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Third-Party Interventions in Workplace Bullying: A neoliberal agenda?

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Abstract

Purpose - Bullying is a persistent, damaging feature of neoliberal workplaces, despite the increased use of TPIs (Third-Party Interventions). This study investigates how TPIs relate to individualisation of the employment contract; whether TPIs deflect attention away from bullying; and the impact for targets.

Methodology - Data was gathered from focus groups and interviews with members and officials of three large UK trade unions.

Findings - TPIs individualise bullying allegations and such interventions are further characterised by impotence, injustice and lack of impartiality, serving to deflect bullying claims and exacerbate targets' suffering.

Practical implications - Recommendations are made to improve the efficacy of interventions.

Originality/value - This paper increases the limited research into the efficacy of TPIs and makes a significant contribution to debates on neoliberal individualism.

Keywords Workplace Bullying, Intervention, Mediation, Counselling, Peer Listeners, Individualism, Neoliberalism, Human Resource Management.

Paper type Research paper

Introduction

Bullying is a global workplace problem (Zapf *et al.*, 2011) associated with severe detriment to perceived targets and reduced productivity (Hoel *et al.*, 2011). Despite potentially adverse consequences, it is frequently reported that employers fail to take appropriate action (Fevre *et al.*, 2011; O'Driscoll *et al.*, 2010) and actively avoid the problem (Thirlwall, 2015), exacerbating the harmful effects. Some European countries, for example, Sweden and France, have introduced legislation specifically to address workplace bullying, albeit with mixed results (Yamada, 2011). Except for two Canadian provinces (Yamada, 2011), similar laws have not been enacted in neoliberal economies, because minimal state intervention is preferred. In the UK and the US, there is reliance on a general framework of individual statutory employment rights for protection from harassment (Yamada, 2011), and emphasis on resolving workplace conflict through alternative dispute resolution (ADR) rather than legal recourse (ACAS, 2010; Fox and Stallworth, 2004). Employees are encouraged to air

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3 concerns through voluntary organisational procedures, yet, despite a proliferation of Dignity
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5 at Work policies and ADR processes, outcomes for targets have not improved (Fevre *et al.*,
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7 2012; Fox and Stallworth, 2004). The absence of collective dispute resolution may result in
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9 managers giving unconstructive responses to bullying, such as by ignoring problems and
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11 using authoritarianism (Barnes, 2016), with negative consequences for all parties (Fevre *et*
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13 *al.*, 2012).

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16 Traditional organisational anti-bullying policies have increasingly been supplemented with
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18 Third-Party Interventions (TPIs). TPIs may be provided by mediators, counsellors or peer
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20 listeners, each fulfilling different functions. In the UK, a facilitative form of mediation is
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22 favoured, which engages the disputing parties in problem-solving to move toward a
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24 settlement (Banks and Saundry, 2013). Counsellors provide cognitive therapy to perceived
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26 targets, while peer listeners, often termed Bullying and Harassment Advisors, Dignity at
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28 Work Advisers, or, as in workplaces in this study, Harassment Contact Officers (HCOs), act
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30 as a first point of contact for those who feel bullied. Such interventions, used singly or in
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32 combination, have become typical features of anti-bullying strategies in the UK (CIPD,
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34 2015), Australia (Vickers, 2006), and US (Fox and Stallworth, 2004).

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39 Growth in the use of TPIs coincides with a shift away from collective resolution of workplace
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41 disputes in neoliberal countries, instead moving towards individualism and self-reliance,
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43 where employees are considered as individually contracted to organisations (Barnes, 2016;
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45 Fevre, 2016; Guest, 2001). Employees are urged to raise bullying concerns through
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47 organisational grievance processes and they are then referred to TPIs on a case-by-case basis
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49 (Rayner and McIvor, 2007). Although third parties are involved, the intervention may be
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51 viewed as a non-representative form of voice, since service providers are appointed by senior
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53 managers with no input from other employees. Where providers are staff members or trade
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3 union officials, trained as peer listeners or mediators, they act in a neutral capacity. Other
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5 union involvement tends to be restricted to advising those who feel bullied at an individual
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7 member level regarding accessing TPIs (Fevre, 2016; Mawdsley, 2012). This use of
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9 individualised, direct voice is a feature of High Commitment Human Resource Management
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11 (HCHRM) a model embraced by neoliberals (Wood and Wall, 2007). According to HCHRM
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13 rhetoric, non-representative voice mechanisms allow employees to alert managers to
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15 problems, the managers then provide customised solutions, thereby increasing employee
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17 commitment, and ultimately leading to improved organisational performance and
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19 competitiveness. Under such a world view, any managerial failure to deliver satisfactory
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21 outcomes for bullied employees may be attributed to poorly designed interventions; however,
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23 such explanations are somewhat limited for those who do not share a unitarist vision of the
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25 workplace. Where the employment relationship is regarded as one of inherent conflict of
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27 interests, employer-derived mechanisms for resolving workplace disputes may be considered
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29 a weaker form of voice for counterbalancing managerial power than collective representation
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31 (Kelly, 1988). Furthermore, it has been suggested that management may abuse employees to
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33 maximise profits (for example, Beale and Hoel, 2011). In such circumstances, TPIs may
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35 disempower targets and divert attention away from an underlying organisational acceptance
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37 of bullying.

