RECOGNISING AND DEALING WITH BULLYING AND HARASSMENT IN THE WORKPLACE
This booklet has been written within the Daphne project, funded by the European Commission. The Daphne Programme is concerned with preventive measures to fight violence against children, young people and women.

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THE INTERNATIONAL PICTURE

The World Health Organisation and the International Labour Office have produced material on Workers’ Health and a ‘decent work’ agenda when considering psychological abuse in the workplace.

In Europe, EUROFOND (European Foundation for the Improvement of Living and Working Conditions) and EU-OSHA, (the European Agency for Safety and Health at work) are two of the main organisations.

The Universal Declaration of Human Rights adopted by the UN General Assembly in 1949 asserts the right of every human being to life, liberty and security of their person and provides that no one should be subjected to cruel inhuman or degrading treatment.

The International Covenant on Economic, Social and Cultural Rights was adopted by the UN in 1966 and recognised the right of everyone to ‘safe, healthy, working conditions’.

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What is Mobbing?

Definition:

“Mobbing is a negative form of behaviour, either between colleagues or between hierarchical superiors and subordinates, where the person who is the object of mobbing is repeatedly humiliated and attacked directly or indirectly by one or more persons for the purpose and with the effect of alienating him or her”.

The tactics used in a harassment situation consist of hostile actions intended to isolate the victim and downgrade their working conditions, so reducing their autonomy (for example by giving them too much or too little work, or not giving promotion). It may include attacking their dignity (criticism, insults, and defamatory remarks) or committing physical or verbal violence against them. The harasser can be an individual or a group. Often the harasser holds a higher position in a company, firm or department. Such harassment can also be directed by subordinates against a superior.

According to the results of a survey on working conditions conducted in 1996 by the European Foundation for the Improvement of Living and Working Conditions, 10 - 12 million workers in Europe consider themselves to be victims of harassment.

1. Protection from Harassment Act 1997
   Known as the anti-stalking legislation, this can also cover bullying at work. The test will be if a person ‘knows their conduct amounts to harassment’ or if a reasonable person in possession of the same information would think the course of conduct ‘amounted to harassment’. This Act makes such conduct a criminal act. Whether this can be used effectively for cases of bullying and harassment at work depends on how it is interpreted in individual cases by the courts.
   http://www.harassment-law.co.uk

2. Employment Relations Act 1999
   This covers employees’ rights. In particular it describes dismissal; fairness (resting on reasonable and unreasonable behaviour); rights of employees in cases of constructive dismissal; rights of employers to dismiss employees who engage in harassment of fellow employees, in particular to make a complaint and to be supported when making a complaint. The new Employment Relations Act, 2002, due to be implemented in October 2004 will set out clearer lines concerning the procedure for dismissal. Although the courts have awarded compensation for loss of earnings following a dismissal, claims for additional financial compensation for injury to mental health have been harder to prove.
   http://www.dti.gov.uk

3. Ombudsman
   Ombudsmen have been appointed to a number of public areas and may cover the employment sector of concern.
   http://www.ombudsman.org.uk

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1 Advisory Committee on Safety, Hygiene and Health Protection at Work of the European Commission in its “Opinion on Violence at the Workplace”, adopted in 2001
**Causes:**

The main factors that cause mobbing are:

- **Individual factors** which apply to both the perpetrator and to the victim (socio-demographic variables, personality characteristics, traits and styles, specific behaviours and specific characteristics related to the individual’s place at work)

- **Situational factors** such as working in a job with an unequal gender ratio, especially in male dominated jobs, differences in power, job insecurity, changes of supervisor or manager. Working in businesses with a high customer service orientation may lead to mobbing by clients in the service sector, such as retailing, hotel and catering, and the health service. Working in multiple risk situations as in the case of social workers may increase the risk of mobbing.

- **Organisational factors** such as styles of leadership and management, restructuring, organisational culture and climate, stressful working environments, job complexity or monotonous tasks and conflict and ambiguity of work roles.

- **Societal factors** such as levels of violent crime in society, economic change, rapid social change, immigration and the economy.

