

# Bullying and Harassment

contents



*Usdaw*  
*Union of Shop, Distributive  
and Allied Workers*

Executive Council Statement to the  
2000 Annual Delegate Meeting

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# Usdaw is Committed to Tackling Bullying and Harassment at Work

## It is affecting our members' lives

Bullying and harassment can cause serious problems, undermining the health and well being of our members. Work and family life can be affected if bullying and harassment are left unchallenged.

## It undermines everything we stand for

All Usdaw members have the right to work without fear of being bullied and harassed. The right to be treated with respect and dignity is a basic human right and a fundamental trade union principle.

## The problem is getting worse

Growing numbers of our members are reporting problems with harassment and bullying. Intimidating and abusive styles of management have become increasingly commonplace.

## It is costing employers a fortune

Bullying and harassment are bad for business. They can cost employers up to 12 billion pounds a year in stress related sickness absence and staff turnover. This is money that could be spent on staff training, family-friendly policies or better store security. No-one benefits from letting bullying and harassment go unchecked.

## This is a health and safety issue

Usdaw has always taken health and safety at work seriously. Bullying and harassment are serious health risks and our members have a legal right to a safe working environment.

## We have already started tackling the problem

Many people in Usdaw are already doing a great deal to tackle the problem of bullying and harassment at work. This ADM Statement is intended to bring that work together, to develop it and support it. The Statement is designed to be of practical use. It is written for:

- Members and Union representatives wanting to support colleagues who are being bullied.
- Union representatives who want to raise the issue of bullying and harassment with management.
- Federations, branches and Usdaw committees who want to campaign on the issues raised in this Statement.

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# Tackling Bullying and Harassment – Achieving Dignity at Work

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How do you decide whether or not you are treated with respect and dignity at work?

It is probably a combination of all or most of the following:

- Are you asked your opinion when changes are being planned at work?
- Are you thanked when things have gone well?
- Are you given a say in how your hours of work are decided?
- Are you trusted to make decisions?
- Are you paid enough?

Being valued at work is about a whole range of different issues. It isn't just a question of the pay packet, important though this is. Whether or not your employer values you does not just depend on how much your company pays you. Fair treatment goes way beyond the pay packet to whether or not we feel valued and respected at work.

Nothing undermines dignity at work more than harassment and bullying. Fair treatment at work can never be a reality if you are being verbally abused, threatened or humiliated.

So tackling bullying and harassment goes to the heart of what we do. Negotiating decent pay will always be a priority for Usdaw. But if we are serious about achieving fairness at work we cannot just focus on the pay packet. We have to look at the whole way in which our members are treated at work. Tackling bullying and harassment is an important part of this work.

# Defining Bullying and Harassment

## Bullying

Bullying can take many forms and refers to a wide range of behaviour.

Bullying refers to the misuse of power to intimidate or humiliate someone on a regular and persistent basis.

Workplace bullying is usually, though not always, carried out by people in positions of power, and anyone can be a target.

Bullying can occur in a number of different ways. Some of these are obvious and easy to identify, such as:

- Persistent and unfair criticism.
- Publicly humiliating someone including shouting at them in front of other staff.
- Direct verbal abuse or threats.
- Physical abuse and violence.
- Hurtful comments and teasing.

Other forms of bullying are subtle and harder to recognise. These might include:

- Setting impossible deadlines.
- Removing someone's responsibilities and taking credit for their work.
- Withholding information from an employee so that it is harder for them to do their job.
- Starting malicious rumours about someone to undermine their reputation.
- Deliberately ignoring or excluding individuals from activities.
- Setting someone up as a scapegoat for when things go wrong.
- Creating a climate at work where someone feels they can't say no to unreasonable requests.

## Harassment

Harassment is an unwanted and unwelcome behaviour which creates an intimidating or hostile working environment for the person experiencing it. Harassment can take many forms. It might for instance be directed against someone because of their sex, race, age, sexual orientation or disability. Sexual and racial harassment are two of the most common forms of harassment at work.

## Sexual harassment

Sexual harassment is behaviour which is imposed on another person because of their sex. It is unwanted, unreciprocated and offensive. It can take many forms including unwanted physical contact, suggestive remarks, sexual propositions, unwanted comments on dress or appearance and displaying sexually suggestive pin ups.