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43 Research into mediation, counselling, and peer listeners in particular, as intervention
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45 mechanisms in workplace bullying, is currently limited. The British Workplace Behaviour
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47 Survey (Fevre *et al.*, 2016) has gone some way in establishing an association between the
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49 incidence of bullying, individualism, and potential ill-health. The present study seeks to
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51 further understanding, by exploring the relationship between individualism in the workplace
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53 and the use of TPIs in bullying allegations, organisational tolerance of bullying, and its
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55 impact upon targets. Specifically, the following research questions are addressed:

- Does workplace bullying intervention involving third parties conform to the individualisation of the employment contract?
- Do TPIs deflect attention away from underlying organisational acceptance of bullying?
- How do TPIs affect targets of workplace bullying?

The research questions are addressed through testimony from members and officials of three large UK trade unions. The findings have implications for targets, those who support them, and employers, because the organisational benefits of giving aggrieved employees a voice are likely to rely on employees' perceptions of deriving a benefit, and these findings form the basis of authors' recommendations for effective bullying responses. A review of the literature on workplace bullying and TPIs follows.

Workplace Bullying

For many commentators, the repetitiveness and enduring nature of unwarranted negative acts, along with an unequal distribution of power between target and perpetrator, whether a pre-existing state or resulting from continuous undermining, delineates bullying behaviour from merely assertive or inappropriate actions (Einarsen *et al.*, 2011). The general consensus is that bullying is triggered by an initial critical incident, such as an interpersonal conflict, that escalates to the point that the parties become highly emotional and take up entrenched positions (Keashly & Nowell, 2011). Studies indicate bullying is predominantly perpetrated by managers and supervisors (Fevre *et al.*, 2011; Zapf and Einarsen, 2011). Bullying may include setting impossible targets, withholding necessary information, intimidation and social exclusion (Einarsen *et al.*, 2011); however, respondents in this study defined bullying for themselves, and this drove their decision to seek intervention.

Based on the work of Leymann (1996) and Resch and Schubinski (1996), intervention can be viewed as one of four levels of organisational response to workplace bullying: Prevention,

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3 Intervention, Rehabilitation, and Legislation. Each level relates to different phases in the
4 bullying process; Prevention is aimed at discouraging bullying through, for example, anti-
5 bullying policies. Intervention addresses bullying once it has commenced, being followed by
6 Rehabilitation, to help people deal with the aftermath, and Legislation, to provide redress.
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12 Organisational bullying interventions are typically inadequate (Fevre *et al.*, 2011; O'Driscoll
13 *et al.*, 2010) but this research is heavily reliant upon self-identified target testimonies.
14 However, a growing body of research, that captures the perspective of HR officials,
15 reinforces targets' perceptions of a reluctance to label managers as bullies and scepticism
16 towards complainants (Bloisi and Hoel, 2010; Harrington and Rayner, 2012). Furthermore,
17 organisations find ways to sequester, or avoid addressing, bullying allegations, through
18 means such as Reframing them as the target's problem, Rejigging them by providing a veneer
19 of action, and Rebuffing them by pushing targets away when they request help (Thirlwall,
20 2015). Instead of fulfilling a strategic role, by advising managers of the benefits of addressing
21 employees' concerns, the HR function appears to be one of sanctioning managerial actions
22 unquestioningly (Lewis and Rayner, 2003: 370). Harrington, Warren and Rayner (2015) use
23 Bordieu's concept of symbolic violence to explain how the powerful assert their world view,
24 which is understood, legitimised, and perpetuated by other organisational members; hence,
25 HR officers are more inclined to accept the discourse of senior personnel in interpreting
26 bullying behaviour as high-performance management. This study examines whether HR
27 departments use TPIs to set aside bullying claims and legitimise high-performance
28 management.
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50 **Third Party Interventions**

