

Bullying at work: It's rampant – but what can you do about it?

By Philip Landau
Employment Law Solicitor

In a shocking survey recently revealed by UNISON (the largest public sector union) and Company Magazine, it seems bullies are making life hell for a third of young working women.

Results further revealed that more than two thirds of those being bullied in the last six months say it is ongoing, and that the most common bully is an older woman in a more senior professional position. And yet only 22% of women will report the bullying, whilst the balance will quietly accept it or ultimately tender their resignation.

I receive many enquiries from employees who are being bullied. I am surprised, not so much at the statistics of bullying allegedly taking place, but that a large number of the perpetrators are female. I can only assume therefore, that the majority of employees are not confronting the bullies as the survey reports.

Workplace bullying can be defined as offensive, intimidating, humiliating behaviour, or abuse of power or authority which attempts to undermine an individual and which may cause them to suffer stress. This includes staff being constantly criticised, being the butt of jokes, having responsibilities removed, being given trivial tasks, or even blocking promotion.

There is at present no legal claim that can be made for bullying alone. The situation is different where you are being "harassed" which means you are the subject of offensive or intimidating behaviour that can be classed as discriminatory. Some examples of harassment are allowing displays or distribution of sexually explicit material or giving someone a potentially offensive nickname. There is now a call to put bullying legislation in place so that it carries the same weight as and enforceability as harassment.

Most employers should nevertheless not tolerate bullying and steps should be taken to deal with this where it becomes known. But what should you do if you are the victim of bullying?

Firstly, you could talk informally to another colleague or manager in the business about the situation. It could be that someone who, for example, believes they are being given a more demanding workload as compared to their peers may actually find out that they aren't being as singled out as they think. You could also try and talk to the bully direct. This will not be easy, but the bullying may not be deliberate. If you can talk to the person in question, he or she may not realise how their behaviour has been affecting you.

If you feel you cannot talk to the bully or deal with the matter informally, then you are able to lodge a formal grievance with the bully's line manager. Your employer would be duty bound to investigate this. If you work for a small company and the bully is the owner of that company, then you should again follow the grievance route if possible but it is pretty clear in these circumstances that the situation is less likely to be resolved.

You should keep a written record or diary of every bullying incident as you may need to rely on this if you take legal action against your employer.

If you think that making a complaint will cause further bullying or harassment or you are being violently abused, you don't need to follow normal grievance procedures. In cases like this, you can resign and claim constructive dismissal-although you should take professional advice before you do so.

Many people who are bullied will be signed off by their GP's for stress, and rightly so. For those employees, it becomes ever increasingly difficult to return to work the longer they have been signed off. It may be that a mutual departure to include a lump sum payment can be negotiated in these circumstances.

It is certainly my experience that most employees will eventually leave rather than confront the bully, which is perceived to only serve to escalate the position. It is a shame if a robust career in a company is brought to an end in this way. Employers do need to be more aware of what is going on with their managers, who are not always experienced in how to properly deal with staff who are reporting to them.

For further information please contact Philip by telephone on 020 7357 9494 or email:

Philip Landau pl@lzwlaw.co.uk