

PSYCHIATRISTS'
**SUPPORT
SERVICE**

Information guide
for psychiatrists

On bullying
and
harassment

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Introduction

This information guide is intended for a psychiatrist who experiences bullying or harassment. The information can be used as a guide only and is not a substitute for professional advice. If you need further advice and support, please contact the Psychiatrists' Support Service or one of the organisations listed at the end of this information guide.

Employees have the right to work in an environment that is free of discrimination and to be treated with dignity and respect. Bullying and harassment can be very distressing and it may be difficult to resolve the situation. It is recommended that this advice is read in conjunction with other policies of your organisation, such as equal opportunities and grievance procedures. That aims to set the cultural framework for behaviour of all employees of the trust and forms part of a wider strategy to promote all aspects of equality and diversity in service delivery and employment practices.

Definitions

The terms 'bullying' and 'harassment' are often used interchangeably.

HARASSMENT

Harassment is any form of unwanted and unwelcome behaviour affecting the dignity of employees within the workplace. It may range from mildly unpleasant remarks to physical violence, and may be related to age, gender, race, sexual orientation, disability, religion, nationality or any other personal characteristic of the individual. Harassment can be persistent, or an isolated incident. An individual who believes they are being harassed views the actions and behaviour of those conducting the harassment as demeaning and unacceptable. What is perceived as harassment by one person may not seem so to another.

BULLYING

The Andrea Adams Trust (a UK charity dedicated to tackling bullying at work) states: 'When we talk about bullying at work we are referring to an abuse of power or position. It is offensive discrimination through persistent, vindictive, cruel or humiliating attempts to undermine, criticise, condemn, and to hurt or humiliate an individual or group of employees' (<http://www.andreaadamstrust.org/>).

Some examples of bullying and harassing behaviour:

- giving a competent worker constant criticism and undermining them by overloading them with work
- constant attempts to undermine workers, their position, status, worth, value and potential
- misuse of power or position
- making unfounded comments/threats about job security
- unwelcome sexual advances – touching, standing too close

- exclusion/victimisation – being isolated and separated from colleagues, excluded from what is going on, marginalised, overruled, ignored or sidelined
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone, especially in front of others
- spreading malicious rumours or insulting someone by word or behaviour, or through use of electronic media like email or mobile phones (particularly on the grounds of age, race, disability, sexual orientation and religion or belief)
- being coerced into leaving through no fault of your own, constructive dismissal, early or ill-health retirement, etc.
- finding that everything you say is twisted, distorted and misrepresented
- moving the goalposts – setting objectives which subtly change and cannot ever be defined sufficiently to be achievable.

If you are unsure whether the situation/behaviour can be considered bullying or harassment, here are some points to think about:

- Has there been a change of management or organisational style to which you need some time to adjust?
- Is there an organisational standard of behaviour that you can refer to within your organisation?
- Are you able to discuss your concerns with the human resources manager, your line manager, union representative or colleagues who may share your concerns?

Types of harassment/bullying

SEXUAL HARASSMENT/BULLYING

Unwanted behaviour of a sexual nature or other conduct based on sex, sexual orientation, transgender issues etc., affecting the dignity of men and women at work.

Examples of inappropriate behaviour:

- physical – unwanted physical contact including touching, patting, pinching or deliberately brushing against another person's body, assault and coercing sexual intimacy
- verbal – unwelcome sexual advances, propositions or pressure/blackmail for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that these are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments, disclosure of another individual's sexual orientation against his/her wishes
- non-verbal – the display of pornographic or sexually suggestive pictures, objects or written materials

(including emails), leering, whistling or making sexually suggestive gestures

- gender-based – behaviour which denigrates or ridicules, or is intimidating or physically abusive because of an employee’s gender or sexual orientation; for example derogatory or degrading abuse or insults, and offensive comments about appearance or dress.

RACIAL HARASSMENT/BULLYING

Racially motivated actions and behaviour directed at people because of their race, colour, ethnic origin, cultural differences, speech (accent), creed and/or nationality and which cause offence and stress.

