Mediating Workplace Bullying
By Tony Buon

Workshop Agenda
1. Defining bullying & bullying myths
2. Profiling “the bully”
3. Mediating workplace bullying
Common Definitions

A bully is: a person who uses strength or power to coerce others by fear

To bully someone is to: persecute or oppress by force or threats, pressure or coerce a person to do something [Oxford English Reference Dictionary 1995]

Generic Harassment

It is best practice to regard workplace bullying as ‘generic harassment’ where the behaviour is not based on any specific characteristic of the recipient such as gender, race, disability, sexual orientation etc.

As such the same principles and definitions about harassment can be applied to bullying.
A Continuum of Behaviour

Workplace bullying should be inclusive of a spectrum of subtle, covert and unintended behaviours along with more overt and extreme behaviours not viewed primarily or only as a severe, deliberate or extreme form of behaviour.
What is workplace bullying?

Small group discussion

Myths & Facts 1

1. Bullying behaviour is not always conscious and deliberate
2. Behaviour can be intentional or not-intentional
3. Normally repeated behaviours but a single incident could constitute bullying
Myths & Facts 2

3. There is no evidence that the recipient’s personality or behaviour attracts bullying behaviour

4. The vast majority of people who use bullying behaviours are able to alter this pattern

5. People who use bullying behaviours come from all types of backgrounds and personality types

Profiling “the bully”

- Very few reliable or significant studies of people who have used or are using bullying behaviours
- There is no evidence of ‘predatory’ bullying being common and much workplace bullying is ‘unintentional’
- It is unlawful to harass someone - irrespective of intention
Impact of Profiling

1. The word ‘bully’ becomes overly toxic or watered-down
2. Makes it harder for people to speak up at work or engage the other person
3. Directs attention away from the real nature of workplace conflicts
4. Can make mediation impossible

Potential of Mediation

Mediation makes it possible to create a space within which both parties are able to explore their perceptions and understandings with each other and so increase the chances for a shared and mutual understanding to develop about what has occurred and how to move forward (Buon & Buon, 2007)
Bullying & Harassment

1. Early intervention essential
2. Assessment by managers & mediator
3. Not investigation
4. Power imbalances
5. Mediator impartiality
6. Neither party to be subjected to further harm or victimisation
7. Be aware of your own beliefs and knowledge about B&H
8. Specific mediation training needed

Pre-mediation:

1. Establish with referring manager precisely what has been said and what is known by all parties re bullying or harassment
2. Establish the history of the conflict and the interventions to date
3. Establish whether or not either party feels humiliated, embarrassed, oppressed, victimised, etc by the other’s actions
4. Establish whether either party would describe their experience as one of being harassed or bullied
Pre-mediation continued:

5. Without imposing any unwanted labels or judgements adjust any misconceptions they may have about the meaning of bullying & harassment i.e. organisational, legal, etc - Do Not Lose Impartiality

6. Observe whether either party uses intimidating or controlling behaviour

7. Where one party feels overly worried about being in the same room as the other person, explore use of shuttle mediation

Pre-mediation continued:

8. Be aware of pressures by a Commissioning Manager to get it sorted to prevent a formal grievance or investigation

9. Be aware of motives of both parties. Is it a good faith decision to attempt mediation?

10. Be very explicit about their expectations and the role and purpose of mediation
Party A feels bullied by Party B and has told their Manager.

Party A wants to try mediation to find out why he/she was targeted and to get an apology.

The Mediator is going to meet with Party A in a Pre-Mediation interview lasting 5 minutes.

Party B has not been told by their Manager about the 'Bullying' allegation, just that there were 'complaints' about their behaviour from Party A.

They have agreed to mediation to 'find out what is going on'.

Questions?

More Information?

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References
Rayner C, McIvor K (2006) Report to the dignity at work project steering committee, research findings Portsmouth University Business School

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