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52 The availability of mediation in workplace conflict has increased dramatically in countries
53 like the US (Budd and Colvin, 2008; Lipsky and Seeber, 2001), Australia (Vickers, 2006) and
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3 the UK. The 2011 WERS (Workplace Employment Relations Study) indicated almost two-
4 thirds of UK employers included a provision for mediation in their grievance procedures (van
5 Wanrooy *et al.*, 2013), and employers responding to the 2014-15 Labour Market Outlook
6 Survey reported increased usage (CIPD, 2015). However, WERS data indicated increased
7 accessibility of mediation had not translated into a high uptake (van Wanrooy *et al.*, 2013),
8 which could reflect workers' contentment or their lack of faith in the mediation process.
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11 ACAS maintains both mediation and counselling could be usefully employed in some
12 bullying incidents (2010). Indeed, research on workplace counselling generally reports high
13 levels of client satisfaction and some symptom relief (McLeod and McLeod, 2001).
14 Similarly, studies of workplace mediation usually suggest high settlement rates (CIPD, 2011;
15 Thornton and Ghezelayagh, 2013), although some present a more complex picture (Saundry,
16 2012; Saundry, Bennett and Wibberley, 2013; Saundry and Wibberley, 2012). Furthermore,
17 much of the research into the efficacy of mediation and counselling possesses significant
18 methodological limitations, including: a lack of experimental design, reliance on practitioner
19 accounts or managerial perspective, filtering out cases deemed unsuitable for ADR, and the
20 use of simplistic, short-term measures of success (McLeod and McLeod, 2001; Saundry *et*
21 *al.*, 2013). Budd and Colvin (2008) note fundamental shortcomings in current evaluations of
22 mediation in neglecting efficiency, equity, and effect upon employee voice; their study
23 supported pluralist arguments that employer-initiated grievance procedures provided workers
24 with a weaker voice than union grievance processes. A further concern is that studies do not
25 distinguish between different types of mediation (McKenzie, 2015), so the effectiveness of
26 facilitative mediation, favoured in the UK (Banks and Saundry, 2013), is unclear.
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31 The efficacy of using TPIs in workplace bullying cases remains even more opaque. Tehrani
32 (2011: 386) gives an optimistic practitioner account of counselling facilitating resolutions by
33 encouraging targets to reassess their role in the "bullying drama". However, offering
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3 cognitive therapies to targets as interventions in alleged bullying incidents may be premature
4 and it places the onus on targets to adapt to stressful circumstances, rather than requiring
5 organisations to address negative behaviour (Arthur, 2000). Furthermore, there are theoretical
6 concerns about the use of mediation. According to conflict escalation models, mediation may
7 be successful when interpersonal conflict first arises, as indicated in Latreille and Saundry's
8 (2015) study of conflict management systems in a NHS Healthcare Foundation Trust, in
9 which the authors attributed a reduction in reported bullying and harassment to the early use
10 of mediation. However, typically, HR departments delay addressing disputes (CIPD, 2015)
11 and mediation may be inappropriate once conflict has escalated into a bullying scenario that,
12 by definition, involves a power imbalance between the parties and unequal negotiating
13 capabilities (Keashly and Nowell, 2011; Zapf and Gross, 2001). While Jenkins (2011)
14 believes power relations can be managed, there is a danger that mediation could further
15 traumatise targets or be misused in situations where disciplinary procedures are more relevant
16 (La Rue, 2000) or statutory employment rights already exist that could be negotiated away
17 (Budd and Colvin, 2008). Indeed, participants in Latreille and Saundry's (2015) study felt
18 mediation may be inappropriate in serious cases of bullying. US studies into organisational
19 conflict management suggest internal processes, such as counselling and mediation, were
20 frequently mistrusted by targets (Fox and Stallworth, 2004; Shannon, Rospenda and
21 Richman, 2007). Furthermore, as facilitative mediation, like counselling, does not attribute
22 blame, perpetrators may go unpunished and undeterred, and targets' need for justice may
23 remain unfulfilled (Keashly and Nowell, 2011). Equally, alleged perpetrators may feel unable
24 to counter complaints (Latreille and Saundry, 2015), or learn more positive forms of
25 behaviour.

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53 Peer listeners have received little attention in the literature but were declared "an unqualified
54 success" in one division of the UK Royal Mail (Rains, 2001: 161). However, the broader set
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3 of perspectives captured by Rayner and McIvor (2007) raised concerns over their unclear
4 role, lax recruitment procedures, inadequate training, and prioritising confidentiality of
5 alleged perpetrators at the expense of possible early conflict resolution. The limited empirical
6 underpinning for TPIs in workplace bullying questions their promotion. TPIs may reflect
7 employers' genuine, if not necessarily well-conceived, attempts to eradicate bullying. It has
8 been argued that increased adoption of Integrated Conflict Management Systems (ICMS),
9 which offer a comprehensive mix of dispute resolution options to address the causes, rather
10 than symptoms, of conflict at an early stage, has transformed alternative dispute resolution in
11 the US (Lynch, 2001: 207); however, subsequent American studies suggest outcomes for
12 bullied workers have not improved (Fox and Stallworth, 2004; Shannon, Rospenda and
13 Richman, 2007), which may indicate the necessary cultural shift has not occurred in respect
14 to workplace bullying. ICMS have had limited uptake in the UK (Latreille and Saundry,
15 2015), whilst a study in Germany, a country deemed by some to have drifted towards
16 neoliberalism (Gook, 2018), found consultants hired to intervene in bullying disputes
17 displayed traditional tendencies to address problems at an individual or dyadic level (Saam,
18 2010). An alternative explanation for employers' keenness to embrace TPIs may be that they
19 mask bullying while protecting organisations from costly legal claims or bad publicity
20 (Vickers, 2006). In contemporary organisations, a focus on maximising short-term profits or
21 cost reductions, rather than ongoing improvements to employee engagement and
22 performance, may promote an aggressive management style, with TPIs being used to
23 sequester bullying. This study uses empirical evidence to assess whether TPIs conform to
24 employers' unitarist agendas by individualising bullying allegations and deflecting attention
25 away from underlying organisational acceptance of bullying, and whether this helps or harms
26 targets.

