Workplace incivility: time for an organisational response?

Maria Strauss | March 2023

Last year, the CIPD published an excellent report on bullying and incivility at work.

Whilst the concept of bullying is well understood and good organisations have frameworks in place to tackle "bullying", the concept of "incivility", which may be defined as those lower-level behaviours (rude or discourteous interactions, social exclusion, interpersonal conflict), appears to be less discussed in HR and employment law circles.

What is workplace incivility?

The CIPD report discusses a range of behaviours.

It says that "workplace incivility [can] vary in intensity, persistence and frequency. It can include rude and discourteous behaviour, undermining people, bullying, aggression, harassment, emotional abuse, abusive supervision, social exclusion or interpersonal conflict. Some of these terms are clearly established constructs with key distinguishing features; others are used interchangeably and there is a great deal of overlap between them".

Workplace incivility: low-intensity deviant acts, such as rude and discourteous verbal and non-verbal behaviour towards a member of the team, group or organisation, with ambiguous intent to harm.

Social undermining: behaviour intended to hinder, over time, the ability to establish and maintain positive interpersonal relationships, work-related success, and a favourable reputation.

Abusive supervision: sustained hostile verbal and non-verbal behaviour, excluding physical contact.

Interpersonal conflict: a workplace stressor involving disputes between employees.

The report also defines bullying and harassment, but these terms are well understood so are not repeated here.

The CIPD report notes that:

- Workplace incivility has an indisputable negative impact on employees, teams and organisations. It is related to many attitudinal, behavioural and health-related outcomes, notably higher levels of anxiety, depression and burnout, reduced self-esteem, job satisfaction and performance, and increased absenteeism, presenteeism and turnover.

- Incivility from supervisors is found to be particularly impactful on attitudes and behaviour. In addition, as well as affecting the individuals on the receiving end, workplace incivility affects the wider team.
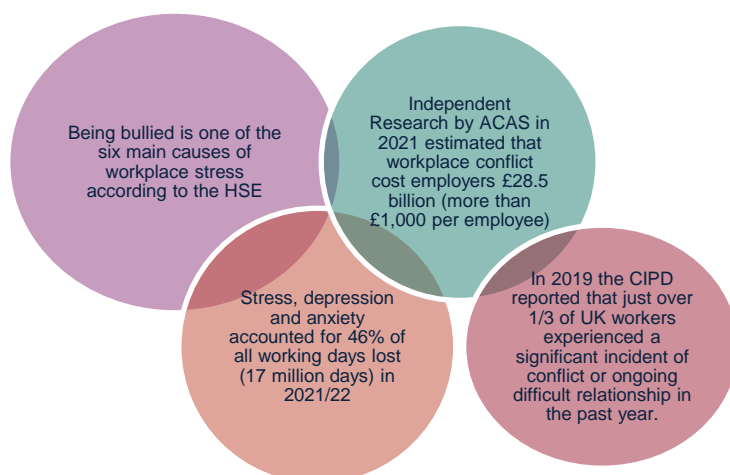
- There is a spillover effect when employees observe the mistreatment of others. People tend to replicate abusive behaviour from their supervisors or colleagues, especially when they have experienced incivility themselves.

- Moreover, abusive supervision can lead to employee deviance, whereby employees behave in ways that violate workplace norms and threaten the wellbeing of the organisation and its members.

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Can incivility lead to more serious bullying?

Yes. Many employees will have no doubt witnessed, heard about or directly experienced lower-level workplace incivility. Where incivility creeps into an organisation and becomes somewhat the norm, there is no doubt then scope for the abusive higher-level behaviours such as bullying and harassment to set in.

Workplace culture: perspectives from the HSE

Being bullied is one of the six main causes of workplace stress according to the HSE

Independent Research by ACAS in 2021 estimated that workplace conflict cost employers £28.5 billion (more than £1,000 per employee)

Stress, depression and anxiety accounted for 46% of all working days lost (17 million days) in 2021/22

In 2019 the CIPD reported that just over 1/3 of UK workers experienced a significant incident of conflict or ongoing difficult relationship in the past year.

The Health and Safety Executive (HSE) defines culture as "the way we do things here". Culture influences behaviour and performances at work. In recent times, following social movements, employers have been making efforts to improve culture by carrying out culture audits and reviews.

Bullying at work is not a novel issue, but it seems to have renewed prominence. Research carried out last year showed that the number of employment tribunal claims, including allegations of bullying, has increased by 44 per cent between March 2021 and March 2022.

The current state of the law

There is no legal definition of bullying, but ACAS describes it (here) as "unwanted behaviour from a person or group that is either:

Offensive, intimidating, malicious or insulting, or

An abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to someone."

