



Campaigning
For Equality

Discrimination Bullying at Work



An advice guide
for Usdaw reps



Lets put a stop to bullying at work

Bullying at work is a widespread and growing problem. Yet it is still mistakenly thought of as something that only happens in the school playground. Bullying affects thousands of working people, as the following statistics show:

- Research by the TUC has shown that almost half (47%) of UK employees have witnessed bullying at work.
- The same survey estimated that workplace bullying contributes to the loss of 18 million working days every year.

Bullying is a daily reality and a serious issue for many Usdaw members. It can take many forms, and is often carried out by people in a position of power such as supervisors and managers.

Usdaw's Freedom From Fear Campaign has also drawn attention to the risk of violence and abuse from the public that is faced by shopworkers on a daily basis. Usdaw's

recent survey revealed that one in three shopworkers had been on the receiving end of abuse in the last month.

The Union is working with its members and with employers to ensure that our members are treated with dignity and respect at work. This booklet has been produced to help Usdaw reps who want to raise the issue of workplace bullying with their employer.

It also contains information for Usdaw members who are being bullied at work and sets out what can be done to deal with the problem.

The central messages of Usdaw's campaign against bullying at work are:

- You do not have to put up with it.
- Your employer has a duty to protect you.
- There can never be any excuse for bullying at work in any form.



What is bullying?

Bullying at work can take many forms and can mean different things to different people. It can take the form of a misuse of power, position or knowledge to intimidate or humiliate someone on a regular and persistent basis, which undermines their confidence and integrity.

Bullying is often, but not always, carried out by people in a more senior position. It can be directed at individuals or groups.

Some bullying behaviours are obvious and easy to identify, such as:

- Persistent and unfair criticism.
- Publicly humiliating someone including shouting at them in front of other staff or customers.
- Direct verbal abuse or threats.
- Physical abuse or violence.
- Hurtful comments and teasing.
- Refusing to speak to somebody or physically isolating them from others.

Other forms of bullying are more subtle and may not be so easy to recognise. These might include:

- Setting impossible deadlines.
- Removing someone's responsibilities and taking credit for their work.
- Withholding information from an employee so that it is harder for them to do their job.
- Starting malicious rumours about someone to undermine their reputation.

- Creating a climate where someone is afraid to say no to unreasonable requests.
- Threats to disclose confidential information.

No list of bullying behaviours can cover all possibilities and the examples given above should not be considered a checklist. Whether any behaviour amounts to bullying will depend on the impact that it has on the person concerned, and not on the intention behind it.

Bullying is not often readily discussed among colleagues, even though it might be happening to a number of people in the workplace. Too often, people are afraid to speak out in case they are not believed or it makes the problem worse. The feeling of being 'singled out' can even make people believe that they are to blame for the bullying or that they simply need to learn to cope with the pressures they are under.





Bullying by the public

Unfortunately, many Usdaw members are at risk of verbal or physical attacks from customers, particularly when working late in the evening or when dealing with attempted underage sales. Usdaw's Freedom From Fear Campaign aims to prevent violence, threats and abuse against shopworkers in four key ways:

- Negotiating with employers for safety and security improvements in stores.
- Campaigning with Government for policies to help tackle retail crime and anti-social behaviour in shopping areas.
- Raising awareness with the shopping public that violence, threats and abuse against shopworkers is unacceptable behaviour.
- Giving shopworkers the confidence to speak out and not accept abuse as just a part of the job.

Usdaw produces several Freedom From Fear leaflets which give practical guidance for reps and members, including:

- Late-Night Working – Preventing Violence to Staff (Leaflet no. 294)

- While you are looking after the shop who is looking after you? (Leaflet no. 362)
- Retail Workers – abuse is not part of the job (Leaflet no. 429)

What causes bullying?

Bullying behaviour can occur for many reasons. It is often carried out by overworked and stressed managers, who take their anger and frustration out on the people they work with. It is far more likely to occur in companies which have aggressive, macho styles of management and which encourage people to get on by putting others down.

