

Workplace Bullying: the Endgame

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Abstract: Research from around the world indicates that workplace bullying is endemic. Evidence suggests that a significant number of managers intimidate, humiliate, oppress and ostracise their subordinates. Why do they do this and how do they get away with it?! The principal aim of this qualitative research is to find out. After identifying a considerable number of ways in which bullying is manifest, the deleterious health consequences for targets are examined: exposure to excessive, prolonged stress can be lethal. At the very least, bullying undermines employee wellbeing and damages the organisational culture. This, in turn, tends to diminish the productivity of the organisation as well as increasing its exposure to litigation. In order to find solutions, it is necessary to acquire deeper insight into the causes of the abusive behaviour. To this end, one possible explanation is postulated through examination of the personality traits and conditioning associated with authoritarian leadership. The author suggests ways in which callous disregard for others can be mitigated by drawing upon the latest psychological research findings. The author also evaluates the sufficiency of the legal protection of employees from bullying, using the UK as a microcosm. It is evident that not enough is being done in the UK to ensure health and safety compliance with regards to protection from intimidating behaviour, although there are some promising initiatives in Europe and the US. Typical internal workplace 'grievance' procedures are also examined and practices which skew the outcome in favour of the employer are identified. The paper concludes by identifying avenues of further research into recruitment, orientation, training and appraisal strategies which might be usefully implemented to encourage ethical leadership. A key objective of this paper is to provoke discussion about the state of play in other countries and share best practice in promoting healthier workplaces.

Keywords: workplace bullying and harassment; corporate psychopaths; occupational stress; employment law; ethical leadership; employee wellbeing and dignity

"O mundo é de quem não sente."

Bernardo Soares: 17th January, 1932

1. Introduction

"The world belongs to the one who does not feel." This proposition offers insight into the phenomenon of workplace bullying; it originates from one of the most lucid explorations of the human condition ever written: "The Book of Disquiet". Within its pages, the Lisboetan philosopher, Fernando Pessoa, contemplates everyday life through a 'mutilation' of his personality: Bernardo Soares. In one vignette, Soares reflects upon the unscrupulous behaviour of his boss, Senhor Vasques. The latter has just made a good business deal for himself which, incidentally, happens to be ruinous for a sick man and his family. It is clear that Vasques has forgotten to consider the sick man as anyone other than a business rival. Soares does not regard his boss as 'a bad man'.

He simply observes that the person who feels nothing has the whip hand: those who pursue power - business leaders and industrialists - share a necessary aloofness, a kind of insensibility, from their own actions. The implication is that the essential condition for being a successful person, a leader, is the absence of compassion. It is the very inability to imagine others' personalities, their passions, their hopes, their fears, their joys, which makes them winners: "The one who orders does not feel. The one who succeeds thinks only of what is required to succeed. The rest of us who make up common humanity - amorphous, sensitive, imaginative and fragile - are nothing more than the backdrop against which these actors are projected until the puppet show ends. We are the chequered board upon which the chess pieces move until they are put away by the Great Player..." (Pessoa, 2013).

In this paper, the first of a series, the author will investigate the nature of workplace bullying at the hands of the Great Player. We will consider how bullying by managers is manifest and its impact on targets, co-workers and wider society. Indifference as a cause of unethical behaviour will be posited with reference to personality traits and the conditioning of leaders. The UK will be used as a microcosm to examine the legal duties of employers before considering why bullying behaviour so often goes unchecked. Finally, techniques will be suggested to help improve working conditions and productivity.

2. Workplace Bullying: Nature and Manifestation

Workplace bullying is a common form of organisational violence: it is estimated that 27% of US workers have suffered it, another 21% have witnessed it and 72% are aware that it occurs (Workplace Bullying Institute (WBI), 2014). In the UK, a survey indicated that six out of ten public sector workers had either been bullied themselves or had witnessed bullying in their workplace during the previous six months (UNISON, 2011). Empirical evidence suggests that about three quarters of bullying is perpetrated by 'superiors', rather than co-workers or subordinates (TUC, 2005). This is hardly surprising due to the imbalance of power in the leader-subordinate relationship. After all, it is the leader - the Great Player - who has the power to issue rewards or punishments, and generally enhance or diminish the wellbeing of subordinates.

Although there is no universally accepted definition of workplace bullying, it is characterised by "intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient" (ACAS, 2015). The harm tends to be psychological rather than physical; unjustified behaviour tends to be repeated, although it can take the form of a one-off incident (Olweus, 1993). It is initiated by the Great Player who selects the timing and nature of the abuse. The Great Player is opportunistic, alighting upon a day's absence or the most trivial transgression to offer the opening gambit. As we can see from the 'tactics' listed below, bullying manifests itself in a variety of ways ranging from the "subtle to the blatant" (Lipinski et al, 2014). The former is particularly insidious and often goes unnoticed and unchecked to the frustration of targets (Francis, 2013).

