated with negative psychological and physical health outcomes (e.g. Hoel, Faragher and Cooper, 2004; Quine, 1999; 2001). Interestingly, according to Hoel et al. (2004) context may play a role here as some behaviour and experiences seem to be associated with particularly negative outcomes.

In terms of organisational costs, a distinction is made between direct and indirect costs (Hoel, Sparks and Cooper, 2002), with direct costs associated with factors such as injuries, sickness absence and turnover, whilst indirect costs will include factors such as short and long-term effects of bullying on targets and witnesses. In estimating direct costs, the relationship between bullying and absenteeism appears to be rather weak (Hoel et al. (2011), despite the fact that a UK online survey for the trade union UNISON (N=7,151) reported that a third of victims had taken time off due to bullying (UNISON, 2009). For example, in line with most international research Hoel & Cooper's (2000) nationwide British study reported weak correlations between self-reported bullying and total exposure to negative acts respectively, on the one hand, and sickness absenteeism, on the other. Still, it is worth noting that in Hoel and Cooper's (2000) study, victims of bullying reported having taken seven more days off work than those who had no experience of bullying, directly or indirectly as witnesses or bystanders. By contrast, much UK research has emphasised the negative impact of bullying on turnover (Rayner et al., 2002). Thus, compared to the figures for absenteeism, Hoel and Cooper's (2000) nationwide study reported moderate to relatively strong correlations between bullying and intention to leave, both for self-reported bullying and exposure to negative acts. A significant association between bullying and intention to leave was also reported by Quine (1999) in her study of the UK National Health Service (NHS). With bullying consistently found to be strongly associated with job-satisfaction (Hoel & Cooper, 2000; Quine, 1999, UNISON, 1999, 2009), it is not surprising that bullying is seen to negatively affect performance and productivity. Whilst correlation for self-rated performance has been found to be relatively weak (Hoel and Cooper, 2000), Hoel, et al.(2002) estimated that a total drop in UK productivity of 1.5-2% may be attributable to bullying when comparing performance levels for targets and non-targets. It has been suggested, albeit with considerable reservations, that bullying could cost the UK economy as much as £13.75 billion annually (Giga et al., 2008a). And, although such figures might be somewhat exaggerated, they have attracted considerable interest from employers (CIPD, 2005), and no doubt contributed to overall interest in the subject.

## **Background and reasons for the occurrence of workplace bullying**

Most empirical studies undertaken in the UK have been focused on establishing potential links between work-environment quality factors and workplace bullying. Consequently studies have often reported elevated levels of bullying in what has been reported as negative work environments (e.g. Coyne et al., 2003), where workloads were seen to be high or excessive and relationships at work negative or problematic (e.g. Hoel and Cooper, 2000; UNISON, 1999; 2009). Similarly, bullying has been seen to be associated with organisational change (Hoel and Cooper, 2000), in particular change of supervisor or manager (Rayner et al., 2002). By contrast, studies have found little support for a link between precarious work and bullying, with employees with full-time and permanent employment contracts more at risk than those with temporary and part-time work (e.g. Hoel and Cooper, 2000).

Style of leadership is another potential antecedent of bullying which has recently received considerable interest in UK and international research. Based on a large UK sample (N=5,288) Hoel et al. (2010) explored the relationship between four styles of leadership (autocratic; participative; laissez-faire; and non-contingent punishment), on the one hand, and self-reported and observed bullying, on the other. Whilst observed bullying was found to be directly associated with an autocratic style of leadership, self-reported bullying was seen to be linked to non-contingent punishment, a style of leadership where punishment is applied arbitrarily, (Podsakoff, Todor and Skov, 1982), and to a lesser extent to laissez-faire leadership, but not to an autocratic style of leadership. To make sense of these findings, Hoel et al. suggested that whilst autocratic leadership to the observer easily may be interpreted as unfriendly and as bullying, for the targets themselves, although negative and unwelcome, behaviours and actions in line with an autocratic style are predictable and are seen as something one may protect oneself against. Such a style is also likely to affect one's colleagues. By contrast, a style of leadership using non-contingent punishment, is hard to escape and difficult to make sense of. Because such a style may not affect everyone equally, complaints about bullying may not be understood or believed as colleagues may have different experiences.