54 55 **Methodology**

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3 Data was collected from members and officials of three large UK trade unions, regarding the
4 treatment of workplace bullying allegations. This sample goes some way to redressing the
5 current reliance on practitioner and managerial accounts of the efficacy of TPIs. Participating
6 trade unions' names have been changed for confidentiality, as have those of participants.
7 GOVU has approximately 21,400 members in public administration in Wales. TEACHU
8 represents approximately 100,000 teaching and support staff throughout the education sector.
9 CAREU is located in the not-for-profit sector, with approximately 40,000 members. As the
10 research questions relate to the worth, rather than the quantity, of the services provided,
11 qualitative data was collected. Participants were asked how complaints of workplace bullying
12 were addressed, so the research is not solely focused on cases deemed suitable for TPIs that
13 could present an overly favourable view (Saundry *et al.*, 2013). Participants could decide for
14 themselves what constituted a successful outcome, overcoming problems identified by Budd
15 and Colvin (2008) that evaluative studies neglect efficiency, equity, and employee voice.
16 Information was collected primarily through focus groups, as these create a synergy that
17 generates observations, opinions, wishes, concerns, and insights through spontaneous
18 conversation (Barbour and Kitzinger, 1999). Individual interviews were offered to those who
19 wished to share their experiences in private. The study was conducted in accordance with the
20 University of South Wales' ethical Code of Practice.
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42 Participants responded to a general invitation sent by a senior official from each trade union,
43 who then compiled groups of respondents. This approach has been established as a legitimate
44 device by focus group researchers (Barbour and Kitzinger, 1999; Krueger and Casey, 2000).
45 Although there is potential for skewing the composition of the groups, the approach ensured
46 heterogeneity of the sample. Selected participants spanned a broad range of union and
47 workplace roles, allowing for differences in perceptions of TPIs to emerge. Furthermore,
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3 union members and officials were deemed more likely to respond to invitations from familiar,
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5 authoritative sources, rather than an unknown researcher.
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8 In total, 41 union officials, 22 members, and 22 representatives of Special Interest Groups
9 (SIGs), drawn from a range of public bodies, educational establishments and charitable
10 organisations, contributed to the study. Fourteen focus groups took place; seven with union
11 officials, four with members and three with SIGs representing female, ethnic minority, and
12 disabled employees. Participants accessed or provided TPIs, or witnessed bullied colleagues
13 seeking help. As they were not required to declare their personal interest, owing to the
14 sensitive nature of bullying (Einarsen *et al.*, 2011), it is not known which categories
15 respondents fell into, although many voluntarily self-identified as targets, HCOs, and HR
16 officers. Participating union officials recounted members' experiences of reporting bullying
17 and referral to TPIs.
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30 Groups had five to nine members, although one consisted of three participants, and one
31 attracted just two. However, all sessions generated lively discussions, consistent with the
32 view that small groups are particularly enlightening when gathering personal accounts and
33 when members are highly emotionally invested in a topic (Morgan, 1998), as is often the case
34 with workplace bullying (Einarsen *et al.*, 2011). Six individual interviews were also
35 conducted. At that point, saturation was reached, with no new insights being generated
36 (Krueger and Casey, 2000) and the outcome of discussions predictable (Morgan, 1998). All
37 discussions and interviews were recorded, transcribed, content coded using NVivo software,
38 then thematically analysed following Braun and Clarke's (2006) recommendations, which
39 consisted of familiarisation with the data, coding every data item, identifying themes, and
40 reviewing themes for cogency before defining them.
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55 Findings