The most common behaviour reported in a survey conducted by the US-based Workplace Bullying Institute (WBI) follows:

- 1 Falsely accused someone of "errors" not actually made (71 %).
- 2 Stared, glared, was non-verbally intimidating and was clearly showing hostility (68 %).
- 3 Discounted the person's thoughts or feelings ("oh, that's silly") in meetings (64 %).
- 4 Used the "silent treatment" to "ice out" and separate from others (64 %).
- 5 Exhibited presumably uncontrollable mood swings in front of the group (61 %).
- 6 Made up own rules on the fly that even she/he did not follow (61 %).
- 7 Disregarded satisfactory or exemplary quality of completed work despite evidence (58 %).
- 8 Harshly and constantly criticized having a different standard for the target (57 %).
- 9 Started, or failed to stop, destructive rumours or gossip about the person (56 %).
- 10 Encouraged people to turn against the person being tormented (55 %).
- 11 Singled out and isolated one person from co-workers, either socially or physically (54 %).
- 12 Publicly displayed "gross," undignified, but not illegal, behaviour (53 %).
- 13 Yelled, screamed, threw tantrums in front of others to humiliate a person (53 %).
- 14 Stole credit for work done by others (47 %).
- 15 Abused the evaluation process by lying about the person's performance (46 %).
- 16 Declared target "insubordinate" for failing to follow arbitrary commands (46 %).
- 17 Used confidential information about a person to humiliate privately or publicly (45 %).
- 18 Retaliated against the person after a complaint was filed (45 %).
- 19 Made verbal put-downs/insults based on gender, race, accent, language, disability (44 %).
- 20 Assigned undesirable work as punishment (44 %).
- 21 Created unrealistic demands (workload, deadlines, duties) for person singled out (44 %).
- 22 Launched baseless campaign to oust the person; effort not stopped by employer (43 %).
- 23 Encouraged the person to quit or transfer rather than to face more mistreatment (43 %).
- 24 Sabotaged the person's contribution to a team goal and reward (41 %).
- 25 Ensured failure of person's project by not performing required tasks, such as sign-offs, taking calls, working with collaborators (40 %)(WBI, 2008).

Unfortunately, such tactics will resonate with many employees. The Great Player's repertoire also includes manipulation of redundancy criteria and scores, delaying or withholding the approval of reasonable requests such as applications for leave, moving the target to a less pleasant working environment (such as a windowless basement room) plus relentless scrutiny and removal of autonomy ('micromanagement'). We will now briefly consider the impact of bullying on targets, co-workers and the organisation.

3. Workplace Bullying: Consequences

3.1 The Target

Bullying endangers the target's dignity, reputation and self-esteem and, if not dealt with properly, it is a potential source of work-related stress (Lipinski et al, 2014). At the very least, it is offensive to the target. In one poll, targets identified the following as the worst aspects the phenomenon:

- 1 Being accused of incompetence when I possessed more technical skills than my accuser
- 2 Being humiliated in front of co-workers
- 3 Feeling ashamed though I did nothing wrong
- 4 Management ignoring my complaint
- 5 Having co-workers ostracize, exclude & reject me
- 6 Retaliation that followed my complaint (WBI, 2014)

Earlier research (WBI, 2003) had already identified the competence of the target as a catalyst for bullying. It would appear that the Great Player may be jealous of the target's superior skills and/or perceives capable

individuals as a threat, presumably in case the Great Player appears to be less 'great' in comparison. Bullying is often the response of an insecure and /or inept manager to perceived criticism from a subordinate. Naturally, to be accused of incompetence is "dissonant with everything the target has known about her or himself for an entire work career. It would be laughable were it not for the power the perpetrator wields to act in accordance with the lie" (WBI, 2014). The Great Player's next move is predictable: the co-opting of human resources management (HR) to initiate some kind of disciplinary process or performance improvement plan. Once an accusation of incompetence is made, the target loses credibility with management and co-workers leading to undeserved shame: "The lies, humiliation, shame and exclusion are the most insufferable aspects of bullying and define the experience [...] It is more offensive to bullied targets to be ignored by management than by HR. Perhaps so little is expected of the latter group" (WBI, 2014). In the author's opinion, effective HR strategies are key to the containment of the Great Player, a subject to which we shall return when seeking solutions.