Explanations of bullying have also been sought in professional socialisation processes, whereby new entrants and trainees have been socialised to see negative behaviour and bullying as acceptable, and even justified in certain situations, with the result that such behaviour gradually becomes normalised and remains unquestioned, and is thus likely to be reproduced by new entrants to the profession. Empirical explorations have revealed the impact of such processes in the British fire service (Archer, 1999), among nurses (Hoel, Giga and Davidson, 2007) and within commercial kitchens (Bloisi and Hoel, 2008).

Several UK contributions have tried to explain bullying in light of the political and economic industrial relations climate in the UK and the capitalist employment relationship (e.g. Beale and Hoel, 2010; 2011; Hoel and Beale, 2006). In this respect, it is argued that in some circumstances and contexts, bullying can act as "a tool of managerial control that can sit alongside other control methods and approaches, and can supplement them" (Beale and Hoel, 2011, p.11). It is also argued that whilst some bullying may be conscious and rational, serving managerial interests, other examples may be spontaneous responses to particular situations such as a stressful work environment, and as such as may often be counter-productive. Failure to deal effectively with bullying may also at times be

attributable to a need to ‘close ranks’, or to demonstrate managerial loyalties towards perpetrating managers even when such managers clearly are at fault and in breach of organisational rules (Beale and Hoel).

Altogether, whilst conceptually the understanding of the causes of bullying may have evolved positively in recent years, it has been argued that empirical evidence still stems primarily from cross-sectional studies, making it difficult to draw conclusions about cause and effect relationships (Beswick, Gore and Palferman, 2006).

## **National policies including legal regulation and its effects**

Differently from some other European countries such as Sweden and France, the UK has no specific legislation particularly addressing workplace bullying. In this respect successive UK Governments have resisted pressures to introduce such legislation by advocacy groups, including the trade union-sponsored ‘Dignity at Work Bill’ (1996). This Bill intended to provide protection against bullying by introducing employer liability for bullying and similar acts, including “behaviour on more than one occasion which is offensive, abusive, malicious, insulting or intimidating” on a par with what is available to victims of sexual or racial harassment (Yamada, 2011). Whilst it successfully passed through the House of Lords (the upper chamber) in 1996, subsequent attempts to introduce it in the lower House of Parliament failed in 1997 and again in 2001 (Unite, 2007), being effectively blocked by successive Governments, who argued that the current legal remedies suffice (Di Martino, Hoel and Cooper, 2003). It has since been argued that employers and government alike were unhappy with the aspects of the Dignity at Work Bill proposal and it was abandoned at the second attempt (Levinson, 2005 cited in Beale and Hoel, 2010).

With no particular legislation addressing the issue, it has been argued that the legal situation with respect to workplace bullying is ambiguous (Walden and Hoel, 2004) with a range of statutes potentially applicable in cases of bullying (ACAS, 2006). Therefore, when a victim of bullying is pursuing a course of legal action, one or more general legal provisions could form the basis of the case, including among others: Common Law liabilities, health and safety legislation, anti-discrimination legislation or regulations aimed at stalking or the Protection against Harassment Act (Beale and Hoel, 2010; Walden, in press).

With the legal framework being considered weak and indeed ambiguous, the focus has very much been on case law and its development over time (Walden and Hoel 2004). In order to make sense of the courts’ judgement in more recent cases involving bullying and harassment, Walden (in press) examined UK legal practices in respect of the interpretation of employers’ legal duties aimed at protecting “their employees’ psychiatric/psychological health and integrity from work related risks and psychological stressors”. Although historically the establishment of employer’s common law duty of reasonable care for the health and safety of their employees was developed with respect to risk of physical injury and disease, current practice expands this to include psychological/psychiatric injury. Moreover, the employer’s Common Law duty of care is seen to apply to every individual employee as part of their employment contract. Consequently, the employer must take into consideration “not only generally foreseeable risks but also any particular susceptibilities among its employees of which it is aware, or ought to be reasonably aware” (Walden, In press).



