

# Mental Health & Wellbeing at the Bar

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Bullying



Wellbeing  
at the Bar

# Bullying

*"Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient"*

- ACAS

The context is important when considering whether behaviour is bullying; justified and well evidenced performance management, making an official complaint or reporting misconduct (when done in good faith and with relevant evidence) is not bullying.

However, it is important to be clear; bullying cannot be passed off as 'strict' management practice. Many people find that they are being bullied by someone at a more senior level than them, for example a clerk being bullied by a barrister in their chambers or another member of staff. Inadequate people managers may resort to bullying tactics due to their inability to motivate and understand the people they work with. They may even seek positions of authority which enable them to bully without question or consequence. They may use the excuse that they are doing it for the person's own good and/or it is simply 'strong/robust people management style'.

Tim Field was a UK anti-bullying activist and expert in the understanding and tackling of bullying in the workplace. His personal experience of being bullied and becoming physically and mentally unwell as a result led him to create the excellent resources on [www.bullyonline.org](http://www.bullyonline.org), which you may find helpful if you feel that you are being bullied.

However, bullies are not always in a position of hierarchical authority. Power works both ways and the bully may be a subordinate. In this instance bullying may be about the more junior person making false claims against their senior, spreading rumours or encouraging others who may have an unsubstantiated grievance against the person.

## What does bullying involve?

- Persistent unreasonable behaviour by a barrister or other member of staff preventing you from being able to do your job
- Persistent attempts by a barrister or other member of staff to undermine you in such a way that it prevents you from being able to do your job
- Isolation or being ignored as a result of unreasonable behaviour
- Unwanted physical contact
- Unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander
- Isolation or non-cooperation and exclusion from social activities
- Pressure to take on work you cannot accommodate
- Personal intrusion from pestering, spying and stalking
- Failure to safeguard confidential information
- Shouting and/or directed angry outbursts either in front of others or one to one
- Setting unrealistic deadlines
- Persistent unwarranted criticism
- Personal insults

## What is the difference between bullying and harassment?

Harassment is behaviour against an individual that is based on the grounds of specific characteristics as recognised in the Equality Act 2010. These protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation (CIPD, 2016).

Harassment also includes sexual harassment, which could be something as basic as lewd comments in the clerks' room on a regular basis.

Bullying is not defined in employment law which this can make it more difficult to define, especially as it is often a slow process of undermining or belittling behaviour which may go unnoticed by others. The list above gives you a sense of what is meant by bullying and may come in one or more than one of these characteristics.

## The health impacts of bullying

Being on the receiving end of bullying behaviour has long-term negative consequences to physical and mental wellbeing. A state of 'high alert' is often experienced by bullied individuals, where they feel they can never let their guard down around others and are in fear of the next comment or action towards them. This hyper-arousal means the body is in a permanent state of distress – with elevated cortisol and adrenalin levels. People experiencing bullying may find they have constant tightness in their muscles and frequently feel aches and pains. Headaches, migraines, gastrointestinal problems and frequent colds and flu (due to reduced immunity) are not uncommon symptoms. This mental and physical state is directly linked to long-term negative impacts to our health and wellbeing. See here for further information on [typical signs and symptoms of stress](#).

## How can I be sure I am being bullied?

Bullying is obvious when it is in the school playground. As adults, bullying is often more insidious, particularly in the workplace. It is possible for the person being bullied not to realise what is going on for some time. They may ignore the signs because they are convinced they cannot possibly be a victim of this destructive behaviour. Feeling shame and guilt about being bullied is perfectly natural and understandable. It is not unusual for those experiencing bullying to blame themselves and justify the bullying with some personal flaw; 'I've never been assertive. If I was better able to stand up for myself this wouldn't happen', 'I need to be stronger'.

## Who are bullies?

Bullies can often appear charming, erudite, articulate and socially adept. They are often well educated and highly intelligent. This type of bully appears within the definition of sociopath. *A sociopath - a person with a personality disorder manifesting itself in extreme antisocial attitudes and behaviour.*

Research demonstrates that they frequently seek positions of power in business and industry. The predatory nature of these individuals means that they derive pleasure from belittling, confusing and humiliating their victims. Confronting the bullying behaviour of these people is usually fruitless because assertiveness and 'calling out' the bullying will be met with incredulity, flat denial and further manipulation.

This is in stark contrast to the non-sociopathic bully who when confronted is genuinely surprised, shocked and upset that their behaviour has had detrimental effects. In this case, perpetrators may be motivated to change and if so may be deeply apologetic.

## Self help

To establish what is really going on and take next steps, follow this advice:

- **Take a breath.** Find some space to think rationally and engage a calm approach.
- **Relax.** Immediately following a bullying experience, you are bound to feel highly emotional and stressed, try to consciously relax: you may even find some [deep breathing or muscle relaxation exercises](#) useful.
- **Remember it is not your fault.** You have done nothing to encourage this behaviour.
- **Consider your next step.** Contrary to popular belief confronting the bully might not always be the best solution and could make things worse. You may be worried about your career prospects or about the opinions of others.
- **Report it.** If your experience relates to chambers it may be appropriate to report the matter to your chambers' EDO, your senior clerk or the Head of Chambers.
- **Seek advice.** This might be your senior clerk, colleague, a member of chambers or a friend outside the profession. Ask them what they think of the behaviour. Are you being objective? Could you have made an assumption or jumped to conclusions?
- **Be clear of your facts.** Write down everything that takes place, when, where, who witnessed it and how you felt as a result. Remember to use any written evidence you can locate – emails, notes or anything else which puts in writing what the bully has done. This can be particularly useful in cases of 'cyber' bullying (bullying using text, emails or online media). You may start to notice patterns of behaviour and this evidence may be useful if you decide to confront your bully.
- **Find out appropriate complaints procedure.** Your chambers will have a policy that deals with bullying and you should read it and consider it.
- **Identify with others.** Is someone else also experiencing bullying from this person? Bullies tend to have more than one target and will quickly move on if that target is no longer around for any reason.
- **Remember.** Some bullies may have a recognised mental health condition or personality disorder that predicated behaviour.

## Where can I find out more?

- <https://www.youtube.com/watch?v=YmRKIZEXVQM>
- <https://www.youtube.com/watch?v=VZAn6x3yaYE>
- <https://www.youtube.com/watch?v=tIB1pFwGhA4> – for research carried out by Clive Boddy
- <http://www.americanbar.org/publications/youraba/2014/november-2014/bullying-by-a-and-of-lawyers.html>
- Psychopathy research: <http://link.springer.com/article/10.1007/s10551-015-2908-6> – psychopaths are drawn to CEO roles and law!
- <http://www.acas.org.uk/media/pdf/e/b/Seeking-better-solutions-tackling-bullying-and-il-treatment-in-Britains-workplaces.pdf>
- <http://www.bullying.com.au/workplace-bullying/index.php>