Anxiety and depression take root when our world view is challenged and we find that we no longer fit the universe as we perceived it to be (Rowe, 1978). Workplace bullying is an extreme stressor: a person placed in a threatening situation gears us up for 'fight or flight'. This response is a normal, temporary reaction to danger. However, it is widely accepted that if triggered too often over prolonged periods, it can lead to a constellation of symptoms including insomnia, psychiatric disorders and physiological aging (Lipinski, 2014). In one study, targets of bullying scored higher on post-traumatic stress scales than comparison groups including parents of schoolchildren involved in a serious bus crash and personnel following service in a war zone (Matthiesen et al, 2004). In extremis, it has led to self-destruction or 'bullycide'. One such case is Kevin Morrissey who shot himself after alleging that he was being bullied by his 'boss' at a US university. It was reported that Nina Brown's self-help guide - *Working With the Self-Absorbed: How to Handle Narcissistic Personalities on the Job* - was found on a bureau in his bedroom (Wilson, 2010).

3.2 The Workgroup

Bullying is divisive: fear spreads throughout the workgroup and shifting alliances form on the chessboard. The Great Player surrounds him/herself with a compliant clique of 'pawns'. Witnesses, who might ordinarily intervene to halt antisocial behaviour, become passive bystanders in the workplace: when one's own job is at stake, collectivism crumbles. Belief in a 'just world' (where 'the bad' are punished and 'the good' rewarded) is undermined. Even those not directly involved can be adversely affected by the aggressive behaviour (Sprigg, 2015).

3.3 The Organisation

Bullying by managers has been shown to reduce commitment to the organisation whilst increasing employee 'burnout', absenteeism and turnover (Donohoe et al, 2014). Furthermore, when the Great Player's personal agenda conflicts with that of the organisation, legitimate business interests will be undermined. The Great Player does not care.

3.4 The Perpetrator

The Great Player is also likely to exhibit elevated levels of stress (Balducci et al, 2012) and interpersonal problems (Glaso et al, 2009). This has been attributed to a deficit of positive social problem-solving skills which, not only inhibits co-operation in the workplace, but also the formation of normal emotional attachments (Lipinski, 2014).

3.5 The Wider Community

We do not live in isolation and the effects of bullying ripple out to family, friends and health services.

In conclusion, workplace bullying leads to negative experiences for all those involved. In the next section, one particular cause of the Great Player's behaviour is postulated: lack of empathy, the precursor to compassion.

4 Workplace Bullying - a Cause

Sensitivity to the emotions of members of the same species facilitates communication that is necessary for an adaptive social life. Even rats appear to exhibit compassionate behaviour, forgoing a treat in order to rescue a distressed cage-mate (Sato, 2015). It has been identified that bullies lack social problem-solving skills. Could it be that the Great Player has an Antisocial Personality Disorder (APD)? An APD is diagnosed when there are "either extreme or significant deviations from the way the average individual in a given culture perceives, thinks, feels, and particularly relates to others" (WHO, 2003). Some medical professionals distinguish APDs from mental illness by their enduring, potentially life-long nature and the assumption that they represent extremes of normal variation rather than a morbid process of some kind (Kendell, 2002). Indeed, it has been argued that several of the characteristic features of APD, such as manipulation, aggression and deception, were originally successful predatory strategies (Kendell, 2002). In other words, the Great Player may be an atavistic phenotype¹ of prehistoric humanity. The disquieting proposition quoted at the start of this paper suggests that 'not caring' also appears to offer an advantage in the modern business world. Indeed, we can find evidence for this in the disproportionately high number of corporate psychopaths operating in the higher echelons of organisations (Boddy, 2005). Psychopathy is an extreme APD characterised by a profound lack of empathy, callous disregard for others and a severely diminished capacity for remorse (Hare, 1991). Unsurprisingly, there is a positive correlation between the presence of psychopaths in an organisation and a culture of employee harassment and humiliation (Boddy, 2005). However, psychopaths tend to operate under the radar, being consummate liars who are able to present a "facade of normalcy" (Boddy, 2005). They adopt an authoritarian management style, but appear charming and reasonable to superiors. Known as "kiss-up, kick-down" managers, they "centralise credit and ... devolve blame" (Francis, 2013).

Furthermore, empirical research has demonstrated that the assumption of a position of power ('bully pulpit') induces a psychological state which reduces the "tendency to comprehend how other individuals see the world,

¹ The expression of characteristics resulting from the effect of the environment on genetic proclivity.

think about the world, and feel about the world" (Galinsky, 2006). This appears to be an adaptive 'efficiency' response: "...by not attending to the concerns of other people, the powerful can plunge headfirst into action and pursue goals without restraint" (Galinsky, 2006). Unfortunately, the inability to appreciate the perspectives of others can lead to malfeasance, including the bullying tactics identified above. Considering the gravity of the consequences of workplace bullying, it is important to understand why such behaviour so often goes unreported and unchecked. In the next section, we will consider the legal position in the UK where it is not uncommon to encounter an "abrasive management style: fault-finding [...] rather than praise and reward" (Cooper, 2015).