Examples of inappropriate behaviour:

- physical – assault, damage of personal property
- verbal – derogatory name-calling, malicious comments, jokes, hostile attitudes, banter which encourages stereotypes
- non-verbal – graffiti, displays of racial insignia or material, denial of opportunities, exclusion from social activities or use of electronic media like email, mobile phones, picture sharing etc.

HARASSMENT/BULLYING OF INDIVIDUALS WITH A DISABILITY

Unwanted actions or behaviour directed at people because of their disability, whether mental or physical.

Examples of inappropriate behaviour:

- physical – abuse or intimidation, mimicking the particular disability
- verbal – speaking to others rather than directly to the person with a disability, asking intimate questions about a person’s impairment, unreasonably questioning their work capacity and/or ability by making inappropriate demands or requirements, jokes
- non-verbal – staring and/or uninvited touching, exclusion from social events, making assumptions about people with a disability (e.g. that they do not have a social, sexual or private life), making assumptions about a person’s impairment and sickness record.

HARASSMENT/BULLYING BASED ON RELIGION OR PHILOSOPHICAL BELIEF

This type of harassment is unwanted behaviour or actions directed at people because of their religion or philosophical belief.

Examples of inappropriate behaviour:

- physical – abuse or intimidation, assault, damage of property
- verbal – derogatory name calling, malicious comments, jokes, hostile attitudes, banter which encourages stereotypes
- non-verbal – graffiti, displays of offensive material, denial of opportunities, exclusion.

HARASSMENT/BULLYING BASED ON AGE

Unwanted behaviour or actions directed at people because of their age. This can affect both younger and older workers.

Examples of inappropriate behaviour:

- physical – intimidation
- verbal – derogatory remarks or jokes based on age, banter which encourages stereotypes
- non-verbal – making assumptions about people based on age, whether younger or older, making assumptions about lack of ability based on age.

The effect of bullying/harassment on the individual

Bullying and harassment can make the affected person feel anxious and humiliated as well as evoking feelings of frustration and anger at not being able to cope. Some individuals attempt to seek revenge, while others feel scared and demotivated. The combination of stress and loss of self-confidence and self-esteem can lead to insecurity at work, illness, absence and sometimes even resignation. Job performance and workplace relationships are usually affected.

The following is a list of symptoms that an individual being bullied/harassed may recognise:

- continued high levels of anxiety and stress
- frequent illnesses such as viral infections
- headaches/migraines
- tiredness, exhaustion, constant fatigue, sleeplessness, nightmares, waking early
- irritable bowel syndrome
- poor concentration
- forgetfulness
- panic attacks, sweating, trembling, shaking
- tearfulness
- lethargy
- anger
- low self-confidence/self-esteem

Legal context

It is the responsibility of your employing organisation to prevent bullying and harassing behaviour in the workplace. It is essential that the message that such behaviour will not be tolerated within the organisation is conveyed to the staff. A statement to all employees about the standards of behaviour expected can help make them aware of their responsibilities to others.

The NHS Employers' guidance covers issues ranging from an identification of behaviours that constitute bullying and harassment to current support, policy and a suggested procedure for dealing with bullying and harassment claims. The guidance also offers advice on

the investigation procedure for a complaint of bullying and harassment. Employers can now be held vicariously responsible for bullying of their staff by staff.

It is not possible to make a direct complaint about bullying to an employment tribunal. However, employees might be able to bring complaints under laws covering discrimination and harassment, for example:

- age – Employment Equality (Age) Regulations 2006
- disability – Disability Discrimination Act 1995
- race – Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of skin colour or nationality; the amendments to the Act (The Race Relations Act 1976 (Amendment) Regulations 2003) also give a stand-alone right to protection from harassment on the grounds of race and ethnic or national origin
- gender – Sex Discrimination Act 1975 protects against discrimination and victimisation on grounds of gender, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment.
- sexual orientation – Employment Equality (Sexual Orientation) Regulations 2003.

Employers' responsibilities

Employers have a duty of care for their employees. If mutual trust and confidence between employee and employer is broken through bullying and harassment, an employee can, for example, resign and claim 'constructive dismissal' on the grounds of breach of contract.

The breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

Options to consider if you are being bullied or harassed

- Inform your union or staff representative (or your British Medical Association or Hospital Consultants and Specialists Association clinical or medical director) of the problem.
- Seek advice from the Advisory, Conciliation and Arbitration Service (ACAS; <http://www.acas.org.uk/>), the Citizens Advice Bureau (<http://www.citizensadvice.org.uk/>) or one of the other organisations listed at the end of this booklet.
- Try speaking to colleagues to find out whether they share the same concerns, whether anyone has witnessed what is happening to you, and whether anyone else is suffering in the same way.
- If you are reluctant to make a complaint, see someone with whom you feel comfortable to discuss the issue –

this might be your clinical or medical director, someone in human resources, or a counsellor.

- Your employer may arrange for all parties involved to attend external counselling and facilitation, if it is agreed by all involved that this approach may be useful in resolving the issue.
- Keep a diary of all incidents – records of dates, times, any witnesses, your feelings, etc.; keep copies of anything that you consider relevant.
- Those responsible for causing you distress may be unaware of their actions and the effect they are having on you – tell the person to stop whatever it is they are doing. You might find it difficult to confront the person yourself and you may wish to get someone else – a colleague, trade union official or confidential counsellor – to act on your behalf.
- When you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour; keep copies of your memo and of any reply.
- Be firm, not aggressive; be positive and calm; stick to the facts, describing what happened that caused you distress.
- If you do decide to make a formal complaint, follow the procedures within your organisation which should give you information about whom to complain to and how your complaint will be dealt with.
- If you have access to a trade union representative or other adviser, ask them to help you state your grievance clearly, as this can help its resolution. All organisations will have a grievance procedure and some have specific procedures for dealing with complaints about bullying and harassment.
- Talking to your general practitioner may help, particularly if you feel that the bullying or harassment is affecting your health.

Legal action

If the bullying or harassing behaviour continues despite your efforts, it is recommended that you take advice on your legal rights. If you leave the organisation and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation, and any records you have kept will be considered when it hears your claim. Resignation is the last resort but make sure you have tried all other ways to resolve the situation.

Sources of further of help and support

Advisory, Conciliation and Arbitration Service (ACAS)

Helpline: 0845 747 4747

www.acas.org.uk

British Medical Association

BMA House, Tavistock Square
London WC1H 9JP
Tel: 020 7387 4499
www.bma.org.uk

Citizens Advice Bureau

www.citizensadvice.org.uk

Dignity at Work Partnership

Amicus, 35 King Street, Covent Garden
London WC2E 8JG
Tel: 0207 420 8923
www.dignityatwork.org

Equality and Human Rights Commission

3 More London, Riverside Tooley Street
London SE1 2RG
Tel: 020 3117 0235 (non-helpline calls only)
helpline: England 0845 604 6610, Wales 0845 604 8810, Scotland
0845 604 5510
Email: info@equalityhumanrights.com
www.equalityhumanrights.com

Hospital Consultants and Specialists Association

1 Kingsclere Road, Overton, Basingstoke
Hants RG25 3JA
Tel: 01256 771777, Fax: 01256 770999
Email: conspec@hcsa.com
www.hcsa.com

The Andrea Adams Trust

Hova House, 1 Hova Villas, Hove
East Sussex BN3 3DH
Email: mail@andreaadamstrust.org
www.andreaadamstrust.org

Psychiatrists Support Service

Royal College of Psychiatrists
17 Belgrave Square
London SW1X 8PG
Tel: 020 7245 0412
Email: psychiatristssupportservice@rcpsych.ac.uk

Further reading

ADVISORY, CONCILIATION AND ARBITRATION SERVICE (2007) *Advice Leaflet – Bullying and Harassment at Work: Guidance for Employees*. ACAS (http://www.acas.org.uk/media/pdf/1/0/AL05_1.pdf).

ANDREA ADAMS TRUST. *Factsheet on Workplace Bullying* (<http://www.andreaadamstrust.org/factsheet.pdf>).

BRITISH MEDICAL ASSOCIATION (2006) *Bullying and Harassment of Doctors in the Workplace Report*. BMA (<http://www.bma.org.uk/ap.nsf/Content/bullying2006>).

NHS EMPLOYERS (2006) *Stop Bullying: It's in Your Hands*. NHS Employers (<http://www.nhsemployers.org/practice/practice-906.cfm>).