Of particular relevance here is the Walker v Northumberland County Council (1995) High Court ruling, in which Walker, an area manager for several teams of social workers within the area of child protection, suffered two consecutive mental breakdowns as a result of high work pressure. Whilst the High Court did not make the employer responsible for the first breakdown, the second one was considered reasonably foreseeable given his first breakdown, and it was argued that insufficient steps were taken to reduce pressures on him. Whilst this court ruling has been considered seminal, it highlights that the court predominantly has accepted a passive or reactive role on the part of the employer, with individual employees still responsible for making the employer aware of any matters of concern or susceptibility, although the exact interpretation of the current legal practices is still contested (Walden, In Press).

### **Health & Safety legalisation**

Another potential avenue available to victims of bullying is through the general statutory provisions contained in the Health and Safety at Work Act 1974, combined with related regulations which would include the Management of Health and Safety at Work Regulations 1999. According to Section 2 of the Health and Safety at Work Act, the employer has a duty of care to ensure, so far as is reasonably practicable, the health safety and welfare at work of their employees. This includes protection from personal injury, described as “any disease and any impairment of a person’s physical or mental condition, which could lead to criminal prosecution by the labour inspectorate” (Health and Safety Executive). It is worth noting that whilst the Health and Safety Act emphasises the need to carry out risk-assessment, this is not supported by a regulatory framework due to remaining uncertainties regarding how to enforce such regulations. (For a further discussion see section on interventions by Governmental agencies below).

### **Ant-discrimination legislation**

With reference to the EU Amsterdam Treaty (1997) and the adoption of the EU’s anti-discrimination Directives, the Equality Act 2010 outlaws employment discrimination and harassment on the basis of sex, race, sexual orientation, religion and beliefs, and age. In addition the Act also outlaws discrimination on the basis of gender reassignment (protection for transsexual employees). Thus Section 26 of the Equality Act 2010 states that:

“1) A person A harasses another (B) if a) A engages in unwanted conduct related to a relevant protected characteristic, and b) the conduct has the purpose or effect of (i) violating B’s dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B. However, to assess whether the conduct has the effect indicated in (1)(b) the following factors need to be considered: a) the perception of B (*in other words the subjective experience of the offended person*)(my comment), b) the other circumstances of the case and c) whether it is reasonable for the conduct to have that effect.”

According to the Equality Act 2010, harassment is defined as: “...unwanted conduct related to a relevant protected characteristic, which has the purpose of or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Thus, the act cannot be applied to someone who does not come from a protected group or cannot claim protected status.

The Equality Act also covers ‘Third-party harassment’, which refers to experience of members of all protected groups, making the Employer potentially liable for harassment from third parties such as customers. In order for such liability, known as vicarious liability (ACAS, 2006) to come into play, the incident must have happened on at least two occasions, the employer must have been made aware of it and must have failed to take action to stop it.

Finally, the Equality Act 2010 also uses the term Victimisation, referring to cases where a complainant is treated badly in response to a complaint or a grievance or indeed has the intention to file a complaint or take out a grievance. The Act, however, explicitly emphasises that protection from Victimisation does not apply to malicious or false complaints.

*Yeboah v London Borough of Hackney* may serve as an example where the Equality Act may apply to workplace bullying. In this particular case a West African man (Yeboah) employed by a local council in London was victimised by continuously being subjected to false allegations made by a fellow employee. The court ruled that accusations were not based on any evidence but on an individual’s prejudice and belief that West Africans in general were corrupt (Lewis, Giga & Hoel, 2011).