5 Workplace Bullying: is it Illegal in the UK?

5.1 Law

Unhelpfully, the UK government website states that "[b]ullying itself isn't against the law, but harassment is" (UK Government, 2015). The term 'harassment' appears in two statutes:

Firstly, pursuant to the Equality Act 2010, 'harassment' is "unwanted conduct related to a relevant protected characteristic", such as gender or race, which has the purpose or effect of violating a person's dignity or "creating an intimidating, hostile, degrading, humiliating or offensive environment" for the target. Bullying behaviour can fall within its ambit, but it offers no protection from status-independent harassment.

Secondly, under the Protection from Harassment Act 1997 (PHA), it is a criminal offence for a person to knowingly pursue "a course of conduct which harasses or alarms another or which causes that person distress" on at least two occasions. The Act also provides for civil remedies such as compensation. The case of *Green v DB Group Services (UK) Ltd* [2006]² illustrates the multiplicity of justiciable claims arising from bullying and harassment in the workplace. The judge found that the employer was vicariously liable under the PHA for the "relentless campaign of mean and spiteful behaviour" perpetrated by its employees. In addition, the employer was liable for negligent failure on the part of management and HR to take adequate steps to protect the claimant from such behaviour. The judge also acknowledged that the employer had breached its contractual duties to take reasonable care for the health and safety of employees at work. However, successful cases rely on concrete evidence which presents a problem where bullying is subtle and/or camouflaged under the guise of performance management. Ironically, the greater the claim, the less able the claimant may be to cope with litigation due to the traumatic effects of bullying. Stressful adversarial proceedings can trigger unpleasant flashbacks and may hamper recovery. Claims also have to be financed.

5.2 Workplace Justice

In the UK, employees are encouraged to settle their grievances informally with their line manager (ACAS, 2015) which poses a problem if s/he is the perpetrator. The target may well fear reprisals or being branded a 'troublemaker' as claimed in the *Green* case. The majority of those polled in a survey said they would be too

² Case citation: EWHC 1898

scared to raise concerns over bullying (UNISON, 2011). Furthermore, anecdotal evidence suggests that senior managers and HR may be complicit in protecting more senior workers. During meetings, the target has the right to be accompanied by a union representative (presupposing union membership and availability) or a co-worker (Employment Rights Act 1999, section 10). Within a hostile workplace culture, it can be tricky to find the brave co-worker who is willing to risk being tarnished by supporting the target. For the sake of transparency, meetings susceptible to distortion should be audio-recorded, yet many employers forbid this. At the very least, an independent person should take minutes and their accuracy should be agreed by all parties. Retention of inaccurate minutes violates data protection principles. It would be interesting to discover how often employers use their own staff to act as minute-takers, thereby introducing the risk of bias.

Implicit in any informal or formal internal grievance process is 'inequality of arms': most employees have scant knowledge of relevant law and represent themselves whereas many employers have recourse to their legal/HR departments. In contrast to mediation, where both sides are helped to achieve an agreed outcome, the formal grievance process is adversarial. Employer and employee are pitted one against the other. Cases are stated, evidence is tested and it is decided whether the grievance is upheld or not. According to the principles of natural justice, decision-makers should be unbiased and act in good faith. This implies that those deciding grievance (or disciplinary) hearings should be completely independent of both parties i.e. not on the payroll, but how often is this the case? This is an area for further research. Unfortunately, the fundamental right to a fair trial does not apply to the grievance process as it is not a judicial process (European Convention on Human Rights, Article 6). Another hurdle for the target is the lack of concrete evidence of subtle bullying tactics; co-workers are unlikely to act as witnesses as it may jeopardise their own careers. It is recognised that the recent recession has exacerbated the problem as higher unemployment levels force workers to endure ill-treatment rather than put in a grievance or resign (ACAS, 2015). Unless the target has other income sources, it is a huge risk to resign without first securing a new job. Although an employee can claim compensation on the basis that s/he has been 'constructively dismissed' by reason of the employer's conduct, the burden of proof rests on the employee.

