

An Introduction to Workplace Bullying

For attendees at the event hosted by the
PSAC - Vernon, B.C.
March 2, 2013

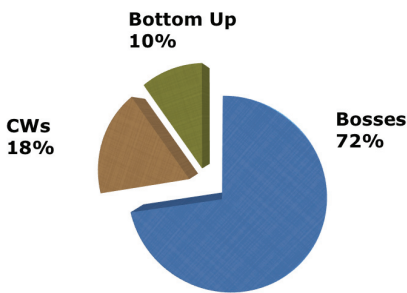
Gary Namie, PhD

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The Workplace Bullying Institute (WBI) introduced the British term, Workplace Bullying, to Americans in 1997 and has since refined it to mean abusive conduct. It is now defined as repeated, health-harming mistreatment by one or more persons manifested as: verbal abuse, work sabotage, or behaviors perceived as threatening, intimidating or humiliating. It is a non-physical form of workplace violence.

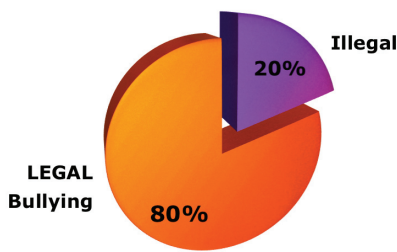
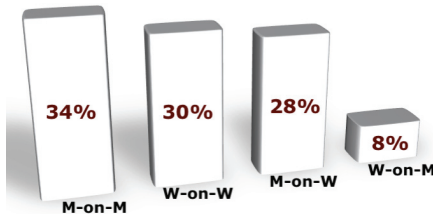
Prevalence & Key Characteristics

WBI commissioned the first two national scientific prevalence surveys sampling all adult Americans. In 2010¹, 35% of respondents (an est. 54 million people, the combined population of the 6 western-most states) reported being currently or historically bullied, 15% only witnessed it, while 50% had not ever experienced it.



Bullying is mostly top-down², with perpetrators outranking their targets in the vast majority of cases, making the stereotype of the “bullying boss” real. Co-workers bully, too.

The pairings of bully and target gender shows that the majority of bullying (64%) is same-sex harassment, according to the 2010 WBI national survey.



In only 20% of bullying cases, the harassment was potentially illegal (actionable using anti-discrimination laws). Thus, bullying is 4 times more prevalent than illegal harassment³.

Impact on the Targeted Individual’s Health

Stress-related physical health consequences

- Cardiovascular problems⁴ -- hypertension, coronary heart disease, strokes, death
- Gastrointestinal -- IBD
- Neurological structural changes, altered capacity⁵
- Accelerated aging from telomere shortening that interferes with DNA replication⁶

Psychological-Emotional health consequences from

- Psychosocial Stressors in the workplace⁷
- Debilitating anxiety

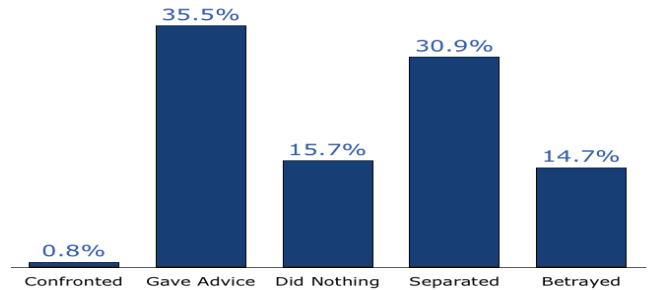
- Clinical depression
- Post-traumatic stress disorder (PTSD)

A pioneering researcher documented in the late 1980’s the causal link between mistreatment at work and PTSD⁸. Later, the severity of PTSD suffered from bullying most closely approximated PTSD from rape⁹.

Prolonged, inescapable exposure to stress is the key causal factor in creating severe emotional injury. At the risk of jeopardizing their own health, 73% of targeted individuals stubbornly remain in their toxic environment for more than 6 months¹⁰.

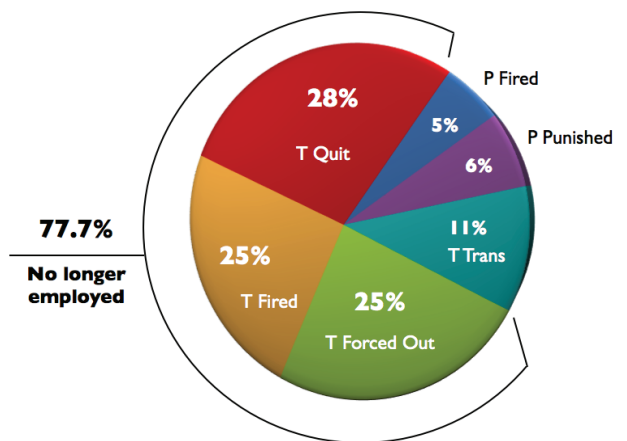
Impact on the Targeted Individual’s Social Relations

- Strain in the family escalates through estrangement to dissolution
- Ostracism triggers negative emotional effects¹¹
- Coworkers do not intervene; they abandon targets¹²



Personal Financial Impact

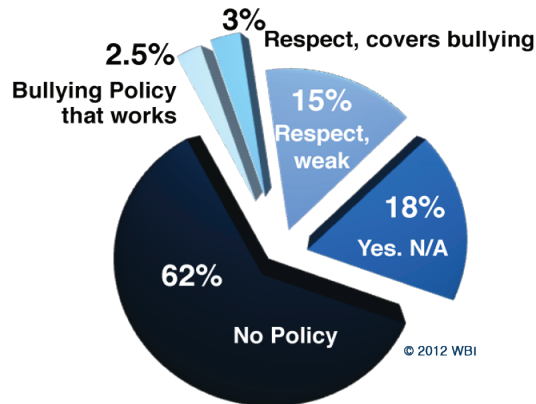
What made the bullying stop? Having the target pay the price. Voluntarily quitting, being terminated or constructively discharged. Even a transfer is a negative result. These are the findings from the 2012 WBI Strategies Effectiveness survey¹³. Once targeted, an individual has a 7 out of 10 chance of losing the job for no reason other than bullying. Note that the perpetrator (P) is rarely punished or fired.



