



LawCare Ltd.
Health Support and Advice for Lawyers

BEATING THE BULLY



HELPLINES

**FOR SOLICITORS, LAW STUDENTS AND LEGAL EXECUTIVES IN ENGLAND AND WALES:
0800 279 6888**

**FOR SOLICITORS, ADVOCATES AND LAW STUDENTS IN SCOTLAND, NORTHERN IRELAND
AND THE ISLE OF MAN: 0800 279 6869**

**FOR BARRISTERS, BARRISTERS CLERKS AND JUDGES IN ENGLAND, WALES AND
NORTHERN IRELAND:
0800 018 4299**

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COMPANY REGISTRATION No. 3313975**

WHAT IS BULLYING?

At LawCare we hear from many people who tell us that their stress or depression is caused by the behaviour of someone they work with. About 30% of our callers say that their problems stem from another person in the firm or chambers who is deliberately making life difficult or unpleasant for them. When someone else is directly to blame, and is knowingly being unfair or cruel to a colleague – usually a subordinate – we define the problem as bullying.

Bullying takes many forms, from deliberately overloading someone with work to withholding information, constant and unconstructive criticism or belittling in front of colleagues. It is now being recognised that bullying can be far more subtle than easily identifiable verbal abuse and gratuitous harassment. Whilst it is difficult to pinpoint where insensitivity ends and bullying begins, failure to recognise or respect the feelings, dignity, needs or well-being of another may well amount, in their perception (and that is what matters) to persecution of them.

WHAT EFFECT DOES BULLYING HAVE?

The occasional tragic consequences of bullying have been well documented in the press, but there are many more people for whom bullying has destroyed their lives in less evident ways. Mental or nervous breakdowns, fear of social situations, depression and physical illnesses can all result from bullying.

However strong you may be to begin with, unrelenting criticism, stress and harassment, day after day, can leave your faith in your abilities, self-confidence and self respect in tatters. Many people feel that their only option is to leave the firm where the bullying is taking place, and this can have consequences for their future career. Bullying is one workplace problem which really does have a “victim”.

WHAT ABOUT INSTITUTIONALISED BULLYING?

Firms may be just as guilty of this behaviour as individual members of staff. Firms which treat employees badly – failing to provide them with training, equipment, support, or demanding that they do work for which they are not qualified or experienced – are effectively bullying them. Denying rights such as sick leave and holiday, or not having systems in place whereby employees can safely air their grievances, can cause feelings of intense frustration and distress. The same applies to Chambers which do not provide adequate support or show respect for members.

LawCare’s case files are filled with stories which demonstrate the conditions some lawyers are being required to work under. For example:

- We heard from a qualified solicitor whose partners asked to read every letter she sent out.
- We heard of a firm where the partners had installed CCTV in the offices of all the assistants so that they could keep tabs on what they were doing.
- We heard from an exhausted and distressed solicitor who had been single handedly running a busy department because the partners repeatedly suggested that they would make him a partner, even sending him for regular “partnership appraisals.” When he finally had a breakdown under the pressure they admitted they had never had any intention of making him a partner.

WHAT FORMS DOES BULLYING TAKE?

A study into workplace bullying revealed that the most common forms are:

- Failing to give proper support or supervision, especially when requiring staff to work in areas for which they are not properly trained, qualified or experienced.
- Overloading staff with work
- Setting unreasonable targets, especially when there are penalties for failing to reach them.
- Encouraging a long hours culture and expecting staff to work long days, take work home or work weekends to the detriment of their family and social life.
- Not permitting sick leave or holiday. (We heard of a case where an employee was not allowed to take time off to attend his mother's funeral.)
- Constant threats of redundancy or sacking.
- Excessive monitoring of work and lack of trust.
- Constantly criticising work, especially in front of others. Often this criticism is unjustified and the employee is given no opportunity to respond.
- Failing to give praise or thanks where it is due.
- Sexual or racial abuse or harassment.

Bullying is something that usually goes on for a long time, and there seem to be several types of bullies. He/She is either a "serial bully", selecting one "victim" in the office and bullying them until they leave, then selecting another apparently randomly, or an "Aggregate bully", bullying everyone around him/her. We often hear that the bully has picked on others also, or is currently doing so, and frequently there seems to be no apparent reason or pattern. Where there is a reason for the behaviour the most common ones seem to be a perceived threat, personality differences, or simply a desire to wield power.

The same UMIST study revealed that:

- One in four people report being bullied in the last 5 years.
- 75% of bullying is done by superiors
- The most common forms of bullying are "withholding information which affects your performance", "having your views or opinions ignored", "setting impossible targets or deadlines" and "being exposed to an unmanageable workload".
- Bullying results in poor mental and physical health for the target, but also higher sickness absenteeism, greater propensity to leave the organisation and lower productivity for other staff.
- Age, gender and ethnic background make very little difference with regard to who is likely to be bullied. However, diligent, well organised and conscientious workers are more likely to be bullied than those who take a more relaxed attitude to work.
- Most bullying seems to go on for some length of time, with almost 70% saying they had endured it for more than a year.
- Bullies rarely single out one victim. In over 75% of cases a small group of people, or even a whole department, were being bullied.

TACKLING THE BULLY

Unfortunately there is little anyone can do to change the behaviour of a workplace bully, but that does not mean there is nothing you can do to help yourself deal with the problem.

