



Challenging bullying and harassment at work

An equality guide for branches and reps

Contents

Introduction	3
1. Definitions, discrimination and legislative frameworks	5
Defining harassment and bullying and stress	5
Direct and indirect discrimination	7
The Equality Act 2010 and workplace rights legislation	8
2. Bullying at work	11
The impact of bullying and harassment and stress	13
Robust management style or bullying?	15
Bullying and harassment – equality groups	15
3. Addressing bullying and harassment at work	22
A collective issue	23
A health and safety issue	23
Health and Safety Executive: management standards	23
Mediation	25
4. Branch action and resources	26
The role of equality and safety reps	27
Policy and procedures	29
Model survey	33
5. Appendices	35
A. Factsheet: If you believe that you are being bullied, the chances are, you are	36
B. Flowchart: Am I being bullied?	38
C. Factsheet: What to do if you are being bullied or harassed	39
D. Flowchart: What can I do about being bullied?	42
E. Factsheet: What to do if you witness bullying or harassment	43
F. Factsheet: Guidance for those accused of bullying or harassment	44
G. Factsheet: cyberbullying – the invisible hand of bullying	46
H. Questionnaire: Robust management style or bullying?	49
I. Flowchart: Action to take by branch reps	50
J. Checklist: Interviewing a member – a checklist for union reps	51
K. Model letter to employer on bullying and harassment	53
L. Model survey on bullying and harassment	54
M. Poster/leaflet: Adaptable text for poster/leaflet	56
6. Resources	58
7. Contacts	60

Introduction

The changing face of academia is continuing to create environments where stress, bullying and harassment adversely affect UCU members who are already facing unprecedented changes, from attacks on their terms and conditions of employment, to an increase in redundancies and casualised contracts. Government changes to the way in which trade unions operate has helped to foster a climate where discrimination and the victimisation of trade union reps is taking place on a scale not seen before.

Bullying and harassment at work arise when the institution does not make it clear that they are unacceptable forms of behaviour that constitute a serious offence which can result in disciplinary action. It is very unusual for bullying and harassment cases to be an isolated issue. Good policies on the prevention of bullying and harassment recognise this, and regular effective monitoring and surveys will generally confirm that is the case.

Our data and subsequent resolutions have called on UCU to continue to take action on bullying and harassment at work.

Congress Resolution 2016: Bullying, harassment and mental health conditions and issues – Disabled Members’ Standing Committee

Congress notes:

- 1. Bullying and harassment can trigger or exacerbate anxiety, depression and stress for members, especially those with mental health conditions and issues*
- 2. LGBT people have the highest suicide rates and levels of mental health issues and may also be subjected to harassment and bullying which exacerbates this. They may also be less likely to report it*
- 3. Disabled members are at a significant disadvantage with bullying as regards work overload, deadlines, and timed responses to redundancy exercises*
- 4. Staff increasingly bullied do not negotiate time off for important medical appointments and fear to disclose their disability*
- 5. A workplace where bullying and harassment are recognised and discouraged is beneficial for all.*

Congress calls on the NEC to:

- a. Call on institutions to take action on the effects of bullying on disabled staff, and for reasonable adjustments to be made for deadlines and any teaching assessment*
- b. Seek examples of good and bad practice in post-16 education and publicise them*
- c. Offer advice to branches to encourage employers to establish or maintain a work environment that is free from bullying and harassment*

- d. Ensure that any actions taken to reduce the effects of harassment and bullying take into account the sensitivities concerned in relation to LGBT members*
- e. Highlight and publicise campaigns by branches where members face bullying or where reasonable adjustments to timetables, workload and other policies and procedures are withheld or refused*
- f. To organise a national 'no harassment here' day of action alongside NUS and other campus unions if possible.*

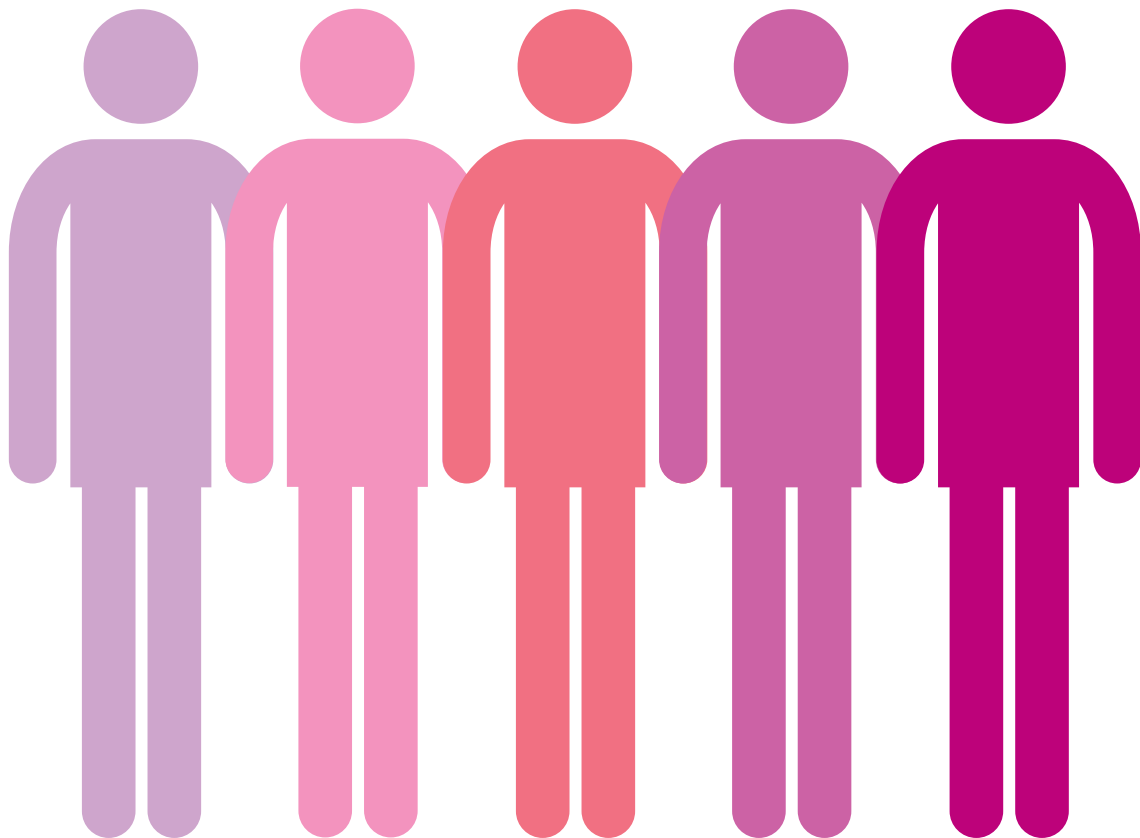
It is against this backdrop that we have produced this guidance which also supports our updated guide on 'Stopping bullying and harassment at work,' to give support, advice and signposting to members and reps alike on what can be done to prevent further bullying and harassment at work.

Equality and participation

To help deliver the equality agenda of the union, we have a national team of staff with expertise and involvement in the whole equality agenda. They work to implement the policies and priorities determined by members through our democratic lay structures. Our team challenges inequality in the workplace and wider society, challenges discrimination on all levels, formulates policies and responds to consultations from a variety of stakeholders including the Government.

UCU represents and supports all its members. Our structures serve to ensure that members who self-identify as black, disabled, LGBT or female are given a voice. We use the term 'black' in a political sense to refer to people who are descended, through one or both parents, from Africa, the Caribbean, Asia (the middle-East to China) and Latin America. It refers to those from a visible minority who have a shared experience of oppression. The word is used to foster a sense of solidarity and empowerment.

Definitions, discrimination and legislative frameworks



Defining harassment and bullying

Bullying and harassment impacts on the individual's emotional and physical wellbeing at work. This section sets out the legislative definitions and framework. We outline below the different types of discrimination faced by individuals.

Harassment

Section 26 of the Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic' and 'the conduct has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual'.

The Act makes it unlawful to harass an individual based on a protected characteristic – the relevant characteristics¹ being:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

“ **S**trong culture of ongoing bullying and harassment at workplace. Even when I was harassed and publicly humiliated and it is against the university policies the investigating officers overlooked my complaints and everyone including the HR turned against me and further bullied and victimised me.

Witness – the lived experiences of UCU black members

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance as set out in s27 of the Equality Act 2010.

Bullying

There is no statutory definition for bullying. ACAS (Advisory, Conciliation and Arbitration Service) states bullying:

- is offensive, intimidating, malicious or insulting
- is an abuse of power, and
- uses means intended to undermine, humiliate, denigrate or injure the recipient.

¹ S26 (5) of the Equality Act 2010

The Health and Safety Executive (HSE) stresses that bullying is a pattern of behaviour rather than isolated instances, and states that it 'involves negative behaviour being targeted at an individual, or individuals, repeatedly and persistently over time.'

Whereas harassment is linked to discrimination in law, bullying is not.



Stress

Whilst there is no specific legislation dealing with stress, there are a number of laws that are applicable:

LEGISLATION	RELEVANT SECTIONS
Safety Representatives & Safety Committees (SRSC) Regulations 1977	Regulation 4 and 4a sets out the functions of safety reps and the employer's duty to consult and provide facilities and assistance.
Health and Safety at Work Act 1974	General duties of employers and employees under S2-9 this includes mental as well as physical health
Equality Act 2010	Part 2, Chapter 1 s6 Disability
Working Time Regulations 1998	These regulations govern the time that people (in the UK) may work. The regulations apply to all workers (not just employees) and stipulate minimum rest breaks, daily rest, weekly rest and the maximum average working week.
Management of Health and Safety at Work Regulations 1999	Regulation 3 and 4 sets out the responsibilities in relation to risk assessments ensuring the safety of all employees.

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below). This is covered under S13 of the Equality Act.

Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess the characteristic.

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. The relevant characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation

The Equality Act 2010

The Equality Act 2010 became law in October 2010 and replaced the following:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act (Pt 2) 2006
- Equality Act (Sexual Orientation) Regulations 2007

The act makes it unlawful to harass an individual based on a protected characteristic ie age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and covers all forms of discrimination in the workplace including: recruitment, terms and conditions, promotions, transfers, dismissals and training or any other detrimental treatment.

In addition, S149 (general equality duty as set out in the public sector equality duty) of the Equality Act outlines the employers obligations – this is also applicable to all nine protected characteristics. In summary, those subject to the general equality duty (public bodies) must have due regard to the need to:

1.

Eliminate unlawful discrimination, harassment and victimisation

2.

Advance equality of opportunity between different groups

3.

Foster good relations between different groups

Common Law (also referred to as case law) has developed over the years from decisions made by the judiciary in specific cases. In cases of bullying and harassment, employers may be (and in some cases) have been held liable for psychiatric or psychological damage caused by bullying and harassment at work.



The Health and Safety at Work Act 1974

Section 2 of the Health and Safety at Work Act 1974 places a general duty on employers to ensure the safety, health and welfare of their employees, to consult with them concerning arrangements for joint action on health and safety matters, and in certain circumstances, at the request of duly appointed or elected trade union health and safety representatives, to establish safety committees and to prepare and publicise a written statement of their health and safety policy and arrangements. The act also makes provision by regulations for the appointment of trade union health and safety representatives by recognised trade unions.

The Trade Union and Labour Relations (Consolidation) Act 1992

S146 Detriment, of the Trade Union and Labour Relations (Consolidation) Act 1992 gives specific protection to trade union representatives who are victimised as a result of trade union activities, which may include challenging bullying and harassment.