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2 Marino, D., Hoel, H. and Cooper, C. Preventing Violence and Harassment in the Workplace, European Foundation for the Improvement of Living and Working Conditions
Examples of Mobbing

— constant fault-finding and criticism of a trivial nature. Often there is a grain of truth (but only a grain) in the criticism to fool you into believing the criticism has validity, which it does not. Often, the criticism is based on distortion, misrepresentation or fabrication

— a constant refusal to acknowledge you and your contribution and achievements or to recognise your value, or even your very existence

— constant attempts to undermine you and your position, status, worth and potential

— where you are in a group (at work), being singled out and treated differently

— being isolated and separated from colleagues, excluded from what’s going on, marginalized, overruled, ignored, sidelined, frozen out

— being belittled, demeaned and patronised, especially in front of others

— being humiliated, shouted at and threatened, often in front of others

— being overloaded with work, or having all your work taken away and replaced with menial tasks or with no work at all

The Andrea Adams Trust

Raises awareness of bullying and provides a range of practical help and support.

http://www.andreaadamstrust.org

Counselling Services

Some employers employ a counselling service to whom employees can be referred. Independent private counsellors, some of whom charge low fees, are also available. Contact the local Citizens Advice Bureau for names or look at the Association for Counselling at Work, a division of the British Association for Counselling and Psychotherapy.

http://www.bacp.co.uk

CIPD - Chartered Institute of Personnel and Development

The CIPD has produced its own booklet, available on the website, on harassment at work. This is continually updated as changes in legislation and practice occur.

http://www.cipd.co.uk
— finding that your work - and the credit for it - is stolen or plagiarised
— having your responsibility increased but your authority taken away
— having annual leave, sickness leave, and compassionate leave refused
— being denied training necessary for you to fulfil your duties
— having unrealistic goals set, which change as you approach them
— having deadlines changed at short notice - or no notice - and without you being informed until it is too late
— finding everything you say and do is twisted, distorted and misrepresented
— being subjected to disciplinary procedures with verbal or written warnings for trivial or fabricated reasons and without proper investigation
— being coerced into leaving your job through no fault of your own, constructive dismissal, early or ill-health retirement.

**ADVICE AND SUPPORT SERVICES**

**OUTSIDE THE WORKPLACE**

**CITIZENS ADVICE BUREAU**

The local Citizens Advice Bureau will certainly have experience of such cases and is a good impartial source of advice.

**WORKPLACE BULLYING WEBSITE**

This is a non-profit site working to provide a legal resource for those working against bullying and harassment in the workplace.

http://workplacebullying.co.uk

**BULLY ON LINE**

This web site is run by Tim Field and claims to be the leading web site on workplace bullying and related issues which validates the experience of bullying and provides confirmation, reassurance and re-empowerment.

http://www.bullyonline.org
DIFFERENT KINDS OF MOBBING

There are different kinds of mobbing. These depend on the way it occurs and on the intention\(^3\).

Based on the way mobbing occurs:

1. **Vertical mobbing** is exerted by superiors on an employee or, more rarely, by the employees on their superior. These two kinds of mobbing are generally referred to as *bottom up mobbing* (when the boss's authority is not recognised by one or more employees) and *top down mobbing* (when the mobber is in a higher position than the victim) which includes attitudes and actions related to the abuse of power.

2. **Peer or horizontal mobbing** is where colleagues are aggressive towards other colleagues. The mobber and the victim are at the same level as two colleagues with equal job status. Normally, envy, gossip, conflicts, rivalries and personal antipathies among colleagues are more aggressive and emotionally involving than those between superiors and employees.

\(^3\) Ege, H., 1997, Mobbing in Italia. Introduzione al mobbing culturale, Bologna, Pitagora

TRADE UNIONS

Most of the major Trade Unions produce their own guidance on tackling bullying and harassment at work and should also be able to provide advice. Some have specific hotlines. Much of the advice is available on their websites and the TUC itself has produced guides for Union Reps and managers as well as help for individuals.

http://www.tuc.org.uk

Other large unions also have assistance on their websites, for example:

USDAW: http://www.usdaw.org.uk;
UNISON: http://www.unison.org.uk

HEALTH AND SAFETY EXECUTIVE

The HSE produces leaflets and gives information and advice.

http://www.hse.gov.uk

LABOUR RESEARCH DEPARTMENT,
76 BLACKFRIARS RD, LONDON SE1 8HF

The LRD publishes a number of titles directed at employers and employees and labour relations.

http://www.lrd.org.uk
Based on intention:

1. **Bossing or strategic mobbing** is organised psychological persecution. The organisation, or the management, devises situations aimed at forcing employees to resign. It often takes place in institutions after restructuring, mergers or changes, where staff are redundant. Thus, *mobbing* becomes institutionalised as a real business strategy.

2. **Emotional mobbing** is linked to interpersonal relationships and to the rise, within these relationships, of feelings of envy, jealousy, competition, hatred, resentment, etc.