### **The Protection from Harassment Act**

A further avenue through which claims of workplace bullying have been pursued is the Protection from Harassment Act (PHA) 1997. Although originally introduced as a legal remedy against Personal Stalking and, thus, not particularly intended for the workplace situation, it not only establishes a criminal offence and penalties, but also creates *civil* liabilities by means of a parallel statutory tort enforceable by way of injunction and/or a claim for damages by the victim (including damages for any anxiety and financial loss caused suffered – see section 3 of the Act).

Thus, according to Section 1 of the PHA:

“A person must not pursue a conduct – a) which amounts to harassment of another, and b) which he knows or ought to know amounts to harassment of the other”. Although harassment is not defined in the law, it comprises causing alarm or distress (Walden, in press). Furthermore, for harassment to be seen to have occurred, it must have happened on at least two occasions. It is not necessary to establish any intention on behalf of the harasser with paragraph 2 stating:

“For the purpose of this section, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in the possession of the same information would think the course of conduct amounted to harassment of the other”.

Crucially, the Act (in Section 3) creates applicability of the Protection against Harassment Act within the employment setting. This first became apparent when it was successfully applied to a case of homophobic workplace bullying, thus extending the scope of legal recourse regarding the issue (Walden, in press). In this case - *Majrowski v Guys and St Thomas’ NHS Trust* (House of Lords 2006) - the employer was found vicariously liable for the harassment suffered by an employee (a manager harassed by his line-manager), involving public humiliation, verbal abuse, being given unreasonable deadlines and being ignored. It is striking that under the PHA, the complainant does not need to establish that injury to health has occurred, as anxiety resulting from the harassment is

sufficient (Beale and Hoel, 2010). Moreover, if found liable, employers may have to pay compensation for potential damages.

In this respect, more recent rulings by the courts where the PHA has been invoked have led to very substantial financial compensation to the victim for ‘injured feelings’ and ‘loss of earnings’, with the compensation level approaching £1million. According to Beale and Hoel (2010) this has contributed to keeping the issue ‘in the public eye’. For example, in the case of *Green v DB Group Services (UK) Ltd*, the court found Deutsche Bank Group Services vicariously liable under the PHA and it was obliged to pay its former employee more than £850,000 in compensation in respect of her psychiatric injury for harassment in the form of a sustained campaign of emotional abuse at the hands of some of her colleagues and for lack of intervention from her managers. As argued by Walden (in press), this and other cases send a warning to employers regarding their responsibility where a bullying culture may be present.

### **The Employment Rights Act 1996**

This Act established that employees may not be unfairly dismissed. In this respect, the term ‘constructive dismissal’ refers to situations where an employee is forced to leave their job against their will due to their employer’s conduct. The Employment Rights Act 1996 “enables an employee to claim unfair constructive dismissal if the employer has failed to maintain trust and confidence and has breached their employment contract” (ACAS, 2006). Thus, according to Di Martino et al. (2003), subjecting an employee to workplace bullying could be considered a form of breach of contract.

With respect to bullying, in *Abbey National Plc v Robinson* (2001) an Employment Appeal Tribunal upheld a decision of constructive dismissal where the employee’s manager had subjected the employee to bullying and harassment at a level which was perceived to be insufferable by the employee (Yamada, 2003). Thus, with reference to rulings by Employment Tribunals, Di Martino et al. (2003) concluded: “some court-cases would appear to confirm this orientation, although the jurisprudence has not been consolidated” (p.54). This view was supported by Walden et al. (2004) on the basis of a survey of 5,500 cases brought to appellate Courts and Tribunals, of which 8% of cases involved some element of allegation of bullying and harassment. Based on their study, Walden et al concluded that the legal framework is still weak and unclear, and consequently with a focus on case law.

In conclusion, although the successful application of the Protection against Harassment Act in bullying cases “may have created a *de facto* statutory tort remedy for workplace bullying targets” (Yamada, 2011, 475-75), the law still relies on case-law, making its general trajectory relatively difficult to predict, as much is left to the interpretation of the judiciary and the courts” (Beale and Hoel, 2010, p.105).

