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Chapter 7

Bullying – The Perspective of the Accused

FRANCES-LOUISE MCGREGOR

Chapter Summary

Earlier chapters have considered the costs and impact of workplace bullying on targets and their organizations; there is no doubt that these are significant and that ongoing research and practical support to all parties involved is necessary. In this chapter Frances-Louise McGregor prompts those who have a bullying experience in the workplace to consider an alternative perspective to the rather simplistic assumption that the bully is always in the wrong and the target or victim is always in the right.

Based on her personal and professional experiences in the UK, and notably her conversations with alleged bullies, Frances-Louise reveals the effects an accusation can have on the person accused, how their organization may act towards them and the restrictions placed upon them. She reveals an imbalance in how the person accused and the person making a complaint of bullying may be treated, and unlike some of the other case studies in this book, this is not often in favour of the people who were accused of bullying that she has interviewed. Intriguingly, some of the responses Frances-Louise describes mirror those of targets when it comes to personal reactions. For example, she describes how those accused of bullying may be reluctant to seek help because they believe it may be seen to impugn their leadership and management record. Anecdotal evidence has shown that often those who make a complaint and are offered stress counselling may reject the idea because it may be seen to have a negative effect on their medical and work records. Informal online threads confirm that this is also the case when counselling is used to treat depression and other illnesses, for example The Student Room (2012).

Background

Workplace bullying has been a phenomenon extensively experienced, researched and measured yet it remains an issue for public, private and voluntary organizations and their staff. In considering that there have been recommendations for policy, procedure and complaint resolution, such guidance and good practice are valuable, however the issue of workplace bullying remains.

In order to promote wider awareness and understanding of the phenomenon of workplace bullying a global collaboration between researchers, academics, human resources (HR) practitioners and workplace representatives formed the International Association on Workplace Bullying and Harassment in 2008. The formation of the association demonstrated the ongoing and increasing interest in the topic and the search for supportive remedies, solutions and knowledge are at the heart of the research undertaken by association members.

In terms of HR practice, private, professional HR social media groups see a regular discussion around issues connected to workplace bullying; recently forums made available to members of the Chartered Institute of Personnel and Development (CIPD), the HR professional body in the UK, have discussed performance management and bullying, how to investigate bullying issues and the rise of allegations during the difficult UK economic recession. The CIPD reviewed and reissued its fact sheet 'Workplace Bullying and Harassment' in January 2014, demonstrating the issue remains topical and important.

An Increase in Workplace Bullying

It has become clear that, rather than the extensive research and discussion of workplace bullying resulting in a decrease in instances and allegations of workplace bullying, there has been an increase. Whilst measurement of the prevalence of workplace bullying is inherently difficult, seminal researchers have sought to establish criteria that can be benchmarked. The Inventory of Psychological Terrorizations (LIPT) (Leymann 1990) and the Negative Acts Questionnaire (NAQ) (Einarsen et al. 2009, Einarsen and Raknes 1997) were designed to make meaningful comparisons of the prevalence of workplace bullying and in 2010 Einarsen, Hoel, Zapf and Cooper concluded that a prevalence of 3–4 per cent was a consistent indicator that workplace bullying was an issue.

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Whilst other research did not set out a structure for participants to be measured against (and therefore left the definition and terms to the respondent) rates of 10–15 per cent were observed, however Einarsen et al. (2010) defined that a rate of 4 per cent of the workforce subject to serious bullying was a significantly high rate and worthy of serious review.

Despite many measures to tackle the issue, workplace bullying persists. Such measures include the five core accepted and implemented recommendations focused around Hoel and Cooper's (2000) work and although these have been progressed, they remain fundamental points. In essence, these are:

- establish a culture free of bullying;
- introduce effective, safe and fair policies on bullying;
- confront and challenge abusive management styles;
- reduce bullying by reducing stress levels;
- control the controllable.

Whether this increase is due to wider policy publication within organizations or to a heightened awareness following the media spotlight is not wholly clear.

Some alleged bullies who were each separately interviewed during individual research meetings asked us to pause and consider if it is too easy to claim workplace bullying as a grievance and stated that the difference between bullying and employee performance management is too indistinct. In conversations with alleged bullies in the UK there is a recurring theme that making an accusation of bullying in order to avoid another formal process, such as underperformance management or redundancy selection, is too easy.