The Employment Rights Act 1996

Section 44 protects workers and safety reps, providing safeguards in respect to rights not to suffer detriment, and

Section 100 provides workers and safety reps from unfair dismissal.

The Protection from Harassment Act 1997

The Protection from Harassment Act 1997 generally prohibits harassment but recent case law has established that there may be very limited circumstances where its provisions include workplace harassment.

The Management of Health and Safety at Work Regulations 1999

Regulation 3 – Risk Assessment of the Management of Health and Safety at Work Regulations 1999 sets out the requirements under which the employer is required to conduct risk assessments, and take action to control the hazards and risks identified by the assessment.



One for the employers – The Enterprise Regulatory Act 2013

The Enterprise Regulatory Act 2013 gives employers the opportunity to defend themselves on the basis of having taken reasonable steps to reduce the risk of an accident as well as helping business by limiting the right to claim for compensation to where it can be proved an employer has acted negligently.

Whilst we have cited legislation as protections against bullying and harassment at work, the courts continue to be unhelpful in seeking remedies. The legal remedies for someone who has experienced bullying at work are largely ineffective, unless they can attach the claim to a ground of unlawful discrimination.

Bullying can be a breach of the implied term of trust and confidence, but, on the current state of the law, the employee cannot base a claim in respect of this breach unless they resign. An employer has a duty to take reasonable steps to protect the employee from harm to their physical and mental health, but this duty is limited to harm which is foreseeable.

Trade unions had hoped that the case of *Majrowski v Guy's and St Thomas's NHS Trust*² which used the Protection from Harassment Act, might offer a remedy for employees being bullied at work. Unfortunately another case, *Conn v Sunderland City Council*,³ suggests this is unlikely to be of wide use.

The Court of Appeal decided that the test of what constituted 'harassment' for the purposes of the Protection from Harassment Act is whether the conduct is so serious as to justify the sanctions of the criminal law, a steep test, especially as the Act requires more than one such act to be suffered.

² <http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060712/majro.pdf>

³ *Conn v Sunderland City Council*[2007] EWCA Civ 1492, [2007] All ER (D) 99 (Nov)

Bullying at work





think my rejection [of a sexual advance] has impeded my career progression; still a SL [Senior Lecturer] after 36 years at my university. Senior lecturer, further education, Female members on the subject of sexual harassment in the workplace

To understand if you are being bullied or harassed at work requires you to have an understanding of the types of behaviours seen in bullying and harassment cases.

The type of bullying and harassment being described here are behaviours reported to us by UCU members; they include among others:

- derogatory comments related to appearance/sexuality/ethnicity
- verbal/physical abuse
- public humiliation in front of colleagues/students
- being ostracised
- being given an unrealistic workload.

UCU members who self-identify within an equality group have witnessed or experienced bullying and harassment within their working life. Incidents of bullying and harassment in the workplace are likely to be against individual members who experience some form of mental health condition, are pregnant, hourly-paid staff or black women among others. While UCU is aware of policies and procedures in place at colleges and universities to stamp out this type of behaviour, it is often the environment and culture that requires changing.

- 71% said they had 'often' or 'sometimes' been subject to bullying and harassment from managers *Witness – the lived experience of UCU Black Members' report [2016]*
- 17% of staff reported having experienced biphobic, homophobic or transphobic name-calling at work *Pride and Prejudice in Education report [2016]*
- 57% of UCU's women members experienced unwelcome derogatory comments with 66% reporting having been sexually harassed by a colleague. *Female members on the subject of sexual harassment in the workplace report [2016]*
- 65 of 234 respondents agreed strongly that they had experienced bullying or harassment at work due to a disability *The experiences of Disabled Staff in Further and Higher Education [2015]*

All employers have a duty of care to ensure that employees are treated fairly and to provide a safe working environment. Colleges and universities also have a duty to provide a working environment free of discrimination, and one where equality is promoted.

Where bullying and harassment is allowed or where action is not taken to prevent it, educational institutions do more than damage their staff. Bullying and harassment are particularly unacceptable in institutions of learning because staff must be able to question and challenge received wisdom and to teach students how to do the same. Furthermore, a culture of bullying is not conducive to good teaching or good research.

Bullying and harassment have a knock-on effect and in some cases, it can take years for an individual to 'get back to that place' where they were before.

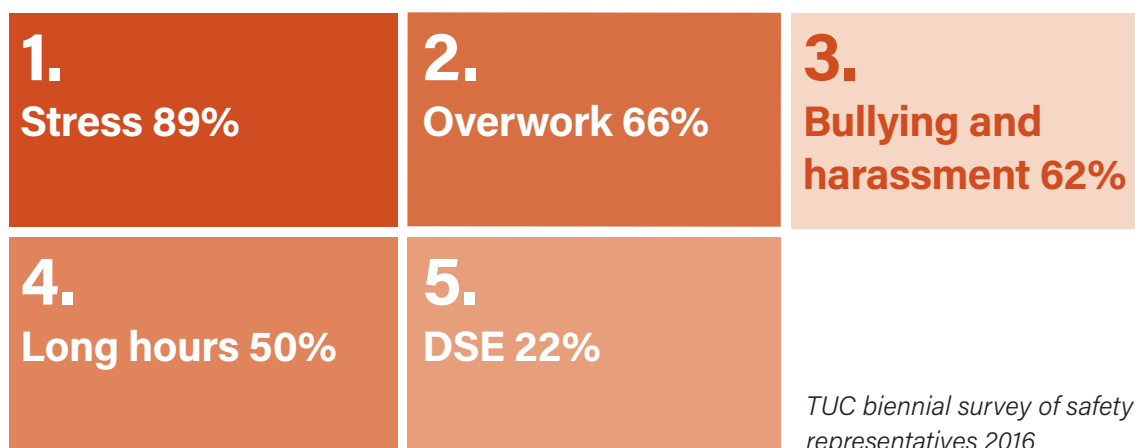
The Health and Safety Executive (HSE) estimates that bullying is a key element in stress-related workplace illness and costs employers many millions of lost days a year. Stress-related illness and absence levels in education are substantially above the national average and the imposition of tribunal fees has made it that even more difficult for employees to seek redress for workplace bullying.

The impact of bullying and harassment

The impact of bullying and harassment varies from individual to individual, however, the following list serves to demonstrate the severity of bullying and harassment:

- depression
- sleeplessness
- headaches
- skin complaints
- mood swings
- anxiety and panic attacks
- isolation
- low/lack of confidence and self esteem
- mental health issues
- loss of appetite.

The top five hazards reported by reps from the education sector 2016




Acas have reported that during 2015, over 20,000 calls were taken by their helpline on bullying and harassment with some people reporting truly horrifying incidents including humiliation, ostracism, verbal and physical abuse.⁴

⁴ Acas workplace TRENDS 2016 report
http://www.acas.org.uk/media/pdf/1/4/Workplace_trends_of_2016.pdf

For the employer, the impact can include:

- increased sickness absence and absenteeism
- risk to public image of the institution and loss of client customer confidence
- reduced productivity
- demotivation
- high staff turnover
- low staff morale
- costly retraining
- costly legal cases over stress and bullying.

A 2015 TUC poll⁵ carried out by YouGov on workload stress revealed:

- 
1. Nearly a third of people (29%) are bullied at work.
 2. Women (34%) are more likely to be victims of bullying than men (23%).
 3. The highest prevalence of workplace bullying is among 40 to 59 year-olds, where 34% of adults are affected.
 4. In nearly three-quarters (72%) of cases the bullying is carried out by a manager.
 5. More than one in three (36%) people leave their job as a result of bullying.



A long time ago I was very severely assaulted by a work colleague outside the workplace in the context of what I thought was a friendship/mild flirtation. That did have a bigger effect. Head of Research Centre, Higher Education, Female members on the subject of sexual harassment in the workplace

Stress

The TUC's 11th biennial survey of safety reps found that stress and the effect it has on their colleagues is one of the main concerns they have to deal with at work. UCU's 2014 work-related stress survey has also revealed the same worrying trend as shown below:

UCU WORK-RELATED STRESS SURVEY 2014: KEY FINDINGS

The proportion of respondents who agreed strongly agreed that they find their job stressful has increased from:

	2012	2014
Higher education	72%	79%
Further education	78%	87%
Adult education	70%	80%
Prison education	72%	85%

⁵ <https://www.tuc.org.uk/workplace-issues/health-and-safety/bullying/bullying-work-guidance-safety-representatives>

The proportion of respondents who consider their average level of stress to be very high has increased from:

	2012	2014
Higher education	16%	17%
Further education	78%	87%
Adult education	13%	14%
Prison education	14%	23%

There was a considerable increase in the proportion of members who reported experiencing unacceptable levels of stress, 'always' or often:

	2012	2014
Higher education	39%	48%
Further education	45%	62%
Adult education	36%	55%
Prison education	37%	62%

For further information on UCU's workload and stress campaign, visit <https://www.ucu.org.uk/workloadcampaign>

Robust management style or bullying?

Most employers are reluctant to admit their managerial culture is based on, or includes, bullying. There is a body of research that presents evidence that bullying is counter-productive, and much assertion of this as fact from bodies like ACAS and the HSE. Still, however, there are employers who deliberately adopt a confrontational and aggressive approach to managing staff. They must believe there is some advantage that outweighs the disadvantages.

Bullying thrives where it is common behaviour across the management hierarchy – which is the case in highly competitive environments where many individuals consider bullying as the accepted method of motivating staff.



Some employers accused of bullying often claim that it isn't bullying, it is simply a robust managerial approach; and that in an academic environment, staff should be able to deal with that by argument and debate. See *Appendix H* of this guide.

Bullying and harassment – equality groups

If you believe that you are being bullied, the chances are, you are.

Bullying can affect staff at every level of the institution and from all backgrounds. It involves a misuse of power, and is usually, but not always, perpetrated by managers against staff over whom they have power. It may particularly affect women, disabled, black and LGBT staff, and can be a form of discrimination. Bullying and harassment are a major danger to staff health. They are often closely linked, and may overlap, but they are legally distinct.

When an issue of bullying and harassment arises it can cause relationships between colleagues to become strained and at times difficult, with some colleagues not wanting to 'get involved' as they do not see the bullying and harassment as having anything to do with them or they themselves may not want to become a target for the perpetrator.

We look at how different equality groups can address bullying and harassment in the workplace with signposts for further reading and resources. Factsheets and practical advice are given as appendices at the end of this guide.



Bullying or harassment may be by an individual against another (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be subtle – whatever form it takes, the crucial point is that it is unwarranted and unwelcome by the recipient

In organisations that pride themselves on strong management, bullying can soon become part of the organisation's culture, and management will be seen by their employees to condone such behaviour simply through their inaction.



Harassment is covered in the Equality Act 2010 and offers protections to the relevant protected characteristics of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation

Age-related harassment and bullying

The impact of ageism is more likely to affect women given society's pressure on women to appear young and attractive. In addition, women can suffer adverse effects on their career by taking career breaks and then being deemed too old for promotion on their return.

There are two main aspects to the general view of older people: negative assumptions being made about old age, and people being treated not as individuals but as a homogenous group. Being old, or rather not being young, is seen as undesirable. The connotations are so negative that even to call someone 'old' can be insulting.

It is likely that employers will discriminate on the grounds of age in recruitment and selection for training or promotion. But age is an extremely inaccurate way of measuring someone's ability to do a job. Many negative and false assumptions exist about older workers. Such discrimination by management and colleagues affects the attitudes of the victims and can lead to lowered self-esteem, passive acceptance of the status quo or simply opting out, deciding that age barriers are so strong that it is not worth applying for training, promotion or a new job.