## **Intervention and prevention on the part of companies, trade unions and its effect**

### **Interventions by employer**

Although some employers have been slow to come to terms with the fact that bullying represents a serious workplace problem affecting most organisations at some time, nearly all larger employers in the private as well as public sector have now acknowledged the issue. When the problem first came to the fore in the late 1990s as a new workplace issue



of concern to employers and trade unions alike, many organisations rushed to introduce anti-bullying policies as their first and immediate response, with the current tally of bullying policies standing at approximately 75% (CMI, 2008 cited in Harrington, Rayner and Warren, 2012). It is also acknowledged that policies have been the main organisational approach to deal with bullying issues with some organisations never moving beyond this stage altogether.

There appears to be general consensus about what constitutes a good policy framework. For example, in their report for the Dignity at Work Project (BERR, 2008), Rayner and McIvor (2008, p.49) pointed out the following recommended statements:

- articulating (thus demonstrating in writing) the organisation's ownership and opposition to bullying and harassment
- defining bullying and harassment (as closely as possible, with examples) – this might include a code of conduct
- what employees should do informally (including the role of advisers, trade union representatives etc.)
- the role of mediation
- what employees should do formally if no informal solution had been achieved
- the process of complaint

According to the Chartered Institute of Personnel and Development (CIPD, 2005) the world's largest Human Resources (HR) development professional body, the processes of developing a policy need to be led from the top and need to include an examination of other policies which may affect the problem, including policies on reward, job-allocation and grievance. Moreover, as argued by Rayner and Lewis (2011), a bullying policy is about something more than dealing with formal complaints as, in order to be effective, it needs to incorporate statements about how the organisation intends to deal with the problem in terms of prevention and intervention.

Although a policy against bullying is a mechanism to deal with bullying endorsed by employers and trade unions alike, they are frequently seen to fail to fulfil their potential. A common UK problem seems to be that the policy is not properly communicated to the organisation's membership or embedded in other organisational processes such as induction and training of staff. Launching a policy without having the necessary mechanism in place, including training of managers, can even be considered counter-productive (Rayner and Lewis, 2011).

According to the CIPD, (2005), which has played a central part in shaping UK employers' knowledge and attitudes about the problem, employers' primary responsibility in this area is to develop and communicate the organisation's commitment to dignity and respect at work and steer the entire workforce's responsibility towards this goal. To achieve this goal line-managers' responsibility in pointing out and correcting bullying and intimidating behaviour is emphasised. In addition the organisation should provide targets with advice and support, including pointing out their options and supporting them within the process, as well offering support and counselling, where necessary. (For a discussion on employee support and rehabilitation, see Tehrani 2011).

In order to take the issue forward the CIPD in 2005 produced a report entitled "Beyond policies: towards a culture of respect". The approach promoted in this report focuses on cultural change with the aim of establishing organisations where employees are treated with dignity and respect, which would require a clear vision on the part of

employers in terms of what such a culture entails, including continuous assessment of progress, development of monitoring tools and a commitment to maintain momentum (CIPD, 2005). In line with such a view it is striking that many UK organisations now refer to a ‘dignity at work policy’, rather than to a bullying policy. It is also of interest that the CIPD, as the professional organisation of human resources practitioners, acknowledges that line-managers are the most likely sources and perpetrators of bullying. To explain why this is the case it is suggested that bullying by managers largely reflects a tendency to promote people to managerial positions without ensuring that they have the necessary skills to manage people. Failure to deal with and manage change processes is seen as a particular problem with accusations of bullying often emerging in the wake of such organisational change processes. In response it is argued that such processes need to be carried out in a fair manner by what is referred to as ‘strong management’ (CIPD, 2005).

