



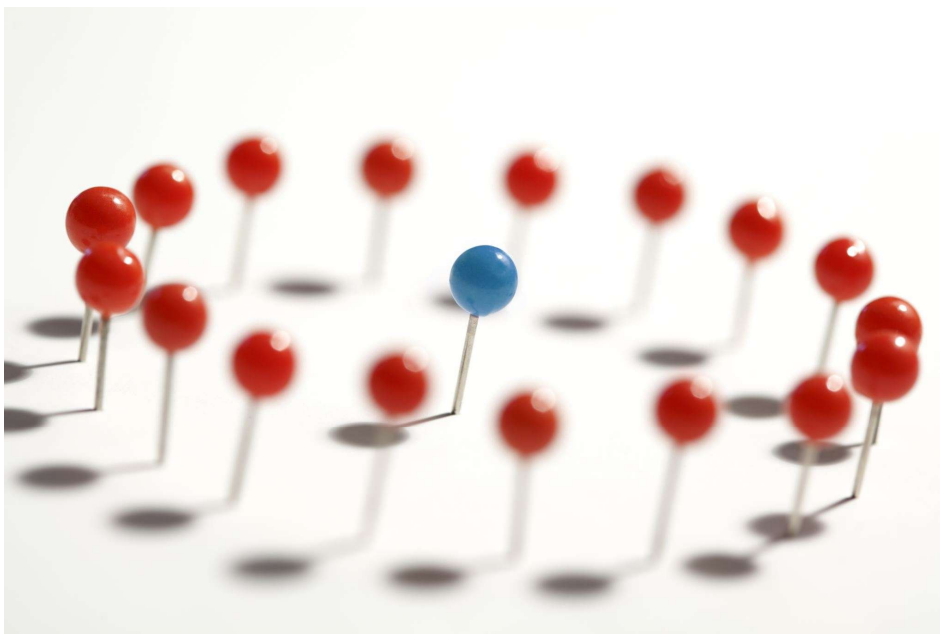
Why Can't We All Just Get Along at Work?

ELIZABETH L. BOLDUC, ESQ.

What Is Workplace Bullying?

Workplace bullying (abusive conduct) includes any inappropriate behavior by one or more perpetrators (the bullies) towards one or more persons (the targets) that:

- The bullies knew or reasonably should have known would cause the targets to be **threatened, humiliated, or intimidated**.
- **Undermines, disrupts, or negatively impacts** the targets' ability to do their jobs.
- Results in a **harmful work environment**.



Bullying Behaviors

Persistent, ongoing, harsh and unjustified criticism

Credit stealing

Malicious gossiping and rumormongering

Impossible deadlines

False accusations regarding work performance

Yelling, shouting, berating

Hostile glances, gestures

Isolating employees from opportunities, information and interaction with others

Who Can Be a Bully or a Target?

Supervisors and managers.

Coworkers and peers.

Subordinates.

Customers, independent contractors, and other business partners.

Men and women.



Categories of Bullying

Direct or obvious bullying
– abusive behavior the target can see or hear.

Indirect or subtle bullying
– abusive behavior that may be hidden from the target.

Vertical bullying –
abusive behavior by a supervisor, manager, or other person with authority over the target.

Examples of Direct Bullying

Yelling, screaming, or cursing.

Harassing or intimidating language.

Insults or put-downs.

Public ridicule or humiliation.

Constant or undue criticism.

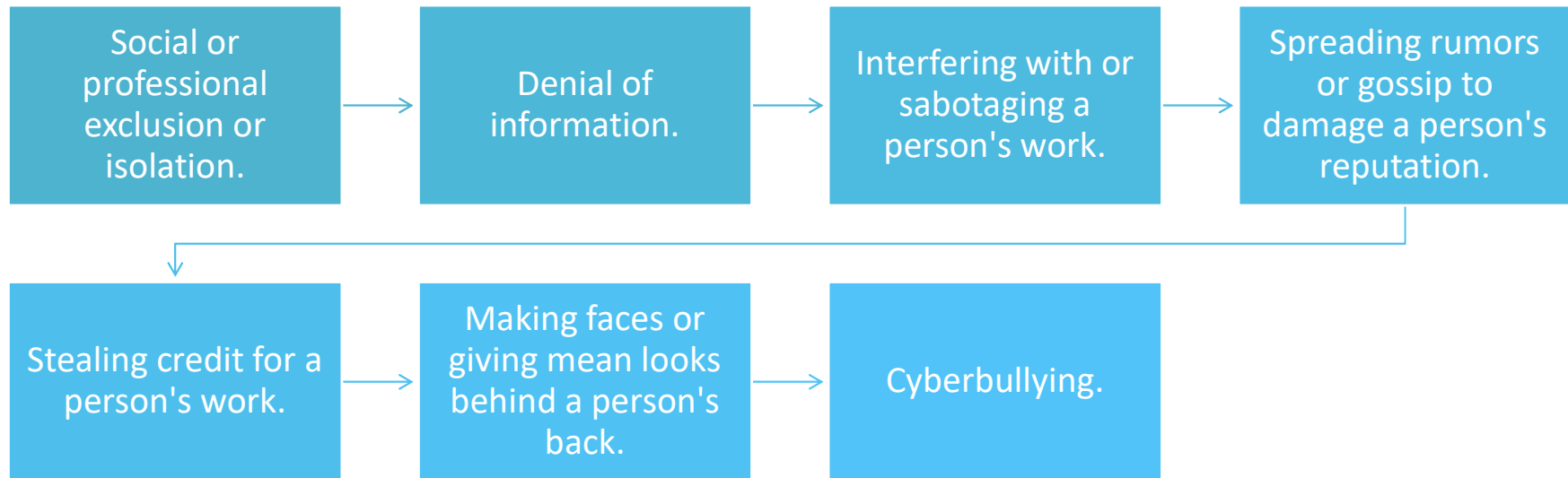
Teasing or targeting a person for pranks.