The common feature of all this conduct is that it is unwanted to the person on the receiving end. If the behaviour is unwelcome and the attention is not wanted, then it is harassment.

Sexual harassment is a problem overwhelmingly experienced by women. However it can be directed by women to men. Young men and gay men can be particularly vulnerable.

## Racial harassment

Racial harassment can take many forms. It is behaviour which is imposed on another person because of their race or ethnic origin. It can take many forms including racist remarks or so called jokes, name calling or shunning someone because of their colour.

Racial harassment can involve a manager, a supervisor, work colleagues, customers, suppliers or contractors.

## Bullying and harassment often overlap

Bullying and harassment can very often overlap and it can be difficult to tell them apart.

Why then do we need to talk about them as different problems? Wouldn't it make life easier if we just talked about harassment or bullying instead of separating them out?

Some publications on harassment and bullying do just that. They describe sexual and racial harassment as particular forms of bullying.

Alternatively, some publications keep harassment and bullying separate. This approach means we can recognise the particular problems that women and black workers face. If everything becomes bullying, do we lose sight of this?

At the end of the day, what we call the problem is not important. Bullying and harassment are both totally unacceptable forms of behaviour which Usdaw members have the right to be protected from.

Our task is to support members who are being bullied and harassed and persuade employers to take the issue seriously. Members who are being bullied at work do not need to tie themselves in knots trying to work out whether they are being bullied or harassed. In reality, it may well be a combination of the two.

Tackling bullying and harassment is what matters, not getting our terminology perfect.

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# What are the Effects of Bullying and Harassment?

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Bullying can have serious, long-term effects on both the individual being bullied and the company they work for. And the impact of bullying can last a long time.

## Effects on the individual

People who are constantly bullied can suffer stress and ill health. Bullying contributes to up to half of all work-related stress.

Stress is associated with a large number of health problems including headaches, high blood pressure, inability to sleep and loss of appetite. The long-term health effects of stress can include irritable bowel syndrome, heart attacks and stomach ulcers.

People who are being bullied can also experience high levels of anxiety and feelings of dread about coming into work every day. Holidays and days off are over-shadowed by the fear of returning to work. They feel constantly on edge and unable to relax.

These feelings can easily develop into depression and suicidal thoughts.

Other symptoms can include shame, embarrassment, guilt, insecurity, self-doubt, obsessive thoughts, nightmares, poor concentration and sleeplessness.

While at work, victims are likely to be less productive and less motivated, impacting on both the quality and quantity of their work.

Someone may put up with bullying for months or even years and suddenly feel they can't take anymore. At this point, they may act in a way that seems totally out of character, by walking off the job, shouting at a customer or even hitting a bully. Often the first the Union will know about what's been going on is when the person being bullied is disciplined.

Often the individual will be forced to leave their job to escape the bullying. But getting another job isn't always easy, especially if the bullying has resulted in a poor attendance record or in taking their employer to a Tribunal.

That is why it is vital that bullying is tackled as early as possible, before things even get to this stage.

## Effects on the employer

Bullying can have significant costs for employers.

Workers who are being bullied are likely to be off sick more due to stress. Indeed, bullying costs business billions of pounds every year in lost labour through absenteeism, resignations and reduced productivity.

This is backed up by academics. Research by the University of Manchester Institute of Science and Technology has estimated that bullying accounts for between a third and half of all stress related sickness absences.

Employees who feel frightened to come into work can't give their best when they are there. That's why bullying at work causes productivity and motivation to fall.

The TUC and the CBI have recently commissioned research to assess the cost of bullying in terms of performance and absenteeism.

It is a real issue which businesses cannot afford to ignore.

Employers who fail to tackle workplace bullying also risk facing expensive legal proceedings and the bad publicity if cases end up in the courts. A County Council was recently ordered to pay £100,000 to a teacher who had been bullied at work and suffered two nervous breakdowns as a result.

It is partly because bullying can have such high costs for an organisation that employers have felt the need to take action to deal with it.

Ignoring the issue could prove a costly decision.

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# How Widespread is Bullying?

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## Bullying in the workplace is a growing problem

Yet it is mistakenly thought of as something that only happens in the school playground.