In addition to a statement by the employer that bullying is unacceptable and constitutes a disciplinary offence, a common element in bullying policies is a commitment that any complaints of bullying will be investigated speedily and fairly in line with the organisation’s formal procedures (see Hoel and Einarsen, 2011 for a discussion). However, in this respect there is some doubt about the extent to which UK employers actually follow their own policies. According to Harrington et al. (2012) a lack of trust in Human Resources (HR) as being able and willing to enact the policy in a fair manner appears to be a common argument by targets for not filing a complaint (e.g. UNISON, 2009). Based on evidence from interviews with a number of HR managers Harrington et al. (2012) concluded that there exists a widespread belief among HR managers that accusations of bullying were generally unfounded and rather reflected a performance-management issue with the complainant as the likely guilty party. Furthermore, HR’s primary concern appears to lie with the interest of the organisation and many practitioners dreaded the response of line-managers when issues of concern were brought to their attention. Interestingly, many HR managers avoided the bullying label altogether, preferring to describe the behaviour of perpetrators as incompetent and inappropriate, rather than bullying, and blaming the employees for excessive use of the bullying label (Harrington et al., 2012).

In the last few years there has been an increased emphasis in the UK on early dispute resolution and mediation. Based on the Gibbons Report (Gibbons, 2007) and incorporated in the 2008 Employment Act, it has been argued that this provides the employer with an alternative tool to address the issue of workplace bullying at an early stage (Beale and Hoel, 2010). Whilst the uptake and the effectiveness of such an approach is still uncertain, one should bear in mind the warning by Keashly and Nowell (2011) about the inappropriateness of applying mediation in severe cases of bullying where the targets have difficulty in defending and standing up for themselves and where mediation could be manipulated to serve the interest of the perpetrator. Beale and Hoel (2010) also argue that a mediation approach may be better suited to deal with cases of bullying between colleagues compared to the more frequent cases involving bullying by managers of subordinates.

### **Interventions by Governmental Agencies**

The UK Health and Safety Executive (HSE), the public body responsible for the encouragement, regulation and enforcement for health, safety and welfare, has in recent years pursued a risk-assessment approach to the control and management of workplace stress. The approach, albeit not legally enforceable, is meant to assist employer action. Due

to continuing uncertainty with respect to the effects of the approach, the prospect of introducing statutory regulation in this field has been precluded (Mackay et al., 2004). To ensure progress in the area of stress management, HSE has relied on introducing 'standards' as a management tool, a well known approach applied within other areas of health and safety control management systems. To develop its framework the HSE has followed Cox's (1993) well-known taxonomy of stressors, identifying seven classes of workplace stressors, one of which, 'relationships', is seen to be strongly associated with workplace bullying.

The HSE's risk-assessment framework on workplace stress is intended to assist the employer in reducing the likelihood of a workplace hazard that will lead to harm, where the hazard here refers to features of the workplace which have the potential to cause harm (i.e. relationships at work). According to Mackay et al. (2004) a risk-assessment approach, one that is widely used internationally for physical hazards, is based on a view that collective protective measures are given priority over individual ones. Furthermore, whilst the organisation's targets are identified by experts and communicated to the workforce (top-down), the identification of any discrepancy between current and desired states is based on feedback from the workforce (bottom-up). Thus, in order to assist the management of the standards, for each class of psycho-social stressor a set of corresponding indicators of achieving the standards has been developed. These indicators represent a series of questions (or statements), with the aim "to capture the workforce perceptions of the situation (Mackay et al., 2004, p.103). The promoted target of a threshold of 85% of the desired state is based on previous research suggesting that 20% of the workforce suffered from severe levels of stress, which *de facto* would mean a net reduction in stress by 5% in the first instance (Smith et al., 2000). The cut-off point of 85%, therefore, refers to the share of the workforce agreeing that the standards have actually been met.

It is important to state that in terms of workplace bullying this approach is still in its infancy. Thus, whilst evidence for applicability and success of the approach with respect to stress reduction is emerging for several other psycho-social stressors, little by way of evidence has so far come about for 'relationship' stressors.