In conclusion, bullying behaviour can incur both criminal and civil liability for the Great Player and his or her employer. However, fear of reprisals, inequality of arms, the risk of unemployment, pecuniary disadvantage and the harrowing experience of bullying all hamper access to justice in the UK. Notwithstanding this, there are some promising developments. For example, there is a shift towards protecting human rights in the workplace such as the United Nations 'Protect, Respect and Remedy' Framework; also Article 31 of the EU Charter of Fundamental Rights states: "Every worker has the right to working conditions which respect his or her health, safety and dignity." In the US, 31 legislatures have adopted the Healthy Workplace Bill, an initiative to eliminate bullying (WBI). The author intends to elaborate on these developments in forthcoming papers in the series albeit the mills of legislatures grind slowly... In the meantime, we shall consider additional avenue of research into tackling unresolved issues of control, power and authority.

6 Workplace Bullying: Solutions

As Brendan Barber, former general secretary of the UK's Trades Union Congress (TUC), said: "Employers should be tackling bullying just as they would treat any other workplace hazard" (TUC, 2005). Failure to do so exposes the organisation to liability for enabling a health-harming, abusive work environment. Litigation is expensive and embarrassing. A survey revealed that 71% of HR personnel were aware that bullying was prevalent in their organisation (Personnel Today, 2004); this suggests that efforts to implement better internal correction and prevention mechanisms should be prioritised. Every organisation should have a written policy which distinguishes between bullying and legitimate management action together with a safe reporting system. Allegations of bullying should not be trivialised or handled unfairly. Decision-makers, mediators and those who record meetings should be truly independent of both parties.

6.1 Recruitment and Promotion

Leadership is a key determinant of employee wellbeing and yet captains of industry agree that managers lack social and interpersonal skills resulting in low productivity: "Wellbeing is not apples on the desk, it's how you treat employees" (Cooper, 2015). Organizations should select managers with personality traits which are antecedents of ethical leadership, including high levels of emotional intelligence, cognitive moral development, concern for people and a sense of responsibility. Psychometric instruments can provide a robust scientific underpinning to traditional recruitment tools and, properly administered, have been found to be a more accurate predictor of performance than qualifications, references and interviews (although the latter are complementary to the process) (Fox et al, 2000).

6.2 Orientation and Training

The entire staff should be trained to identify bullying tactics "to reduce the proclivity of individuals to engage in bullying behaviour and embolden would-be targets [and witnesses] to take appropriate action" before situations escalate (Lipinski, 2014). Line managers, in particular, should be imbued with a sense of responsibility to ensure that the workplace promotes good health and wellbeing; this includes identifying risks and adjusting working practices and patterns where appropriate to do so (Black, 2008). Increasing accountability appears to direct the attention of managers to other people's perspectives, checking and balancing the cognitive effects of power. The culture of the workplace may be a critical variable in determining when power leads to perspective taking and when it leads to egocentric self-focus (Galinsky, 2006).

Meditation techniques have been found to increase the engagement of neural systems implicated in understanding the suffering of others. This suggests that the ability to empathise can be trained "like a muscle" (Weng, 2013). In future, it might even be possible to train psychopaths to activate their "empathy switch" which "by default... seems to be off" (Meffert, 2013). The deficiency of social problem-solving and conflict resolution skills can be addressed through initiatives such as LEGO® SERIOUS PLAY® where the leader is encouraged to tap into the knowledge, expertise and imagination of the entire team. A more consultative, consensual leadership style develops from the Great Player's realisation that s/he is more likely to achieve his or her goals with every team member's input. Another useful intervention is 360-degree evaluation. As the name suggests, this involves

analysis of the subject's self-reflection plus feedback from subordinates, peers and superiors. Several studies indicate that it facilitates leadership development and/or appraisal because the subject's performance is viewed from different perspectives (Mathieu, 2013). Self-knowledge helps managers to understand their own behaviour; the recognition of traits they can rely on and which they should guard against may prevent moral derailment when under pressure.

7 Conclusion

Not every leader lacks empathy; not every manager is a bully. However, almost a century ago, a Portuguese philosopher recognised the propensity of the Great Player to be insensible to the effects of his or her actions. Unethical leadership is a menace due to its harmful effects on workers and organisations. Corporate social responsibility includes protecting employee wellbeing. Yet, workplace bullying is surrounded by stigma; it is discussed in hushed tones, too often ignored or trivialised by the very staff who should be tackling it. This reticence to intervene must be overcome if we are to create healthier workplaces and protect human dignity. It is now time for the Endgame: the application of developments in legal and scientific understanding to deliver power from the forces of corruptibility. A key objective of this paper is to provoke debate and share good practice from different jurisdictions in order to combat a scourge on society. The world belongs to everyone, not just the Great Player.

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³ Not an acronym; unison of three UK unions.