For example, in an educational establishment a member of staff was in the throes of absence management procedures and was about to be legitimately disciplined for unacceptable levels of attendance. In an attempt to stall or stop the process they accused their manager of bullying them. Similarly, in a call centre a member of staff facing a performance management hearing accused their team supervisor of workplace bullying despite there being recordings of inappropriate language used during calls with customers; the member of staff wanted to discredit the supervisor for the quality and content of the call.

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In order to further research that will inform good practice and thus impact positively in tackling the phenomenon of workplace bullying it is becoming widely accepted by the research community and the International Association of Workplace Bullying and Harassment that work with bullies and alleged bullies will develop a wider understanding and give a perspective which hitherto has remained unexplored. This current research is not setting out to say who is right or who is wrong, or that bullying is not damaging to those involved, particularly the targets, but instead seeks to consider how best to continue to offer support and practical guidance to manage the resulting distress well. It is not sufficient, as Jenkins (2013) notes, that 'the first to get to HR and tell their story is the victim'; in fact, this 'victim' mantle can then set the tone and direction for the ensuing investigation. If HR and/or investigators accept the labels of victim and bully from the start then evidence gathered is likely to be skewed: if an investigator actually knows the answer before they start the investigation then treating the alleged bully like a bully would be acceptable. However, usually it is not possible to know that, so both parties need treating with a duty of care, with compassion and equal treatment else we may end up where the alleged bully feels like and is treated like the victim.

Employers' Duty of Care

It was these reported concerns that prompted this author to examine the experiences of the alleged workplace bully. The Advisory, Conciliation and Arbitration Service (ACAS) is a non-departmental public body of the Government of the UK and frequently comments on UK health and safety law. Enshrined in the law is the responsibility of employers to have a duty of care towards their employees, which ACAS describes as meaning '... that they should take all steps, which are reasonably possible to ensure their health, safety and wellbeing' (ACAS 2012).

This duty of care and support applies to all employees, however people who are accused of workplace bullying consistently report that suddenly it may be no longer afforded to them and their organization may treat them like outcasts. In demonstrating this, alleged bullies are reminded of their policy obligations particularly around confidentiality and being advised they must not talk to anyone about the situation. This leaves them feeling isolated and alone in what is often a difficult, protracted and oppositional procedure.

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ORGANIZATIONAL POLICIES

In a literature review of common organizational policies concerned with workplace bullying, dignity at work, bullying and harassment and other similar issues, the measures of support extended to those making an allegation include:

- an organizational mentor;
- counselling/listening support;
- occupational health or Employee Assistance Programme (EAP);
- dignity at work advisor/workplace support colleague;
- mediation;
- workplace 'friend' – letter writing, meeting attendance;
- options around working location, hours, duties, line management or job responsibilities.

Organizations with policies, procedures and effective line manager training are likely to offer a claimant a raft of support and assistance. The CIPD offers advice and guidance, as does ACAS, however many small and medium enterprises do not have an HR presence and thus may not be aware of these recommendations. Such organizations are more likely to lose at an employment tribunal (Saridakis, Sen-Gupta, Edwards and Storey 2008) and the support to claimants may be sparse, limited or even non-existent. Employees accused of workplace bullying frequently report that they are more likely to find themselves in a lonely and isolating position, unable to discuss their situation with anyone else and with no access to advice, guidance and support despite the level of assistance the organization sets out to offer the claimants.

People who have been in these circumstances reported during interview that none of the services offered to complainants were offered to them and that they did not feel they could access similar services elsewhere because of the (confidentiality) restrictions placed upon them. Personal experience is that during interviews alleged bullies, whilst not always admitting to being guilty of bullying behaviour, nevertheless recognize claimants' rights to make an allegation and their organization's requirements to hear it; it is this lack

of equality of procedure that seems to have a significant effect in terms of undermining the confidence of the accused person.

Isolation and Lack of Support

The isolation and separation from their employer, colleagues and managers often starts when the alleged workplace bully is first advised that an accusation has been made against them. Sometimes the circumstances in which this happens are shocking and unsupportive to the individual involved. As a target, one may feel this is no bad thing, but it detracts from the laws of natural justice and leaves both employer and potential perpetrator in a situation that alleged bullies have described as being presumed guilty before being proved guilty. In 1998 The Human Rights Act (HRA) was passed in the UK to ensure justice and equality for all. Among other provisions it gives people 'the right to a fair trial and no punishment without law – you are innocent until proven guilty' (Liberty 1998) however this is the opposite of how some alleged bullies feel from the moment they are made aware of the complaint.