Bullying affects thousands of working people, as the following statistics show:

- A 1996 survey carried out by the BBC found that 78% of employees had witnessed bullying at work.
- In 1994, Staffordshire University published a survey showing that 53% of all UK employees had been bullied at work.
- The same survey found that one in three people leave their jobs because of bullying.
- 75% of employees who have been bullied say it only came to an end because they left the job.
- 40% of calls to a recent TUC Bad Bosses Hotline were about bullying – well ahead of issues such as low pay, contracts, hours or holidays.

## Bullying by members of the public

The 'customer is always right' ethic has hidden a real and growing problem, that of bullying and harassment by members of the public.

Bullying is a daily reality and a serious issue for many Usdaw members. Violence and abuse from the customers they come into contact with is a growing problem. For many Usdaw members, bullying and abuse from customers can be as much of a problem as bullying by management or work colleagues.

Figures from the British Retail Consortium show that around 350,000 retail staff are threatened and verbally abused at work by members of the public each year.

Bullying by members of the public is a form of violence at work and employers have a clear responsibility under health and safety legislation to prevent workplace violence. You will find more on employers' duties under the law in the section on the law relating to bullying and harassment.

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# Why do Bullying and Harassment Happen?

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## Bullying behaviour can occur for many reasons

A national helpline set up to highlight the extent of workplace bullying found that the most common reasons for being bullied were:

- Being in the wrong place at the wrong time.
- Being good at your job.
- Being popular with colleagues.
- Unwittingly drawing attention to the bully's incompetence, simply by being competent.
- Blowing the whistle on malpractice, fraud, illegal behaviour etc.

Just like at school, bullies tend to pick on others to hide their own shortcomings. Jealousy and envy are often key motivators.

New research by the University of Manchester Institute of Science and Technology suggests that a lot of workplace bullying is carried out by overworked and stressed managers, who take their anger and frustration out on the people they work with.

But stress and overwork is only part of the explanation for bullying. There are strong organisational factors that can influence whether bullying takes place at work.

Bullying is far more likely to occur in companies which have aggressive, macho styles of management and which encourage people to get on by putting others down.

Some companies may mistakenly see bullying as strong management and will therefore promote and encourage managers who act in this way.

Employees who complain about bullying might be told "It's not bullying, that's just the way we do things here".

Challenging bullying can be especially difficult in workplaces where there is a culture of aggressive management.

# Raising the Issue of Bullying and Harassment at Work

## This work has already begun

Usdaw members and activists are already doing a great deal to tackle bullying and harassment at work.

We have already made a difference to the lives of members suffering unfair and abusive treatment. Usdaw representatives have helped members find the confidence to speak out about what is happening to them. Cases have been taken up with employers and won. Dignity at work policies have been negotiated. Compensation has been won in many cases.

It is important to remember that our activists and Union representatives already have a lot of experience and expertise in tackling these issues.

This can be a difficult issue to raise.

We also need to remember that raising the issue of bullying and harassment at work can be very difficult.

Members who are being bullied may be very reluctant to speak out. They may worry that they won't be believed, that somehow the bullying is their fault and that the consequences of speaking out will only make things worse.

Many employers are reluctant or unwilling to accept that they have a problem with bullying and harassment. Trying to get the employer to recognise they have a problem can be difficult. Later on in this Statement, you will find suggestions for ways to raise the issue of bullying and harassment with your employer.

Tackling bullying and harassment can be difficult. This Statement aims to make it easier if you are being bullied or harassed and want it to stop, if you are representing someone who is being bullied or you want to get your employer to take the issue seriously.

## What to do if you are being bullied or harassed

The most important thing to remember is that this is not your fault. No-one deserves to be bullied. Bullying and harassment are totally unacceptable forms of behaviour which you have a right to be protected from.

Remember – you are not on your own. You joined the Union for help with problems at work. Usdaw will support you and assist you in getting the bullying stopped.

If you think you are being bullied or harassed, it is important that you keep a note of what is happening. Note down dates, times, what was said, by whom and if there were any witnesses. This information will help you to remember what happened. Often small incidents or remarks can seem trivial until you combine them together. This information will also help your Union representative to support you.

Try to find out if your company has a procedure for dealing with complaints of harassment and bullying. Your Union representative or personnel department should have a copy. This should set out the steps you can take to tackle the problem.