Only a couple of studies have been undertaken to assess the effectiveness of employer interventions (e.g. Carer et al. 2011). In one such study, Hoel and Giga (2006) compared the effectiveness of three interventions within five large public sector organisations: 1) communication of bullying policies; 2) awareness of workplace bullying and its effects; and 3) stress management. In order to assess the effectiveness of these interventions they were applied in various combinations across the five participating organisations. Despite a rigorous research process, the researchers were unable to identify any clear pattern between any intervention/combinations of interventions, on the one hand, and positive outcomes in terms of reduced negative behaviour and bullying and improvement in individual outcomes (e.g. psychological contract and job-satisfaction) or organisational outcomes (e.g. absenteeism and turn-over rates), on the other.

Documentation of individual UK employers' approach to bullying is similarly scarce. In one such rare study of a 200-strong employee public sector organisation, Pate, Morgan-Thomas and Beaumont (2012), senior management admitted failure to previously acknowledge bullying and act on it despite the presence of a bullying-policy. By means of what is referred to as a robust approach, in which several senior managers were dismissed as a result of being found guilty of bullying, employee perception of bullying was

significantly reduced. However, according to the researchers restoration of trust in management was only partially achieved.

### **Trade union response**

It is noteworthy, albeit not surprising, that it was the trade unions rather than the employers who first raised the issue of workplace bullying on their agendas. In this respect, some trade unions, such as the Manufacturing, Science and Finance Union (MSF), now an integrated part of Unite the Union, the largest British trade union, were among the prime movers behind the Dignity at Work Bill. Since the late 1990s most UK trade unions as well as the Trades Union Congress (TUC) have moved the issue high up on their agenda, offering training to shop stewards and members, developed and published guidelines on how to deal with the problem (see Di Martino, Hoel & Cooper, 2003), commissioned research reports, e.g. on the cost of bullying (Giga et al., 2008a), as well as giving their backing to various anti-bullying campaigns.

Development and implementation of anti-bullying policies has been a key focus for trade union demands regarding workplace bullying since the late 1990s as it is seen to legitimise complaints about bullying from employees as well as serving as a focal point for an organisation's strategy against bullying. Such a view is clearly expressed in this statement by two national trade union officers: "A policy makes a clear statement about what an organisation thinks, its relationship with staff and how it expects people to work within its culture" (Richards & Daley, 2003, p.247).

Furthermore, in order to push the issue up the organisational agenda, and to provide evidence and ammunition for action on the issue, many trade unions have carried out their own surveys of bullying. Among the largest and most extensive surveys are several undertaken by the largest public sector union UNISON, the results of which have been reported above. In addition to providing evidence for the extent of the problem and identification of risk-groups, it has provided important feedback with respect to the memberships' general attitudes towards bullying and their beliefs about its causes (UNISON 1997; 2008): "Bullies were able to get away with it" and "workers too scared to report it," both statements being endorsed by more than 90% of respondents. Although scientifically these findings may be questionable in terms of establishing the real causes of bullying, they reflect employees' lack of trust in the effectiveness of internal processes associated with bullying and the employers' handling of these as indicated previously.

In 2004, the Government Department of Trade and Industry (DTI, now Business, Enterprise and Regulatory Reform - BERR), funded a joint trade union and employer-led initiative, the *Dignity at Work Partnership* project, at a cost of £1.3M (BERR 2008). Spearheaded by the trade-union Amicus (now Unite the Union), it was joined by several large employers such as British Airways, British Telecom and Royal Mail, among others. A key aim of the project was to develop strategies to tackle bullying. Following interviews and focus groups undertaken with a number of stakeholders by independent researchers, it was concluded that a successful approach against bullying would have to be build on commitment from the top combined with buy-in from the entire workforce. In line with this, whilst the need for policies was highlighted, it was emphasised that policies alone could not guarantee a harassment-free work-environment, with employee involvement (voice) considered a key to creating joint ownership of the problem both with respect to problem identification/understanding and solution. Among other issues highlighted were the need for training in problem recognition and the need to establish a zero-tolerance for



bullying. Finally, the need for a joint partnership was emphasised: “Tackling bullying and harassment in the workplace requires a partnership based on trust and delivered through a shared zero-tolerance culture valuing people as individuals” (Rayner & McIvor, 2008). It is also of interest that the project emphasised the experience of minority workers, including disabled employees, lesbians, gay men, bisexuals and transgender (LGBT) as well ethnic minorities. In respect of ethnic minorities, a specific review was commissioned to gauge Black and Ethnic minorities’ (BME) experience of workplace bullying (Giga, Hoel and Lewis, 2008b).