ACAS notes that bullying can occur online or in person and in or out of work. It is important to remember that "upward bullying" (less senior staff bullying those more senior) can occur as well as more senior employees bullying those less senior.

At present, an individual cannot bring a standalone claim of 'workplace bullying'. However, bullying may have consequences for:

Unfair dismissal: bullying behaviours can severely undermine trust and confidence in the employment relationship. This may lead an employee to claim that the employer is in repudiatory breach of contract, and if they resign in relation to that breach, they may be able to claim constructive unfair dismissal. Furthermore, the motivation of the bully could then become relevant (and lead to discrimination, harassment or other allegations).

Harassment: bullying is very likely, by its nature, to create an intimidating, hostile, degrading, humiliating or offensive environment. If this is because of someone's protected characteristic, or associated with that protected characteristic, an employee may be able to make a claim for harassment.

Personal injury: bullying can contribute to negative health outcomes, particularly mental health issues. It is possible for employees to claim that an employer is liable for physical or mental harm inflicted by a bullying culture (or even simply one bullying employee).

Relations with regulators: certain regulators are becoming more interested in how organisations are tackling bullying. As we explain here, last summer the Charity Commission issued a press release outlining there is "simply no place" for bullying in charities.

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Examples of bullying behaviours from ACAS and the NHS

Spreading malicious rumours about someone	Consistently putting someone down in meetings	Deliberately giving someone a heavier workload	Setting artificial deadlines
Putting offensive or humiliating messages on social media	Excluding and ignoring someone and their contribution	Overloading someone with work	Unfair treatment
	Picking on or regularly undermining someone	Denying someone training or promotion opportunities	

Tackling workplace incivility to avoid workplace bullying?

We have discussed above the definitions of workplace incivility and bullying. More concrete examples of workplace incivility are: rude or condescending comments, interrupting others, not listening to others, or having dismissive body language.

Research has noted that those who have experienced the lower-intensity workplace incivility are at increased risk of experiencing the higher-intensity workplace bullying. Further, instances of workplace incivility (even if it doesn't turn into higher-intensity bullying) were noted to have a negative effect on psychological wellbeing over time.

Given all of these factors, it is vital that HR and management respond effectively and quickly to address workplace incivility. One way of doing this is culture reviews, audits and surveys but the CIPD report rightly looks at the issue of organisational wide stressors that can lead to a wide variety of negative workplace behaviours (see bar below).

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The CIPD Report concludes that getting the "climate" right at work is vital to avoid incivility. To this end it is crucial to build healthy, resilient and supportive teams who have clear roles to "prevent workplace incivility at its core rather than tackling its symptoms". In other words, it is vital for organisations to not only have have effective and comprehensive policies and structures for reporting instances of workplace incivility, but also to reform organisational culture and structure in a manner that minimises incivility and empowers employee wellbeing.

Employee influences

➢**Job demands and stress:** those with higher levels of job demands were four times more likely to bully than those with low job demands

➢**Role clarity and autonomy:** ambiguity about roles or conflicting expectations together predict more than 20% of workplace harassment

➢**Demographic characteristics:** evidence of gender potentially being a driver, women are more likely to experience bullying behaviours.

Leadership

➢**Fair leadership:** leaders perceived to be authoritarian, unethical or hands off are more likely to behave abusively.

➢**People management:** lack of effective people management skills was a significant factor contributing to workplace bullying

➢**Managerial stressors:** incivility can trickle down in an organisation. Managers who are mistreated by superiors are more likely to mistreat their subordinates.

Organisational fairness – strongest driver of workplace incivility

➢**Procedural fairness:** how fair a process is which is used to make decisions (for example, if an employee is disciplined for what is perceived to be an unreasonable demand this could be perceived to be bullying behaviour).

➢**Distributive justice:** fairness of the outcomes of decisions (those subject to unfair decisions are likely to be blame the source and become aggressive towards them).

Tackling workplace incivility to avoid workplace bullying?

Even before getting anywhere near an Employment Tribunal, conflict at work costs employers: working days lost, a demotivated team and loss of talented staff can all impact the performance of the organisation. Not to mention potential reputational damage and becoming known in the industry as an unpleasant workplace.

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In addition to the suggestions above, here are some practical tips for tackling incivility:

Ensure that your code of conduct makes it clear that you expect employees and managers to treat everyone with respect	Train employees to be active bystanders	Target instances of incivility effectively, proportionately and at an early stage	Culture is set by leaders: ensure that management are seen to uphold the highest standards of personal conduct

Ensure that you "never do nothing" in response to bullying and harassment	Monitor who is making reports of unprofessional conduct. Are there any particular trends? This may indicate a wider issue to tackle	If investigating an issue on workplace bullying, consider asking the investigator to make wider organisational recommendations

With special thanks to Alex Evans for his research and writing for this article.

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