Case study: age-related discrimination

A sales rep nicknamed 'Gramps' by a younger colleague has been awarded more than £63,000 after bringing an age discrimination case against a luxury jewellers. The rep claimed he was unfairly sacked after being labelled with the nickname for several years. He worked for the company for 25 years.

A tribunal heard that the father-of-two, who does not have grandchildren, was the oldest member of the sales team by more than 10 years and felt his clients had been 'engineered away' from him. He brought the unfair dismissal and age discrimination

case after claiming that he found the practice of calling him 'Gramps' disrespectful and hurtful.

The tribunal ruled that the practice of calling the claimant 'Gramps' was disrespectful and hurtful, particularly after it was used over a number of years.

Age is a protected characteristic under the Equality Act 2010

Examples of age discrimination

Older workers

- Being pressurised to retire
- Being ignored and / or excluded from activities because of age
- Insensitive workplace culture
- Age related 'jokes' / nickname
- Perception of older workers as being slower less productive
- Higher levels of absenteeism due to ill health
- Perception of being unable to cope with change
- Perception of being unable or unwilling to learn to new skills

Younger workers

- Perception of being unreliable – perception that this is the case for younger workers
- Having a weaker work ethic
- Having poor inter-personal skills
- Being less stable

Disability harassment and bullying

Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. In the workplace such activities are taken to include things like using a telephone or computer, interacting with colleagues, following instructions, driving and carrying everyday objects.

S6 Disability of the Equality Act 2010 provides disabled people with protection from discrimination in a range of areas, including employment.

Having an unseen disability makes you feel very vulnerable and it is often difficult to stand up for yourself as often you feel quite small and unimportant, even a hindrance. Being more informed by the main college department of policies/rights etc. as being in prison education we are like mushrooms and kept in the dark. Even having a college spokesperson on our behalf to ensure our needs are being met rather than feel like you are treading on glass and not wanting to cause any problems. Teacher, Prison Educator, 5-10 years, The experiences of disabled staff in further and higher education survey [2015]





Case study: disability and associative discrimination

Paul is disabled and is claiming harassment against his line manager after she repeatedly patronised and humiliated him about his disability in front of students and staff. His colleague, Steven who shares an office with Paul, too, is claiming harassment (although he is not disabled) as the manager's behaviour has also created an offensive environment for him.

Disability is a protected characteristic covered by the Equality Act 2010. His colleague, Steven does not need to be disabled but can claim harassment because of his association with a person who has a protected characteristic, or is wrongly perceived to have one or is treated as if he does.

Examples of disability bullying and harassment

- Patronising/offensive comments related to a person's disability
- Inappropriate reference to person's disability
- Prejudging a disabled person's capabilities
- Unwelcome interference with personal aids/equipment
- Exclusion/refusing to work with people with disabilities from meetings and /or social events

LGBT Harassment and Bullying

A joint UCU publication 'Pride and Prejudice in Education' which explores the experiences and perceptions of sexual orientation and gender identity, among post-school education learners and staff, found that:



17% of respondents reported having experienced biphobic, homophobic or transphobic name-calling at work. 13% had been harassed, one in 10 had experienced being threatened or intimidated and 3% had been physically assaulted. 11% reported that they had experienced another kind of biphobic, homophobic or transphobic bullying at their place of work. Pride and Prejudice in Education Report [2015]

S12 of the Equality Act 2010 gives protection on the grounds of sexual orientation. Employers must not only demonstrate but prove that their workplaces does not encourage or participate in the bullying and harassment of its LGBT staff.



Case study: sexual orientation (perception)

André is continually being called gay and other related names by a group of employees at work. Derogatory homophobic comments have been posted on the staff noticeboard about him by people from this group. André was recently pushed to the floor by one member of the group but is too afraid to take action. André is not gay but heterosexual, furthermore, the group know he isn't gay.

Sexual orientation is a protected characteristic covered by the Equality Act 2010 under which André can claim harassment.

Examples of homophobic bullying and harassment

- making homophobic insults and threats
- making unnecessary and degrading references to an individual's sexual orientation
- engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation
- outing an individual as LGBT without their permission
- ignoring or excluding a colleague from activities because they are LGBT
- spreading rumours or gossip about an individual's sexual orientation
- asking an LGBT colleague intrusive questions about their private life
- making assumptions and judgements about a colleague based on their sexual orientation
- using religious belief to justify anti-gay bullying and harassment.

Racial, religion or belief harassment and bullying

The fivefold increase in racist incidents since the 2016 referendum is a cause for concern for us all. S9 (Race), of the Equality Act 2010 outlines the protections based on colour, nationality and ethnic or national origins.

Racist bullying can range from ill-considered remarks to deliberate physical attacks causing serious injury. Racist bullying can be identified by the motivation of the perpetrator, the language used, and/or by the fact that people are singled out because of the colour of their skin, the way they talk, their ethnic grouping or their religious or cultural practices.

In the past 15 months my line manager has threatened me with disciplinary action on four separate occasions and started a grievance against me. None of his threats have been taken up by the institution which also refused his grievance. Professor in Higher Education (15-20 years) Witness, the lived experience of UCU Black Members [2015]



UCU's survey into the experiences of black members showed that seven out of 10 respondents (71%) in post-16 education said they were 'often' or 'sometimes' subject to bullying and harassment from managers. The percentage was slightly higher in higher education (72%) than in further education (68%).

Case study: religion or belief

Aleem is Muslim lecturer working in a rural college. He informs his line manager of his discomfort following a member of staff making derogatory remarks regarding his faith in his presence. His line manager monitors the situation and warns the staff member that their behaviour is unacceptable and of the consequences if they continue and informs Aleem of the action taken.



The member rebuffs the claim as 'banter' and continues with the derogatory remarks. Aleem tells his line manager that nothing has changed and decides to take action himself.

Religion or belief is a protected characteristic covered by the Equality Act 2010. Aleem can claim harassment based on his religion

Examples of racial, religion or belief bullying and harassment

- Making racist insults and threats
- Racial and/or religious stereotyping/profiling
- Making unnecessary and degrading references to an individual's race
- Engaging in banter or making 'jokes' which are degrading to a person's racial background
- Ignoring or excluding a colleague from activities because of their racial background
- Religious discrimination linked to racial background
- Making assumptions and judgements about a colleague based on their racial background
- Using religious/cultural beliefs against an individual

Sexual harassment and bullying

UCU's data on sexual harassment and bullying showed 57% of respondents had experienced unwelcome or derogatory comments about their appearance or clothing. This was followed by leering and suggestive gestures and remarks (42%) and physical contact such as the invasion of personal space and unnecessary touching (38%). The least common forms of sexual harassment were in relation to offensive comments via social media (experienced by 9%) and sexual assault.

S11 Sex, of the Equality Act relates to employers not discriminating against a person due to their sex – in this context, a man or a woman including in employment.



A long time ago I was very severely assaulted by a work colleague outside the workplace in the context of what I thought was a friendship / mild flirtation.

Senior Lecturer, Further Education (56-65 years old). Female members on the subject of sexual harassment in the workplace survey report [2015]



Case study: sexual harassment

As a recently qualified teacher at a university, Simone had received unwarranted attention from her line manager. She stated that he would often send her inappropriate emails referring to her ethnicity, make unwelcome sexual advances and gestures and offers to 'fast track' her career in return for sexual favours. Simone reported this to her Head of Department who laughed it off as 'nothing to worry about' as the line manager was nearing retirement and that she should ignore him. The situation deteriorated further with no action taken against the line manager. Simone was signed off sick due to the stress caused and placed on capability procedures.

Both race and sex are protected characteristics covered by the Equality Act 2010. Simone is entitled to claim victimisation, sexual and race discrimination

Examples of sexual harassment and bullying

- Derogatory comments about appearance and /or clothing
- Unwelcome sexual advances, propositions and/or demands for sexual favours
- Leering and suggestive gestures and remarks
- Offensive material being displayed / shared such as pornographic pictures, page three type pin-ups or calendars (including electronic form such as computer screens/mobile devices)
- Physical contact such as the invasion of personal space and unnecessary touching
- Sexual assault
- Offensive feedback/comments via social media
- Making assumptions and judgements about a colleague based on their racial background
- Using religious/cultural beliefs against an individual

Equality groups share some similarities, and all reported the following as reasons for poor reporting of bullying and harassment behaviours:

Workplace culture People will be less likely to report incidents or threats in the workplace if the employer does not challenge the behaviour and/or encourages an environment where bullying is seen as part of the culture of the workplace.

Not disclosed to employer Lack of confidence in the organisation's ability to address bullying may cause LGBT and disabled people not to disclose their sexual orientation or disability to their employer as they fear being further bullied and victimised.

Perception How women, LGBT, black and disabled people are perceived at work may also be a stumbling block for individuals to challenge negative images/perception in others.

Legislation Employers are unaware of their duties to all workers.



Addressing bullying and harassment at work



A collective issue not just an individual one

Bullying and harassment are rarely completely isolated, one-off events. While UCU continues to give support to individual members, we will be much more effective if we address the problem at source. That means looking at the institution as a whole to:

- assess what training (if any) managers and staff have received in order to address bullying and harassment in the workplace
- identify who else is being bullied or harassed/the nature of the bullying (related to a protected characteristic)
- address institutional policies to ensure that they are properly enforced, reviewed and monitored to prevent workplace policies from becoming 'compliance' only documents.

A health and safety issue

Unlike health and safety reps, equality reps do not have statutory functions in the workplace. Where assisting members dealing with cases of bullying, harassment and/or stress, branches should engage with health and safety reps who have access to paid time off to perform their duties and in some cases, to be released for training and be provided with facilities as well as being protected from dismissal or detriment in carrying out their duties or standing for election.⁶

People who continually undermine, verbally abuse, threaten and denigrate those they manage or work with, causing stress and other ill health, are a health and safety hazard.

The Safety Representatives and Safety Committee Regulation 1977 (SRSC Regulations), also known as the 'Brown Book' remains the most effective tool for health and safety reps today. These hard-fought-for rights give safety reps the authority to ensure employers comply with the law by providing safer and healthier workplaces for all.



Health and Safety Executive

Management standards – risk assessment

The Health and Safety Executive's (HSE) *Management Standards for Risk Assessments* provides a useful framework for identifying all health and safety issues in the workplace. UCU believes that the safe risk management approach should be used with bullying as with any other health and safety hazard.

Step 1: Identify the hazard

Anyone who humiliates or undermines staff, sets unreasonable deadlines or targets, shouts at staff or makes veiled threats or commits other acts characteristic of bullying and harassment is a workplace hazard.

⁶ ACAS Time off for Trade Union Reps <http://www.acas.org.uk/media/pdf/4/8/Trade-Union-Representation-in-the-Workplace-accessible-version.pdf>

Step 2: Identify who might be harmed and how

The staff at risk are those on the receiving end of this behaviour who may start to show the usual symptoms of bullying and harassment-induced stress and anxiety.

Step 3: Evaluate the risk

The risks to those affected will increase over time if the bullying and harassment is not challenged and staff remain unsupported by their employer's failure to recognise the hazard and respond appropriately. Staff concentration will suffer, sickness absence will rise and long-term health effects can result. There is a growing body of evidence as to the health hazards of bullying and the HSE regard it as a major cause of workplace stress. Moreover such effects can have a knock-on effect on teaching, research and support to students.