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3 The frequency of use of specific TPIs is not reported in this paper and focus group
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5 participants were not required to reveal the nature of their involvement in workplace bullying
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7 interventions for sensitivity reasons. However, union officials in all three unions saw
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9 mediation as an increasingly popular intervention, described as the ‘new buzz’ by one GOVU
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11 representative. Counsellors and HCOs were present in all three sectors, although more
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13 prevalent in public administration compared to teaching and third sectors. Participants
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15 reported some appreciation of TPIs; staff counsellors were generally regarded as confidantes,
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17 some union officials believed mediation was successful in some interpersonal conflicts;
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19 HCOs felt they provided a valuable service. However, the benefits described were modest in
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21 terms of TPIs’ ability to influence outcomes of alleged bullying incidents. Questions about
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23 whether targets’ situations improved were frequently met with laughter. This contrasts with
24
25 some commentators’ favourable accounts of TPIs (e.g. CIPD, 2011; Tehrani, 2011) and
26
27 supports the more mistrustful view expressed in other research (e.g. Rayner and McIvor,
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29 2007; Shannon *et al.*, 2007), reinforcing concerns of conflict management theorists, and
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31 others, over the routine use of mediation, counselling, and peer listening as interventions for
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33 workplace bullying. Four key themes emerged; Individualisation, Impotence, Injustice, and
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35 (lack of) Impartiality. Each theme is examined below, followed by a discussion of the
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37 findings in relation to the research questions and extant literature.
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42 **Individualisation.** TPIs overwhelmingly addressed bullying allegations on a case-by-case
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44 basis, consistent with Saam’s (2009) findings that service providers were not tasked with
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46 investigating environmental factors, which frustrated participants as it negated any
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48 opportunity to identify patterns of negative behaviours or enabling cultures. A more holistic
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50 approach was attempted in just one workplace. Ida, a volunteer HCO, explained this involved
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52 seeking out patterns of reported bullying and referring “particularly bad hotspots” to senior
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54 HR officials, similar to practices in Latreille and Saundry’s (2015) study. Although a
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3 relatively new initiative with just one referred case, Ida believed the matter “was dealt with
4 very, very quickly”. Even though efforts focused on individual behavioural problems, rather
5 than any cultural inducements to bully, this approach highlights the potential for combining
6 and analysing reports of abusive behaviour to detect and disrupt bullying. Typically,
7 however, HCOs and other TPIs focused on individual accounts of bullying which heightened
8 targets’ seclusion and diminished employees’ ability to challenge bullying collectively
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16 **Impotence.** TPI providers lacked powers to affect bullying outcomes. Many participants
17 could not understand why no mechanisms existed to “nip bullying behaviour in the bud”
18 before it became intolerable. The role of staff counsellors was limited to providing a
19 “listening ear” for perceived targets and did not extend to following up complaints. The
20 efficacy of mediation was also discussed, this term was sometimes applied to informal
21 attempts by union representatives or HR officials to facilitate an understanding between
22 disputing parties, often with the laudable aim of avoiding formal grievance procedures, as
23 these were overwhelmingly regarded as prolonged and traumatising. Barbara, a GOVU
24 official, explained she used mediation skills by negotiating with claimants’ senior managers
25 “off the record”, believing this approach most likely to achieve “a win-win situation, where
26 the member is not damaged. Also, the bully is not damaged”. This suggests conflict
27 management could be used to prevent bullying if applied in the early stages of interpersonal
28 disputes, before they have escalated, as recommended by Latreille and Saundry (2015).
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45 Cynicism was expressed about formal mediation involving the services of trained internal or
46 external providers. CAREU representative, Kevin, questioned the sustainability of any agreed
47 outcomes, describing a typical member reaction as “... I know that that manager will go along
48 with mediation and be as pleasant as pie and agree to this, that, and the other. But...in six
49 months’ time that they won’t really have changed”. Concerns that an unequal power
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3 relationship between target and perpetrator rendered mediation inappropriate in alleged
4 bullying incidents (Keashly & Nowell, 2011; Zapf & Gross, 2001) were borne out by the
5 testimony of one TEACHU official, Arthur, who believed mediation could succeed between
6 parties of similar status "...because it's bullying among equals", but raised concerns where
7 power differences existed, likening the situation to "little children in the same class
8 squabbling...where one clearly has some hold over the other one you can't sort it. ...If it's a
9 manager bullying somebody over whom they have some sort of control it's difficult to
10 solve." This example highlights a weakness in mediating bullying claims; while peer-to-peer
11 bullying was acknowledged to exist, perpetrators were typically senior in rank, as widely
12 reported in the literature (Fevre *et al.*, 2011; Fox and Stallworth 2004), so parties do not have
13 equal negotiating capabilities. The same imbalance is likely to apply if power disparity
14 emanates from informal sources or is a consequence of bullying.
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30 The HCO role also typically lacked muscle. HCO Ida believed she provided valuable
31 support for targets as a first point of contact to "talk them through" their options. To
32 underscore the efficacy of this approach, she added "... in the five years I've been doing it,
33 the majority of those people have never come back for a second session ...what you've done
34 is give them a safety net and then they put up with it." Self-identified target, Pippa, observed
35 "It helps them cope, yeah, but it's not actually dealing with anything." The gap between Ida's
36 interpretation of events, who took the non-return of those who approached her as a sign they
37 were coping because they felt secure, and that of Pippa, who believed the problem was
38 simply left in abeyance, is concerning. The study spans many workplaces, so individual anti-
39 bullying policies could not be examined, but participating HCOs were asked how they
40 understood their role. They reported duties that were imprecise and restrictive, consistent
41 with Rayner & McIvor (2007). Duties included listening to self-proclaimed targets and
42 allowing them to "let off steam", explaining their options and directing them to help from
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3 staff counsellors, HR, or managers, imparting information at work events, providing
4 sympathy, and trying to “build people up so that they’re better able to cope”. One volunteer
5 HCO, Denise, summed up the passive nature of the response as to “...sit there, with a box of
6 tissues usually, and just calm her down and explain what she can do about it.” It could be
7 argued that these actions simply replicate the HR function and do not provide targets with
8 additional benefits. It was generally considered outside the HCO role to curtail bullying,
9 follow-up enquiries, or seek out witnesses to alleged incidents. Rather, there was a
10 widespread belief amongst volunteer HCOs that they were unable to take any action unless
11 approached by perceived targets, as Denise made clear

