



Workplace Bullying: A Growing Concern

Presented By:

AGENDA

- Definitions
- Students
- Workplace Bullying
- Bullying vs. Harassment
- Good Supervision vs. Bullying
- Cyberbullying
- Responding to Bullying
- Impact of Bullying

UNIQUE CHALLENGES

Two distinct groups of individuals

1. Employees
2. Students

EMPLOYEE CASE STUDY

Robert is an adjunct faculty member. Rose is his Dean. When Robert submits requests to Rose to approve she puts them at the bottom of the pile. She ignores Robert. Rose invites everyone in the Department, except Robert, to social events.

Is Rose bullying Robert?

What is the impact?

STUDENT CASE STUDY

Judith, a student, recently came out as transgender. When she speaks in class, a group of students roll their eyes, snicker, and interrupt her. They mock her speaking style. The faculty member has ignored what is going on.

Has Judith been bullied?

What is the impact?

Definitions

BULLYING TERMINOLOGY

- No “Victims”
- Only “Targets”....
- “Perpetrator” bullies
- Bystander
 - Hurtful
 - Helpful

WHAT IS BULLYING?

Fact-specific definition:

- Repeated and persistent attempts by one person or a group to torment, frustrate, provoke or intimidate another person
- A type of interpersonal aggression
- Goes beyond simple incivility
- Marked by frequency, intensity, duration

WHAT IS BULLYING?

- Violation of a person's physical, psychological, or professional integrity
- Low-intensity deviant behavior
- Intended to harm the target
- Violation of norms for mutual respect and courtesy

EXAMPLES OF BULLYING

- Insults and puts co-workers down
- Discounts ideas
- Denies accomplishments
- Collective bullying (mobbing)
- Yells, screams, uses threatening tones
- Steals credit from others for their accomplishments

REASONS WHY BYSTANDERS CHOOSE NOT TO INTERVENE

- Someone else will surely step in
- If I say something the bully will turn on me
- I don't like what the bully is doing, but she/he is still my friend
- I would say something, but she/he and I aren't really friends
- You're asking me to stand out on purpose?
- I just don't know what to do to make it stop

WHY IS IT IMPORTANT TO ADDRESS BULLYING?

- It is wrong to subject employees or students to bullying
- Negative effects in workplace and educational environment
- Severe bullying can equate to intentional infliction of emotional distress
 - Legitimate legal claim
 - Can lead to large verdicts against employer

Students

STUDENTS

Examples of bullying:

- Hazing
- Exclusion
- Postings on Social Media

EFFECT OF BULLYING ON STUDENTS

- Bullies at higher risk of academic problems, substance abuse, and violent behavior later in life
- Targets often suffer from anxiety, depression, and low sense of self-worth
- Bullying behavior and suicide-related behavior are closely related
- Bullying and sexual harassment are connected

Workplace Bullying

“ABUSIVE CONDUCT”

- Malicious conduct
- Objectively and subjectively hostile or offensive
- Unrelated to an employer’s legitimate interest

LEGISLATIVE INTENT BEHIND GOV. CODE

- Abusive work environments increasing throughout the nation
- Reduces productivity
- May lead to
 - Higher absenteeism rates, frequent turnover
 - Increases in medical and workers comp claims
 - Cost of \$200 billion per year

TRUE OR FALSE?

A single act does not constitute abusive conduct, unless especially severe and egregious?

True

“ABUSIVE CONDUCT”

“Abusive Conduct” law

- Requires training
 - Coupled with sexual harassment training
 - Often occur at the same time
- It does not create liability for engaging in “abusive conduct”

Bullying vs. Harassment

BULLYING VS. HARASSMENT

- Both consist of offensive conduct that is either pervasive or severe, going beyond civility
- What is the difference?

BULLYING

- Bullying is **not** directed at someone's membership in a protected classification
 - Bullying is **not** illegal
 - May violate District's anti-bullying policy

UNLAWFUL HARASSMENT

- Conduct is directed at someone's membership in a protected classification
- Harassment is
 - Illegal
 - Violates District's anti-harassment policy

BULLYING VS. HARASSMENT

- BOTH are inappropriate in the workplace
- Harassment is illegal
 - Violates District anti-harassment policy
- Bullying is not illegal
 - May violate District's anti-bullying policy

BULLYING VS. HARASSMENT

- Many states, including California, occasionally attempt to pass anti-bullying laws
- Challenge in outlawing bullying:
 - Defining something highly subjective
 - Significant burden imposed on employers to defend supervisory decisions in face of bullying claims

Good Supervision vs. Bullying

WHAT IS NOT BULLYING?

- A supervisor holding a subordinate accountable for his/her performance
- An isolated incident of inappropriate behavior
 - Though may be bad management and unprofessional

GOOD SUPERVISION VS. BULLYING

- Attentive supervisor gives constructive criticism by:
 - Being concrete, direct, accurate
 - Focusing on conduct, not person
 - Linking conduct to impact in workplace
 - Communicating expectations and strategies to achieve them

CASE STUDY

Paula calls Peter into her office and says: “I cannot believe that you lost it like that this morning when Michael asked you if you had completed the budget report. You were not very nice to him. It is no wonder no one in the office likes you. You have to get your act together or you’re going to find yourself out of a job.”

Attentive Supervisor or Bully?

CASE STUDY

Paula calls Peter into her office and says:
“It was not appropriate to tell a student looking for help with financial aid to come back later because you feel ‘overwhelmed.’ It sends a negative message and it is your responsibility to respond to these inquiries. Next time you feel stressed, take a minute to calm down before you say something.”

Attentive Supervisor or Bully?

