

Scottish Hazards

WORKPLACE

BULLYING



Workplace Bullying – Stamp it out!

Introduction

Workplace bullying takes many shapes and forms but is totally unacceptable in every case. In the 2020/21 TUC biennial survey of union health and safety representatives it was the second biggest concern with 48 % of 2138 citing bullying as the second biggest health and safety hazard in their workplaces.

Unfortunately, this is nothing new and follows a trend over the years, reps are now less inclined to report physical hazards in their top four concerns and more likely to prioritise psychological risks such as stress, bullying, overwork and harassment.



Bullying is a health and safety issue, its consequences can cause irreparable harm to the mental health and wellbeing of workers, yet our health and safety enforcement body, the HSE will not investigate employers who condone bullying in their workplaces.

However, they do say there should be systems in place to deal with interpersonal conflicts and employers have a general duty of care under the Health and Safety at Work Act 1974 to protect the health and safety and wellbeing of their employees.

It would appear we have a serious workplace issue that is largely ignored by the HSE. In trade unionised workplaces established policies are more likely to be in place to ensure bullying behaviour is defined, processes are in place to manage bullying and workplace bullies can be held to account.

In non-unionised workplaces those subjected to bullying behaviour are more likely to suffer in silence, potentially making the health impacts more severe and long lasting.

Scottish Hazards is aware of one Scottish employer who claimed not to have any bullies in their employment, only bullying behaviour!!

Bullying behaviour is behaviour carried out by bullies.

This briefing seeks to explain what constitutes workplace bullying and what can be done about it and hopefully ensures no worker ever has to suffer in silence, no matter where they work.

What is workplace bullying?



ACAS defines bullying as “offensive , intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the persons.”

The bullying behaviour at work may be a one-off event and does not necessarily have to take place in the workplace, it can take place in any work- related situation or event.

With the massive development of social media over the past two decades bullies have exploited platforms to target their victims in a new and extremely dangerous way, taking workplace bullying outside the physical workplace and intruding into the personal lives of victims.

Bullying in the workplace is an abuse of power, more commonly by someone in authority targeted at an employee in a lower grade or having less experience. This power dynamic can also be evident in workplaces between colleagues where the abuse is not connected to power associated with authority, but by bullies who use their behaviour to target others for reasons often only known to themselves.

The TUC highlights a few examples of bullying behaviour

- Someone being constantly criticised, having responsibilities removed or being given trivial tasks to do
- Staff being shouted at
- A person being persistently picked on in front of others, or in private
- Having promotion blocked
- Regularly making the same person the butt of jokes
- Constantly attacking a member of staff in terms of their professional or personal standing
- Setting a person up to fail by overloading them with work or setting impossible deadlines
- Regularly and deliberately ignoring or excluding individuals from discussions or activities
- Spreading malicious rumours or private or embarrassing information
- Staff having their views and opinions ignored or demeaned.

The Legal Position

There is no legal definition for bullying although the ACAS definition does reflect the serious nature of bullying behaviour. Health and Safety laws place various obligations on employers to protect employees and others and these can be used to reduce the impact of bullying behaviour by colleagues and members of the public.



Workers with protected characteristics may be afforded additional protection under the Equality Act 2010 if it can be proved the unwanted behaviour related to a relevant protected characteristic.

The Equality Act

When someone is subjected to bullying behaviour in the workplace they may be protected under the Equality Act if they share one or more of the following protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

The Equality Act 2010 defines harassment as ***“unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, offensive environment for the individual”***.

Harassment is any unwanted behaviour directed at individuals for a reason connected to the above characteristics. Victims of harassment can still be protected under the act even although they have not objected to the behaviour. However, behaviour may not amount to harassment if it is found that the victim could not reasonably be expected to have known their behaviour was causing offence to the victim.

Bullying at Work Health Impacts

In 2006 the HSE carried out a literature review of bullying at work to identify gaps on knowledge of what was known about the extent of the problem. At that time it was recognised that bullying appeared to have a number of negative individual consequences in the form of stress and poor mental health.

The cost of these negative consequences was estimated to be between 10% and 20% of the total estimated costs related to workplace stress (£3.7bn), so somewhere in the region of £37million to £64 million. A study by Deloitte in 2020 put the overall cost of work related mental health at £47billion. Using the HSE 2006 estimate of between 10% and 20% this means the financial cost of workplace bullying is now somewhere between £4.7bn and £9.4bn.

The following table details the main health impacts of workplace bullying identified in the 2006 study

Health Impacts of Bullying at Work	
Psychological Health	Physical Health
Anxiety	Chronic fatigue
Depression	Sleep deprivation
Suicidal thoughts	Concentration
Possible PTSD	Sleep deprivation
Low self-esteem	Gastric problems
Stress	
Irritation	

Source - https://www.hse.gov.uk/research/hsl_pdf/2006/hsl0630.pdf

Workplace bullying should not be tackled on the cost of health to the economy alone, bullying wherever it happens is one of the worst forms of abuse of power. Government should be tackling it in our schools, communities and our workplaces.

Sadly, with the current Government’s ideological opposition to health and safety and worker’s rights well documented, and more attacks to come no doubt, we cannot rely on health and safety enforcement to help tackle work related ill health caused by bullying.