Some companies may mistakenly see bullying as strong management and will therefore promote and encourage managers who act in this way. Employees who complain about bullying might be told “it’s not bullying, that’s just the way we do things here”.

Challenging this sort of behaviour can be especially difficult in workplaces where there is a culture of aggressive management. In any workplace, it is important that bullying is raised and tackled at the earliest possible opportunity. Leaving it to go on means more stress and suffering for the person being bullied. It also makes it harder for the problem to be sorted out.

Harassment and bullying

Women, Black, disabled and lesbian, gay, bisexual and transgender (LGBT) workers can often experience a combination of both harassment and bullying. A Black worker, for instance, may not always be sure where bullying stops and racial harassment starts. They will very often overlap.

There is a specific legal framework covering harassment and further information is available in the following Usdaw publications:-

- *Tackling Racial Harassment at Work – An advice booklet for Usdaw reps* (Leaflet no. 288)
- *Sexual Harassment at Work – An advice leaflet for Usdaw members* (Leaflet no. 285)
- *Sexual Harassment at Work – An advice guide for Usdaw reps* (Leaflet no. 301)

Cyber-bullying

Increasing use of technology both in and out of work has led to the modern phenomenon of cyber-bullying, where people are abused or threatened by email and social networking sites. It can be just as upsetting as face-to-face bullying and particularly humiliating if it is done publicly. Most employers now have computer use and social networking policies covering communications between colleagues both in and out of work.

What bullying is not

There are a lot of misunderstandings about bullying at work. Bullying does not refer to legitimate, properly conducted criticism of an individual's work performance by their manager or supervisor. Nor does it refer to the sort of everyday disagreements that go on in any workplace. Bullying is not about one-off arguments between individuals. It is about prolonged intimidation and abuse.

The impact of bullying on individuals

Bullying can have serious, long-term effects on individuals. People who are constantly bullied can suffer from stress and ill-health. Bullying contributes to up to half of all work-related stress.

Stress is associated with a range of health problems including headaches, high blood pressure, inability to sleep and loss of appetite. The long-term health effects of stress can include irritable bowel syndrome, heart attack, and stomach ulcers.

People who are bullied can also experience high levels of anxiety and feelings of dread about coming into work each day. This can develop into depression and, in extreme cases, thoughts of suicide.

Apart from the health implications of bullying, it can have an impact on people's employment and consequently their economic wellbeing. It could make them lose so much confidence that they leave their job or do not put themselves forward for career development opportunities.

Someone may put up with bullying for months or even years and suddenly feel they cannot take any more. At this point, they may act in a way that seems totally out of character, by walking off the job, shouting at a customer or even hitting the bully. They are very likely to be disciplined for their behaviour and this is often the first the Union will know about what's been going on.

That's why it is vital that bullying is tackled as early as possible before things ever get to this stage.

The impact of bullying on employers

There is a strong business case for tackling bullying at work, as it can cause major problems such as:

- Sickness absence due to stress, anxiety and depression.
- Poor morale in the workplace.
- Loss of productivity and poor performance.
- Staff turnover and the associated recruitment costs.
- Damage to the company's reputation.
- Potential tribunal cases.

The Health and Safety Executive estimates that each new case of stress leads to an average of 31 days off work, and a survey carried out by the mental health charity Mind showed that nearly 20% of workers had phoned in sick to avoid work because of unmanageable stress levels. However, the impact of bullying and stress-related sickness can be underestimated by employers. This is often because workers are likely to disguise the true reason behind their absence for fear of being seen as weak or making the problem worse.

Clearly, it is in everybody's best interests to tackle bullying at work. For several years, trade unions have led the way in negotiating policies with employers to minimise the risk of bullying and also in ensuring that our members have the support and assistance they need to use them.