CASE STUDIES

Some interviewees reported how they were advised of the allegation of workplace bullying:

As soon as I got into work after a week's holiday, I was taken into the boardroom, a great glass walled room with a huge table ... two managers sat on one side and prompted me to sit at the other side; my line manager was there and wouldn't even look at me. The other manager said 'one of your team has reported your bullying to us. You must not talk to your team or to anyone else about this; you must stick just to business matters and be professional at all times. You'll be given notice of a formal meeting but the organization is disappointed it has come to this. Your staff member is very upset and you have spoken to [them] inappropriately.' With that, I was told to go back to my own office and proceed with the day's work, as I'd have a lot of catching up to do having been away the week before.

I was so shocked that I couldn't speak ... I stumbled out of the boardroom and had to walk the gauntlet of the corridor and a communal area where everyone was to get back to my office. I didn't ask any questions or acknowledge that I understood what was being said; I didn't know which one of my team had made a complaint or what the

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complaint was about. I went to my own desk and I couldn't function. I was so shocked that I just sat there ... I turned the computer on and just stared at the screen. After a few minutes I felt overcome and I had to go back through the staff area to my manager's office and ask if I could go home. He told me that I had a meeting later that morning which I would have to attend before I could leave but I was in no fit state to make a contribution or take in what would happen at the meeting. I knew it was a valuable and significant client pitch, but I was more of a hindrance than a help really because I just couldn't focus properly.

I did go home later though. I was deeply distressed, crying whilst driving, forbidden from speaking to anyone and yet expected to manage a team and produce excellent results against high targets (Respondent 1).

Another participant reported similar themes in their retelling:

The news that an allegation had been made about me [being a workplace bully] came in an email from the trustee board. It was a stunner; they'd got a catalogue of complaints that ran to 300 pages that I couldn't see, but they'd be investigating my inappropriate behaviour. They said I must not discuss it with anyone ... it seems to me that a [person accused of being a] bully has no right to confidentiality because the person making the allegation is able to talk to everyone and he did. He went round asking people to support him. I'm left thinking: 'Who is my ally? Who is loyal? Do they want me to leave?' (Respondent 2).

There is also a concern among alleged bullies, whether they were or were not proved innocent or guilty of their behaviours, that they feel they cannot talk to anyone and cannot use organizational support structures such as an EAP or workplace representative because of the confidentiality requirement. This bears a striking resemblance to the ways in which bullies, and also perpetrators of domestic violence, often use isolating techniques on their targets (Quigg 2011: 18). It could be said, in effect, that management is using corporate coercive techniques against someone who has been accused before they have even begun to investigate the complaint. A further reason why people accused of bullying often do not seek help is because they fear it would reinforce the notion of their perceived lack of managerial and leadership good behaviour.

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Investigations

When an allegation of workplace bullying has been made, an organization relies on the various policies and procedures it has in place and these often involve an investigation. In the author's experience it is evident that most policies have been written with the target or victim in mind; no employer would set out to imagine or aspire to be using them. As such, the guidelines and courses of action are composed within a rigid and formal structure and one that clearly states, first and foremost, that all accusations or allegations are taken seriously. The intention may be to take a positive standpoint so that those making complaints can be confident that they are believed from the outset and that their position will be reviewed during the course of the formal or informal processes that will take place. The effect of this, however, is that the investigation, whether informal or formal, is seen by the accused individual to be an adversarial one, in which they must act defensively. One participant discussed how this impacted on him:

There was no fairness in it; I had to defend myself and show how I wasn't a bully but that I was managing their [the complainant's] underperformance in line with the [company's] policy. I produced coaching meeting notes that showed what had been discussed; I had to give evidence to show I couldn't have been at one of the meetings he said I'd bullied him at because I hadn't even been at work! (Respondent 3).

Another said:

Their investigating and interviews felt like it was my trial and I couldn't even be there – I had no idea what she was saying about me. How can you know what to say to defend yourself when you don't even know everything that is being said about you? And when I cleared up one point, she went ahead and made another ... (Respondent 4).