**Phases of Mobbing - The Leymann Model**

The course of mobbing changes its character over time as the social setting changes. However, it occurs in five steps commencing with a ‘conflict’ (first phase), followed by ‘aggressive acts’ and ‘psychological assaults’ (second phase), after which management becomes involved to the detriment of the target (third phase), the target is ‘branded as difficult’ or ‘mentally ill’ (fourth phase), and the final and fifth phase is called the ‘expulsion’, where the target is forced to leave their position.

**Support Services for Employers and Employees Linked to the Workplace**

**ACAS – Advisory Conciliation and Arbitration Service**

The conciliation service provides information and help to resolve problems in the workplace and has publications addressed at managers and employees available on their website. [http://www.acas.org.uk](http://www.acas.org.uk)

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4 [http://www.leymann.se](http://www.leymann.se)
The mobbing syndrome develops from:

1. **Critical incidents**

   The triggering situation is always one that can be described as a conflict.

   Mobbing can, therefore, be seen as an escalated conflict. This first mobbing phase may be very short, while the next phase reveals stigmatising action by colleagues or management.

2. **Mobbing and stigmatising**

   Mobbing activities may contain a number of behaviours which, in normal interaction, do not necessarily indicate aggression or any attempt to expel or exclude anyone.

   However, being subjected to this behaviour on a daily basis, or over a very long period of time and for hostile purposes, the mobbing activities can change in context and may be used in stigmatising others.

   All of the behaviours, regardless of their meaning in normal daily communication, have the common denominator of being based on the intent to "get at" a person or punish him or her.

   Thus, aggressive manipulation is the key characteristic of these activities.

Friends and family may be the first line of support, but if that support is not enough to provide a way out of a bullying situation, then the sooner other avenues can be tried, the more likely a solution can be found.

A diary of detailed notes of incidents, times, witnesses and the effects on you and those who witnessed the event, will provide evidence that could be invaluable for anyone who needs to convince others of the reality of the position. Colleagues may be experiencing the same problems, so it is worth talking to them to see if anyone else is in a similar position.

If the situation cannot be resolved by challenging the harasser(s), then there are other avenues to explore.
This can affect women as well as men and whether the employees who are affected are men or women depends on the organisation.

However the way women react to bullying and harassment situations may be different to men. Women are thought to be more likely to report bullying to their managers than to personnel or to their union as the latter might lead to retaliation and an escalation of the incident into something much bigger. Some research suggests that formal rather than informal reporting procedures are more effective in stopping workplace bullying so that women’s tactics may be counterproductive. There is a suggestion too that women may be slower to act and, with bullying behaviour likely to escalate over time, suffer for longer than their male counterparts and in some cases secure a less satisfactory resolution.

The suggestions that follow are directed equally at men and women. For many individuals, a very usual reaction to harassment is to feel that speaking out will make the position worse and in many cases there is a feeling of powerlessness and a tendency to blame oneself.

Putting off action often proves counterproductive. The longer you suffer in silence, or take sick leave away from post, the harder it is to find a solution to the case and to remain in your employment.

3. Personnel Management and Human Resources

When management eventually intervenes, the situation becomes officially “a case”. Due to previous stigmatisation, it is very easy to misjudge the situation and place the blame on the mobbed person. Management may too easily accept and take over the prejudices produced during previous stages. This often seems to bring about a process to do something to “get rid of the problem”, i.e. the mobbed person. This can result in serious violations of the individual’s civil rights.

In this phase, the mobbed person ultimately becomes marked and stigmatised. Because of fundamental errors in attributing blame, colleagues and management can create erroneous explanations based on personal characteristics rather than real contexts.

4. Incorrect diagnoses

If the mobbed person seeks contact with psychiatrists or psychologists, there is a risk that these professionals too may misinterpret the situation, as there is a lack of sufficient professional training in investigating social situations in the workplace.
5. Expulsion

As far as the mobbing scenario at the workplace is concerned, the social consequences for people who have been expelled from the labour market long before retirement are well known.

**How to Differentiate Mobbing from Day-to-Day Conflicts?**

Mobbing is not
- teasing somebody at work
- simply unethical behaviour at work
- mobbing is not only the distress of one or more colleagues
- mobbing is not just a forceful way to manage a lazy employee

Mobbed people are sometimes described as high performers, and deeply involved in their work. In spite of many misconceptions, the target is often a person who succeeds in their professional life.

When mobbing occurs, there are no declared conflicts and the targeted person does not understand what is going on and so has difficulty responding appropriately⁵.

