

Procedures on work-related bullying complaints. Critical points

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1. Setting up procedures or not

- When employers know or should know that one or more workers are subject to bullying behaviours they have the duty to protect their right to dignity and their right to health at work
- Procedures establish how to act on these situations. Otherwise employers should improvise what to do
- Only a few National legislations requires to design procedures. Some International instruments recommend it
- In any case, implementing procedures on bullying disputes of any kind is logical and advisable

2. Preventive aims of procedures

- Complaints based on simple suspicions or hints sometimes are not be admitted because the agents consider that harassment must be already accomplished or there must be clear evidence from the start. In this manner, prevention actions could not be achieved ever.
- Harassment behaviours are usually developed on scale and reach a point in which the position of the parties is irreconcilable.
- The time for intervention must be prior to the phase in which the conflict is already irreversible.
- For that reason, it is convenient to have flexibility in the admission of the complaints in order to achieve the preventive aims

3. Workers' agreement

- Employers may establish procedures without workers' agreement
- However, the agreement frequently ensures that the procedures will be used by workers

4. Management by trained persons

- The lack of training or knowledge of those who manage the procedures could affect the proper understanding of the complaints and the nature and purpose of these procedures.
- Sometimes companies look for external consultants to review the situation.
- An expert should not play the same role nor apply the same techniques than a mediator in labour disputes. The particularities of the bullying complaints should be taken into account since the position of the parties is not equal.

5. Violation of Privacy

- It is suitable to proceed with the necessary discretion to protect their dignity and privacy. No information should be disclosed to parties which are not involved in the case
- It is suitable that this rule is explicitly stated in writing for all persons involved. Confidentiality should also encompass witnesses in order to avoid the risk of being subsequently retaliated or persecuted.
- However, it should be considered that the **knowledge of success stories** can have a positive effect to encourage other workers to use these procedures and the employer could publish periodic reports for disclosing good results

6. Avoiding delays and interruptions

- Complaints should be investigated and dealt with without undue delay.
- A time scale should be foreseen to avoid confusion and delaying manoeuvres in the form of appeals and complaints that may take time to be resolved.
- The slowness in the resolution of these conflicts is precisely one of the situations that the implementation of these procedures intends to prevent.
- A frequent anomalous management of these processes could highlight the problem of a lack of commitment of the employer in these forms of intervention.

7. Lack of impartiality and neutrality of the managers

- All parties involved should get an impartial hearing and fair treatment.
- It occurs when the investigation or conduction is entrusted to the hierarchic of the person complained
- Or when this person belongs to the top management staff of the company, as it happens frequently in small businesses.
- A subsidiary system of public procedures on bullying complaints could solve this problem

8. Adoption of appropriate preventive measures

- **If harassment and violence has occurred**, appropriate measures will be taken in relation to the perpetrator(s).
 - This may include disciplinary action up to and including dismissal.
 - The victim(s) will receive support and, if necessary, help with reintegration.
- In any case, whatever the final outcome, the preventive aim of the procedure should not be forgotten and that occurs when it ends with a simple **verdict of guilt or innocence** of the person reported without taken preventive measures in order to avoid or mitigate psychosocial risks factors identified during the process.