

## IDENTIFYING AND ADDRESSING WORKPLACE BULLYING

Lisa R. Claxton

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## WORKPLACE BULLYING MOVEMENT

The screenshot displays the website for the Healthy Workplace Bill. At the top, it features the organization's name and the year 2019. Below this is a navigation menu with links for 'The Problem', 'The Solution', 'State of the Union', 'Take Action', 'The Movement', and 'Press & Bloggers'. The main content area includes a map of the United States where each state is color-coded to indicate the status of the bill: yellow for 'Current Bill', green for 'Previous Bill', orange for 'Not in Law', and red for 'Repealed Law'. A call to action section titled 'I Want To Help!' encourages users to join the grassroots campaign, volunteer to help state coordinators enact the bill, or become a coordinator in their state. A 'Join the Campaign Now' button is provided. At the bottom, there is a section titled 'About the Campaign' with a link to 'An Appeal to U.S. State Legislators'.

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## WHAT IS WORKPLACE BULLYING?

- Repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. <https://healthyworkplacebill.org>
- Abusive conduct that includes acts or omissions that would cause a reasonable person, based on the severity, nature and frequency of the conduct to believe that an employee was subject to an abusive work environment. (TN)

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## WHAT IS WORKPLACE BULLYING?

- It is abusive conduct that takes one or more of the following forms:
- Repeated verbal abuse (including derogatory remarks, insults); or
- Verbal, nonverbal, or physical conduct of a threatening, intimidating or humiliating nature in the workplace; or

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## WHAT IS WORKPLACE BULLYING?

- Work interference – sabotage – or undermining work performance, or
- Some combination of one or more.

Generally, conduct occurs over period of time and is meant to harm someone who feels powerless to respond

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## WHAT IS WORKPLACE BULLYING?

- Yelling, shouting and screaming
- Intimidating gestures, glares
- Overt threats, aggression
- Hostile glares
- Humiliating or degrading remarks about a person through or on social media
- Berating in an unreasonably harsh tone of voice

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### WHAT IS WORKPLACE BULLYING?

- Giving impossible deadlines, creating undue pressure, stress, overworking employees
- Isolating employees from coworkers
- Undermining work by withholding pertinent information or purposefully giving incorrect information or not enough information
- Unreasonable micro-managing
- Persistent criticism in front of others

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### WHAT IS **NOT** WORKPLACE BULLYING?

- Discipline following adopted policies
- Routine coaching and counseling
- Reasonable work assignments
- Differences of opinion on work-related concerns
- Non-abusive exercise of managerial prerogative

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## WHO IS THE BULLY?

- 70% males
- 30% females
- 61% of bullies are bosses (higher rank than the target)
- 63% of incidents the perpetrator operates alone

[www.workplacebully.org](http://www.workplacebully.org)

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## TYPES OF BULLIES

- Aggressive Jerk – angry bully who thrives on and excels at insults and name calling
- Scorched-Earth Fighter – cutthroat with need to win and make sure opponent loses
- Spineless Supervisor – "just doing what they're told"
- Shape-Shifter – Dr. Jekyll and Mr. Hyde
- Character Assassin – gossipy bully

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## WHO IS THE TARGET?

- For male bullies:
    - 65% female targets
    - 35% male targets
  - For female bullies:
    - 67% female targets
    - 33% male targets
- 66% of all targeted workers are female

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## WORKPLACE BULLYING VS. ILLEGAL DISCRIMINATION

- Workplace bullying – not prohibited by federal law or South Carolina law.
- Illegal discrimination and harassment – prohibited by federal and state laws.
- While workplace bullying may create a hostile work environment, it is not the same as an illegal hostile work environment protected by federal and state laws.

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## HOW TO KNOW THE DIFFERENCE?

- Illegal discrimination/harassment targets an individual because of that individual's status in a protected category (race, color, religion, sex, national origin, age (40+), protected disability, veteran or military status, etc.)
- Workplace bullying does not.

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## QUIZ: WORKPLACE BULLYING OR ILLEGAL DISCRIMINATION?

