

Cyber-bullying: the invisible hand of bullying

With the emergence of the Internet, social networking sites and chat rooms such as Facebook, Bebo and MySpace the everyday use of emails, mobile text and photo messaging, a 21st Century hazard has arrived in the guise of Cyber-bullies.

Often mentioned in the Press as an issue generally affecting primary and secondary school children through the use of mobile phones recording 'happy-slapping' attacks, cyber-bullying is increasingly being reported as the latest health and safety hazard by members in further and higher education who are often the target of students (current and past) spreading malicious and unfounded comments and employers have a duty of care to ensure that employees are working in an safe environment free from any form of harassment.

Victims of bullying and harassment will experience the same feelings of fear, intimidation, stress, low morale etc regardless of the method being used. The *difference* is that by using information systems such as these to cause harm, the victim has no control over who else has access plus there is a misconception that because cyber-bullies are able to target their victims anonymously, there is less of a chance to identify who the bully actually is.

Employers can take immediate steps to have the offending material removed from websites but making a request for information to be removed is not enough. The employer should make sure that the offensive material has been removed and that the web pages have been 'uncache'. This will disable the web page from displaying the offensive material and stop further users from using search engines to locate the pages

If the bully has been identified then action should be taken for breaches of policies.

As with all hazards, bullying (in whatever form) should be treated as a health and safety hazard and risk assessment methods should be used to prevent and control it.

Step one: Identify the hazard

Anyone who humiliates or undermines staff, sets unreasonable deadlines or targets, shouts at staff or makes veiled threats or commits other acts characteristics of bullying and harassment is a workplace hazard.

Step two: Identify who might be harmed and how

The staff at risk are those on the receiving end of this behaviour who may start to show the usual symptoms of bullying and harassment-induced stress and anxiety.

Step three: Evaluate the risk

The risks to those affected will increase over time if the bullying and harassment is not challenged and staff remain unsupported by their employer's failure to recognise the hazard and respond appropriately. Staff concentration will suffer, sickness absence will rise and long term health effects can result.

There is a growing body of evidence as to the health hazards of bullying and the HSE regard it as a major cause of workplace stress. Moreover such effects can have a knock on effect on teaching, research and support to students.

Step four: Record the findings from the evaluation and tackle the hazard

Staff affected by bullying or harassment should record it. UCU reps should collate it and consider a survey either of the department, faculty or site affected or of the institution as a whole, identifying 'hot spots'.

Most education institutions have a policy on 'bullying and harassment' or on 'dignity at work'. It should set out how those being bullied can raise their concerns and how those accused of bullying should be treated, including awareness training for all managers and disciplinary action for staff where appropriate. It should set out procedures for monitoring bullying and harassment and the sanctions those inflicting such detrimental action on staff will face.

Harassment is often linked to discrimination on the basis of gender, race and ethnicity, disability, sexual orientation religion / belief or age so equality policies may also be relevant.

Those procedures should be applied and appropriate sanctions implemented against those causing distress and ill health to staff.

Step five: Review the risk assessment

A few months after the incidents (or incidence) of bullying have been identified, evaluated, and action taken to prevent the hazard, it is important to review whether, in the department or group of staff affected, sickness absence has reduced and bullying ceased. If it has not then it will be necessary to return to step one again.

It is equally important that victims receive support. Members are reminded that the College and University Support Network (CUSN) offers free 24hr support services to all staff in further and higher education and their families, including confidential counselling, solution-focused counselling on personal and workplace issues.

Key points to aid members in combating cyber-bullying in the workplace

1

The first thing to do is do not ignore it, report it! Inform your UCU H&S Rep and your employer giving full details of the offending remarks being made and web site location.

2

We advise that your employer instigates an investigation which should be undertaken by a senior manager or appropriate person i.e. one with responsibility for e-safety and/or health and safety issues.

3

Refer to the university's policies (Health and Safety, Bullying and Harassment, Equality, Acceptable Use Policy). Read carefully what it says about all managers' responsibilities and how concerns should be raised. If cyber-bullying is not mentioned, you should raise this with your branch or local association who should address this jointly (with other unions) and with the employer.

4

Procedures for dealing with bullying and harassment should be invoked based on the findings of the investigation.

5

Your branch / local association and employer should review, monitor and evaluate procedures to ensure that they are effective.

There are legal routes available and members are advised to take advice from UCU before instigating any action. However, depending on the seriousness of the offence, there are ways in which the bully can be identified and action taken.

Under Section 1 of the Malicious Communications Act 1998 it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under Section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message which is indecent offensive or threatening.

If the e-mails, cyber-bullying etc. causes the victim to fear that violence will be used against them then the police can choose to charge the offender with an offence contrary to Section 4 of the Protection from Harassment Act 1997 which is punishable with up to five years imprisonment and also allows the court to make a Restraining Order.

The fact that an offensive telephone call, letter e-mail etc. may be received in the course of work and have been sent by a work colleague or manager does not justify the message or prevent it being an offence.

Offensive messages sent within the workplace can still constitute criminal offences.

If the e-mails, cyber-bullying etc. is racist in nature or motivated by religious hostility then charges could be brought of Racially or Religiously Aggravated Harassment contrary to sections 32(1)(a) or 32(1)(b) of the Crime and Disorder Act 1998.

Remember

- **Bullying and harassment is not to be tolerated**
- **Your employer has a duty of care to ensure that employees are treated fairly and to provide a safe working environment. Colleges and universities also have a duty to provide a working environment free of discrimination, and one where equality is promoted.**
- **It is against the law to use telecommunication equipment to harass or bully an individual.**
- **The Police have powers to trace the source of offensive behaviour and in turn prosecute, even if the offender uses an alias**

Further reading

Stopping bullying and harassment at work: a toolkit for UCU branch and LA officers
www.ucu.org.uk/media/pdf/f/0/bully_harass_toolkit.pdf