In separate, individual interviews, several alleged bullies discussed a similar theme concerning the lack of understanding or thought around the impact of being accused. The people who were interviewed have likened the accusation of being a workplace bully to other serious claims such as being a racist, a sexual harasser, a bigot or even a paedophile. The participants go on to say that the lack of understanding of the damage is devastating; it can be career ending and bullying can be such an easy accusation to make if it is believed from the outset. All of the interviewees wanted 'real' claims of bullying to be supported and investigated, however they also wanted their employer to look critically

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and carefully at the substance of the grievance and other surrounding factors before accepting allegations. There have been instances where unacceptable probation performance, wanting to retire early with additional severance pay and inappropriate or illegal acts by the claimant were found to be the reason for a grievance, not workplace bullying.

Two examples of this, from alleged perpetrators of workplace bullying who participated in individual interviews typify this. Firstly, a determined but initially unsuccessful request for early retirement from an educational establishment employee had been declined, but when allegations of workplace bullying were made, the decision was reviewed by the employer and a determination to make the award was made on the basis it would resolve the issue. Secondly, when a small number of employees had breached the misuse of IT policy by sending rude, vexatious and malicious gossip by email, they sought to raise a grievance of bullying when the manager they were maligning inadvertently came across some of them.

In the following section consideration is given as to how organizations can address these concerns whilst still being mindful of their organizational obligations and their duty of care.

Dealing Fairly with Bullying

In a workplace bullying scenario, if the organization treated both parties on an even, fair basis during the investigation and/or resolution process this would give those accused more support during the procedure. The process takes an inordinate length of time – in none of the research cases I have reviewed has the organization's policy time or duration conventions been adhered to. Those raising allegations may be absent from work whilst those accused, who report suffering similar anxiety and distress, express concern that they suffer too, particularly in terms of health and wellbeing. However the accused feels they must be at work, carrying on in their role; the fear is that if they are not, this will be perceived as evidence that the allegations are true as they are not able to face coming into the workplace.

From personal experience it seems that for some people raising an allegation of workplace bullying is a proportionate way of achieving what they consider to be a legitimate aim. In order to prevent dismissal, continue employment or divert attention from their own bullying or bad behaviour, some employees

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have raised formal complaints of being bullied at work. For example, one participant shared their experience as follows:

I was managing her induction and performance; I'd checked in with the HR [staff] at every stage and they'd even told me to toughen up a bit and stop being so accommodating but they'd reassured me I was doing a good job and supporting her well. I kept all the documentary evidence from the coaching and then the performance management meetings we'd had and when it came to the formal hearing about her performance with the Area Manager she said there was no way she'd ever perform when she was being bullied by me!

Then HR was nowhere to be seen and I couldn't make any sense of it. Next thing, I'm investigated, then told after months and months and months that there were learning points, not bullying her but that they were going to move her to another team so I wouldn't have to manage her anymore. Of course, it looked like she had won and it took me ages to come to terms with this. I had to leave in the end because I didn't think there was any support and it made me ill, but no one even thought or cared about me. She said the B-word and it was anything she wanted from there on in. I think the truth of it was they took so long with the procedure that the time they could have dismissed her in probation had passed, but even that was all about her ... (Respondent 5).

THE WAY AHEAD

What seems most critical is that organizations should provide an appropriate level of support for those people who are accused when bullying complaints are made, as well as for those who raise the complaint. None of the participants the author interviewed was suspended by their organization, however all reported feeling isolated, often 'frozen out' from day-to-day business; no 'water-cooler conversation' and nowhere to seek support; not even their line managers would communicate as often they would be undertaking the investigation.

Researchers have described a disagreement between one or more parties in the workplace, who are of equal status, as workplace conflict (Hoel, Rayner and Cooper 1999: 221) and observed that long-lasting and badly managed conflicts often result in bullying (Zapf and Gross 2001: 499). When an individual is seeking a favourable outcome whilst in a formal disciplinary process or undergoing organizational change, and makes a complaint of bullying, this has been described as dispute-related bullying (Einarsen 1999, Keashly and Nowell 2003: 339). Given what is known about conflict theory (Quigg 2011: 21) it is an

inadequate response by management if the first one to report that they are being bullied is automatically deemed to be a victim. In considering the fundamental underlying reasons for some claims, the bullying behaviour can be seen to be two-way, making this a conflict or dispute that may be addressed more appropriately via conflict management strategies (Keashly and Nowell 2003).