The Health and Safety Executive



In 2004 the Health and Safety Executive launched their stress management standards, providing employers with a tool to manage occupational stress.

There is an inextricable link between bullying in the workplace and occupational stress, those subjected to bullying behaviour in the workplace are placed under enormous stress and more exposed to the ill health effects outlined earlier. The failure to manage any risk

lies with the employer and the HSE stress risk assessment tool asks views a simple direct statement, amongst many indirectly related to bullying ***“I am subject to bullying at work”***. Responses are invited on a sliding scale from 1 (always) up to 5 (never).

Furthermore, if we look at the six individual stress management standards it could be argued that, individually or collectively, they are the same tools workplace bullies use to place targets under intolerable pressure.

Demands - bullying behaviour can involve placing more demands on the targeted individual than other colleagues

Control - an individual subjected to increased scrutiny and control within the workplace without any justification or explanation is being bullied.

Support – someone being bullied at work by a line manager might not receive the same level of support as colleagues, leaving them with an increased feeling of isolation.

Relationships – workplace bullying thrives in workplaces where unhealthy working relationships are allowed to develop unchecked.

Role – an individual who is unsure of their role, continually being undermined or being questioned about their work is being bullied.

Change – change is often introduced in workplaces without any consultation with those impacted by the proposals, or rationale provided for making change. This can happen when new managers are brought in when change is more about personal preference and asserting authority than business efficiency. In such circumstances it is bullying behaviour.

If any organisation is meeting their legal obligation to carry out occupational stress risk assessments, and they are using the HSE stress management standards then issues indicating bullying behaviour and bullies present in the workplace should come to light as part of the risk assessment process.

The HSE is quick to point out the stress management standards are not enforceable although we would argue employers are legally required to carry out a suitable and sufficient risk assessment of all health risks at including stress, bullying and sexual harassment at work.

Health and Safety Legislation

Every employer has a duty of care under the Health and Safety at Work Act 1974 to protect, so far as reasonably practicable the health, safety and wellbeing of their employees.

The failure to manage risk of harm to worker's health is every bit as much a criminal offence as exposing employees to risk of physical injury, but not one the HSE has been keen to do much about. This assertion is not



just a criticism of the HSE but also of the political interference of the current government in the work of the enforcement agency and savage attacks on the HSE's budgets since coming to power in 2010.

The formation of the new HSE Health and Work Unit may be an indication of a change in direction but one thing we can be sure of is the adverse impacts on our health caused by work will not be subject to any proactive enforcement by either the HSE or local authority environmental health officers.

Section 3 of the management of health and Safety at Work regulations 1999 state that an employer should carry out a suitable and sufficient assessment of the risks to the health safety and well-being of their employees arising from their work activity.

Scottish Hazards own research into occupational stress in Scotland's public sector carried out in 2019 suggested only 47% of public sector employers had carried out a stress risk assessment using the HSE standards. Arguably, this percentage will increase in other sectors of the economy, particularly in non-unionised workplaces. Far too many opportunities have been missed to stamp out bullying behaviour in our workplaces.

Given that risk assessment is one of the foundations of our health system it is strange so many employers are allowed to ignore their legal obligations and workers continue to be exposed to health risks at work and bullying behaviour as a result.

However, the Safety Representatives and Safety Committees Regulations 1977 provide the opportunity to tackle workplace bullying in trade unionised workplaces.

Representatives have the right to be consulted on all matters affecting the health and safety of their members, they can for example

- investigate sources of bullying and harassment in the workplace
- use workplace mapping techniques and surveys to identify problem areas
- have confidential discussions with members subjected to bullying behaviour
- raise bullying at their workplace health and safety committees.

What should I do, I am being bullied at work?

Scottish Hazards appreciates not all workers are in a trade union or work in a trade unionised workplace, as an organisation we encourage people to join the



most appropriate union for their workplace of business sector.

Sadly, many are reluctant to do so due to intimidatory tactics by employers designed to stop effective trade union organising in their workplaces.

As an organisation we support workers who are disenfranchised from trade membership, we can help by

- Listening to your concerns and advising on the best course of action
- Reviewing your employers policies on bullying and harassment and/or dignity at work
- Providing confidence and reassurance your concern is not trivial
- Helping you develop a diary of bullying behaviour
- Encouraging you to take one step at a time and you are always in control of the process.
- Provide support to prepare and present your case to your employer

If you are being bullied at work please do not suffer in silence contact our Scottish Hazards advice line 0800 0015 022.

Bullying at Work Resources



TUC Guidance for Reps on Workplace Bullying
<https://www.tuc.org.uk/resource/bullying-work>

ACAS "If you're being treated unfairly at work" (Bullying page)
<https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

CIPD – Harassment and Bullying at Work
[Bullying & Harassment at Work | Factsheets | CIPD](#)

Unison – Tackling Bullying at Work
[On-line-Catalogue216953 \(1\).pdf](#)

Unite the Union – Zero Tolerance Dignity and Equality at Work Dealing with Harassment
Discrimination and Bullying
<https://www.unitetheunion.org/media/2476/zero-tolerance-guide.pdf>