Step 4: Record the findings from the evaluation and tackle the hazard

Staff affected by bullying or harassment should record it. UCU reps should collate this information and consider a survey either of the department, faculty or site affected or of the institution as a whole, identifying 'hot spots'.

Most education institutions have a policy on 'bullying and harassment' or on 'dignity at work'. It should set out how those being bullied can raise their concerns and how those accused of bullying should be treated, including awareness training for all managers and disciplinary action for staff where appropriate. It should set out procedures for monitoring bullying and harassment and the sanctions those inflicting such detrimental action on staff will face.

Harassment is often linked to discrimination on the basis of age, disability, gender, race and ethnicity, sexual orientation religion or belief, so equality policies may also be relevant.

These procedures should be applied and appropriate sanctions implemented against those causing distress and ill health to staff.

Step five: Review the risk assessment

A few months after the incident (or incidents) of bullying have been identified, evaluated, and action taken to prevent the hazard, it is important to review whether, in the department or group of staff affected, sickness absence has reduced and bullying ceased. If it has not, then it will be necessary to return to step one again.



Management standards – stress

Stress caused by heavy workloads and demanding work patterns continue to be a massive issue for workers around the UK, with more than 400,000 people suffering from work-related stress every year



The HSE Stress Management Standards provides clear guidance for institutions to help identify practical solutions in addressing work-related stress.

The HSE Stress Management Standards define the characteristics, or culture, of an organisation where the risks from work-related stress are being effectively managed and controlled.

They cover six key areas of work design that, if not properly managed, are associated with poor health and wellbeing, lower productivity and increased sickness absence. The standards cover the primary sources of stress at work. These are:

Demands This includes issues such as workload, work patterns and the work environment.

Control How much say the person has in the way they do their work.

Support This includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.

Relationships This includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.

Roles Whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles.

Change How organisational change (large or small) is managed and communicated in the organisation. Health and Safety Executive statistics show the professions of teaching and educational professionals have the highest reported rates of cases of work-related stress, depression or anxiety.

Further information on the HSE Stress Management Standards can be found at <http://www.hse.gov.uk/stress/standards>

Mediation

Mediation consists of a third party brought in to help those involved seek a resolution to their issues. They can at times be employees. Mediation may not be the best solution for a collective grievance. ACAS states: *Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or, they may be from an external provider.*

Mediation may not be the route for all members seeking to resolve a dispute. Members should speak with their branch rep and consult their institution's policies on how it operates its mediation service, who is involved etc.

Branch action and resources



Responding to a stream of individual cases of bullying can be an exhausting undertaking for UCU reps and a frustrating one for members. It is much more effective to seek to prevent bullying by having in place effective, monitored policies that are implemented from the top of the institution than by trying to represent an individual member who has already suffered bullying. To be effective such policies must include effective means for detecting, recording, reporting and dealing with breaches of the policy.



Reps are also instrumental in raising awareness of the issue and by doing so encourage members to speak up if they feel they are victims of bullying. This can be done by:

- using your branch email network to send electronic information such as leaflets, posters, surveys etc
- ensuring that all material is available in an accessible format
- highlighting useful links on the UCU website on bullying and harassment
- giving detail of how and who to contact
- giving links to the institution's bullying and harassment policy
- listing any UCU training dates for tackling bullying and harassment that are offered – contact training@ucu.org.uk for further details
- directing members to the Education Support Partnership (www.educationsupportpartnership.org.uk)

Branch representatives

Branch reps such as health and safety, and equality reps are equipped to provide advice, assistance and support to members requiring help to resolve bullying and harassment incidents at work – these roles are outlined below.

The role of equality reps

Equality officers can be required to deal with a range of issues from informing through the disseminating of materials, campaigning, conducting audits to ensure that employers operate within equality legislation for example. They can also assist branch negotiation and bargaining as they tend to understand directly the type of inequality issues being raised by members.

UCU model rules, rule 8.1 states that: 'Members will be elected to the following officer roles within the branch/LA: chair/president, vice-chair/vice-president, treasurer, secretary, membership secretary, equality officers.'

Section 8.6 in the model rules describes the role of the equality officers:

8.6 Equality officer

The equality officer will:

- i) Have knowledge of and commitment to relevant issues, and be willing to undertake training according to the needs of UCU, monitor the implementation of equality*

policies within the institution, and, where appropriate, encourage and support local negotiations on equality matters

- ii) Monitor the volume and nature of personal casework which involves equality issues to ensure that the branch/LA has appropriate mechanisms in place for handling such cases*
- iii) Where appropriate, provide information, encouragement and support to members about equality issues*
- iv) Ensure that UCU's national annual meetings, and any other relevant events and opportunities for women, black members, lesbian, gay, bisexual and transgender members and disabled members are publicised locally, that members from all groups are encouraged to participate, and that the branch/LA maximises the opportunities for recruitment and organisation amongst all groups*
- v) Where appropriate, provide liaison between the branch/LA and UCU's equality structures. In the absence of the equality officers, these duties will be performed by another officer or officers as the committee decides.*

The role of the safety rep

Safety reps have a particularly useful role in challenging bullying and harassment. The SRSC Regulations 1977 give safety representatives the right to:

INVESTIGATE	INFORMATION	CONSULTATION
<p>Investigate employees' complaints</p> <p>Investigate notifiable accidents, cases of diseases or ill health, and dangerous occurrences</p> <p>Investigate potential hazards</p>	<p>Receive information from health and safety inspectors including any reports on stress</p> <p>Have access to relevant health and safety information</p>	<p>Be consulted 'in good time' over a large range of health and safety issues</p> <p>Attend safety committee meetings</p>
REPRESENTATION	INSPECTIONS	EMPLOYERS' DUTIES TO SAFETY REPS
<p>Represent employees in discussions with the employer on health, safety or welfare issues and in discussions with HSE or other enforcing authorities</p>	<p>Be involved with risk assessment procedures</p> <p>Inspect the workplace and investigate potential hazards up to 4x per year</p>	<p>Be given paid time off their normal work to carry out their functions and undergo training</p> <p>Have access to suitable facilities and assistance to carry out their functions</p>

Several of these functions, of course, are directly relevant to bullying and harassment. Equality reps should work closely with their safety reps due to their statutory functions

Factsheets

UCU has produced a number of factsheets for all experiencing bullying and harassment at work. These are included at the end of this guide and are available online at:

https://www.ucu.org.uk/media/1881/What-to-do-if-you-are-being-bullied-or-harassed/pdf/bullied_memadvice.pdf

- What to do if you are being bullied at work
- What to do if you witness bullying or harassment at work
- Guidance for those accused of bullying or harassment
- Cyberbullying: the invisible hand of bullying

Policy and procedures

Negotiating a bullying and harassment policy

The responsibility for preventing and dealing with bullying and harassment lies with management and ultimately with the principal or vice chancellor and the governing body. Bullying must be seen as an organisational issue if it is to be dealt with effectively and action must focus on preventing bullying and harassment, not simply on responding to it.

UCU has negotiated the following national agreement on bullying and harassment with the Association of Colleges (AoC) and all the recognised further education unions:

https://www.ucu.org.uk/media/5249/Joint-agreement-on-guidance-on-equality-in-employment-in-further-education-colleges-FE-England-May-12/pdf/feeng_equalityinemployment_may12.pdf)

Higher education institutions can also use the AoC agreement as a template since the issues are in common. Higher education institutions can also refer to the joint Equality Challenge Unit, Unison and UCU document on Dignity at work: a good practice guide for higher education institutions:

<http://www.ecu.ac.uk/publications/dignity-at-work-guide-for-he/>).

As already mentioned above, the real power for reps remains with the safety reps and their rights afforded under the SRSC 1977 Regulations. Regulation 4 outlines the functions of the safety representative including informing the employer of any health and safety concerns.



If an employer simply concentrates on individual acts of bullying by blaming individuals, the underlying cause, which is often a management culture of bullying, will not be tackled. In negotiating your policy, you should also check the following points.

PROCEDURE

- Is it jointly agreed by the employer and recognised trade unions?
- It should include a statement of commitment from the employer at the most senior level to tackle bullying and harassment.
- Does it cover all staff, including temporary staff and contractors?

- Does it include a clear definition of both bullying and harassment?
- It should include a clear statement that bullying and harassment in the workplace are unacceptable behaviour and will not be tolerated. Any complaints will be taken seriously and may be treated as a disciplinary offence.
- Does it recognise bullying as a workplace health hazard for which risk assessment is an appropriate tool as well recognising it as a potentially discriminatory action?
- Is it cross-referenced with the disciplinary procedures and state that dependent on the level of bullying it will be treated as either misconduct or gross misconduct?
- Is it cross referenced with grievance procedures to ensure that a complaint of bullying can, if requested, go to as high a level within the institution as a grievance would, and not be confined within the particular work area where it was originally raised?

Definitions

- A definition of bullying and harassment - it is important that staff are clear what will not be tolerated. It is important that the policy includes new forms of bullying and harassment such as cyberbullying, texting and the use of social network sites.
- Clear statements about what constitutes unacceptable behaviour

Legal framework

- The policy should remind managers and that staff that there is a legal framework applicable to bullying and harassment cases but also that the institution expects to go beyond the legal minimum standards.

Responsibilities

Any policy should make clear that all staff have a responsibility for preventing or eliminating bullying and harassment. The policy should also set out clear responsibilities for:

- all members of governing bodies
- all managers
- all other staff
- trade union representatives
- mediators/advisors where these exist
- HR departments
- Students – a separate procedure should clearly set out the rights and responsibilities of students in respect of harassment and bullying and the consequences for students who harass and/or bully staff.

Prevention measures

- The policy should outline what action will be taken to help prevent bullying and harassment at work including training of managers, support networks and information to staff.

Bullying advisers

- Some institutions have appointed specialist 'bullying advisers' as a source of advice and support to bullied staff. Such staff may play a useful role but must not be regarded as an alternative to trade unions as a source of advice, support and representation. A clear protocol on their role is needed and it may be appropriate for trade unions to sit in on their appointment interview panels.

Monitoring

- Does it include clear arrangement for the recording and monitoring of bullying and harassment incidents, including any grievances and disciplinary action arising from them, and ensure such information is kept for at least six years? Such information should be recorded by area of work as well as by gender, ethnicity, sexual orientation and disability. It should be routinely shared with recognised trade unions.

A procedure for complaints

There must be, within the policy, a procedure to deal with complaints. This may be part of the normal grievance procedure, or separate from it. However in many cases the normal grievance procedure may not be sufficient, particularly if the line manager is the person alleged to be the bully. Therefore the procedure must allow complaints to be heard at a level above the line manager and/or through a specific fast track procedure. The procedure should also ensure that where an allegation is made, the person who is alleging they are being bullied, is not moved unless at their own request. Instead the alleged bully should be moved if such action is deemed necessary.

- The policy should include a formal and an informal complaints procedure
- policy should make clear what the arrangements will be for investigating any complaints against senior post holders or the chief executive
- The policy should make clear that those who bring complaints of bullying and harassment will be protected from victimisation

Groups

The policy should also include how complaints are to be dealt with if they are raised by more than one person. It should consider:

- How is the complaint to be raised individually or collectively?
- How will the outcome of any investigation be reported back – individually or collectively?

Appeals process

- What is the process for appealing against a decision following investigation?
- The procedure should ensure that, where an allegation is made, the alleged bully or harasser is given the opportunity of changing their behaviour. A bully may be completely

unaware that their behaviour may be seen to be unacceptable and the procedure should be flexible enough to allow matters to be raised informally at an early stage to see whether there can be a behaviour change without more formal measures being used.

