

Bullying Fact Sheet

December 2011 / 4 pages



Pharmacist Support

working for pharmacists & their families

Introduction

Bullying in the workplace is all too common. For example, a survey in 2009 by the trade union Unison of 7,000 of their members found that 2,466 people had been bullied in the previous six months and over 1,500 people were experiencing ongoing bullying.

Bullying can have a devastating effect on the victim and seriously impact their health and mental wellbeing. It can lead to loss of self-confidence and self-esteem and feelings of anxiety, humiliation, frustration and anger. It can also give rise to sleep or eating disorders, depression, alcohol or drug abuse and even suicidal thoughts. It may result in absence from work and can severely damage both work and home life.

What is workplace bullying or harassment Bullying

There is no legal definition of bullying, but there are many common themes in the descriptions given by organisations providing information and advice on dealing with workplace bullying.

ACAS (Advisory, Conciliation and Arbitration Service) describes bullying as:

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Harassment

Some people may be bullied at work because of a particular *protected characteristic*. A protected characteristic is age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

If this is happening to you, the behaviour of the perpetrator may constitute *harassment*, as defined by the Equality Act 2010 and may therefore be unlawful. The Equality Act defines harassment as:

unwanted conduct related to a relevant protected characteristic ... and the conduct has the purpose or effect of violating [an individual's] dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment [for that individual].

What is a bully

Bullies are often more senior than the person they are bullying but this is not always the case – sometimes a bully will be a co-worker, a junior colleague or a customer or client.

People may join in the bullying because they themselves are worried that they will become a victim of the bullying if they do not.

Bullying behaviour

Bullying does not necessarily take place face to face, it can also happen via other communication methods, such as phone, email and in writing, social networking sites or via visual images such as photos.

Bullying can take many different forms. This might include:

- spreading malicious rumours
- ignoring or excluding someone from work or social activities
- deliberately withholding information
- humiliating someone in public
- giving someone unachievable tasks or overloading them, setting impossible deadlines
- removing responsibilities or giving someone trivial tasks to do
- overbearing supervision
- misuse of power or position

- constant criticism of a competent staff member and undermining behaviour
- undervaluing someone's contribution
- blocking promotion or training opportunities
- personal insults, name calling, constant teasing or making offensive, for example, racist comments
- demanding someone works extra hours
- unwelcome sexual advances
- shouting at someone
- physical attacks on a person or their property.

How to deal with bullying

Bullying can be gradual and insidious and consequently it may be a while before you realise and acknowledge what is happening to you. So a first step is to accept that you are being bullied. It is easy to feel that you have somehow caused it to happen but it is important to remember that bullying is not your fault and no one has the right to treat you like that. It may help to avoid situations where you are alone with the bully.

Direct approach

Bullying is best dealt with at the earliest stage possible, before the behaviour towards you becomes entrenched. As soon as you experience treatment that is unacceptable to you, common guidance is to take steps to make it clear to the perpetrator that you find the behaviour unacceptable and get them to stop. Sometimes a simple "don't speak to me like that" or "I feel that you are undermining / humiliating / being offensive to me, is that your intention?" is all it takes and you will have no more trouble. You could talk to them in a public place, though this may be better done at the second attempt since it has been known to cause more confrontations as the bully feels humiliated and may seek to get their own back. Often, a private, simple and politely assertive approach is the best way to begin proceedings.

Say what you wish to say to the perpetrator calmly and firmly and keep to the facts. If you do not feel comfortable doing this alone, you could ask someone to accompany you. You would also then have a witness. If you did not want to be there at all, you could ask someone else to talk to the bully on your behalf. If you feel uncomfortable dealing with this face to face, you

could put what you want to say in a memo to the bully, keeping a copy of it and any reply. In any event, keep a clear and accurate record of both any bullying behaviour and anything you say to the bully.

Get support

Make sure that you seek support from others if it is needed and do not try to cope with it on your own. You could talk to a work colleague or a union representative, or your manager. If it is your manager who is bullying you, you could speak to their manager or someone in the HR department. In talking to others, you may find that you are not alone and that the bullying has also happened to other colleagues.

Out of work, speak to friends and family. If you feel you would like to speak to an independent person, you could call the Listening Friends helpline (0808 168 5133) – see *Further help and information* section - and speak to another pharmacist in confidence.

Bullying can be very isolating - don't let it interfere with other relationships at work or stop you from doing things you would normally do, such as going out for drinks with colleagues after work.

Don't let it affect your home life

Make sure you have things to look forward to outside work. See your friends and family and carry on your leisure activities as normal.