Also, sometimes when bullying is one-way it is actually the perpetrator and not the target that makes a false claim as if they were the one being bullied. This also has parallels with techniques used by perpetrators of domestic abuse who adopt a stance that minimizes, denies and blames the other party. They (and the real bullies) dismiss the abuse as insignificant, deny it is occurring and effectively shift responsibility to the target (Quigg 2011: 18).

It may be that there is a role for workplace representatives here; one respondent felt hugely supported by her trades union representative. Although the representative reported being given some training from both union and employer on how to support targets or victims of workplace bullying, there was nothing in terms of advice or guidance for working with the alleged bully and she would have welcomed this.

Personal experience with targets of workplace bullying indicates that some people raise a grievance under the dignity at work policy. In one case the victim had been screamed at, verbally abused, both privately and in front of visitors and colleagues, been given only half the information necessary to undertake a task and then severely chastised for not performing satisfactorily; with witnesses and a supportive trades union representative the grievance was upheld. This particular target explained how supported and empowered she felt with the encouragement and policy knowledge of the representative and she believed it was this that resulted in her receiving a significant settlement. However, many targets of bullying report that financial recompense alone does not address the issue of how bullying makes the targeted person feel.

To the acute distress of the victim, the perpetrator/manager was moved to a different function within the business; this alone was not sufficient to curb his unacceptable behaviour and a member of staff in his new team made another complaint about it. The employer thus had yet another grievance brought about by a member of staff who they also represented; for this reason alone the manager was exited from the organization and given a settlement, represented as a redundancy payment. The question around whether the manager's employment would have been terminated or not had another representative been supporting the victim was never properly addressed but it is testimony

to the sound advice from recognized bodies such as ACAS and CIPD that the policy and procedures must be adhered to, else belief in them and the business is damaged.

Good practice as proposed by ACAS (2014) and CIPD (2014) recommends that the transfer of the claimant to another department or place of work may bring about a further claim of victimization and should be considered particularly carefully. If this is an absolute necessity it should involve the claimant, both before (and after if the claim is upheld) the grievance is dealt with. If treatment to both parties is going to be considered 'fair' though, this should also apply to the alleged perpetrator before the determination or outcome has been made. After the claim has been decided then the organization, in line with contracts of employment, policy and procedure, would still be advised to review personal or domestic circumstances, caring arrangements, risks and so on, before proceeding to relocate staff, but this will then equally apply to both parties.

Another key requirement for the alleged bully is for them to be supported to achieve some kind of closure. In talking to interviewees who have been accused, it is repeatedly noted that they understand the full extent of the claim against them and as a result spend, sometimes years, wondering who had said what about them and whether they should even be speaking to someone. One participant stated: 'You certainly get to know who your friends are ... but you've no idea who is your enemy or what they've said about you ...' (Respondent 6).

Some participants have been particularly troubled by having to continue to line manage their accuser. One recollection from an alleged bully reflects on this:

It was all of a sudden all over; I'd been accused, investigated, castigated and then told to just get on with it – I had to continue to manage my team and deliver results but couldn't talk to her without someone else there, couldn't ask her to team meetings, couldn't explain to the others in the team why she wasn't there, couldn't have an appraisal meeting with her unless with my manager but still had to manage her underperformance. It felt like I was being set up to fail; it was impossible to continue the working relationship. I need to get out of the company but that is easier said than done at the moment ... (Respondent 7).

This participant went on to talk about how he needed to know what he could do as well as what he couldn't and when he asked how to achieve the tasks

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he was required to do, he was told that he'd have to work out a solution. The fear of making matters worse or bringing about a further claim of workplace bullying was overwhelming for him and the level of anxiety he had for the staff member who brought the claim as well as his other team member and himself, was causing him much distress.

Organizations should also be mindful of the ongoing relationship they will need to have with both or all parties involved in the complaint. Staff who feel isolated, separated and unsupported during the process of dealing with a bullying complaint are not likely to stop feeling this way when the matter is concluded. This in turn fosters a desire and an intention to leave for those parties, taking with them their knowledge, ability and skills which is likely to be a loss to the workplace.