Victimisation

- It is good practice to include a section on the protection against victimisation of anyone who makes a complaint or acts as a witness to bullying. It should include the steps to be followed should the complainant be treated less favourably because they have exercised their right to use the procedure.

Malicious allegations

- The procedure should also state what action will be taken where it is clear that the accusation was malicious.

Confidentiality

The policy should also have a clear statement on the confidentiality of each case with specific reference to the:

- nature of the bullying/harassment
- parties involved
- documents held.

Information and training

- Any policy must be notified to all staff including contract staff. It should also be raised at induction training. It is also good practice for the policy to be accessible (via staff intranet, handbooks, and library) as well as being in accessible formats.

Training

- It is important that all managers and staff are trained in what may constitute bullying, identifying it, and the employer's procedures. They should also be made aware of their responsibilities in preventing or eliminating bullying. Ideally, this should be built into the organisation's staff development training plan

The role of trade unions

- The policy should encourage anyone who feels they may be being bullied or harassed to contact their trade union immediately. It is good practice for management to allow union representatives specific time off for training on bullying and harassment issues.

Access to support

- Many employers have arranged access for staff to an independent professional counselling service that can provide confidential advice to any person who feels they

may be being bullied or harassed. Staff should be encouraged to seek support and the counselling service should be aware of the employer's procedures for dealing with bullying.

Publicity

Use posters and leaflets to raise the issue with members and by doing so encourage members to speak up if they feel they are the victim of bullying. Sample materials can be found on the UCU web site and you should make sure the materials:

- are as accessible as possible for your members, for example making copies available in large print
- highlight useful links on the UCU website on bullying and harassment with additional information
- give details of how to contact local UCU representatives
- give a link to the institution's bullying and harassment policy
- list any UCU training dates for bullying and harassment that are offered to staff at your college or university (contact the training administration officer, training@ucu.org.uk, for details of any national/regional training related to bullying and harassment)
- gives details of your college/university/external confidential counselling service if it is well rated by members and also make sure you include a reference to the excellent Education Support Partnership (www.educationsupportpartnership.org.uk) which UCU supports.

Model survey: Is bullying an issue at your college or university?

Surveys, especially if they are jointly undertaken, can be very useful in establishing the scale of bullying and drive action to improve matters. Advice and support could be obtained from the Health and Safety Executive. The survey could be part of a wider survey on stress using the HSE's stress management tools: www.hse.gov.uk/stress/index.htm

Moreover where a survey has established bullying is a significant problem, it enables UCU reps to underpin and make more credible individual complaints of bullying by arguing they are part of a wider bullying culture. The survey can be adapted for local use and is also available for download at www.ucu.org.uk/harassment. In conclusion, branches should aim to:

- Have an effective, agreed, monitored policy on bullying and harassment in place.
- Ensure a local institutional survey takes place, and is repeated at regular intervals (say every two years) to establish the scale of bullying and harassment, including 'hotspots'. These can help demonstrate the scale of the problem and that bullying and harassment is not confined to an individual case.
- Treat bullying as a health and safety hazard using the risk assessment methods to prevent and control it.
- Ensure the most senior staff in the institution state clearly their opposition to bullying and harassment and set a personal example, taking personal responsibility for ensuring

the findings of surveys and remedial action are publicised and drawn to the attention of the governing body and effective preventative action is taken.

- If more than one union is recognised at your college or university, you may want to consider undertaking a joint survey on bullying and harassment. This promotes a united front among the trade unions in your institutions.
- Consider bringing in the HSE to use their management of stress standards questionnaire which includes bullying as a key cause of stress – <http://www.hse.gov.uk/stress/standards/pdfs/indicatortool.pdf>
- If the survey is conducted jointly with your employer, ensure that the content and analysis is jointly agreed and that it doesn't lead to delays in publishing the outcomes.
- Ensure that complaints of bullying and harassment are included with any annual equality monitoring process of your institution.

The Education Support Partnership

The Education Support Partnership is a national charity set up to support all adult, further and higher education staff and their families, regardless of age, length of service or union affiliations, to improve their wellbeing and effectiveness. It offers support services to all staff in further and higher education and their families including: counselling – confidential, solution-focused counselling on personal and workplace issues; one-to-one coaching – personalised practical and emotional support via a secure email system; information, advice and support material – news, guides and factsheets on relevant topics such as wellbeing, work-life balance, workload problems, stress management, coping with bereavement, and dealing with difficult people; financial assistance – a needs-based grants and loans programme; money management advice – individually tailored strategies to address financial difficulties, restructure debt and secure benefits and signposting to relevant organisations; the information needed to take the next steps to a better future.



All these services can be accessed online at the www.educationsupportpartnership.org.uk, or through a **24/7 telephone support line, on 08000 562 561**

5 Appendices

- A Factsheet:** If you believe that you are being bullied, the chances are, you are
- B Flowchart:** Am I being bullied?
- C Factsheet:** What to do if you are being bullied or harassed *advice for UCU members*
- D Flowchart:** What can I do about being bullied?
- E Factsheet:** What to do if you witness bullying or harassment *advice for UCU members*
- F Factsheet:** Guidance for those accused of bullying or harassment *advice for UCU members*
- G Factsheet:** Cyberbullying – the invisible hand of bullying
- H Questionnaire:** Robust management style or bullying?
- I Flowchart:** Action to take by branch reps
- J Checklist:** Interviewing a member – *a checklist for union reps*
- K Model letter:** to employer on bullying and harassment
- L Survey:** on bullying and harassment
- M Poster/Leaflet:** Adaptable text for poster or leaflet for anti-bullying and harassment week

Appendix A

IF YOU BELIEVE THAT YOU ARE BEING BULLIED, THE CHANCES ARE, YOU ARE

Bullying can affect staff at every level of the institution and from all backgrounds. It involves a misuse of power, and is usually, but not always, perpetrated by managers against staff over whom they have power. It may particularly affect women, disabled, ethnic minority and LGBT staff, and can be a form of discrimination. Bullying and harassment are a major danger to staff health. They are often closely linked, and may overlap, but they are legally distinct.

Definition of harassment

Harassment is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion or belief, or disability. It is also unlawful to subject a person to sexual harassment (a separate category from harassment on the grounds of sex), or to harassment on the grounds of membership or non-membership of a trade union, or, in Northern Ireland, on the grounds of political belief.

The law defines harassment as unwanted contact which has the purpose (intentional) or effect (unintentional) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Definition of bullying

Bullying may include harassment and harassment may include bullying. However there is no statutory definition of bullying, which is defined by ACAS (Advisory, Conciliation and Arbitration Service) as behaviour that:

- is offensive, intimidating, malicious or insulting
- is an abuse of power, and
- uses means intended to undermine, humiliate, denigrate or injure the recipient

Whereas harassment is linked, in law, to discrimination, bullying is not.

Identifying bullying and harassment

Although there is no comprehensive list of bullying behaviours, and there is no one type of person who is likely to be a bully or a harasser, ACAS lists some of the behaviours which constitute workplace bullying and harassment

Examples of workplace bullying and/or harassment can include:

- constantly criticising competent staff, removing their responsibilities, or giving them trivial tasks to do
- shouting at staff
- persistently picking on staff in front of others, or in private

- obstructing professional development / blocking promotion
- 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 work activities
- ignoring staff views and opinions
- different rules for different people
- criticism and threats
- excessive monitoring
- unrealistic expectations.

Bullying or harassment may be by an individual against another (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be subtle – whatever form it takes, the crucial point is that it is unwarranted and unwelcome by the recipient.

Effects of bullying and harassment

When bullying and harassment occur they not only affect the complainant but have a knock-on effect for the work area or institution in which they are occurring. Relationships between work colleagues become strained and at times difficult, with some colleagues not wanting to 'get involved' as they do not see the bullying and harassment as having anything to do with them or they themselves may not want to become a target for the perpetrator.

The effects on the recipient of bullying and harassment vary from individual to individual. While this list is not exhaustive, it gives an indication of the symptoms that may occur:

- depression
- mental health problems
- low self-esteem/lack of confidence
- loss of appetite
- feeling isolated
- migraine/severe headaches
- stomach problems
- skin complaints
- sleeplessness
- acute anxiety
- panic attacks
- nausea
- mood swings.

If you've identified bullying or harassment in your workplace don't ignore it - you can contact your UCU rep for advice and support. More information on what to do is also available in a series of leaflets at www.ucu.org.uk/harassment

Appendix B

AM I BEING BULLIED?



Appendix C

WHAT TO DO IF YOU ARE BEING BULLIED OR HARASSED ADVICE FOR UCU MEMBERS

Do not ignore it

If you feel that you are being subjected to bullying or harassment – whether or not it is on the grounds of your gender, race, sexual orientation, disability, religion or belief, or any other reason, or for no obvious reason at all - do not feel that it is your fault or that you have to tolerate it.

Many people ignore bullying and harassment for fear of being labelled a troublemaker but it is unlikely that the conduct will stop if you ignore it. The bully is often doing this to try and exert control, so silence may be interpreted as acquiescence.

Check if your institution has a policy on bullying and harassment and read it

Get a copy of your employer's published policy on bullying and harassment or on dignity at work. It should be on their web site – or your local rep will have a copy. Read carefully what it says about all managers' responsibilities, and how concerns should be raised. Check whether the agreement or policy has been agreed with UCU.

Insist that the person responsible for bullying or harassment stops it

In some circumstances you might be able to ask the perpetrator to stop. If you wish, take a UCU representative or friend with you. It is important that you accompany your union representative even if you do not say anything. This will prevent the person responsible for the offensive behaviour claiming that you did not complain personally, leading them to believe that you did not object. You can do this in writing – outline as clearly as possible what behaviour you find offensive and the effect it has on you. If you feel unable to directly tackle the person concerned, this does not imply that you consent to the behaviour nor will it prejudice any complaint you may wish to bring.

Get support

Talk about the problem with a friend, a colleague and UCU representative. Do not hesitate to contact someone even when an incident occurs only once. They may be able to suggest ways of resolving the problem.

Collect evidence of the bullying or harassment

It is important to keep a note of all relevant incidents including dates, times, places. This will be invaluable in proving your case if you make a complaint. Wherever possible get

witnesses to provide factual evidence. If there are no witnesses to an incident, tell a colleague or representative and make a note. Make sure you keep copies of any relevant documents including emails and other electronic information.

Find out if the same person is bullying or harassing anyone else

Often a bully will have a history of such behaviour. You will gain confidence from discovering you are not alone. Some UCU branches and LAs have carried out institution-wide surveys. These can be very effective in demonstrating the wider issues which the employer must address – and will make your claims more difficult to dispute.

Complain to your UCU representative

Report the problem to your UCU branch/local association (LA) secretary, branch/LA equality officer, Health and Safety representative or other representative as soon as possible. Even if you decide not to pursue the case, it is important that the union is aware of any incidents of bullying or harassment.

There will be informal and formal procedures for dealing with the situation. The decision on how to progress the complaint rests with the complainant.

If the person responsible for the bullying or harassment is a union representative, discuss with another branch/LA officer the best way to proceed.

Any discussions will be confidential and further action involving you will not normally be taken without your express permission. Nor will the person you are complaining about be given your name as complainant without your permission.

You should contact your branch/LA secretary, branch/LA chair, branch/LA equality officer in the first instance. In the rare situation that you feel there is no branch/LA officer that you can approach, perhaps because they are implicated in the bullying or harassment, you should contact your regional office.

Members should bring their concerns to UCU first rather than approaching, for example, outside organisations such as the Equality and Human Rights Commission (EHRC).