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23 ...even if I see things going on in the office I can’t actually take an active
24 role and say ‘would you like to come and see me?’ It’s really up to the
25 individual if they decide they want some help.
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27 The noteworthy attempt to detect and report patterns of bullying behaviour by HCOs in one
28 workplace lifted some of the burden for raising concerns from targets. However, resolutions
29 continued to be dependent upon senior management’s attitude towards challenging or
30 tolerating bullying. The HCO function lacked power to instigate complaints investigations,
31 influence outcomes that take the needs of targets into account, or alter bullying cultures
32 where this is accepted or encouraged by senior management.
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41 **Injustice.** The TPIs in this study were not designed to attribute blame or provide redress for
42 any wrong-doing. Few participants could cite instances where perpetrators had been
43 punished; moreover, complainants often felt they suffered disproportionately by being forced
44 into taking sick leave, changing jobs, or accepting transfers to another part of the
45 organisation. At best, there was a partial admission that things could have been handled better
46 or there was fault on both sides. It was felt that the organisational hierarchy was more likely
47 to refuse to see bullying when it was perpetrated by individuals considered indispensable, for
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3 example, because they achieved targets or were high status, as powerfully expressed by one
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5 TEACHU official: “If you have a very successful head who is producing good exam results
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7 you could almost say ... the head can murder as many people as they want.” The
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9 disproportionate burden placed upon targets was a recurrent theme in the focus groups, which
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11 resulted in a widespread sense of injustice, as predicted by Keashly and Nowell (2011) and
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13 emotionally captured by one CAREU official, Alex:

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17 When a person is being bullied, it really should be that they should be able to
18 expect that they turn to somebody for support. They go through the procedures,
19 and, at the end they, should be able to expect that this person, this bully, is gonna
20 leave the organisation or be told that their behaviour is unacceptable. this will
21 stop. ... Perfectly reasonable to expect that, isn't it? Unfortunately, it's not
22 realistic... For anyone who is in a situation of being bullied it's a really harsh
23 lesson. That this is ... basically, not going to be OK for them.
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25 Denying targets justice appeared to leave residual damage, with several participants
26 becoming visibly pained and angry when recounting experiences of being bullied; and
27 expressing relief and gratitude for the opportunity to share their thoughts in the focus groups.
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32 (Lack of) **Impartiality.** TPIs were overwhelmingly perceived as biased towards managerial
33 interests and unable to operate independently from managerial influence. Staff counsellors
34 were generally viewed as the most independent third-party but still appointed by managers.
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36 Mediation, through internally trained or externally appointed mediators, was distrusted by
37 some union officials “...because it's a management initiative and because it's a provider that
38 the management have sought-out”. Regardless of the justification for such scepticism, lack of
39 confidence in an intervention mechanism is likely to lead to its rejection. Furthermore, there
40 were suspicions that mediation was being misappropriated as a means of filtering-out
41 bullying complaints by employers, to make problems disappear. One GOVU official, Tracy,
42 explained how senior managers act as gate-keepers, by only permitting situations that fit their
43 interpretations of bullying to be addressed by mediation:
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3 Before a bullying and harassment complaint is investigated, senior
4 management will look at it and see whether it is proper bullying and
5 harassment. ...what normally happens is they'll try and shove it under the
6 carpet rather than actually do anything. It would be ok if it was about
7 what's a common-sense approach; 'What shall we do to resolve this
8 situation without going into a courtroom?' ...but they use that as a way of
9 actually stopping bullying and harassment claims.
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12 HCOs attracted the most criticism in the focus groups, particularly in GOVU, where they
13 were most prevalent, as illustrated by the following exchange between self-identified target
14 Pippa and HCO Ida:
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20 Pippa: I know you're sat there as a management grade as an HCO,
21 but I think it's ridiculous that all the HCOs are management
22 grades.