The Role of Representatives

Representatives from trades unions receive training and internal supervision to offer guidance and support to members. One representative interviewed during the author's earlier research explained that the approach to representing members is often done locally, with the representative working in the same organization as the union member and this is useful as they know the provisions of the policy and can ensure 'management' follow the processes. The training focuses on supporting a claimant and recommends keeping a diary and making an early attempt at resolution by talking to the bully if this is possible. Of the participants in the author's current doctoral research with alleged bullies, 50 per cent were trades union members and reported how valuable and supportive their representatives were; from offering an objective view, to preparing them for what would procedurally happen next and accompanying them to meetings and interviews, their assistance seems to have been invaluable.

Earlier research undertaken by the author for professional body qualifications (CIPD level 7) and also MA in Human Resources Management qualifications have confirmed that many targets, victims and claimants share these views, which suggests that the involvement of recognized trades union representatives, particularly those employed by the organization, should be included in the policy creation, the review of engagement and grievances with a view to raising awareness of the issues, costs and ramifications of workplace bullying.

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Organizations with or without recognized trades union membership may also create internal advocates through a network of independent volunteers who can meet with colleagues to discuss matters in confidence with no fear of reprisal. Often known as Harassment Officers, Dignity at Work Advisors or Grievance Resolvers, the post holder is usually an independent volunteer (certainly outside the HR arena) to whom alleged victims can talk in confidence. The advisor will be familiar with the organization's policies and processes so can help discuss options for ways forward, weighing up the pros and cons with the individual in a way that is non-judgemental and supportive. Such an approach acknowledges that there are options for informal resolution, such as via mentoring or coaching, for dealing with performance issues as well as workplace bullying and harassment and the advisor will work with their colleague to determine the right resolution for them, be that a formal or informal route.

Whether the advocate is supporting the alleged bully or alleged target, it is important that the same offering is available, but research to date is scarce on the views, opinions and experiences of the alleged bully and training to support them even less so (Jenkins 2013).

Advice to Organizations

Organizations should not deny that workplace bullying exists as this not only compounds the issues but also is likely to lead to a culture that indicates that bullying is acceptable. It will also give an impression that targets will not be believed or supported. Bullying, harassment and/or dignity at work policies are not ones an employer wishes to have to use, however there is still a business need to make sure these are not left on the electronic version of the back of the bookshelf to gather dust. If there are policies and processes which are not acknowledged or understood, the risk of not knowing how to deal with difficulties which arise is more likely and this has the potential to then result in issues not being addressed. Organizations must develop the resources to deal with complaints at all stages in order to thoroughly and satisfactorily resolve them, as well as to demonstrate that they champion fairness at work for their engaged and valued staff.

Comprehensive policies should set out clearly that there is a difference between workplace bullying versus performance management and bullying versus bossiness. Kelly (2007) termed the phrase 'accidental bully' to describe overly bossy people who are consumed with work, sometimes overwhelmed

by the amount that needs completing in an unrealistic timeframe. The bossiness is seen in a direct and overly assertive manner, often driven by the pressure of work and perhaps coupled with a lack of empathy towards colleagues. The result is this ‘accidental bully’, who tells people what to do rather than engaging them in the planning and delivery of a work task. Senior managers should be aware of both the signs of work pressure and changes in behaviour amongst their colleagues at all levels and ensure that early action is taken when a more ‘bossy’ or directive approach begins.

The Australian Financial Review (AFR 2014) notes that just 13 of the reported complaints heard at the Fair Work Commission (tribunal) to date between March and June 2014 have resulted in no bullying claims being substantiated. The AFR cited that an overarching theme is emerging where the difference between performance management and appraisal reviews versus workplace bullying are not clearly differentiated or understood. In essence, managers must be allowed to manage, but there are acceptable and unacceptable ways to do this. Effective HR policies and procedures should therefore set out a ‘definition of terms’ to enable the reader to understand the differences. It is also effective to have a statement with examples of how the organization expects its staff to behave, offering a positive view such as ‘XX Company expects colleagues to treat each other with dignity and respect’.

