

The Conspiracy of Silence

The fine line between strong management and bullying is the other side of the 21st Century's high performance culture. Carole Spiers, MIHE., MISMA., Occupational Stress Consultant, advocates positive action to prevent it

Employers and their workers should be aware that workplace bullying can exact a heavy price on everyone involved.

Last month's resignation by Ms Kamlesh Bahl as Vice President and Council Member of the Law Society has turned a spotlight on this delicate issue.

Delicate, because there are always two sides to any allegation and because it can be so destructive for everyone concerned, including the alleged perpetrator.

But the common thread in almost every case is the high cost in financial terms as well.

- £203,000 was awarded for work-related stress due to bullying in the workplace in the *McLeod-v-Test Valley Borough Council* case (January 2000)

- £84,000 was paid in damages to a Home Help Supervisor who quit her job claiming she was suffering from stress after being bullied for five years by a colleague as stated in the *Noonan-v-Liverpool City Council* case (1999)

Curiously, in an age that will be recorded in history as synonymous with highly sophisticated telecommunication, inter-communication between people appears to be breaking down. One symptom of this rising inability to share and exchange in the workplace is a sustained form of psychological abuse, namely, bullying.

Failure to dialogue in an acceptable manner is partly accredited to the reliance on technology whereby e-mail exchanges have replaced face-to-face discussions between managers and their staff. Additionally, it has been suggested that in the leaner

organisations, employees who excel at their jobs are often rapidly promoted into middle and senior managerial positions with no prior training in management skills which are vital when being responsible for a team of staff.

The need for training

Lack of skills needed for leadership may well result in turning a valued employee into a bad boss who becomes a psychopathic bully. Yet it would appear that the highest percentage of bullying does not stem from people who abuse their positions of power in the workplace. Mostly, it emanates from what may be termed 'overloaded bullies'. That is people who find it difficult to work with their own workloads and consequently take it out on their staff.

Identifying bullying behaviour

Unlike stress or overt harassment, bullying is usually covert and can be so insidious that it may be difficult to identify. It is the faceless, silent menace that may lurk undetected behind closed doors. It can be pernicious, picking on a person or group of employees undermining and humiliating them unfairly and/or irrationally.

Bullying is not about hard line management style designed to meet sales targets, it is identified as a pattern of behaviour encompassing sarcasm, continual criticism, and social isolation and is linked to negative management styles and far removed from acceptable strategy designed to motivate performance.

An American organisation called The Campaign Against Workplace Bullying (CAWB) describes it as: the deliberate,

repeated, hurtful mistreatment of a person (the target) by a perpetrator (the bully) driven by the bully's need to control others.

The demarcation line between strong managerial strategy and what may amount to bullying is both nebulous and intangible. Yet, undetected, it can prove costly in terms of working days lost. A survey conducted by the University of Manchester Institute of Science and Technology and supported by the TUC and the CBI said bullying was contributing to the loss of 18 million working days every year. It can also lead to psychological disturbances, and in the final analysis, suicide. (February 00)

What a firm stands to lose

- High absenteeism
- Stress-related sick leave
- Ill health retirement
- Rapid staff turnover
- Lack of motivation
- Reduced productivity
- Industrial unrest
- Loss of valuable investment in training

Additional company losses

In addition to the eight factors listed above, employers also need to consider what the serious implications a case of bullying may present when litigation is involved. It is suggested that the recent substantial sums of money awarded to victims of bullying could well be the tip of the iceberg. If this is the case, and statistics would appear to endorse this view, then employers need to understand their legal obligations and take whatever steps are deemed necessary to

safeguard their employees and their companies.

A safe and healthy workplace

- The law is very clear when it comes to a company's legal obligation to its employees. Under Section 2(1) of the **Health and Safety at Work Act 1974**, employers have to ensure as far as is reasonably practicable, the health, safety and welfare at work of their employees.
- The Management of Health and Safety at Work Regulations 1992, require employers to assess the risks to employees and implement interventions to remove or reduce the risks. While there is no specific law to protect employees who are bullied at work, employers do have a legal obligation to safeguard the health and welfare of staff, and victims do have some legal recourse.
- Employers have to exercise a Duty of Care – as far as is reasonably practicable – to ensure that workplaces are safe and healthy. Workplace stress, which may lead to mental ill health, may be considered like any occupational health hazard in the workplace.