Despite investment in such joint processes there is doubt about their uptake and effectiveness. For example, in a recent study of trade union members’ responses to bullying, Mawdsley (2012) found that most would prefer what she referred to as ‘target focus solution’, i.e. taking sick-leave or changing jobs to ‘punitive perpetrator solutions’ such as filing a formal complaint or taking out a grievance due to an overall dissatisfaction about how these were resolved and their ability to provide targets with redress. These findings seem to corroborate Harrington et al.’s, (2012) findings, with processes seen as lengthy and biased in favour of managers.

## **Role and functioning of voluntary organisations**

Since interest in the issue of bullying emerged in the early 1990s, voluntary and charitable organisations have played a significant role in spreading information about the problem as well as providing support for victims. In this respect, it has been argued that the activity and determination of articulate victims contributed very significantly to the public debate and early interest in the issue. By exercising continuous pressure on the media in the broadest sense and by numerous innovative initiatives utilising conference appearances, written publications and the internet, these activists contributed to informing and educating the public and effectively prevented the issue from disappearing from public view). Among such victim voices, no-one had more impact in the UK than Tim Field who set up the Workplace Bullying Advice Line and the Success Unlimited Website. Although often considered controversial in his argumentation and rhetoric by academics, his best-selling book “Bully in sight - How to predict, resist, challenge and combat workplace bullying?”, was very well received by victims of bullying and for a time played a significant role in the public debate.

Whilst Field and other victim-initiated support groups particularly functioned as a point of support for victims, other charitable organisations targeted politicians and policy makers. One of the most influential of this kind was the Suzy Lamplugh Trust, which since 1988 has campaigned on various issues on personal safety, violence and aggression, including stalking and workplace bullying.

In 1997 after the early death of Andrea Adams, the Andrea Adams Trust was set up to ensure that her compassionate work continued. The Trust aimed to raise awareness of the bullying issue and to provide aid and support to individuals as well as organisations (The Andrea Adams Trust, 1998). Although it became the leading campaigning charity on workplace bullying, running a very successful helpline for a number of years, and institutionalising a particular ‘Ban bullying at work day’ which received considerable attention in the media (7 November), it had to close down its charitable operation in 2009 due to lack of funding, reducing its focus to training and consultancy activities (<http://www.andreaadamsconsultancy.com/about>).



In addition to the telephone help-lines operated by some trade unions (see above) provision of help-lines for victims of bullying has been a stable and welcome activity of many of the charities operating in this field. Beside the help-line operated by the Andrea Adams trust, the National Anti-bullying Helpline has been one of the most prolific. Unfortunately, the leader of the organisation became embroiled in a political row over an accusation of bullying by the previous British Prime Minister (Gordon Brown) which impacted negatively on the organisation's standing and perceived professionalism (<http://www.standard.co.uk/news/antibullying-helpline-in-downing-street-row-suspended-with-chief-exec-ready-to-resign-6759398.html>).

A number of anti-bullying charities, including Dignity at Work Now (DAWN), have spent much of their activity campaigning for a Dignity at Work Act (see above) and supported various initiatives, including academic studies on the issue of workplace bullying.

From an academic and a political point of view, some of the arguments advanced and stands taken on particular issues by some of these charitable organisations and their leaders have been unwelcome and considered counter-productive. In particular, the attempts to portray bullies as psychopaths or sociopaths (Field, 1996) was for a time seen as undermining the opportunity to have a constructive debate with employers about organisational responses to the problem, particularly given the apparently high number of managers among UK bullies. Whilst for a time this argument seemed to find a resonance with the general public, and, in particular with victims of bullying, the argument gradually faded, and no longer forms an important part of the public discourse.

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