

## Biff Tannen and bullying in the workplace

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Biff Tannen in 'Back to the Future' has gone down in history as one of the greatest bullies ever to crash onto our cinema screens. Thomas F Wilson, who played Biff had no trouble summoning up the character of Biff from his childhood. Wilson describes himself as a 'thin and sickly kid' who was beaten up by bullies throughout his childhood, until he grew bigger than everybody and it stopped.

Biff's cartoon like behaviour clearly falls within with ACAS's definition of bullying as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.' Biff's ultimate aim is to intimidate and humiliate George McFly.

But often workplace bullying is far more subtle and insidious than the strong arm tactics employed by Biff. It may involve spreading malicious rumours; copying critical emails to third parties, over bearing supervision, overloading a person with work and constant expressions of disappointment and criticism.

Whatever form it takes, bullying eats away at the target's confidence. The recipient often fails to report it and worries about being seen as weak or overreacting. Bullying will not uncommonly lead to the employee taking time off work as sickness absence. Victims move on and the bully stays and picks on someone else. And this becomes an expensive management problem.

Employees are often surprised to find that they cannot bring a free standing claim for bullying. Unless the conduct amounts to harassment, that is unwanted conduct relating to a protected characteristic under the Equality Act 2010, they have to rely on constructive unfair dismissal to seek redress. The damages awarded for such claims are capped by statute and accordingly often fall far short of a victim's actual financial losses. The alternative, if they have suffered a psychiatric injury is to bring a personal injury claim. Both claims are difficult routes and require the employee to have made the employer aware that there is a problem.

As an employer, you should make every effort to investigate claims of bullying promptly, objectively and speedily. If bullying behaviour is identified, ACAS recommend a number of strategies: informal approaches to the alleged bully to communicate that their behaviour is unwelcome; counselling for both parties and mediation between the parties.

In Back to the Future, Biff ended up under a pile of manure and George got his girl. But away from the screen, sometimes nothing works and one or other party has to leave the organisation. It used to be invariably the victim who left, but increasingly, we have seen employers showing bullies the door. This improves culture and demonstrates to staff that the organisation will not tolerate bullies.

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