Make a formal complaint

If you or your UCU representative cannot resolve the problem by asking the person to stop, you or your representative should make a formal complaint, which should then be investigated by management.

If formal disciplinary proceedings are to be taken against the person responsible for the bullying or harassment, you will be required to give evidence. It may be difficult for you to undertake this but it would not be in your best interests for the case to be considered in your absence. Once the complaint becomes formal, UCU should insist that management conducts a risk assessment.

Remember: if bullying persists it is appropriate to insist on treating the bully as a workplace hazard and insisting on a risk assessment. This is particularly the case if it is not an isolated incident and other staff have been bullied.

Use your UCU representative

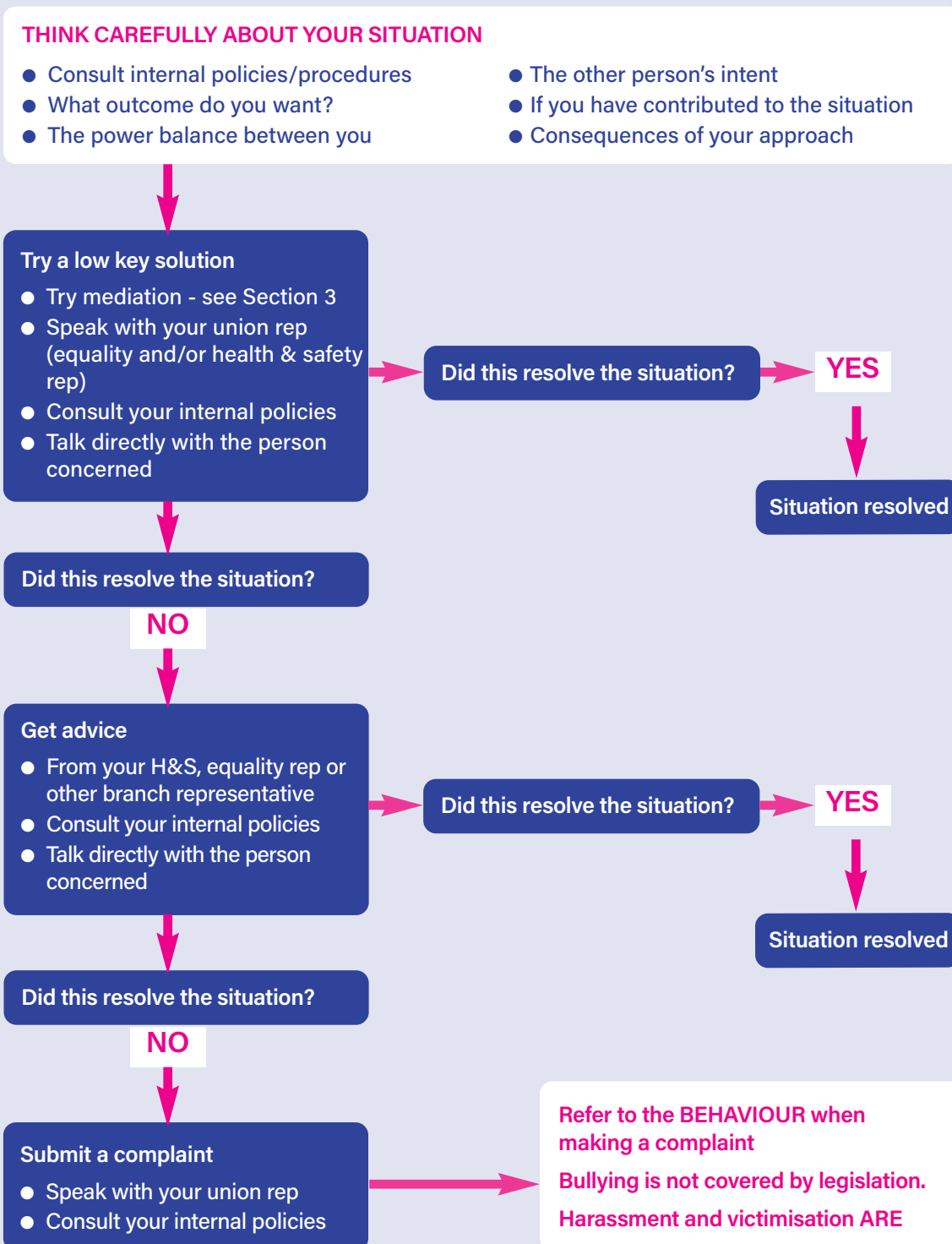
Sometimes members are so angry or distressed about bullying that they don't take their concerns to UCU but seek external support from lawyers or other agencies. Sometimes this is because the member believes UCU has failed to prevent bullying in the past, or because they have a mistaken view that there are effective legal remedies which can short cut internal procedures.

Unfortunately, the law is not nearly as helpful as it should be, and it is better to try to resolve bullying using UCU to trigger the internal procedures, where possible linked to a wider campaign about bullying within the institution.

Where members go to outside agencies or lawyers and then seek to use UCU when this doesn't work, it makes things more difficult. Tackling bullying and harassment is now a priority for UCU and whilst we recognise this is not an easy challenge, we are putting in place training and arrangements to give the best possible support to members.

Appendix D

WHAT CAN I DO ABOUT BEING BULLIED?



Appendix E

WHAT TO DO IF YOU WITNESS BULLYING OR HARASSMENT ADVICE FOR UCU MEMBERS

Witnesses are the third party to incidents and may feel vulnerable like the victim, particularly if the person accused of bullying or harassment is employed on a higher grade. It is often difficult to know what to do if the victim appears to be ignoring the bullying or harassment.

If support and advice is needed, approach your UCU representative. In some institutions, with union agreement, there is also a procedure providing for a 'named person', who has volunteered to offer support to staff and students in cases regarding bullying or harassment. They should have been carefully selected and trained to provide information and advice and to offer support in such situations to the complainant or the accused.

There are several steps you could take if you observe someone being bullied or harassed:

- Speak to the person who is being bullied or harassed informally and confidentially and tell them what you have observed.
- Ask if they feel able to discuss the situation. Do not underestimate the effects of the bullying or harassment on them since they may be upset or unable to talk to anyone. Do not press for information.
- If they wish to discuss the incident, listen sympathetically and, if permitted, take notes as these may be useful at a later stage. You must respect the person's privacy and need for confidentiality.
- If they are unable to discuss the matter with you, encourage them to talk to someone they trust, a 'named person' or contact. Offer to contact the person they choose on their behalf and make arrangements for a meeting. Remember that if a formal complaint is made, you may be called upon to give evidence.

Appendix F

GUIDANCE FOR THOSE ACCUSED OF BULLYING OR HARASSMENT - ADVICE FOR UCU MEMBERS

If you have been told that your behaviour makes someone feel uncomfortable, then you should stop and reflect on what you are doing. Even though your behaviour may seem innocent to you, it is important to consider its effect on others. Referring to someone in a derogatory way, making sexist, racist, homophobic or other offensive remarks, putting your arm around another person's shoulders etc. may seem trivial to you but may well be offensive and harassing to others.

If you are told that your behaviour is offensive, you should consider the following points:

Remember it is the other person's reaction to your behaviour which is important, not your intention nor the reaction you think they should have.

- Listen carefully to the complaint and to the particular concerns expressed.
- Stop the behaviour complained of and review what you are doing. It may be you have upset other colleagues who have not complained.
- If you do not understand the complaint, discuss the matter with your UCU representative or someone else you trust.
- If you are found to have bullied or harassed someone after their objection to your behaviour was made known to you, the fact that you persisted will make the offence more serious if disciplinary proceedings commence.

If you are convinced that you are being unjustly accused, and/or that the complaint is malicious, you should:

- Contact a branch/local association (LA) officer. It may be that an informal discussion between you, the person alleging ill-treatment, and a third party will solve the problem.
- If this does not occur, and it is clear that formal proceedings will ensue, ask for UCU representation. A branch/LA officer or official may agree to advise you though if your actions were as a manager it may be more appropriate that HR initially advise you.
- You should gather evidence in your defence, including witnesses.

If the outcome of a formal hearing is to find you guilty of bullying or harassment, UCU may then represent you through any internal procedures for appeal. However, you should be aware that UCU may decide not to support you further (unless the representatives are convinced that a miscarriage of justice has occurred) beyond advising you of your legal rights.

If one UCU member accuses another UCU member

A particularly difficult situation may arise where one UCU member is making allegations against another UCU member. In those situations both members may be entitled to representation from UCU.

In some situations – for example where a manager is accused of bullying – it is important to be clear what role HR (rather than the union) ought to play in providing advice to a member who in their managerial role is accused of bullying. Advice from your regional office ought to be sought in such circumstances.

If a UCU representative is accused of bullying and harassment

It is not unknown for UCU representatives to be accused of bullying when what they are actually doing is vigorously defending members or challenging false allegations or unfair process. If a member is facing disciplinary action on the basis of allegations which the member and representative believe or know are false, then challenging them can necessarily involve questioning the veracity of the person making them.

Moreover, colleges and universities must always be places where honest (often vigorous) intellectual debate, takes place. In making such challenges, of course, gratuitous personal insults or threats are not appropriate.

If an allegation of bullying or harassment is made which concerns how you as a UCU representative are conducting a grievance, a disciplinary case or other negotiations you should take immediate advice from a senior branch or LA official, or the regional office. If there is any suggestion that you face any allegations arising out of your role as a UCU representative you should immediately contact your UCU regional office.

If the allegation is made during a meeting you may need to adjourn the meeting to take such advice. Inappropriate behaviour by a UCU representative is not acceptable but the vigorous defence of a member, advocacy of a case, or challenge to management is certainly not bullying, though it is unfortunately not unknown for such allegations to be made to deliberately undermine a representative's credibility. It is unlawful to victimise a UCU representative as a result of them undertaking their duties in representing members.

Appendix G

CYBERBULLYING: THE INVISIBLE HAND OF BULLYING

With the emergence of the Internet, social networking sites and chat rooms such as Facebook, Bebo and MySpace the everyday use of emails, mobile text and photo messaging, a 21st Century hazard has arrived in the guise of cyber-bullies.

Often mentioned in the press as an issue generally affecting primary and secondary school children through the use of mobile phones recording 'happy-slapping' attacks, cyber-bullying is increasingly being reported as the latest health and safety hazard by members in further and higher education who are often the target of students (current and past) spreading malicious and unfounded comments and employers have a duty of care to ensure that employees are working in an safe environment free from any form of harassment.

Victims of bullying and harassment will experience the same feelings of fear, intimidation, stress, low morale etc. regardless of the method being used. The difference is that by using information systems such as these to cause harm, the victim has no control over who else has access plus there is a misconception that because cyber-bullies are able to target their victims anonymously, there is less of a chance to identify who the bully actually is.

Employers can take immediate steps to have the offending material removed from web-sites but making a request for information to be removed is not enough. The employer should make sure that the offensive material has been removed and that the web pages have been 'uncache'. This will disable the web page from displaying the offensive material and stop further users from using search engines to locate the pages.

If the bully has been identified then action should be taken for breaches of policies.

As with all hazards, bullying (in whatever form) should be treated as a health and safety hazard and risk assessment methods should be used to prevent and control it.

Step one: Identify the hazard

Anyone who humiliates or undermines staff, sets unreasonable deadlines or targets, shouts at staff or makes veiled threats or commits other acts characteristics of bullying and harassment is a workplace hazard.