GOOD SUPERVISION VS. BULLYING

- Bullies are **NOT** constructive or effective supervisors
- A bully
 - Uses abusive language
 - Focuses on person, rather than issue
 - Focuses on own feelings
 - Makes inaccurate accusations
 - Fails to explain how to meet standards
 - Does all of the above, repeatedly

CASE STUDY

Arnold is Amy's supervisor. Everyday this week Amy has been on her cell phone texting or playing games. At the end of the week, Arnold calls her into his office and says "What is wrong with you? You've been on that phone everyday this week. You set a terrible example for the others in the office. I wish I could ban that thing. Why can't you just do your job!"

CASE STUDY

Amy comes to you as HR Director claiming that Arnold bullied her.

Did Arnold bully Amy?

If Arnold was attempting to supervise Amy was constructive or effective?

MANAGEMENT STYLE THAT FOSTERS BULLYING

- Lax management style
 - Requiring employees to guess about what is acceptable and what is not
- Failing to give supervisors the authority to counsel problem workers
- Providing too little supervision so that inappropriate behavior goes unnoticed

CASE STUDY

You supervise Bob and Beth and know they have had issues working together. When Bob has a concern about Beth's work, he leaves a post-it note on her desk where everyone can see it. Beth has asked him not to do this and to send her an email instead. Bob complains to you that Beth is not addressing his concerns about her work.

CASE STUDY

You tell Bob to work it out with Beth.

Does this management style foster bullying?

BULLYING MANAGEMENT STYLE

Do you (either on purpose or by mistake):

- Write inaccurate performance evaluations?
- Impose unreasonable demands?
- Inconsistently apply the rules?
- Give only negative feedback?
- Avoid difficult conversations?

CASE STUDY

Today Beth walks into Bob's office and tells him to stop leaving post-it notes on her desk. You hear Bob shout at Beth "If you'd just do your freaking job I wouldn't have to leave the post-it notes on your desk for everyone to see! What is wrong with you woman?"

What is the impact of the supervisors management style?

Cyberbullying

CYBERBULLYING

1. The use of the Internet and related technologies to harm others in a deliberate, repeated and hostile manner
2. Actions reach follows the Target home

COMMON METHODS

- Email
- Facebook
- Twitter
- Instagram
- Text messages

MOST PREVELANT FORMS

- Name-calling or insults
- Identity theft or password theft
- Threats
- Humiliation: sending or publishing embarrassing pictures or video
- Disclosing private information
- Spreading rumors or lies about the target

CYBERBULLYING

If employees are using **District's computers** or Internet connection for

- Non-work-related purpose of posting bullying message on social media, then district may prohibit that pursuant to Internet use policy
- **Caveat:** Update your policy!

CYBERBULLYING

- If bullying messages posted on social media **NOT** using District equipment, must evaluate:
 - Privacy issues
 - Nexus to workplace
 - First Amendment issues

CASE STUDY

Stacey is a supervisor and likes to “friend” her staff on Facebook so she knows what they are doing after hours. Stacey has been sending Stan, one of her staff who is in a serious relationship, sexually explicit Facebook messages. The staff she has “friended” on Facebook have seen these postings. Stan comes to HR for help.

What can HR do?

Responding to Bullying

RESPONING TO BULLYING

Grounds for discipline include:

- Failure to cooperate with employee's supervisor or fellow employees
- Disorderly conduct
- Foul or abusive language
- Rude, discourteous offensive or abusive treatment of others, including the public, failure to maintain cooperative and effective working relationships with others, disrupting the work of others, or threats of any kind.

RESPONDING TO BULLYING

- Consider who in District should investigate a claim of bullying:
 - HR?
 - Manager?
 - Outside investigator?

INVESTIGATION

- Specificity is key!
 - Documents should tell the story in detail
 - Reader should be able to see the conduct in his/her mind's eye.
 - Need to understand the frequency, tone of voice, exact words, etc.

INVESTIGATION

- Focus on:
 - Figuring out what happened;
 - Determining whether the rationale offered by the alleged perpetrator makes sense or is valid;
 - Determining whether what happened violates a workplace rule.

DISCUSSION WITH BULLY

- Have a plan
- Practice the conversation with the bully
- Describe complaints
- Pay attention to the reaction
- Focus on the behavior and not the person

DISCUSSION WITH BULLY

- Counseling
- Management coaching
- Facilitator to work on relationships
- Anger management
- Training and support
- Discipline

COMMON EXCUSES BY BULLIES

- You are oversensitive.
- Hey, I just tell it like it is.
- I was just kidding!
- Are you still mad about that?
- I did not do/say that.
- I'm laughing with you, not at you.
- Just what is your problem?

CASE STUDY

Gail supervises Paul. They used to be co-workers. Paul does not respect Gail's authority. Gail's supervisor, Frank, has known Paul for years. Frank undermines Gail when she tries to deal with Paul's performance issues by telling Paul that Gail is being too strict, etc. Paul flaunts the work rules, saying they do not apply to him.

CASE STUDY

Gail gives Paul a letter of reprimand. He becomes irate and makes threats to bring guns in from home and “take care of the problem.” Gail goes out on a doctor-ordered stress leave and sues.

What is the result?

Impact of Bullying

IMPACT ON EMPLOYEES

- Decreased productivity
- Physical/emotional stress
- Increased absenteeism
- Increase in harassment claims and
- Increase in workers compensation claims

ESTIMATING FINANCIAL COST

To determine financial cost, look at:

- Turnover of staff
- Lost opportunity cost
- Absenteeism and “presentee-ism”
- Litigation and settlements
- Workers compensation and disability insurance

CONCLUSIONS

- Address inappropriate behavior
- Do not ignore petty, low grade conduct
- Resolving workplace conduct is part of supervision
- Set and enforce standard for courtesy, dignity, and respect

Questions?

PLUS/Δ

Thank you!

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