WORKPLACE BULLYING

TIME TO GRAB THE PROBLEM BY THE HORNS

Dr. George Vergolias, R3 Continuum
and
Oscar Villanueva, TAL Global
AGENDA

- Definition
- The numbers
- Examples
- Why pay attention to Workplace Bullying?
- Regulatory environment
- Psychology of Workplace Bullying
- How do we deal with Workplace Bullying
- How *should* we deal with Workplace Bullying
- Cyber Bullying
- Case studies
WORKPLACE BULLYING – DEFINITION

• Workplace Bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abusive conduct that is:
  • Threatening, humiliating, or intimidating, or
  • Work interference — sabotage — which prevents work from getting done, or
  • Verbal abuse

Source: http://www.workplacebullying.org/individuals/problem/definition/
WORKPLACE BULLYING – LEGAL PICTURE

• **Federal**: Bullying in the workplace isn’t illegal, unless it’s bullying because of some protected characteristic (sex, race, etc.)

• **Existing**: California, Utah, Tennessee, Minnesota (first legislative attempt: 2003)

• **Current HWB Bills**: WA, OR, WV, MA, RI

• **32 State Legislators + 2 Territories**: Introduced the Healthy Workplace Bill (HWB)

• **International**: UK, Ireland, Sweden, Spain, Canada and Australia have workplace bullying legislation
• Formal legislation and regulation is scant despite robust lobbying by groups such as the Workplace Bullying Institute (WBI), and some activity within private and government outfits.

• To date, only California, Utah, Tennessee and Minnesota have passed specific workplace bullying legislation.

• Utah and California are alone in mandating companies to provide anti-bullying training.

• California mandating the requirement for companies employing more than 50 workers.
WORKPLACE BULLYING – THE NUMBERS (2017)

- 19% of Americans workers (30 million) suffered workplace bullying
- Another 19% witnessed workplace bullying
- 70% of the bullies are men
- 30% of the bullies are women
- 61% of the bullies are bosses
- 33% of the bullies are co-workers
- 6% of the bullies abuse superiors

WORKPLACE BULLYING – THE NUMBERS (CONT.)

• 65% of the targets of bullying by men are women
• 67% of the targets of bullying by women are women
• 25% of those bullied are Hispanic, 21% are African American, 19% are white, and 7% are Asian

EXAMPLES OF WORKPLACE BULLYING

• Shouting or yelling at, berating, ridiculing, or demeaning others
• Name-calling and attacks on one’s character
• Mocking, punishing, or putting someone down in front of others
• Undermining or sabotaging the work performance of others
• Spreading false or sensitive information about another

Source: Colorado State University Workplace Bullying Policy  http://policylibrary.colostate.edu/policyprint.aspx?id=729
EXAMPLES OF WORKPLACE BULLYING (CONT.)

• Deliberately excluding, isolating or marginalizing a person from normal workplace activities

• Intruding on a person’s space by tampering with their personal effects or work equipment

• Punishments or negative consequences designed primarily to shame, exclude, and/or draw negative attention from others

• Abusing high level position to belittle and denigrate subordinates
WORKPLACE BULLYING UNCHECKED

8/24/12 9:03am - Empire State Building
WORKPLACE BULLYING UNCHECKED

Fact Pattern

• Both hired around 2005 at Hazan Imports, immediate conflict
• History of bumping, pushing, shoving each other.
• Johnson jealous of Ercolino, taunted him verbally and physically
• 4/11 Elevator incident Johnson bumped Ercolino → grabbed throat, “If you ever do anything like this again, I’m going to kill you.”
• Both filed harassment complaints against the other
• Ercolino, a much bigger man, “May have dominated the relationship.”
• Johnson downsized Summer 2011 → 1 year later, financial strain, eviction
• 8/24/12 shooting – 5x head, 1x chest
• Co-worker Irene Timan “I knew it, I just knew it was going to happen, that Jeff would shoot him.”
Continuum of Disruptive Behaviors at Work (Johns Hopkins)

http://www.safeathopkins.org
WHY PAY ATTENTION TO WORKPLACE BULLYING?

• Both employees and employers tend to avoid and ignore workplace bullying
• Both employees and companies are victims of workplace bullying
• The harmful consequences of this practice are way too significant to justify ignoring or dismissing
• Workplace bullying erodes many of the foundations necessary for the existence of a productive work environment
WHY PAY ATTENTION TO WORKPLACE BULLYING? (CONT.)

• It constitutes a direct emotional attack on an individual
• It constitutes a humiliating infringement on civil rights that fractures morale and trust, stifles initiative, and causes guilt and negative feelings
• It contributes to depression, anxiety, sleep disturbances, digestive disorders and disorientation and leads directly to dysfunction, absenteeism, marginal production and, ultimately, resignations
• It affects the bottom line in significant and often ignored or unnoticed ways
WORKPLACE BULLYING AFFECTS PRODUCTIVITY

• 20% of recent survey responders reported that workplace bullying cost them upwards of seven hours a week (in productivity)

• $8,800. This is the amount of annual lost wages that workplace bullying costs a target on average.