Involving your Union representative at an early stage can make a real difference. A recent survey by the trade union UNISON showed that cases of bullying at work are far more likely to be sorted out quickly and successfully where union representatives are involved.

## Help your Union representative to help you

- Talk to your union representative as early as possible.
- Keep a record of all incidents, including what happened, what was said and the time and date.
- Write down how you felt when the bullying or harassment occurred.
- Keep copies of all letters/memos relating to your ability to do the job.
- Try to find out if you are the only person being bullied or harassed. If others are affected, consider making a collective complaint.
- You might want to consider talking to a counsellor for support. Try to find out if there is one in the company you could talk to in confidence.

## The role of Union representatives

Union representatives can play a central role in preventing bullying behaviour. Supporting a member who is being bullied may seem obvious, but it is often difficult in practice. Problems can be difficult to identify.

Usdaw representatives will want to make sure that cases of bullying and harassment are brought to their attention.

If a member approaches you saying they are, or have been bullied then there is a lot you can do.

- Treat cases of bullying seriously and support the person being bullied during the investigation and afterwards.
- Make it clear to the member that you don't think they are being over sensitive, that they don't have to put up with bullying at work and that the Union will give its full support to resolve the situation.
- Find out whether other workers have been bullied and if so, ask them for details.
- Encourage the member to write down what has happened to them, including what was said and done and the date and time. This will help if the member decided to make a formal complaint.
- If the member isn't sure that what they have experienced is in fact bullying, suggest they keep a diary of events. This will help if they later decide to make a complaint.
- Discuss with the member what they want to do about the bullying and how to use the procedure.
- Encourage the member to report the bullying to management and if they wish, help them to do this.
- Offer to represent and support the member at all stages of the investigation.
- With the member's agreement, seek the support of other workers in order to reduce the risks of victimisation or further bullying.
- Advise the member that if the matter is not resolved through the established procedures, they may be able to take the matter to an Employment Tribunal.

### Raising the Issue – An Activist's Checklist

- Use posters, leaflets, etc. to bring the issue to the attention of members. A bullying poster is available from the Union's Central Office, which can be put on the Union noticeboard. Conduct a survey to find out whether bullying is a problem in your workplace. This could be done on an anonymous, confidential basis.
- Health and safety representatives can use their workplace inspections to speak to members about stress related issues such as bullying and harassment.
- Find out whether your company already has a policy and procedure for tackling bullying at work. If not, suggest to management that they negotiate one with the Union.
- Table bullying as an agenda item for local, regional and national consultative meetings.
- Invite a speaker from the Union to address your branch meeting on bullying at work.

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# Negotiating a Bullying and Harassment Policy and Procedure

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## A policy needs a procedure

Every employer needs to have a policy on bullying and harassment and a procedure for dealing with them.

A policy should send out a clear signal that bullying and harassment are unacceptable.

But a policy is no good without a procedure to back it up. How else do our members enforce their rights to dignity at work. A procedure needs to be jointly agreed and to recognise the distinct role that Union representatives play in resolving cases of bullying and harassment at work.

Since the main aim of the policy is to prevent bullying, it needs to make clear that bullying behaviour is unacceptable and that it will be treated as a disciplinary offence.

## It should cover everyone

A successful policy needs to cover everyone in the company and set out clearly what constitutes unacceptable behaviour and the penalties that may result. There is obviously a difference between a strong management style and an unacceptable abuse of power and the policy needs to make this clear.

It should be advertised.

It may sound obvious, but everyone needs to know the policy is there. It is no use having a policy if no-one knows it exists or does anything to implement it. All employees, trainees, job applicants and suppliers need to be informed. And it needs to be made clear that the policy applies to everyone – at all levels of the organisation. People with specific responsibilities under the procedure, including Union representatives, should be trained in it.

And it needs to recognise that not all workplace bullying takes place between colleagues. Bullying from members of the public is a big problem for many Usdaw members. Employers have a duty to prevent and deal with bullying from this source.

The policy should also make it clear that no-one will be victimised for complaining about bullying or harassment. There should be a statement that all complaints under the procedure will be dealt with quickly and confidentially.

The policy should make it clear that all complaints will be treated seriously and handled with sensitivity, speed and confidentiality. No-one should be victimised for complaining about bullying and the policy needs to make this clear.