Bullying policies and procedures

Every employer should have a policy on bullying and a procedure for dealing with it. Most of the employers that Usdaw deals with will develop and maintain their policy in consultation with the Union. This may be incorporated into the company's harassment policy or may be a separate policy to work alongside it. Policies will usually include a clear statement that bullying will not be tolerated, along with a commitment to preventing bullying, for example through training for its employees.

The policy should be accompanied by a procedure detailing the stages for dealing with complaints of bullying, and explaining the time limits and rights to Union representation, etc. In companies without a specific procedure for dealing with bullying complaints, they may be dealt with through the standard grievance procedure. Disciplinary procedures should also include a reference to bullying under their list of potential gross misconduct offences.

Your manager should be able to provide you with a copy of your employer's bullying policy and procedure. Please contact the Union if your company does not have a bullying policy and you would like help in negotiating one.

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Bullying at Work Survey

Usdaw

**Campaigning
For Equality**

Bullying means the misuse of power or position to intimidate or humiliate someone on a regular and persistent basis. Workplace bullying is usually, though not always, carried out by people in positions of power. Bullying and abuse can also come from members of the public.

Could you spare a few minutes to answer the following questions? Your response will be confidential and you do not have to provide personal details.

1. Have you ever been bullied at your place of work? Yes No

2. Are you currently being bullied? Yes No

If yes, when did the bullying start? _____

3. Who is bullying you, please tick all that apply?

Supervisor Other manager Member(s) of the public A colleague

A group of colleagues Other (please give details) _____

4. What form does the bullying take?

Threats Verbal abuse Physical abuse/violence

Humiliation Constant criticism Constantly changing instructions

Excessive workloads Refusing reasonable requests (ie for leave or training)

Other (please specify) _____

5. How has this affected you?

Loss of confidence Loss of self-esteem Being sick Headaches

Loss of appetite Loss of sleep Anxiety Depression

Irritability Increased alcohol consumption Increased use of tobacco More days off sick

Feelings of not wanting to go to work Other (please specify) _____

6. Have you raised the problem? Yes No

If yes, who with?

Supervisor Other manager Personnel Union rep

Colleagues Other (please specify) _____

7. What action was taken, if any?

8. Did the situation improve? Yes No

9. In what ways would you like Usdaw to help you deal with your problem?

10. Any other comments?

11. Are you a member of Usdaw? Yes No

12. If not, would you like to join? Yes No

If yes, you can join online at: www.usdaw.org.uk/join

Your response will be confidential and you do not have to provide personal details.

Name: _____

Email: _____

Phone Number: _____

Privacy Notice

The data you are providing us will be used for statistical purposes in supporting reps tackling bullying in the workplace as well as updating any contact details held on your membership record. This is in pursuit of the Union's legitimate activities stated in the Objects in the Rule Book and in order to fulfil our contractual obligations to you as a member. This processing involves your personal data and special personal data. The data that we collect about you here will be stored securely. The survey responses will be retained for two years for the purpose of analysis and the membership record will be retained for the duration of your membership plus 20 years in line with our membership record retention schedule. For further information see Usdaw's Privacy Notice www.usdaw.org.uk/privacy

**On completion just write FREEPOST USDRAW
on the envelope and put it in the post.**

You can also email your views to: equalitymatters@usdaw.org.uk



Supporting a member who is being bullied

People who are being bullied will often find it very difficult to ask for help. If a member approaches you saying they have been bullied, it is important that you:

- Treat cases of bullying seriously and support the person being bullied during the investigation and afterwards.
- Make it clear to the member that you don't think they are being over-sensitive, that they do not have to put up with bullying at work and that the Union will help.
- Try to establish whether other workers have been bullied and if so ask them for details.
- Encourage the member to write down what has happened to them including what was said and done and the date and time. This will help if the member is going to raise a formal complaint.
- If the member isn't sure that what they have experienced is in fact bullying, suggest they keep a diary of events. This will help if they later decide to make a complaint.
- Discuss with the member what they want to do about the bullying and how to use the procedure.
- Encourage the member to report the bullying to management. Help the member do this if they wish.
- Offer to represent and support the member at all stages of the investigation.
- With the members' agreement, seek the support of other workers in order to reduce the risks of victimisation or further bullying.
- Advise the member that if the matter is not resolved through the procedures, they may be able to take the matter to an Employment Tribunal.