• Every target of a bully may lose up to 200 hours of productivity annually.

• If that targeted employee takes sick or vacation time, it may be a total of 400 hours of lost production to the employer.

Source: http://brandongaille.com/24-important-statistics-of-bullying-in-the-workplace
PSYCHOLOGY OF WORKPLACE BULLYING - WHY BULLIES BULLY?

All of us start with basic human needs for connectedness & validation

People in all walks of life want to feel:

- Successful
- Accepted
- Significant
- Fairly Treated
Bullies demonstrate a strong need to exert power and control through intimidation and coercion, and use those as their primary means to cope with conflict.

Underlying Sense of:

- Rejection
- Failure
- Discomfort/ Inconvenience

Ego-Related:

- Correlation with low self-esteem
- Need to feel superior to others:
  - Emotional homeostasis
  - Perceived control
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional Abuser</td>
<td>Overtly uses intimidation, belittling, and embarrassment to put down the victim and elevate their own status.</td>
</tr>
<tr>
<td>(Barker/Screamer)</td>
<td></td>
</tr>
<tr>
<td>Physical Abuser</td>
<td>Engages in physical, sexual, and/or racial abuse. Highly problematic behavior that will lead to legal problems if not resolved.</td>
</tr>
<tr>
<td>(Biter)</td>
<td></td>
</tr>
<tr>
<td>Power Hoarder</td>
<td>Exerts a sense of power over victim by ignoring them, and not giving them time, attention, or support of any kind.</td>
</tr>
<tr>
<td>(Ignorer)</td>
<td></td>
</tr>
<tr>
<td>Passive-Aggressive</td>
<td>Uses non-direct, insidious approach to undermine, defame, and damage the victim- often while assuming a supportive, likable, or neutral stance.</td>
</tr>
<tr>
<td>Predator</td>
<td></td>
</tr>
<tr>
<td>(Weasel)</td>
<td></td>
</tr>
<tr>
<td>Cyberbully</td>
<td>Uses insults, intimidation, and threats from a distance as a means to influence, coerce, or control others.</td>
</tr>
<tr>
<td>(Missile Thrower)</td>
<td></td>
</tr>
</tbody>
</table>
PSYCHOLOGY OF BULLYING – IMPACT ON THE VICTIM

• Emotional & Cognitive reactions
  • Depression, anxiety, shock, anger, frustration
  • Sense of helplessness and/or vulnerability
  • Reduced self-esteem and sense of competency
  • Inability to concentrate
IMPACT ON THE VICTIM (CONT.)

• Physical (“vegetative”) symptoms such as:
  • Poor sleep, increased or decreased appetite,
  • Psychosomatic symptoms - Stomach pains, headaches, panic reactions

• Social reactions
  • Family tension and stress
  • Decreased socialization at work and community
  • Low morale and productivity
LIABILITY CONSIDERATIONS

Due diligence
Duty to protect

Negligence
Privacy
Defamation
Wrongful Termination
Discrimination
ADA

Balance must be achieved in service of protecting victims and meeting legal and ethical requirements of handling the bully fairly.
HOW DO WE DEAL WITH WORKPLACE BULLYING?

• In the current climate, both employers and employees often choose to avoid dealing with workplace bullying

• This is obviously an inadequate response – virtually guaranteeing the maintenance of the status quo, along with its severe costs for both employees and employers
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Call a professional
• Conduct a Workplace Bullying Audit
• Make a plan
• Implement the plan
• Monitor the implementation
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Call a Professional – Professional assistance is often necessary to identify workplace bullying issues and find a way to mitigate them through industry best practices and guidelines.
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING? (CONT.)

• Conduct a Workplace Bullying Audit – Unless you know the scope and dimensions of the problem, there is little chance you’ll be able to deal with the problem itself, as opposed to dealing with a few symptoms by making bullies go “underground”.

• The audit should use specialized surveying tools designed to get beyond people’s natural reluctance to discuss and disclose workplace bullying incidents. The end product of the audit process is a picture of the workplace bullying landscape of the organization, down to the bullies’ and victims’ names.
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Make a Plan – Once you have a grasp of the challenges, significant actors and the organizational culture associated with the situation, you can start developing a mitigation plan

• For Example: Employees and Managers can be offered specialized training in ways to detect, deter, mitigate and resolve bullying situation before they become a major crisis.
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Make a Plan – (Cont.)

• The plan should take into account several factors:
  • Both bullies and victims must be part of the process
  • Bullies sometimes fail to respond to mitigation efforts and may need to be fired to salvage the organization’s culture
  • A system of rewards and sanctions must be constructed that will replace the feedback bullies have received so far that fed their behavior
  • All participants will have to meet clear performance standards and road marks
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Implement the Plan - Execute a visible “Zero Tolerance” policy

• Encourage a “See Something, Say Something” attitude
HOW SHOULD WE DEAL WITH WORKPLACE BULLYING?

• Monitor the Implementation – Create a metric monitoring tool and apply it periodically.