## Sample Bullying and Harassment Policy

The Union and the employer recognise that all employees have the right to a working environment which is free from bullying and harassment.

The company regards bullying as a serious and unacceptable form of behaviour which employees do not have to tolerate from any source. Bullying in the workplace will be regarded as a disciplinary offence and may, where appropriate, be treated as gross misconduct.

The company defines bullying as the misuse of power or position to persistently criticise, intimidate or humiliate another person.

Bullying can include:

- Persistent, unrelenting criticism of someone.
- Shouting or verbally abusing someone.
- Setting objectives with impossible deadlines or unachievable tasks.
- Removing or replacing areas of responsibility with menial or trivial tasks.
- Undervaluing a colleagues contribution, taking credit for their ideas or over-monitoring their performance.
- Continually refusing reasonable requests for leave, training etc., without good reason.
- Changing instructions without consultation or due notice.

Bullying is a serious health hazard and the company has a legal responsibility to provide a safe and healthy working environment for all employees. This includes protecting employees from damage to their mental health such as can be caused by bullying.

All complaints of bullying will be taken seriously and will be handled quickly and confidentially. No employee will be victimised for bringing a complaint of bullying. Employees who believe they have witnessed bullying also have the right to raise a complaint and will not be victimised for doing so.

Where bullying involves a member of the public, the company resolves to take action as appropriate, in consultation with the Union.

The company undertakes to provide training for management and employees to ensure that they are aware of this policy statement and of the procedure which can be followed by someone who has been bullied.

The company recognises the important role which Union representatives have in ensuring the success of the procedure. The company agrees to provide release without loss of earnings for all Union representatives to attend an Usdaw training course on the procedure.

This policy will be circulated to all employees, trainees and job applicants. The company will periodically and jointly review the operation of this policy with the Union to ensure that it is working successfully. Any changes made to the policy as a result of this monitoring process will be notified to all employees.

# Bullying and Harassment – The Legal Position

## Constructive dismissal

Bullying can amount to a breach of contract by the employer. If serious enough this can entitle the employee to leave, treating themselves as dismissed, and claim unfair dismissal. This is 'constructive dismissal'. It is important to note that the employee must 'walk off the job', at least within a reasonably short period of time after the act complained of. If the claim is successful the employee will be awarded compensation for unfair dismissal.

The conduct complained of must be a serious breach of contract by the employer and this may be difficult to prove. Tribunal proceedings are a harrowing experience and preferably avoided. Members are advised **not** to leave their job unless absolutely necessary and not until after talking to their Area Organiser.

## Health and safety

There is a general legal duty placed upon employers to provide a safe working environment. This applies equally to protecting employees from damage to mental health as it does to physical injury from accidents or harmful substances. Bullying and stress are serious health hazards and the employer must prevent them occurring in the workplace. If an employer is held to be in breach of that duty compensation can be paid to the victim. The Health and Safety Executive (HSE) recognises bullying as a major contributor to stress related illness (HSE guide *Stress at Work*).

Incidents that involve physical violence, or threats of violence and intimidation may amount to assault and breaches of public order which are criminal offences. In addition to that, the employer would be liable for breach of the duty of care. An employer who fails to respond to justified complaints of bullying may also be in breach of their duty to maintain mutual trust and confidence towards employees.

## Sexual and racial harassment

If the bullying is by reason of sex or race, then it coincides with harassment specifically dealt with under separate legislation, and it may be possible to pursue a case under the Sex Discrimination Act 1975 or Race Relations Act 1976. If it is connected with a person's disability a case could be brought under the Disability Discrimination Act 1996.

## Protection from Harassment Act 1997

This piece of legislation was introduced to deal primarily with 'stalking' but there is no reason yet why it should not cover instances of bullying at work.

The test for harassment under the Act will be if the person **'knows that their conduct...amounts to harassment'**, or if a **'reasonable person in possession of the same information would think the course of conduct amounted to harassment'**.

At present there is some uncertainty about what sort of behaviour will be covered by the Act and how effective it will be to protect people from bullying. It remains to be seen how the courts interpret the Act. However, the Act makes the conduct a criminal offence.

# Bullying and Harassment – The Future

## Trade unions continue to lead the way on this issue

This is an issue where we can really say that trade unions have led the way.