- Remind yourself that you are an intelligent and highly qualified professional. Think about your achievements - even list them on paper - and allow yourself to feel pride.
- Make time for social activities, put your energy into something you are good at and spend time with people who enjoy your company and are able to say so.
- Ask yourself what the bully's problem is. Is he or she jealous of your skills, or trying to cover for his own inadequacies by exercising power over another? Does he even realise that he is perceived as a bully, or does he believe he simply has a "firm management style"? The bully is only human, and understanding the reasons he behaves the way he does may help you to deal with it.
- Make careful notes in a diary about the bullying behaviour, writing down dates, times and people involved in each incident. This could be invaluable later, and it may prove cathartic for you. Be sure to keep any evidence, such as malicious emails or unfair written evaluations.
- If you feel able to do so, tell the bully how you feel about his or her behaviour, if for no other reason than making the situation clear – see "Talking to the Bully" on the next page.
- If there are channels available to you by which you can complain to someone in authority, then use them. Think carefully about who to report to – is one partner more likely to be sympathetic than another, for example? Show them your detailed notes of the exact nature of the bullying behaviour and calmly explain why such behaviour is unacceptable, and how it is detrimental to your work. If you have confronted the bully then make it clear that you have done so to no avail. If you have a suggestion for dealing with the problem – such as a departmental move – then make it. Make notes of the conversation and any promises made, and if nothing is done then try taking your grievance to someone else.
- Has anyone else suffered at the hands of the bully? Speak to them about taking action together. If anyone has left because of the problem then it may also be worth contacting them to discuss the situation – it may provide you with another bargaining chip.
- Consider taking more decisive action. Might there be a constructive dismissal claim? Are partners failing in their obligations to you by not stopping the bullying behaviour? Members of the Solicitors' Assistance Scheme give free help to other solicitors on many issues including harassment and employment problems. Call 020 7117 8811.
- If you believe your health has suffered in any way as a result of the bullying – problems concentrating and sleeping are often the first symptoms of clinical depression – then speak to your GP.
- The Andrea Adams Trust is a UK charity dedicated to workplace bullying. Their helpline number is 01273 704 900 and their website is at: www.andreaadamstrust.org. Other helpful websites include www.selfcareconnection.com/workplace_bully.html and www.kickbully.com.

TALKING TO THE BULLY

Strange as it may seem, there may be people who have no idea that what they call a “firm management style” seems like bullying to those around them, or are so insensitive or thick-skinned that they do not realise that their criticism upsets others. In some cases speaking to the bully about his or her behaviour can help. Even when it does not, the first thing you will be asked when you take action against the bully will be whether you have explained the situation to him or her.

Confronting the bully needs to be approached with great care, however. Be clear what you want to achieve by doing so, and rehearse what you will say. Don't do it at a time when you feel vulnerable or emotional, and if possible choose a place that is both private and neutral – don't go to the bully's office. Enlist the support of a friend, colleague or union rep if possible.

Stand up when you speak – this gives you confidence, especially if the bully is seated, and also makes it easier to walk away should the situation become uncomfortable or threatening. Make your point clearly, and include what you intend to do about the situation. “I believe your constant criticism of my work is unfounded and it makes me feel disparaged and upset. I know that my work is fine and would appreciate your not using that tone in future.” If you feel you have established the reason for the behaviour, then you might express this - “I believe you criticise me because you know that your own work is not up to scratch and want to draw attention away from it.” You could perhaps add a solution to give the bully a “get out clause”. “I would be happy to give you additional training or guidance so that you can improve the standard of your own work.”

End by explaining what you plan to do. “If your behaviour has not changed over the next two weeks I will be making an official complaint to the Senior Partner/Head of Chambers about it.” You may also consider demonstrating your control of the conversation by asking “Do you have any comments to make?” “Am I making myself clear?” Don't let the situation become threatening or confrontational. Once you have made your point and given the bully a chance to indicate that he/she understands, walk away. Make detailed notes of the conversation as soon as possible afterwards, and “debrief” with your friend or colleague.



HOW CAN LAW CARE HELP?

LawCare is an independent charity that supports lawyers with health problems – including the stress caused by bullying. We operate through a free confidential helpline which is available 9am – 7.30pm Monday to Friday, and 10am – 4pm at weekends. Numbers to call are given on the front of this document,

We cannot make the problem – or the bully – go away, but we can give you information about safeguarding your mental health, learning to say “No” and coping with stress. Just talking matters through frequently helps, and if appropriate we can put you in touch with another lawyer who has experienced such problems and who will be willing to offer you support and friendship.

Counselling can often help to restore your self-confidence and put the problem into perspective. Again, it cannot change the bully, but may equip you with the skills you need to deal with the matter yourself. Lawcare has a database of counsellors, many of whom have personal knowledge of the legal profession. The counsellors all operate on a private client basis, so there will be a charge for their services, but counselling may be available free on the NHS through your GP.

If all else fails, then you may need to consider voting with your feet and seeking new prospects elsewhere. This can seem a huge step, and you will not be considering it lightly. You may worry that it will be difficult to find another job, especially if you are under a training contract, but your own well-being and mental health have to come first.

There are plenty of channels to help you find alternative employment, and we can give you names and numbers of helpful organisations if you need them. At LawCare we can also provide you with the support and encouragement you may need during this transition period. If you are disillusioned with the profession as a result of your experience of bullying, then ask for our information on Alternative Careers.

For Partners, Heads of Chambers, Managers and Employers

Employers have a duty of care to their employees, and permitting bullying to go unchallenged can have severe detrimental effects on the firm/chambers, including unlimited claims for compensation. A commitment to anti-harassment and bullying in the firm is an essential part of risk management.

It has been suggested that there should be an open door policy for all employees/members where staff are comfortable raising any issues which they may have regarding colleagues or the running of the firm. Inevitably the policies and procedures must vary from firm to firm according to its size and structure.

ACAS publish a very helpful booklet called “Bullying and Harassment at Work”, with versions available for managers/employers and employees. Call the ACAS helpline on 08457 474747, orderline on 08702 429090 or visit www.acas.org.uk.