Physical Intimidation.

Unwanted touching (sexual or not).



Examples of Indirect Bullying





Examples of Vertical Bullying

Threatening job loss.

Giving unwarranted or undeserved punishment.

Denying leave, training, promotion, or needed accommodations out of malice, rather than for a legitimate business purpose.

Assigning work out of malice.

Applying different standards and policies to the employee than to others.

Setting up the employee to fail.

A photograph of a red pencil standing upright in the center of a cluster of grey pencils. The red pencil is the focal point, standing taller than the others. The grey pencils are arranged in a circular pattern around it, with their tips pointing towards the center. The background is a soft, out-of-focus white.

Examples of Vertical Bullying (cont'd)

Intimidating or undermining the employee, such as by:

- Yelling at the employee in front of coworkers.
- Making belittling comments about the employee during meetings.
- Discounting or denying the employee's accomplishments.

Excessively micromanaging the employee.

Isolating the employee from opportunities, information, and interaction with others.

Prevalence of Workplace Bullying

A 2024 survey by the Workplace Bullying Institute, an anti-bullying advocacy group, revealed:

- 32% of Americans have experienced workplace bullying.
- 14% have witnessed workplace bullying.
- 72% are aware that workplace bullying occurs.
- 56% of bullies are bosses, but bullies can also be coworkers or customers.

Cyberbullying and Social Media



Increasing possibility of cyberbullying through rise of social media and remote work



51% of hybrid employees reportedly experienced bullying



Different than in-person bullying



Obstacles to Addressing Bullying

What Is Not Workplace Bullying?

A difference of opinion.

Normal disagreement between coworkers.

A single, isolated remark or abrupt manner.

A supervisor's or manager's normal exercise of supervisory responsibilities, such as:

- Performance reviews, including factual, civil, and professional criticism or feedback.
- Follow-up on absences or deadlines.
- Progressive or appropriate discipline.
- Enforcement of policies or rules fairly and equally among employees.

How Does Workplace Bullying Differ from Unlawful Harassment?

The difference between workplace bullying and unlawful harassment is the **target**.

Bullying targets an employee for reasons **other than the person's membership in a protected class**.

- Race, religion, sex (including gender and pregnancy), national origin, color, age, disability, and genetic information are protected classes under federal law.

Bullying becomes **unlawful harassment** when it targets individuals **based on a protected class**.



John Smith, production line manager, calls Mary Adams, one of his assembly line workers, “**sweetie pie**” in a group meeting in front of her co-workers.

Most of her co-workers are men. He continues, saying that she makes lots of mistakes and is slower than everyone else but that she looks really cute in her work overalls and hard hat. He calls her into his office after the meeting and says ***if she will go out with him, he will give her a desk job to get her off the assembly line.***

Is this workplace bullying or illegal discrimination and harassment?

Example - workplace bullying or illegal discrimination/harassment?

Jane Downing yells and curses at her co-worker, Paul Jones, who has a cubicle next to hers. She makes fun of his new haircut and the way he walks. ***She constantly criticizes his work performance*** and ***gossips*** to other employees about phone conversations between Paul and his girlfriend.

Is this workplace bullying or illegal discrimination and harassment?

Example - workplace bullying or illegal
discrimination/harassment?

Kurt Brown, who manages the accounting department, sends nasty e-mail messages to his employee, Peter Marks. Kurt blames Peter for the backlog in the department and **threatens to demote** or **fire** him if the department does not meet its goals.

He glares at him and **makes fun of questions** Peter asks in staff meetings.

Is this workplace bullying or illegal discrimination and harassment?

Example - workplace bullying or illegal
discrimination/harassment?

How Does Workplace Bullying Differ from Healthy Conflict?