Bullying and harassment are receiving considerable media attention nowadays. There are regular reports in the press of large awards being made against employers who have failed to protect their staff from this workplace hazard.

There are a growing number of academic, labour movement and employer led conferences on the issue.

More and more employers are taking the issue seriously.

This is great news and a welcome change.

Trade unions have been trying for many years now to raise awareness of the problems of bullying and harassment at work.

Individual unions and the TUC have been working with specialist campaigns such as the Andrea Adams Trust and Women Against Sexual Harassment to tackle the problem.

Unions have represented and supported many thousands of working people suffering bullying and harassment.

We have worked in partnership with employers wherever we can to jointly tackle bullying and harassment. Usdaw's negotiators have succeeded in putting in place some leading edge dignity at work policies right across the sectors our members work in.

Policies which are backed up by joint procedures and which recognise the valuable role played by Union representatives. We have agreed joint dignity at work training programmes for members and Union representatives which other unions have mirrored in their agreements.

We will continue seeking to negotiate dignity at work agreements so that every Usdaw member is in a workplace where such an agreement exists. We will also revisit our existing bullying and harassment agreements over time to ensure they reflect the changing needs and circumstances of today's workforce. In the light of the Stephen Lawrence Inquiry Report, for instance, we may wish to address the issue of institutionalised racism with employers.

Those parts of the Union which have taken a leading role in our work on bullying and harassment will continue to develop the work they are doing on these issues.

## Race Relations Committee

Ushaw's Race Relations Committee continues to give a voice to black and Asian members experiencing racial harassment and bullying at work. The Committee has helped to ensure that the issue of racial harassment has been at the top of Ushaw's campaigning and negotiating agenda. Work has included leaflets for members and representatives on tackling racial harassment, encouraging black and Asian members to take cases of harassment through the procedures and ensuring that all the Union's work on harassment reflect the particular needs of its black members.

## The Women's Committees

Usdaw's Women's Committees have done a great deal of work on the issue of sexual harassment. Get-togethers on the issue at local level have enabled women to speak out and overcome their experiences. The Women's Committees have run workshops for Union representatives, helping them to better support and involve women at workplace level.

## Supporting activists

The Union will continue to resource and support Union representatives involved in tackling bullying and harassment at work. As part of this work, the Union will be launching a 'Dignity at Work' pack bringing together our existing work on bullying, sexual and racial harassment. A leaflet for representatives on tackling bullying, which includes a workplace survey, is being produced.

## Working with employers

We will also continue working with employers to put jointly negotiated dignity at work procedures in place.

There is a great deal more that employers can and should do to tackle workplace bullying and harassment. The Union will continue urging employers to recognise and carry out their responsibilities to provide a safe working environment.

Employers need to take a far more proactive approach to this issue. Rather than simply focusing on tackling problems, employers should be putting positive policies in place which assert the right to dignity and respect at work.

Bullying styles of management are part of the problem. Bullying has become deeply embedded in many workplaces. It is no longer just a question of individual managers behaving badly. The whole way in which work is organised gives people little if any choice about how or when they work. Many of our members face unfair or abusive treatment on an almost daily basis. Constant pressure to change your hours of work to suit the company, to stay on after your shift or to reduce your hours is all about the misuse of power.

Usdaw's commitment to tackling bullying, therefore, goes beyond the need for effective dignity at work procedures. It is also about the right of working people to have a say, to be able to make real choices about balancing work and family life. Our members need to feel that they can say "no" to unreasonable demands at work which interfere with their personal and family commitments.

## Working with Government

Usdaw is committed to working with Government to tackle these issues. Existing legislation is inadequate to tackle the problem. The Union will continue making the case to Government that there needs to be specific legislation to deal with bullying. The Dignity at Work Bill, a private members' bill which failed to get a hearing under the last Government, would have made employers liable for workplace bullying. The Bill would have provided every employee with a right to dignity at work. Usdaw hopes that Government will allow time for this Bill to be reintroduced.

The Union will also continue working with Government on some of the wider issues raised in this section. The Union is pressing Government to introduce a legal right to family-friendly hours of work. This would give employees the right to hours of work which suit their needs as well as those of the companies they work in. Without this right, bullying and harassment will always be difficult to challenge.

Tackling bullying and harassment at work will continue to be a key priority for Usdaw.

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