23 Ida: We're very aware of that ourselves, but we can only work
24 with people who are willing to volunteer.

25 Pippa: I volunteered and was turned down

26 Ida Were you really? Now that I wasn't aware of.
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29 Pippa: I thought fine, fair enough but ... I felt that when I looked at
30 the list it's like oh, god no, it's every grade from manager
31 upwards but nobody that I felt that was at the admin grade
32 that would understand.
33

34 Ida: I find this quite confusing because one of the things that we
35 had noticed is that while we had quite a good range of grades
36 and areas of the office when we first started out ... people
37 leave, and other people get promoted, and we knew that we
38 had a lopsided profile.
39
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41 Pippa's comment about HCOs being exclusively from management grades appeared to cause
42 genuine shock to Ida. Several members of the focus group supported Pippa's position,
43 believing managers "stuck together" and supported the alleged perpetrator, who was typically
44 more senior, and expressed discomfort with approaching HCOs from senior grades. In
45 another focus group of GOVU members, Dan believed the HCO network was composed of
46 notorious bullies who could effectively stop complaints, summing this up as; "The oldest
47 trick in the book is that you disempower the people that would come to you". HCO Denise
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3 reveals how prejudice could occur, intentionally or unconsciously, when recounting an
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5 incident:

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8 Somebody felt that their manager was picking on them. I listened to what
9 she had to say and, at the time, she was very sensitive anyway...It probably
10 was the case that the manager wasn't aware that this person thought that
11 they were being picked on. And it's just that - the way she interpreted it

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13
14 By attributing bullying accusations to the complainant's personal characteristics and
15
16 minimising the potential for malicious intent on the part of the manager, without clarifying
17
18 the circumstances, Denise appears to display partisanship. While the actions and motivations
19
20 of the parties cannot be known, there appears to be less value placed on the meaning
21
22 accorded to events by the perceived target. There is also a failure to recognise that emotional
23
24 states are potentially consequences of, as well as antecedents to, bullying.

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27 Although Denise continues "If necessary, I would say 'well, talk to your manager'",
28
29 in this situation the manager is also the perceived bully, so this advice risks making the target
30
31 feel obligated to confront the tormentor, potentially compounding the distress and triggering
32
33 further bullying. Even though Denise qualifies this advice with "If she doesn't feel capable of
34
35 doing that then there's other avenues she can take", options typically include counsellors,
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37 mediators or HR officials, all of whom are employed or appointed by senior grades; thus, any
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39 independence that the HCO function may offer is lost. Denise acknowledged serious bullying
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41 cases exist but that these tended not to involve HCOs because targets were self-consciousness
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43 or afraid that "word will immediately get back to HR", effectively rendering this form of TPI
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45 ineffective.
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50 **Discussion**

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52 TPIs in workplace bullying were characterised by individualising complaints, impotence of
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54 the response, injustice in outcomes, and lack of impartiality. To answer the first research
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3 question, TPIs typically addressed bullying grievances on a case-by-case basis, conforming to
4
5 the wider individualisation of employment relations. This did not result in managerial
6
7 responses tailored to the specific needs of employees, as suggested by HCHRM discourse, or
8
9 provide a strong voice for those who felt bullied at work, consistent with Budd and Colvin's
10
11 (2008) findings in respect of non-union grievance processes in the USA. Rather, these
12
13 findings support the argument that American-style individualism is merely an attempt by
14
15 employers to persuade workers that their mutual interests are best served by abandoning
16
17 collectivism (Fevre, 2016), but this, in effect, prioritises the interests of employers over
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19 weaker individual employees and feeding structural inequality (Barnes, 2016). Regarding the
20
21 second research question, participants commonly perceived that TPIs were used as substitutes
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23 for, rather than accompaniments to, dealing with bullying allegations robustly. Participants
24
25 overwhelmingly believed employers used TPIs to systematically misdirect attention away
26
27 from the root causes of managerial bullying. Furthermore, TPIs could deflect bullying, by
28
29 depriving service providers of the power and autonomy to alter managerially-derived
30
31 outcomes. Criticism of TPIs was aimed, not so much at the support providers, who were often
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33 regarded as helpful, but at the constraints placed upon them by employers and because TPIs
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35 providers were typically drawn from or appointed by management grades. The linkage
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37 between non-representative voice, in the form of TPIs, neoliberal individualism, and the
38
39 failure to address workplace bullying rigorously, is a key contribution of this paper.
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45 To answer the final research question, a key finding is that TPIs, as practiced in the varied
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47 workplaces in this study, not only failed to improve outcomes for targets but exacerbated
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49 their suffering, by increasing their isolation and allowing targets' predicament to continue
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51 while burdening them with the responsibility for resolving problems. Ultimately, TPIs failed
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53 to fulfil targets' most basic needs for bullying to cease and to obtain justice. These findings
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55 are consistent with the view that neoliberal individualism negatively affects employee health
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3 and wellbeing, and promises more than it delivers for workers (Fevre, 2016). Some scholars
4 (for example, Tehrani, 2011) do not view bullying in terms of wholly innocent or guilty
5 parties so much as different interpretations of the same event, and frivolous or malicious
6 claims of bullying cannot be ruled out. However, the self-identified targets in this study
7 articulated a deep-seated need for acknowledgement and recompense, and for grievance
8 processes to be implemented in a fair and timely fashion. The need for such recognition to
9 rebuild shattered lives after bullying episodes is understandable, since meta-analysis suggests
10 bullying may be no less harmful than being subjected to physical aggression (Hershcovis and
11 Barling, 2010), and ultimately targets merely wish to hold employers to the terms of their
12 own anti-bullying policies.
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25 These findings question the purpose of TPIs in situations that have gone beyond the initial
26 stages of interpersonal conflict. It may be that TPIs serve the interests of external providers,
27 who are contracted for their services, and employers, by providing symbolic concern for
28 employee wellbeing, whilst effectively deflecting bullying allegations, more than bullied
29 workers, whose suffering and resentment is intensified. In the face of work intensification,
30 employers may embrace HCHRM practices relating to managerial prerogative and non-
31 representative voice forms, like TPIs, but remain unconvinced that addressing employees'
32 concerns over issues of fairness, like bullying, will reap the anticipated reward of increased
33 employee commitment. The employers in this study appear to embrace HCHRM principles
34 selectively, suggesting the rhetoric may be founded in misdirection. Several studies (Fevre,
35 2016; Lewis and Rayner, 2003; Mawdsley, 2012; Thirlwall, 2015) conclude the HR function
36 facilitates the deflection of bullying complaints; this paper reveals TPIs may be one
37 mechanism through which this is achieved. TPIs also help governments to meet goals of
38 cutting costs of legal claims through, for example, the enhanced role given to ACAS in
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workplace conciliation, even though this may not achieve favourable outcomes for aggrieved workers.