• Use the conclusions to apply corrective measures (e.g., refresher workshops for employees and/or management)

• Apply new tools/technologies/methods as needed
CYBER BULLYING – A SPECIAL FORM OF WORKPLACE BULLYING

• **Definition:** “the act of harassing someone online by sending or posting mean messages, usually anonymously”

• Cyber bullying can take place at all levels of an organization: employees can cyber bully their colleagues, superiors, subordinates and people all around the organization.

Source: http://www.dictionary.com/browse/cyberbullying
CYBER BULLYING (CONT.)

• Cyber Bullying signify a merging of old habits – bullying – with new technology – cyber.

• This conjunction might obscure some of the duties and obligations that employers should be aware of, including:
  • Obligation to Maintain a non-discriminatory and safe work place
  • Legal Obligations
  • Ethical & Moral Obligations

• Balancing Obligations: Free Speech vs. Privacy
CYBER BULLYING (CONT.)

Cyber bullying can take many forms, including:

• Emails including offensive content

• Emails including explicit or implicit threats

• Offensive and/or threatening posts, tweets and other forms of display *and* sharing on social media platforms

• Orchestrated campaigns of rumors, innuendo and gossip using multiple chat forms, discussion groups, message and bulletin boards and other digital networking and communications applications
The list below will help employers, employees and investigators ascertain whether they are facing a cyber bullying situation:

- Has the victim received mean, hateful, threatening text messages, IMs, emails, Facebook messages and any other form of social media communication?

- Has someone posted mean or hurtful things about them online? Have others commented and passed on these things?

- Has someone forwarded their texts, IMs or emails to another person without their permission?

Source: http://nobullying.com/the-cyber-bullying-checklist/
The list below will help employers, employees and investigators ascertain whether they are facing a cyber bullying situation:

• Has someone used their pictures in a hateful, derogatory, or simply mean manner and posted it online for others to see?

• Has someone stolen their personal account passwords and started sending messages or posting and sharing things pretending to be the victim?

• Has someone started an offensive blog or Facebook page or bad Twitter Hashtag to demean the victim?

Source: http://nobullying.com/the-cyber-bullying-checklist/
WORKPLACE BULLYING – CASE STUDY 1

• **The Circumstances** – New manager (woman), unseating a popular manager, workers maintained loyalty to former manager

• **The Behavior** – Disobeying Instructions, Making Rude and Vindictive Comments, presenting management with false accusations and attempting to get manager fired

• **Impact on Worker** – Humiliated, belittled, withdrawal, agitation, anxiety, depression, inability to continue working and requiring psychiatric help

• **Appeals to Help** – Employee appealed to direct manager; received no response and appealed to senior manager; senior manager instructed junior manager to take action but was ignored

• **Management Response** – Initially ignored; initiated corrective action only after employee quit work and lodged a formal complaint

• **Consequences** – Legal action, employer held negligent (~$300,000 judgement); employer’s appeal rejected

  **Note:** This is a case study from Australia – sometimes, it’s convenient to observe things from a distance.
WORKPLACE BULLYING – CASE STUDY 2

- **The Circumstances** – A senior supervisor was accused by a new worker of “being arrogant, patronizing and dismissive” during his training sessions

- **The Behavior** – The employee saw the supervisor’s hand gestures as “dismissive”, his tone of voice as “patronizing” and his response to questions as “patronizing”

- **Impact on Worker** – Employee reported feeling humiliated, dismissed and bullied

- **Appeals to Help** – Employee lodged a formal complaint against the supervisor; other employees supported the claims with their own anecdotes

- **Management Response** – Supervisor was instructed to undergo a coaching program to improve his management and communications style

- **Management Response** - A mediation process was initiated between the supervisor and his employees

- **Consequences** – Relationships improved, complaints ceased
CYBER BULLYING – CASE STUDY

Scene 1

• George and Mary and work for communications company
• George liked Mary; he sends her an email on company email, inviting her for a coffee. She responds with a “no”. Is this cyber bullying?

Scene 2

• George continues to send Mary email – one a day for a week. Is that cyber bullying?
Scene 3

• Mary responds to George persistence by sending him an email a day, telling him to stop harassing her. Does Mary's response constitute cyber bullying?

Scene 4

• George complains about Mary to his supervisor. What should the supervisor do?

Scene 5

• Mary starts dating Guy, another employee. George is angry and humiliated. He creates a photo-shopped photo of Mary’s head on top of a porn-star’s body. Is this cyber bullying? revenge porn? both?
CONCLUSIONS

• Workplace Bullying is here to stay & will not go away unless we act
• Cyber Bullying will become major legal and employment challenge
• Dealing with Workplace Bullying requires commitment, planning, execution, monitoring – expertise
Questions? Comments?

Thank You!

Oscar Villanueva
Chief Operating Officer
TAL Global Corporation
408-993-1300
ovillanueva@talglobal.net
www.talglobal.com

George L. Vergolias, PsyD, LP
Vice President, Medical Director
R3 Continuum
919-927-0184
george.vergolias@r3continuum.com
www.r3continuum.com