The employer's legal responsibility

Historically, if an employee was not liked or valued, they were easily dismissed. Today the possibility of this malpractice is not an option. Employers are advised to closely observe managers' behaviour with the workforce. If the company only pays lip service to a vital people management and humane issue, then clearly the effect will be short lived. Pretending the problems do not exist may legally amount to negligence.

Due to the inherent fact that most bullying operates behind 'closed doors' between those directly involved, it can be both difficult to identify and to eradicate. But the law today is a factor in people management and this is due, in no small part, to the rules and regulations laid down by the European Union. Today, managing a workforce has to be considered a serious business, and dealt with in a responsible manner because employers have to be legally compliant. This fact they disregard at their cost, as can be witnessed by the recent substantial awards made to plaintiffs by the Courts.

Looking at the solution

Professor Cary Cooper who conducted the UMIST survey 'Workplace Bullying' concluded that one in four of the 5,300 workers surveyed said they had been bullied in the past five years. Professor Cooper urged employers to train managers to be aware of the negative effects of bullying. He stated in the report, "The findings show

that with better management training and awareness, bullying is avoidable". (February 00)

Management training and awareness could be housed within the following framework which would allow a course of action to be followed to deal with the issue:

- Employers must be aware of a change of atmosphere among staff, for example when cheerfulness turns to sullen behaviour and virtual silence.
- A stress audit could give employees the opportunity to identify anonymously the problem areas.
- Agenda-free meetings can be introduced to provide platforms for troubled staff.
- Independent arbitration.
- Exit interviews can include a specific question, i.e. 'Have you experienced bullying within the organisation?'

The solution

People are an organisation's most valuable resource. To safeguard the welfare of that resource is to safeguard the future of the company and ensure it has the edge over its competitors. In the long-term, by demonstrating a Duty of Care and Best

Practice to its employees the company will save both time and money in terms of bad publicity and poor reputation and, with the growing trend to take legal action, possibly the high costs involved in litigation and compensation.

The key word is 'training'. It is pro-active and offers companies a way forward. Many managers are simply unaware of their behaviour and the effect they have on others. They need to learn listening skills. If they were made aware that they faced disciplinary action should their behaviour be discerned as unacceptable, they would be more open to monitoring and improving their communication skills.

An organisation that can be seen to operate a no-bullying ethos, that will not tolerate any form of sustained psychological harassment such as bullying, will without doubt profit in a myriad of ways, including increased productivity and reduced turnover of personnel.

And, at a more tangible level, such a company will have a bonus of avoiding possible lengthy and costly litigation at a future date. ●

N.B. Ms Bahl was suspended by the Council after consideration of the findings of an independent inquiry into five complaints that she had bullied members of the Society's staff. She was unable to

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A Case Study

Jim, a Legal Executive had worked harmoniously with his team for ten years. Staff turnover was kept to the minimum, and sickness levels were below average.

When Jim's line manager retired, the position was taken by Mary. What ensued was six months of hell as Mary systematically stripped Jim of his authority, ridiculed him in front of staff and increased his workload. When Jim sought help, Mary questioned his professional abilities.

Jim became nervous, over anxious, confused and his health began to suffer. Mary's style of leadership was not people centred and her constant referral to the need for staff changes in the Department resulted in Jim's anxiety turning to panic.

Constant paging by Mary, disturbed sleep patterns, being set unrealistic tasks while being offered no support, plus a wall of silence eventuated in Jim experiencing chest pains and violent headaches.

Jim's medical condition brought no sympathy. When stress was diagnosed, Mary continued to undermine his authority. Then, after one nasty incident Jim found himself the victim of psychological warfare perpetrated by Mary. Unable to retain his composure he sought medical help and, finally, broke down.

Jim, off sick for six months, was eventually forced to take early retirement. At his exit interview he expressed his concern about Mary. He believed by highlighting the problem, action would be taken to curb Mary's unacceptable behaviour.

No action was taken. Mary continued in her uncommunicative and aggressive manner, which resulted in another staff member leaving and a third member suffering a nervous breakdown.

Despite a catalogue of damning evidence highlighting Mary's shortcomings as a manager, she is still in her post.