Keep a record

Record keeping is important and, in the event of a hearing or any court action, a diary can establish a pattern of behaviour. Keep a record of all incidences of bullying behaviour, including date and time, what happened and the name of anyone else who was present. Keep all letters, emails, texts and any other correspondence. This will show the pattern and extent of the bullying and will be vital if further action is necessary. Note also any illness and/or absence as a result of the bullying and any medical help you have sought.

If the perpetrator is aware a diary is being kept it may alert them to the fact that their behaviour is unacceptable and may cause them to modify such behaviour.

Make sure that you keep your record at home or somewhere safe, where it cannot be found and/or stolen.

Formal action at work

If the bullying continues following a direct approach to the bully, you could consider making a formal complaint to your employer. Employers are responsible for the health, safety and welfare of their employees. Check whether your employer has a policy on bullying and harassment and obtain a copy. If your employer does not have a policy, you could refer them to the ACAS guidance for employers on dealing with bullying and harassment. This gives information on how to recognise bullying and why it is important to take action. It outlines what could be included in a formal policy and how complaints of bullying could be dealt with. The guidance can be found on the ACAS website:
<http://www.acas.org.uk/index.aspx?articleid=794>.

Sources of advice

If you decide to make a formal complaint, your employer's bullying policy or grievance procedure will outline the process. If you have a union or staff representative, they will be able to help you.

Pharmacist Support can provide specialist employment advice:
Tel: 0808 168 2233
Email: info@pharmacistsupport.org

You could also contact your local Citizens Advice Bureau (CAB). To find your nearest CAB, see the Citizens Advice website:
<http://www.citizensadvice.org.uk/index/getadvice.htm>

ACAS also has a helpline providing free and impartial advice:
Tel: 08457 47 47 47

Informal resolution

Your employer should investigate the complaint and they may look firstly at whether it is possible to resolve the matter informally. This might include informal discussion with the perpetrator, provision of counselling to both parties and/or

mediation with an independent third party, who will help to find a solution agreeable to both sides.

Disciplinary action

Where it is not possible or appropriate to deal with the matter informally, your employer may decide to use the organisation's disciplinary procedure.

Legal action

Although there is no specific anti-bullying legislation, there are a number of pieces of legislation that can be used to take action about bullying – see information below.

It may be that, despite your attempts to get the situation resolved, no action is taken to stop the bullying behaviour. In this case, you may wish to consider seeking advice on options for taking legal action.

Remedies that have been taken in bullying cases include:-

- taking action under the Equality Act for harassment because of a *protected characteristic* (see *What is workplace bullying or harassment* section)
- bringing a negligence claim against the employer on the grounds that their failure to protect an employee from bullying has led to personal injury, usually psychiatric illness
- taking action against the employer under the Protection from Harassment Act on the grounds that the person has suffered from the bullying on at least two occasions and that it was deliberately intended to cause alarm or distress.

As a last resort, you might wish to consider whether to resign and take a claim of constructive unfair dismissal to an employment tribunal. This remedy is only an option for people who have worked for their employer for 12 months.

Before taking any legal action it is very important that you seek advice from your union or another employment adviser, for example, a specialist employment adviser via Pharmacist Support.

Police

If the bullying is so severe as to constitute a hate crime, defined by the Metropolitan Police as:

*Any incident that is perceived by the victim, or any other person to be **racist, homophobic, transphobic** or due to a person's **religion, belief, gender identity or disability***

you could consider reporting it to your local police hate crimes unit.

Locums

If you are a locum you have the right not to be discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. If you are in a union, they will be able to advise you on how to deal with it. Otherwise you could seek advice from Pharmacist Support, a local CAB or ACAS. You should keep a record of any incidents (see *Keep a record* section) and report them to the recruitment agency, if relevant, and the company to whom you are providing your service.

Further help and information

ACAS

Advice and guidance on bullying is available in the *Health and the workplace* section of the ACAS website, including separate booklets for employees and employers:

<http://www.acas.org.uk/index.aspx?articleid=1972>

Direct Gov

The Direct Gov website has information on discrimination in the workplace:

<http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/index.htm>

Health and Safety Executive (HSE)

The HSE website has advice and guidance about bullying and harassment:

<http://www.hse.gov.uk/stress/furtheradvice/bullyingharassment.htm>

Listening Friends

Listening Friends is a confidential stress helpline provided by Pharmacist Support and staffed by pharmacists.

Tel: 0808 168 5133

Samaritans

The Samaritans provide confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings:

Tel: 08457 90 90 90

Email: jo@samaritans.org

<http://www.samaritans.org/>

Trades Union Congress (TUC)

The TUC website has information and guidance on bullying:

<http://www.tuc.org.uk/workplace/index.cfm?mins=129&minors=124&majorsubjectID=2>

WorkSmart (TUC)

Information on bullying is available on WorkSmart, a website produced by the Trades Union Congress (TUC):

www.worksmart.org.uk/health/bullying