Healthy conflict occurs when individuals of diverse backgrounds and personalities are able to:

- Speak candidly about matters of interest.
- Ask difficult questions.
- Challenge ideas and propositions that do not seem right to them.
- Work together toward optimal solutions in a mutually respectful manner.

How Does Workplace Bullying Differ from Healthy Conflict? (cont'd)

Bullying, on the other hand, is negative behavior that:

- Does not involve an attempt to reach collaborative solutions.
- Is usually intended to hurt, intimidate, threaten, or insult the other person.
- Is used to exert control over the other person.

Understanding Workplace Conflict: Tough Boss or Workplace Bully?



Acts with malice

Conflict + malice = bully

Acts without malice

Conflict + no malice = tough boss

Workplace Bullying- What it is NOT

Bullying is NOT a difficult boss, conflict, harassment or discrimination

Typical Bullying Behavior

- Calling employees “stupid”
- Suddenly removing an employee from a committee with no reason or explanation

Not Typically Bullying Behavior

- Corrective action for a mistake
- Removing an employee from a committee because they missed more than 50% of the meetings

Consequences of Workplace Bullying

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Workplace Bullying- Who is impacted?

Findings from a survey by the Workplace Bullying Institute revealed the following:

- 19% of U.S. workers are bullied, and another 19% witness bullying.
- 61% of U.S. workers are aware of abusive conduct in the workplace.
- 70% of perpetrators are men, and 60% of targets are women.
- 61% of bullies are bosses, and the majority (63%) operate alone.
- 40% of bullied targets are believed to experience adverse health effects.
- To make the bullying stop, 65% of targets leave their jobs.

Consequences of Workplace Bullying: Negative Effects on Targeted Employees

Bullying:

- Creates risk to the health and safety of employees.
- Undermines an employee's right to dignity at work.
- Creates feelings of defenselessness in the target.

Similar to post-traumatic stress disorder, targets experience:

- Stress, anxiety, withdrawal, and depression.
- Panic attacks.
- Loss of appetite and gastrointestinal problems.
- Insomnia and sleep disturbance.

Consequences of Workplace Bullying: Negative Effects on the Organization

Damages employee morale.

Reduces productivity, innovation, and teamwork.

Leads to higher absenteeism rates and turnover.

Harms Company's reputation and threatens our competitive position.

Can escalate into violent behavior.

Workplace Bullying- What is the impact?

Significant actual costs for employers

- \$ Productivity losses (from victim and bullies)
- \$ High Employee turnover and replacement costs
- \$ Low productivity, low morale
- \$ Absenteeism problem
- \$ Higher health care cost
- \$ Unemployment compensation claims
- \$ Damage to the employer's reputation (from employee victims who quit)
- \$ Medical cost increases
- \$ Legal costs

Workplace Bullying- Connection to Workplace Violence

Bullying can and often does result in workplace
violence



Workplace violence is any act against an employee
that occurs in the work setting and negatively affects
the employee physically or psychologically

Workplace Violence

Roughly **TWO MILLION** violent crimes occur at work each year

25% of workers reported that customers, clients, patients, or other members of the general public subjected them to violent behavior in the workplace

13% of those surveyed indicated that members of management instigated some form of violent behavior toward them



Workplace Bullying Policy

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Workplace Violence Prevention Policies

Purpose: provide safe workplace for all employees

Scope: applies to all employees (and others)

Prohibited conduct examples: no threats or violent activities

- No causing or threats of physical harm
- No threatening remarks
- No aggressive or hostile behavior that creates a reasonable fear of injury to another
- No intentional damage to employer property or property of another
- No possession of weapon on premises or while on business

Workplace Violence Prevention Policies

Reporting procedures (immediate report)

Risk reduction measures

Guidelines for addressing violent situations

Support for victims of violence

Emergency/security plan

Hypothetical 1

Tara Target is a rising star at New Ads Company. Beth Boss was just promoted to head Tara's group.

Tara begins to notice that Beth seems to be ignoring her. Whenever Tara sees Beth, Beth focuses on someone else and does not acknowledge Tara.

Tara also learns that Beth has invited other team members to planning lunches, but not Tara. Tara also does not receive the memo about a key client meeting that the rest of her team attends.

Is this workplace bullying? What should Tara do?

Hypothetical 2

The company rolls out new sales reporting software. Beth assigns everyone but Tara to all-day software training, so Tara is trying to figure out on her own how to run her reports. As a result, it takes her twice as long as others.

Beth also reassigns Tara's key accounts but does not reduce her sales targets. At team meetings, Beth calls out Tara's poor numbers and regularly makes demeaning comments about Tara. Beth often threatens to fire Tara for her performance.

Tara is anxious about going to work. Her blood pressure is up and she's not sleeping well.

Is this workplace bullying? What bullying behaviors do you identify in this scenario?

Questions?

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