Recommendations

There are important policy and practice implications for targets, support providers, employers, trade unions, and HRM practitioners. Whilst TPIs are promoted in several countries, their use in bullying and harassment cases has been rightly tempered with some caution (ACAS, 2010). Facilitative mediation and counselling appear inappropriate, and peer listeners inadequate, as interventions in bullying-related grievances. TPIs may be helpful at other stages in organisational responses to bullying. Facilitative mediation, if undertaken before interpersonal conflicts escalate into perceived bullying scenarios, could prove an effective bullying prevention measure; counselling could support all parties to bullying complaints while investigations proceed and assist post-intervention rehabilitation. The authors, however, believe mediation should never be provided as a substitute for thoroughly investigating bullying, as such deflection is likely to damage individuals and organisational performance.

The authors further propose the development of a proactive HCO role, to seek and report patterns of bullying behaviours, as pioneered by one participant, to help organisations address individual behavioural problems, or cultures, that foster bullying. The HCO role could be strengthened with powers to perform environmental risk assessments, collate reports of abusive behaviour, raise complaints on employees' behalf, initiate or monitor investigations of bullying allegations, and separate disputing parties. HCO efficacy could be enhanced through awareness training, to recognise individual and organisational antecedents and consequences of bullying. Ultimately, for TPIs to be trusted and utilised by employees, all grades of employees and their representatives should be involved in the selection of service

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3 providers and complaints investigation processes, including determining outcomes,
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5 controlling feedback and follow-up. In agreement with Barmes (2016), the authors see a role
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7 for representative voice and collective engagement to supplement individual legal rights in
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9 issues of workplace bullying.
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11 12 **Limitations and future research**

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14 Findings are based on testimonies of members and officials of three UK trade unions and
15
16 cannot be generalised. However, the identified inadequacies with TPIs were common to all
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18 focus groups and not confined to specific sectors. The strengths and limitations of the
19
20 selection process of participants have been discussed, and it is believed that this method
21
22 captured the views of various actors in TPIs, allowing differences in perceptions to emerge. It
23
24 is acknowledged that those who volunteer to participate may hold particularly strong
25
26 opinions, negative or positive, about TPIs. Capturing perceptions from other interested
27
28 parties, including non-unionised employees, managers, and external TPIs providers, would
29
30 provide a fuller picture. It is worth noting, however, that if the employees for whom TPIs
31
32 have been developed view these programmes as ineffective or unfair, they are unlikely to
33
34 utilise them and the TPIs would serve little purpose. While focus groups generated rich
35
36 information, there was potential for those with the most strident views to dominate the
37
38 discourse, or for dissenters to suppress their opinions (Janis, 1982). The risks were minimised
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40 by careful moderation, assembling a cross-section of perspectives and conducting multiple
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42 focus groups supplemented by interviews.
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48 More studies of the impact of less common TPIs are needed, including non-facilitative
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50 mediation and restorative justice, in which the emotions of each party are expressed so the
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52 offender might make amends (McKenzie, 2015). The research could be directed towards
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54 identifying factors that facilitate or impede favourable outcomes for targets and
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3 organisations; including timing of interventions, quality of provision, and individual
4 characteristics of workplaces and service providers. Action research may be particularly
5 valuable, given the urgent need for targets to be supported. Since TPIs offer bullied
6 employees an individualised, weak voice, the effects of collective grievances, through trade
7 unions or other employee representatives, would provide particularly fertile ground for future
8 research.
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