Employer Engagement With Bullying

A completely involved employer would have both a formal policy and enforcement procedures in place.

The reality, as reported by the actual customers of employer bullying-related policies and procedures, is that in 2012 only 5% of employers had adequate P & P's in place. The majority had nothing. A third had useless policies, According to a 2012 WBI survey¹⁴.



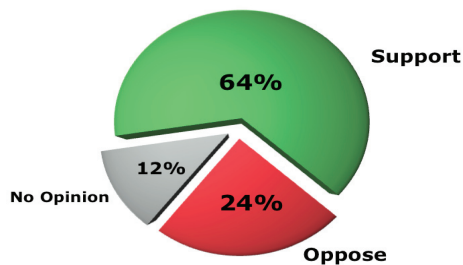
- ✓ Unfettered managerial prerogative is not challenged
- ✓ It is seen as permissible expressions of personal style
- ✓ Perpetrators are protégés and allies of their sponsors
- ✓ It is legal -- no U.S. laws
- ✓ HR has no policy proscribing the behaviors (no laws)
- ✓ HR is a management support function, not advocate for bullied, injured targets, managerial bullies supported
- ✓ Emotional targets are disbelieved and discredited
- ✓ Bullying is not recognized as health & safety risk by staff responsible for managing workplace H & S
- ✓ No “duty of care” obligations for U.S. employers
- ✓ Employers enjoy pro-institutional support in courts
- ✓ Employers unilaterally determine working conditions except in the rarely unionized workplaces
- ✓ Personal bond between bully and executive sponsor trumps fiscal losses from bully’s effect on the organization and fiduciary obligations
- ✓ Because they can! Bullying poses no risk to offending individuals though tangible fiscal losses and employee health injuries accrue.

Still Legal in the U.S. After All These Years

It is clear that abusive conduct is rampant, present in epidemic numbers. It is a “silent epidemic” because it is still predominantly an “undiscussable topic” with employers and on contract negotiating teams.

According to Suffolk University Law Professor David Yamada, bullying is “status-blind” harassment that ignores the recipient’s protected status group membership¹⁵. Legal protections are not granted at all to individuals who are not members of protected groups. And the courts’ current threshold for “outrageous” conduct for the tort of intentional infliction of emotional distress is nearly impossible to satisfy. Thus, cruel, severe, abusive mistreatment at work is expected to be tolerated as routine in the American workplace. It’s legal!

In 2010, a majority of Americans supported the notion of specific anti-bullying laws (dubbed the Healthy Workplace Bill)¹⁶.



Canadian Bullying-Related Laws & Regulations

- 2004: Quebec Labour Standards 81.18
- 2007: Saskatchewan OHS, Bill 66
- 2008: Canada OHS Part XX, Violence Prevention
- 2010: Ontario OHS, Bill 168
- 2011: Manitoba OHS, Safety & Health M.R. 217
- 2012: British Columbia, WCB, Bill 14

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- ✓ Shortcomings of current U.S. laws/regulations/CBAs
 - Tort of outrage, American-style, “beyond bounds of civil society” is unattainable standard as is establishment of causal link
 - Bullying involves singling out, discrimination, but protected group status of aggressor confounds case
 - Contracts do not address bullying -- employers resist inclusion; unions overlook bullying as an undesirable working condition
- ✓ The availability heuristic¹⁷ biases decisions -- judges and arbitrators without either direct or vicarious experience with bullying have difficulty believing or understanding it
- ✓ Adjudicators often commit the Fundamental Attribution Error¹⁸ -- the overestimation of the role of dispositional/personality factors compared to work (psychosocial stressors) environment factors not in the complainant’s control. Environmental factors are unseen and subtle.

Unions & Bullying

- ✓ It’s about Worker Health & Safety
- Describe impact on witnesses, too
- ✓ Majority of abuse is managerial
- Don’t fear member on member bullying
- ✓ Dignity at Work is a union issue
- ✓ Need to negotiate CBA terms
- ✓ Grieve and arbitrate bullying incidents
- ✓ Amend constitution to prohibit internecine bullying
- ✓ Represent, don't defend abusive member
- ✓ Compel the employer to create policy
- ✓ Demand accountability, regardless of offender status
- ✓ With disinterested employers, form and train an Expert Members Team to serve
- ✓ Use freedom from bullying as organizing tool

Remember: “Bullies cannot exist unless the local Employer tacitly permits or encourages bullying behavior.”

Bernice L. Fields

NALC Case No. GTS 2348

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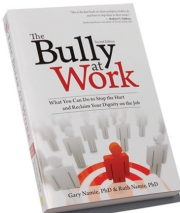
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HEALTHY WORKPLACE Bill

The Healthy Workplace Campaign to Enact the
anti-bullying HWB in U.S. States
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Books by Gary & Ruth Namie



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For employers