The Daphne Programme's particular remit is to raise the awareness of women victims of mobbing. The UK approach to bullying and harassment is not gender related as mobbing is seen as a problem almost equally significant for women as for men.

Different professions and work places in the UK show up different percentages of men and women who have been bullied. Workplaces where there are a lot of women employed but not many women at senior management levels, workplaces where there is a high gender imbalance or where women are overwhelmingly in lower paid areas of employment often record higher levels of bullying.

In the context of sexual harassment, some commentators would say that ‘men have a broader definition of appropriate socio-sexual behaviour and that perceived or real powerlessness on the part of women militates against their taking direct action to stop the behaviour’. As in sexual harassment, women were more likely than men to see certain kinds of behaviour as threatening or unwelcome. However, harassment is real when someone suffers from the behaviour of someone else in the workplace.

Many commentators and researchers blame transformations in the workplace, the increase of hard-line management linked to efficiency and targets and the decline of union power for an increase in reporting bullying and harassment.

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⁵ Elisabeth Bukspan, Harcelement moral sur le lieu de travail : mythes et realite, Conférence européenne « Prévenir la violence et le harcelement au travail » Bruxelles, 29 avril 2003
**Bullying and Harassment at Work - The UK Perspective**

Harassment at work creates a very distressing situation. The nature of the harassment and the degree will differ substantially from one person to another and from one situation to another so that a general response will be of little use. Employees at all levels from the shop floor to the management board can face harassment and bullying. Women report being bullied by women as well as men; men report being bullied by men as well as by women. Most research suggests that workplace harassment and bullying is on the increase in the UK. There is an increased awareness of all discrimination issues.

Management at all levels needs to take increasing responsibility too, difficult and stressful as this may be. Supporting anyone who has been harassed by changing their work colleagues or funding counselling is easier than challenging the aggressor who may not only be influential but experienced in the workplace. Management needs to take seriously the unseen costs of not challenging the aggressor, in terms of efficiency, staff turnover, loss of work time and fairness in the workplace.


**How to Differentiate Mobbing from Sexual Harassment?**

A very peculiar kind of mobbing is the sexual one. Women can often have to face sexual harassment caused by the mobber. Sexual harassment itself is not a category of mobbing. Sexual harassment is only partially considered as mobbing when the aggressor, after being refused, threatens the victim, thus becoming a mobber. This is sexual mobbing.

Sexual harassment can work as the preparatory phase to sexual mobbing, where mobbing is the retort and the revenge of the person refused.

Sexual mobbing can also take place without a preceding harassing situation; in fact, a mobber can decide to use sexual strategies even if he or she does not feel any sexual attraction for the victim, using slander or gossip about the victim’s private life.

For the victim, sexual mobbing is devastating because sexual identity has a fundamental importance in defining a person’s social image and identity.

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**Effects of Mobbing**

**On the Victim**

If the victim feels in danger it may affect their physical and mental well being. As a source of stress, mobbing is a damaging factor that produces negative functional variations at different levels, according to the duration and intensity of stress, and the victim’s personality. However, victims of mobbing have a high risk of developing psychosomatic and behavioural illness. Depression and anxiety are the most frequent results, though other physical and mental illnesses are common.

**On the Organisation**

Mobbing has negative effects for organisations. Production and working efficiency are reduced, the employer is strongly criticised, sick leave is frequent, small problems become serious troubles, and scapegoats are constantly sought.

Consequently, costs rise. According to the ILO (http://www.ilo.org), the annual total cost of psychological violence in a 1000 employee organisation is around 168,000 Euros.

There are other costs for the organisation:

- it has been estimated that a victim of mobbing produces 60% less than other workers and costs to the employer 180% more.

The state too has to cope with mobbing, since the phenomenon damages the social balance and welfare expenditure rises.

- instead of working, the mobber takes up to 15% of his time to harass the victim.

- morale in the organisation worsens and employees’ motivation decreases. This is called “motivational sabotage” where members of a group become idle and give their work to others.

- the organisation risks being involved in litigation where victims seek compensation for physical and moral damage.

- productive and skilful people can be dismissed.

- if the victim resigns, he is often compensated.

- to replace an employee who has been dismissed costs some 8,000 euros.

To combat mobbing is an advantage not only to the individual victim but to the employer and the whole civil society.

In Europe, 5 million euros are spent for stress-related illness, while early retirement caused by mobbing can cost up to 500,000 euros more than normal retirement. As with other stress-related problems, society as a whole is affected.

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7 Ege, H., 1997, Mobbing in Italia. Introduzione al mobbing culturale, Bologna, Pitagora