There is a survey in the middle of this leaflet which you can pull out and give to members who are being bullied at work. Further copies are available from Usdaw Central Office.



The law on bullying at work

Harassment at work

Harassment that relates to a person's sex, race, disability, sexual orientation, age, gender reassignment or religion and beliefs is dealt with under the Equality Act 2010. See page 4 for details.

Constructive dismissal

Bullying can amount to a breach of contract by the employer. If serious enough this can entitle the employee to leave, treating themselves as dismissed, and claim unfair dismissal. This is 'constructive dismissal'. It is important to note that the employee must 'walk off the job', at least within a reasonably short period of time after the act complained of. If the claim is successful the employee will be awarded compensation for unfair dismissal.

The conduct complained of must be a serious breach of contract by the employer and this may be difficult to prove. Tribunal proceedings are a harrowing experience and preferably avoided. It may be that the problem can be resolved before getting to that stage. Members are advised not to leave their job unless absolutely necessary and not before speaking to their Area Organiser.

Health and safety

There is a general legal duty placed upon employers to provide a safe working environment. This applies equally to protecting employees from damage to mental health as it does to physical injury from accidents or harmful substances. Bullying and stress are serious health hazards and the employer must prevent them occurring in the workplace. If an employer is held to be in breach of that duty, compensation can be paid to the victim. The Health and Safety Executive (HSE) recognises bullying as a major contributor to stress-related illness (HSE guide Stress at Work).

Incidents that involve physical violence, or threats of violence and intimidation may amount to assault and breaches of public order which are criminal offences. In addition to that, the employer would be liable for breach of the duty of care. An employer who fails to respond to justified complaints of bullying may also be in breach of their duty to maintain mutual trust and confidence towards employees.

Criminal Law

The Protection from Harassment Act 1997 can be used to deal with extreme cases of harassment at work under the criminal law.

Where harassment involves physical contact or threat of it, criminal charges or civil action could be brought against the individual involved – eg for assault.

Under the Criminal Justice and Public Order Act 1994, people who intentionally harass may be guilty of an offence and may face criminal charges.



Organising the workplace

The work that Usdaw does in protecting our members at work is one of the key reasons that people join the Union. The issue of bullying at work can therefore have an important link to recruitment and organising. In turn, when a workplace is well organised with a strong Union presence, a bullying culture is far less likely to be considered acceptable.

Talking to members about the importance of working in an environment of dignity and respect can help them to understand their rights and the role that the Union has in helping to prevent bullying. One simple way of doing this is to conduct a survey in your workplace. This will help to identify any potential problems and raise the profile of Usdaw with both members and non-members. There is a survey in the middle of this leaflet, which you could give to colleagues to complete anonymously or work through it with them. If they are not an Usdaw member you could use the opportunity to talk to them about the benefits of joining.

Once you have completed your survey, you should be able to identify what problems exist and any particular issues that have been raised and any action that needs to be taken. This might mean asking for an

informal meeting with management, or holding a meeting with your fellow reps to discuss an anti-bullying strategy. Remember though, that individuals' responses must be kept completely anonymous unless they have given you specific permission to name them.

Reps can also use posters, leaflets, etc to bring the issue of bullying to the attention of members. Posters on racial and sexual harassment (which can be put on the Union noticeboard) are available from the Union's Central Office.

Health and Safety Reps have a legal right to carry out workplace inspections, which can be a good opportunity to speak to colleagues about stress-related issues such as bullying.

Branch meetings, local, regional and national consultative meetings are all useful forums for discussing bullying if it is an issue in your workplace.