Step two: Identify who might be harmed and how

The staff at risk are those on the receiving end of this behaviour who may start to show the usual symptoms of bullying and harassment-induced stress and anxiety.

Step three: Evaluate the risk

The risks to those affected will increase over time if the bullying and harassment is not challenged and staff remain unsupported by their employer's failure to recognise the

hazard and respond appropriately. Staff concentration will suffer, sickness absence will rise and long term health effects can result.

There is a growing body of evidence as to the health hazards of bullying and the HSE regard it as a major cause of workplace stress. Moreover such effects can have a knock on effect on teaching, research and support to students.

Step four: Record the findings from the evaluation and tackle the hazard

Staff affected by bullying or harassment should record it. UCU reps should collate it and consider a survey either of the department, faculty or site affected or of the institution as a whole, identifying 'hot spots'

Most education institutions have a policy on 'bullying and harassment' or on 'dignity at work'. It should set out how those being bullied can raise their concerns and how those accused of bullying should be treated, including awareness training for all managers and disciplinary action for staff where appropriate. It should set out procedures for monitoring bullying and harassment and the sanctions those inflicting such detrimental action on staff will face.

Harassment is often linked to discrimination on the basis of gender, race and ethnicity, disability, sexual orientation religion/belief or age so equality policies may also be relevant.

Those procedures should be applied and appropriate sanctions implemented against those causing distress and ill health to staff.

Step five: Review the risk assessment

A few months after the incidents (or incidence) of bullying have been identified, evaluated, and action taken to prevent the hazard, it is important to review whether, in the department or group of staff affected, sickness absence has reduced and bullying ceased. If it has not then it will be necessary to return to step one again.

It is equally important that victims receive support. Members are reminded that the College and University Support Network (CUSN) offers free 24hr support services to all staff in further and higher education and their families, including confidential counselling, solution-focused counselling on personal and workplace issues.

Key points to aid members in combating cyberbullying in the workplace

- 1** The first thing to do is do not ignore it, report it! Inform your UCU H&S Rep and your employer giving full details of the offending remarks being made and web site location.
- 2** We advise that your employer instigates an investigation which should be undertaken by a senior manager or appropriate person i.e. one with responsibility for e-safety and/or health and safety issues.
- 3** Refer to the university's policies (Health and Safety, Bullying and Harassment, Equality, Acceptable Use Policy). Read carefully what it says about all managers' responsibilities and how concerns should be raised. If cyberbullying is not mentioned, you should

raise this with your branch or local association who should address this jointly (with other unions) and with the employer.

- 4 Procedures for dealing with bullying and harassment should be invoked based on the findings of the investigation.
- 5 Your branch/local association and employer should review, monitor and evaluate procedures to ensure that they are effective.

There are legal routes available and members are advised to take advice from UCU before instigating any action. However, depending on the seriousness of the offence, there are ways in which the bully can be identified and action taken.

Under section 1 of the Malicious Communications Act 1998, it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message which is indecent offensive or threatening.

If the emails, cyberbullying etc. causes the victim to fear that violence will be used against them then the police can choose to charge the offender with an offence contrary to section 4 of the Protection from Harassment Act 1997 which is punishable with up to five years imprisonment and also allows the court to make a Restraining Order.

The fact that an offensive telephone call, letter e-mail etc. may be received in the course of work and have been sent by a work colleague or manager does not justify the message or prevent it being an offence.

Offensive messages sent with the workplace can still be constituted as a criminal offence.

If the emails, cyberbullying etc are racist in nature or motivated by religious hostility then charges could be brought of Racially or Religiously Aggravated Harassment contrary to sections 32(1)(a) or 32(1)(b) of the Crime and Disorder Act 1998

Remember

- Bullying and harassment is not to be tolerated
- Your employer has a duty of care to ensure that employees are treated fairly and to provide a safe working environment. Colleges and universities also have a duty to provide a working environment free of discrimination, and one where equality is promoted.
- It is against the law to use telecommunication equipment to harass or bully an individual.
- The Police have powers to trace the source of offensive behaviour and in turn prosecute, even if the offender uses an alias.

Further reading

Stopping bullying and harassment at work: a toolkit for UCU branch and LA officers

www.ucu.org.uk/media/pdf/f/0/bully_harass_toolkit.pdf

Appendix H

QUESTIONNAIRE: ROBUST MANAGEMENT STYLE OR BULLYING?

Most employers are reluctant to admit their managerial culture is based on, or includes, bullying. There is a body of research that presents evidence that bullying is counter-productive, and much assertion of this as fact from bodies like ACAS and the HSE, but still there are employers who deliberately adopt a confrontational and aggressive approach to managing staff. They must believe there is some advantage that outweighs the disadvantages.

Some employers accused of bullying often claim that it isn't bullying, it is simply a robust managerial approach; and that in an academic environment, staff should be able to deal with that by argument and debate. This simple questionnaire should help you test if your employer is a bully or merely 'robust'. The more you tick, the more it is likely you are being bullied. This should lead you to decide if you need to conduct a more thorough survey.

Element of managerial behaviour	Experienced	Witnessed
Constant criticism of a staff member's professional competence		
Spreading stories and innuendo about members of staff		
Removing responsibilities from staff members		
Always giving the same staff member trivial tasks to do		
Shouting at staff in private		
Shouting at staff in front of colleagues or students		
Making threats		
Persistently picking on staff in front of others or in private		
Failing to include staff in meetings, briefings etc.		
Obstructing professional development opportunities		
Blocking promotion		
Ignoring a staff member's views and opinions		
Belittling individual members of staff		
Constantly attacking a member of staff's personal standing		
Deliberately ignoring an individual's contribution		
Excluding individuals from work activities		
Adopting different rules for different people		
Excessive monitoring		
Excessive and unnecessary criticism		
Generating unrealistic expectations		
Regularly making the same person the butt of jokes		
Overloading and unrealistic work allocation		
Setting a person up to fail by giving impossible tasks or deadlines		
Failure to support staff having difficulty		
Examples of other types of offensive behaviour		

Appendix I

The following is an overview of how branch reps can help prevent an environment of bullying and harassment by pressing employers to...

GENERAL MEASURES

- Have employment agreements, codes of conduct, values and vision
- Build good relationships in a respectful work environment
- May the workplace culture clear
- Policies and procedures clear and transparent

POLICIES PROCESS AND TRAINING

- Develop reporting and response policies and procedures
- Appoint and train a designated contact person
- Train staff on policies and procedures

MONITOR AND MEASURE

- Monitor and measure rates of workplace injury and ill health etc. from exit interviews, absenteeism, stress leave
- Complete workplace bullying surveys

PROMPT AND EFFECTIVE RESPONSE

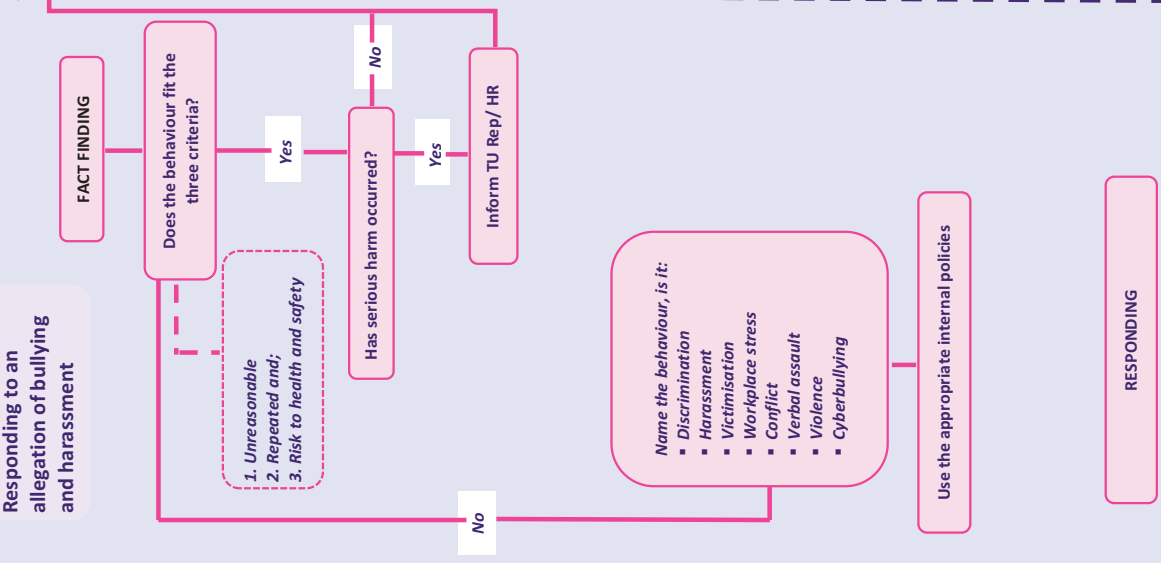
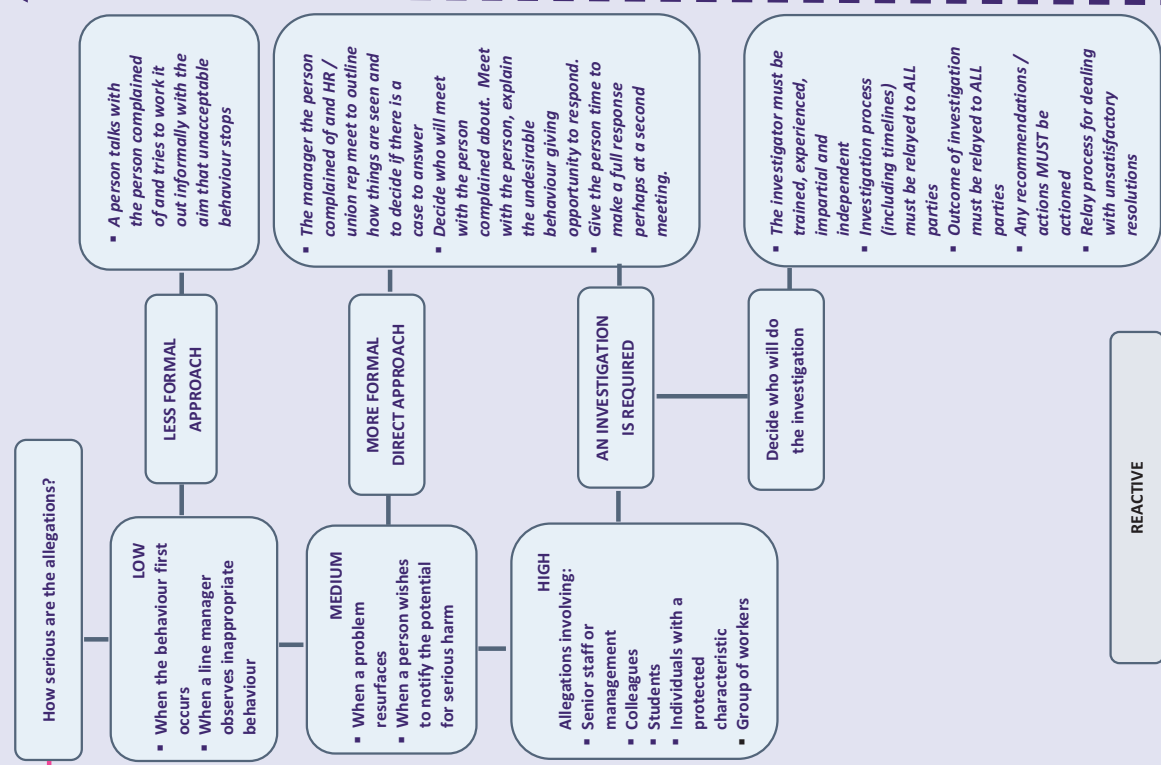
- Respond immediately to notifications and complaints

SPECIFIC OUTCOMES

- Act on the recommendations of investigation / mediation
- Use any reports as a signal the workplace culture needs to be improved
- Use workplace assessment tools to prevent bullying and improve the workplace culture

PLANNING FOR PREVENTION

Action to take by Branch Reps



Appendix J

INTERVIEWING A MEMBER - A CHECKLIST FOR UNION REPS

BEFORE THE INTERVIEW	
● Check the membership of the person you are asked to represent	
● Has the case been raised with another rep already?	
● Print off and read the college's anti-bullying & harassment policy (take to the interview)	
● Do you think this is related to their equality group?	
DURING THE INTERVIEW	
● Switch mobile phones off	
● Introduce yourself and set member at ease	
● Use open questions to help member settle/get things off his/her chest	
● What form does the bullying take (physical, verbal, unfair treatment)?	
● What aspects of the institution's policy and procedure on bullying and harassment does the action complained of appear to breach?	
● Check the details/facts of incidents - who, when, where, how often, etc.	
● Clarify anything you're unclear about in the member's account	
● Does it happen to others as well?	
● Are there any witnesses (ask for details, do you think they would be willing to come forward/complain)?	
● Has the member documented the bullying incidents (dates, times, what happened, what was said, etc?) If not, recommend they start keeping a diary	
● Have there been any ill health effects - time off, doctor's notes?	
● What does the member want to happen? (And is it realistic?)	
● Are they prepared to make a formal complaint or grievance?	