RESOLUTION AND INVESTIGATION

In dealing with allegations of workplace bullying, employers may attempt early, informal resolution and mediation may be an appropriate vehicle for this. Mediation is a voluntary process and involves an independent mediator working with both or all parties to assist in achieving a mutually acceptable resolution. The mediator will not take sides, make judgements or impose solutions, but will be responsible for developing effective communications and building consensus between the parties involved in the mediation. Mediation can be used at any point in the informal, investigation or resolution point of the claim but early opportunity is effective. The benefits of mediation are explored in Chapter 6 and further, detailed information about the mediation process is outlined in Chapter 9.

When undertaking investigations into an allegation, organizations can support both the accused and the claimant with a prompt investigation whilst the events are fresh in everyone’s mind. Care should be taken to ensure all parties are afforded the same opportunities to explain themselves and to respond to questions. The alleged bully should be afforded statutory rights

of representation and be given a chance to respond to allegations in a non-threatening situation. The alleged bully should also be allowed to see evidence and/or copies of witness statements in good time and be able to share these with their representative so they can prepare for the investigation interview.

Suspension of the alleged bully from the workplace should not, in itself, be viewed as a disciplinary measure so should this be necessary it should be regularly reviewed, kept as short as possible and not leave the suspended member of staff without any contact from their employer. One research participant in the author's current study noted that the allegation isolated and separated them from the organization and their colleagues but then the suspension exacerbated this and the more prolonged it became the more their family became deeply worried about his mental well-being.

IDENTIFY POTENTIAL TRIGGERS

Organizations that are attuned to the likelihood that job insecurity, work pressures and competition can breed bullies (Einarsen 2000, Lewis and Orford 2005) are able to put in place extra support and resources in readiness for dealing with potential 'trigger' situations, such as performance management, misconduct, poor performance from long-serving staff, redundancy or absence management. Conflict coaching (CIPD 2013) for managers demonstrates the differences between an assertive and confident approach rather than one that is viewed as bullying or harassment. Coupled with training around the theme of having difficult conversations, an organization can support all managers in developing a style that is confident, productive and emotionally intelligent. Similarly, offering conflict resolution master classes to all staff may also develop the same skills as well as promote the serious approach the organization takes to dealing with issues of bullying, rudeness and incivility.

Organizations must also be mindful that there can be a wider context to bullying and that it may be more than an individual or group of bullies that are the only culprits. Much academic and practical research (Einarsen, Raknes and Mathieson 1994, Einarsen and Raknes 1997, Hoel and Cooper 2000, Zapf 1999) has demonstrated that the organizational culture can lead to a climate conducive to bullying behaviour. Work which is monotonous, where jobs are insecure, where workloads are heavy, where there is job conflict, where long working hours (presenteeism) are the norm and where work pressures are high means that conflict between colleagues becomes more likely, even inevitable, and the final results will be borne out in bullying complaints. It is then the association of individual characteristics of the perpetrator, the target and the

organization, which can contribute to the development of a bullying culture. However, this can be addressed through holistic HR approaches as well as via specific HR practices.

Conclusion: Dealing with a Workplace Bully – Post Investigation

In supporting organizations to develop an awareness of workplace bullying, structures and support mechanisms for targets and perpetrators as well as furthering good practice, it is important to consider that when a claim has been determined, a bully is then managed in some way. Following such advice many policies (CIPD 2014) will include express terms that dismissal or discipline are options for the ongoing management of a member of staff deemed to have been a bully. It is, however, a principle of UK society that offenders should be and can be rehabilitated. This is one way for an organization to retain talent and/or tacit knowledge but still deal appropriately from a discipline perspective.

Organizations should ensure that the bully fully understands what has taken place and acknowledges that this was unacceptable. Progressing this, the perpetrator must understand the consequences of any action which will be taken, so if there is counselling, coaching or an action plan put in place the organization must follow through both with the actions themselves and the penalty for not undertaking or engaging in them. For example, if a senior manager sets out to meet with a supervisor each week to review their performance, this must happen otherwise the supervisor sees that the organization is not truly committed to the remedy and may then continue to bully.

Senior managers especially should espouse the behaviours that the organization wants to culturally engender; so if this is one of courtesy, work-life balance, hard work but with just rewards then this needs to be seen to be implemented so the workforce knows this is not managers merely paying lip service to an ideal but the embracement and actualizing of values and standards. Mentoring or coaching may be highly effective tools to support this.

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