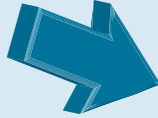
If bullying from members of the public is an issue in your workplace, there are many resources available from the Union relating to our Freedom From Fear Campaign, and you can consult our website for information about holding a Respect for Shopworkers event at your workplace.



Bullying – An organising model

1. Mapping

- Identify the workers potentially affected.
- Carry out the bullying survey (see page 8).
- What's their view of Usdaw?
- How many are members?
- Use the bullying survey as an opportunity to talk to non-members about the benefits of joining.



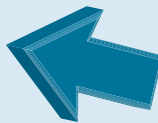
2. Identify Issues

- Use survey responses to identify where bullying problems could exist (Remember to keep all responses strictly confidential).
- Health and Safety Reps can assess bullying problems as part of their routine health and safety inspections.
- Is there a bullying policy in place? Are people aware of it?
- Identify what action needs to be taken to address individual/collective issues.



4. Take up the issue

- What's the best way of raising the issue with management?
- Present your case for improving anti-bullying procedures to management.
- Make sure you have a plan B.
- Keep your members informed.
- Publicise your successes.



3. Build Support

- Raise awareness through posters, leaflets, branch meetings etc.
- Consider holding a Respect for Shopworkers event in your store.
- Talk to non-members about joining to strengthen your case and to give them protection at work.





Are you being bullied at work?

You have the right to work in an environment which is free from bullying and intimidation. There is never any excuse for bullying at work and the Union will represent and support you in getting the bullying stopped.

Cases of bullying at work are far more likely to be sorted out quickly and successfully where Union reps are involved. There are a number of things you can do which will help the Union to take up your case.

- Talk to your Union rep at the earliest possible opportunity. They will be able to give you advice on how to proceed.
- Keep a record of all incidents of bullying including what happened, what was said to you and the time and date. Don't worry if you can't remember everything that has happened.
- Write down how you felt when the bullying was taking place.
- Keep copies of all letters/memos relating to your ability to do your job.
- Try to find out if you are the only person being bullied or whether other people are being affected. Consider making a collective complaint.
- Consult your company's grievance policy and/or bullying policy for guidance on how to raise your complaint.
- You might want to consider talking to a counsellor for support. Some companies give access to confidential telephone or face to face counselling, which you may find useful.
- Don't worry if you feel unsure about whether you are being bullied at work. If you are unhappy in any way with how you are treated at work, you have the right to contact your Union rep for support and advice. What matters is the fact that you have a problem at work, not what you call it.
- If you are always expected to work on after your shift or you aren't given the training you need to do your job, the Union will help. You don't have to tie yourself in knots trying to work out whether you have been bullied, or trying to make your problem fit a particular procedure.

Usdaw contacts

To find out more about the work of the Divisional Equalities Forums and Usdaw's equality work or about joining Usdaw contact:

South Wales and Western Division

Cardiff Office
Tel: 029 2073 1131
email: cardiff@usdaw.org.uk

Eastern Division

Waltham Cross Office
Tel: 01992 709280
email: walthamx@usdaw.org.uk

Midlands Division

Redditch Office
Tel: 01527 406290
email: redditch@usdaw.org.uk

North Eastern Division

Leeds Office
Tel: 0113 232 1320
email: leeds@usdaw.org.uk

Scottish Division

Glasgow Office
Tel: 0141 427 6561
email: glasgow@usdaw.org.uk

Southern Division

Morden Office
Tel: 020 8687 5950
email: morden@usdaw.org.uk

North West Division

Warrington Office
Tel: 01925 578050
email: warrington@usdaw.org.uk

Equalities Section

Usdaw
188 Wilmslow Road
Manchester M14 6LJ
Tel: 0161 224 2804
email: equalitymatters@usdaw.org.uk



Improving worker's lives –
Winning for members

www.usdaw.org.uk/equalities

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