

Finally I arrive to teach the course at the office where this bully is currently the manager. Unlike elsewhere in the country, staff here are holding on by their fingernails, regularly working 14-hour days and thoroughly exhausted. It is also the only office where the top managers defy head office and refuse to attend the course. It's also the only office where bullying is not mentioned.

However, one woman arrives late after the lunch break. She is as white as a sheet and shaken. Her colleagues are clearly concerned and rally round her but it is obvious this is a common occurrence; something they are used to happening on a regular basis. I dutifully feed all this back to occupational health.

This piece of work ends up as a costly exercise leading absolutely nowhere. The bully is obviously far too powerful on his home ground and directors find him too useful as a hatchet man, moving him and his team from place to place to do difficult work such as 'downsizing'. My report to occupational health is ignored. The bully carries on.

Both these examples are over six years old. The massive changes that have taken place since then place mean that companies are now far more aware of the costs of bullying – both human and economic. It is no longer worth ignoring such behaviour or hoping it will go away. And it is no longer worth using a bully to do the nasty or difficult jobs that others find hard.

The age of reason

The problem of bullying in the workplace is unfortunately still with us. According to research in 2000 by the TUC, 18 million working days are lost each year through stress-related illness and it is estimated that up to half of these are a direct result of bullying. But companies have become more realistic about dealing with bullying and more aware of the risks of letting it go unchecked. These days when I am asked to train in a company about bullying and harassment it is either because they are setting up a team of counsellors and investigators, or because they have just disciplined a bully and want to ensure that a strong corporate message is heard loud and clear by all managers.

Corporate bullying grows more and more risky and carries larger and more punitive penalties with each new piece of legislation. It is just not worth an organisation harbouring a bully any longer. The costs are too high. The seventies laid down the basic anti-discrimination laws for race and gender but left out disability, which shamefully wasn't tackled until 1995. The nineties made bullying a criminal offence through the Criminal Justice and Public Order Act 1994 and the Protection From Harassment Act 1997. Prior to this criminal law could only be used if the offense involved sexual assault or actual or grievous bodily harm. 'Intending to cause a person alarm or distress through threatening, abusive or insulting words or behaviour,

or displaying writing or signs, which are threatening, abusive or insulting' is now a criminal offence with a fine of up to £5000 and imprisonment of up to six months.

It also became illegal to 'pursue a course of conduct which amounts to the harassment of another'. The conduct must have occurred on at least two occasions, but interestingly the test of whether this conduct was harassing is based on whether the person accused should have known that what they were doing was causing distress and harassment to the victim. This means that any victim who can produce evidence showing that they made the bully aware that they were uncomfortable with their behaviour has a strong case. Civil law can then be used to sue for damages in such cases.

The recent settlement of £1 million to a manager in the City who was bullied by his boss broke all records earlier this year. Settlements are made up of loss of earning plus injury to feeling, so highly paid employees who have suffered long term ill effects at the hands of their manager can easily be entitled to such large sums. In December this year a law banning discrimination against people for their religious beliefs (or lack of them) or their sexual orientation entered the statute books.

And finally in April this year, a Health and Safety directive made it very clear that the mental health of employees was just as important as their physical health. If managers were negligent in caring for employees who were stressed or distressed this would be viewed in exactly the same light as if they were careless about ensuring employees' physical safety.

Bullying vs strong management

Although this was a real sticking point in the nineties, the distinction between strong management and bullying need not be confusing. All issues around both bullying and harassment boil down to one basic principal – are employees treated with dignity and respect at work?

It is possible to challenge and lead people and to demand more of someone without having to belittle them. Learning feedback and communications skills that challenge employees and encourage them to improve work performance, without rubbishing them, should be part of any basic management skills course for all new managers.

ACAS defines bullying at work as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.' Specific examples of bullying behaviour can include spreading malicious rumours, making unfounded threats about job security or using personal insults and public humiliation. More subtle methods used by bullies can also involve refusing leave requests for no reason, establishing ►



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