- Mary works on an assembly line. The line manager calls her "sweetie pie" in group meetings and says she looks great in her work uniform. Most of her co-workers are male. Line manager asked if she took the job so she could "catch" a man. He also commented to male coworkers that Mary would be "barefoot and pregnant" within a year of catching her man so they need to steer clear of her.

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## QUIZ: WORKPLACE BULLYING OR ILLEGAL DISCRIMINATION?

- Terry yells and curses at her co-worker who has a cubicle next to hers. Terry makes fun of his new haircut, the way he walks, and the way he talks. Terry constantly criticizes his work and gossips with others about phone conversations between her co-worker and his girlfriend.

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## QUIZ: WORKPLACE BULLYING OR ILLEGAL DISCRIMINATION?

- Kurt, accounting manager, sends nasty e-mail messages to his employee, Peter. Kurt blames Peter for the dept. backlog and threatens to fire or demote Peter if the dept. does not meet its goals. Kurt glares at Peter and makes fun of questions Peter asks in staff meetings. Kurt never asks Peter to lunch even though Kurt frequently lunches with other employees from the dept.

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## COST OF WORKPLACE BULLYING

- Directly or indirectly, workplace bullying takes a toll on the organization's employees, finances and reputation:
  - Stress-related health problems
  - Decreased morale/job satisfaction
  - Decreased productivity/lack of motivation
  - Turnover/retention issues
  - Public image

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## STEPS FOR AN EMPLOYER TO TAKE

- Establish an anti-bullying policy that communicates:
  - Organization's commitment to a workplace free from abusive conduct.
  - Identifies who is covered by the policy.
  - Identifies where the policy applies.
  - Provides a definition of abusive conduct and may even provide examples.

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### STEPS FOR AN EMPLOYER TO TAKE

- Explains employee responsibility for treating each other with dignity and respect.
- Explains employees should report potential policy violations and cooperate with investigations.
- Explains avenues for reporting.
- Prohibits retaliation.
- Explains corrective action will be taken.
- Explains that information will be kept confidential to the extent permitted by law.

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### STEPS FOR AN EMPLOYER TO TAKE

- Train managers on policy and how to respond.
- Train employees on the policy and how to report.
- Establish processes for investigating and resolving complaints.
- Conduct periodic employee attitude surveys to determine if workplace bullying is not being reported.
- Monitor turnover / absenteeism rates for unexplained patterns.
- Conduct bystander training.

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Obtain Written Statement That Includes:
  - Details on each incident that purportedly took place (who, what, when, where, how, why.)
  - Identifies any witnesses and what they might add.
  - Explores whether other employees were treated differently? If so, describe and identify.

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## IF THE ALLEGATION IS POTENTIAL ILLEGAL HARASSMENT

- <https://www.eeoc.gov/policy/docs/harassment.html>

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Identifies tangible evidence.
- Explores what explanation the accused may give as to why complainant was treated in this manner?
- Inquires as to what complainant wants to happen.

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Explain confidentiality
- Explain non-retaliation
- Explain next steps
- Explain where to reach out with questions or concerns
- Gather any tangible evidence (emails, texts, pictures, write-ups, voice mail messages, work performance/tasks assigned, etc.)
- Security cameras, badge swipes, time records

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Look at prior counseling, disciplines, performance evaluations for complainant and accused
- Interview witnesses (gather any evidence)
- Interview the accused (gather any evidence)
- Document any lapses in time
- Use first name, last name, title, employee number etc. to identify people

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Make credibility determinations if necessary
  - is there corroboration?
  - is there a motive to lie?
  - witness demeanor?
  - past record?
  - is it plausible?

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## CONDUCTING WORKPLACE BULLYING INVESTIGATIONS

- Reach a determination as to whether a policy was violated
- Determine appropriate disciplinary action and training, if any
- Communicate with complainant that investigation itself is concluded – not findings
- Communicate with accused
- Follow up and document follow up

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LISA R. CLAXTON  
lclaxton@hsblawfirm.com  
P 864.240.3381

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