Challenging bullying and harassment at work

● Is the member aware of other members who have experienced or witnessed bullying?	
● Has the member approached the bully? What was the response?	
● Would it be appropriate for the rep to do this?	
● Would counselling be appropriate (as college/university policy)?	
● Would contacting a harassment adviser be appropriate? Is it college/university policy – they can act as mediators?	
AFTER THE INTERVIEW	
● Take advice from other/senior safety reps and/or branch officers	
● Make sure procedures are followed.	
● Inform branch/LA officers and member(s) of progress.	
● Check any approach to management has been agreed with member.	
● Consider whether more systematic attempts to gain supporting evidence – including if necessary a survey – is possible	

Appendix K

MODEL LETTER TO EMPLOYER ON BULLYING AND HARASSMENT

Your address

Their address

Date

Dear *[manager as identified in institutional policy or more senior manager if a collective letter]*

Concerns re bullying and harassment

I am writing to register the following concerns which I believe are potential breaches of *[the institution's]* dignity at work policy *[or other name for the bullying and harassment policy]*:

List a summary of concerns either of the individual or a collective concern

Summarise some of the evidence *[specific incidents or a survey]*

I believe the concerns identified may be in breach of the *[the institution's]* dignity at work policy. I believe the behaviour complained of may also constitute a hazard which ought to be risk assessed under the Management of Health and Safety at Work Regulations 1999 and its Code of Practice which requires an employer to identify a hazard which has the potential to cause harm or injury and assess the likelihood of such harm or injury arising from that hazard.

I believe that the actions of *[individual manager or senior management if this is a wider problem]* may constitute such a hazard and that the risks they may pose should be controlled.

I would appreciate confirmation that you will arrange a meeting in accordance with our dignity at work policy *[or other name of the bullying and harassment policy]* and that this meeting will consider my/our concerns and supporting evidence, and the health and safety aspects of our concerns. I would also appreciate if you could provide me with the monitoring information for the last five years *[or for the period conducted]* on bullying and harassment incidents within the institution broken down by department and by gender, ethnic origin, sexual orientation and disability of the complainant.

Yours sincerely

[Insert your name]

cc Branch/LA H&S rep, equality rep, secretary or president or regional office as appropriate

Appendix L

MODEL SURVEY ON BULLYING AND HARASSMENT

[Name of Branch]

[Date of survey]

This survey is being conducted to ascertain the extent to which bullying and harassment may exist at [enter name of institution]. This is an initial survey to get the views of staff prior to a meeting with management to address the issues. The survey is totally anonymous.

1 About yourself. Are you:

Male Female

2 Your workplace (department, school, faculty – please name)

3 Please indicate your age by ticking the relevant box

Under 20 20-29 30-39 40-49 50-59 60+

4 Have you personally experienced bullying or harassment at work in the last twelve months?

Yes (go to question 5) No (go to question 6)

5 Was the person responsible:

Your line manager Another manager A colleague
 A student Member(s) of the public Other (give details)

6 Have you witnessed bullying or harassment of other staff at work in the last 12 months?

Yes (go to question 7) No (go to question 13)

7 What form does or did the bullying take?

Threats Shouting or verbal abuse Humiliation
 Excessive criticism Constantly changing instructions
 Excessive workloads Setting unrealistic targets Other (please specify)

Refusing reasonable requests (ie. for leave or training)

8 How has bullying affected you?

- Loss of confidence and self-esteem
- Depression Headaches Anxiety
- Loss of appetite Loss of sleep Irritability
- More time off work Increased alcohol consumption
- Increased smoking Fear of going to work Other (please specify)
-

9 Have you raised the problem

- Yes No

If yes, who with?

- Line manager Human resources/Personnel Colleagues
- Other manager Union representative Other (please specify)
-

10 Was action taken? Yes No

If yes, what action was taken?

11 If action was taken, did the situation improve? Yes No

12 Do you feel confident to express your opinion at meetings with senior management, e.g. staff meetings, conferences etc.?

- Yes No

13 Do you believe a culture of bullying exists at [Enter name of institution]?

- Yes No

14 Do you think the college/university has an effective policy on bullying and harassment?

- Yes No

15 Any other comments?

Please return your completed survey to [enter name of rep or branch/LA secretary] by [Enter date for return]. PLEASE BE ASSURED THAT YOUR RESPONSES ARE CONFIDENTIAL. Your say counts! Thank you!

Appendix M

Model leaflet



ANTI-BULLYING AND HARASSMENT WEEK

.....

14–18 November 2016

UCU challenging workplace bullying and harassment

.....

UCU members are facing unprecedented attacks on their terms and conditions of employment, seeing an increase in redundancies and casualised contracts. It is against this background that UCU members are reporting an increase in bullying and harassment from managers.

UCU believes that effective policies and a change in workplace culture, from exclusion to inclusion, can lead to a workplace where bullying and harassment are recognised and discouraged, becomes beneficial for all.

UCU tackles bullying and harassment both on an individual and collective basis. We support members experiencing problems at work and across the post-school education sector. Where necessary, we will use legislation to hold employers to account.

www.ucu.org.uk

Model poster



ANTI-BULLYING AND HARASSMENT WEEK

.....
14–18 November 2016

UCU challenging workplace bullying and harassment
.....

The workplace is no place for:

abusiveness, aggression, fear, harassment, hostility, humiliation, intimidation, isolation, maliciousness, offensiveness, threatening or undermining behaviour

In the event of bullying and harassment:

- 1 Don't ignore it
2. Document it – record the incident
3. Speak with your branch equality or H&S rep

Your local contact is:

www.ucu.org.uk

6 Resources

UCU produces a number of resources to assist individual members as well as representatives supporting members – these are outlined below:

Equality Legislation

The Equality Act 2010

http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Equality Act 2010 briefing

https://www.ucu.org.uk/media/4181/2010-Equality-Act-UCU-briefing/pdf/2010_Equality_Act_briefing.pdf

Equality Act 2010 – Public Sector Equality Duty (s149)

https://www.ucu.org.uk/media/4566/Equality-Act-2010---Public-Sector-Equality-Duties-briefing/pdf/equalityact_pubsectorduties.pdf

Equality Act 2010 – Public Sector Equality Duty (Wales)

https://www.ucu.org.uk/media/4882/Public-Sector-Equality-Duty-in-Wales/pdf/Public_sector_equality_duty_in_Wales.pdf

Equality Act 2010 – Public Sector Equality Duty (Northern Ireland)

https://www.ucu.org.uk/media/5226/The-Public-Sector-Equality-Duty-in-Northern-Ireland/doc/The_Public_Sector_Equality_Duty_in_Northern_Ireland.doc

UCU Equality Duty Toolkit

https://www.ucu.org.uk/media/4883/UCU-Equality-Duty-Toolkit/pdf/ucu_equalityduty-toolkit_update_sep15.pdf

Health and Safety and other legislation

Health and Safety at Work Act 1974

<http://www.legislation.gov.uk/ukpga/1974/37/contents>

Management of Health and Safety at Work Regulations 1999

<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>

Enterprise and Regulatory Reform Act 2013

http://www.legislation.gov.uk/ukpga/2013/24/pdfs/ukpga_20130024_en.pdf

Protection from Harassment Act 1997

http://www.legislation.gov.uk/ukpga/1997/40/pdfs/ukpga_19970040_en.pdf

Employment Rights Act 1996

<http://www.legislation.gov.uk/ukpga/1996/18>

Trade Union and Labour Relations (Consolidation) Act 1992

http://www.legislation.gov.uk/ukpga/1992/52/pdfs/ukpga_19920052_en.pdf

Publications, Tools and Reports

UCU Stress Toolkit

www.ucu.org.uk/stress

One in four: a UCU briefing on Mental Health at Work

http://www.ucu.org.uk/media/pdf/r/q/ucu_1in4_mentalhealthatwork_jun11.pdf

Supporting Members with Mental Health Conditions and Issues

http://www.ucu.org.uk/media/pdf/f/f/UCU_MEN_2013_02_high.pdf

Joint agreement on guidance on equality in employment in further education colleges (FE England)

http://www.ucu.org.uk/media/pdf/c/c/feeng_equalityinemployment_may12.pdf

The experiences of black and minority ethnic staff in further and higher education

https://www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME_survey_report_Feb161.pdf

Pride and Prejudice in Education

https://www.ucu.org.uk/media/7929/Pride-and-Prejudice-in-Education-Feb-16/pdf/ucu_prideandprejudiceineducation_feb16.pdf

Safety representatives, branches and LAs should approach their regional office initially for advice or contact the UCU Health & Safety Advice Centre

www.ucu.org.uk/healthandsafety

Health and Safety Executive Stress pages

<http://www.hse.gov.uk/stress/index.htm>

Health and Safety Executive Risk Assessment toolkit for stress factors

<http://www.hse.gov.uk/stress/standards/downloads.htm>

UCEA Health and Safety Guidance for Employers

<http://www.ucea.ac.uk/en/empres/hands/publications/index.cfm>

7 Contacts

University and College Union

Equality and Participation

T: 020 7 756 2500

E: eqadmin@ucu.org.uk

W: www.ucu.org.uk

Trades Union Congress

Congress House, Great Russell Street, London WC1B 3LS

T: 020 7 636 4030

W: www.tuc.org.uk

Scottish TUC

333 Woodlands Road, Glasgow G3 6NG

T: 0141 337 8100

W: www.stuc.org.uk

Wales TUC

Transport House, 1 Cathedral, Cardiff CF11 9SD

T: 029 2034 7010

W: www.tuc.org.uk/wales

Education Support Partnership

T: 08000 562 561

W: www.educationsupportpartnership.org.uk

Equality and Human Rights Commission

London W: info@humanrights.com

Wales W: wales@equalityhumanrights.com

Scotland W: scotland@equalityhumanrights.com

Acas

Brandon House, 180 Borough High Street, London SE1 1LW

W: www.acas.org.uk

Labour Research Department

78 Blackfriars Road, London SE1 8HF

T: 020 7928 3649

