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When it comes to workplace bullying, employees have limited options

Greater awareness helps in coping with the problem — but some companies ignore it

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The thing about work place bullying is, it's been there all along.

What's different today is that it is wrong, and we know it.

At a time when solutions to bullying among school-aged students is being heavily discussed on a national scale, some say the name-calling, humiliation and intimidation that comes along with bullying has become a silent epidemic throughout America's work force.

And because workplace bullying — which the Workplace Bullying Institute defines as repeated, health-harming mistreatment of one or more persons by one or more perpetrators — is not illegal in any of the 50 states, those affected often have few options available when it occurs.

According to a 2012 Career Builder Survey, 35 percent of workers said they have felt bullied at work, and 17 percent decided to quit their jobs because of the situation. The survey was conducted online by market research company Harris Interactive and included 3,892 full-time, not self-employed, non-government workers over the age of 18.

Gary Namie, director of the Workplace Bullying Institute, based in Bellingham, Wash., said the issue gets worse when fewer jobs are available, providing a person who feels they are experiencing the bullying with fewer escape routes.

"It's always been there, it's just a matter of considering it wrong," Namie said. "What's new is that it's wrong, because it is all too often considered routine.

"Management wants you to think this is a routine managerial prerogative, not a problem, and it need not be."

Namie and his wife, Ruth, founded the Workplace Bullying Institute in 1997 after Ruth experienced bullying at her own job. Now, the group blogs on the topic, runs studies on workplace bullying and is working to get a Healthy Workplace Bill passed to help fix the problem and help raise awareness.

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Limited options

"Unless someone is being bullied because they are a member of a protected class — which is race, sex, disability and those other categories covered by discrimination law — or being bullied in retaliation for whistle-blowing or complaining about ethics violations, they probably fall between the cracks of existing employment protections," said David Yamada, professor of law

and director of the New Workplace Institute at Suffolk University Law School.

Though a person could try to sue for intentional infliction of emotional distress, Yamada said that most such claims are dismissed by courts without a trial. In fact, lawyers sometimes advise clients to focus on finding a new job if their efforts to resolve the issue internally haven't worked.

Andrew Hosmanek, managing attorney at Hawkeye Law PLC in Iowa City, said he has often advised clients to find a new job to remove themselves from the situation as quickly as possible to minimize the amount of psychological and emotional damage.

"I mean, the best advice I actually give is to change jobs, and people don't really want to hear that, but you really have to start looking for a new job," Hosmanek said. "The bullies don't change."

According to the American Psychological Association, severe bullying can lead to depression, anxiety and a variety of other health issues.

"Not only does it force out a perfectly good employee who is your victim, but it kills your bottom line because other people see it and it destroys their motivation," Hosmanek said. "They don't want to work in a place where they treat each other like that."

"So not only do you have turnover, but people lose time on their job thinking about it, talking about it, dealing with it — sick days kick way up."

Local policies

Many area employers have anti-harassment policies that cover behaviors similar to bullying.

Rockwell Collins, for example, has standards of business conduct that include policies on harassment that require employees to treat each other with respect. That policy prohibits verbal or physical conduct that is threatening or intimidating, taunting, unwelcome sexual advances, aggressive action or language toward another person, repeated offensive or derogatory remarks and inappropriate physical conduct.

The company also has a non-retaliation policy, intended to prevent an individual who reports a violation of law or company policy from being punished. If a Rockwell Collins employee needs help or wants to discuss an issue in the workplace, they are encouraged to contact leadership, the ombudsman, human resources or general counsel.

Pam Tvrdy, Rockwell Collins manager of media relations, said the company also has training courses that outline the way Rockwell conducts business internally and externally. Any employee who violates the standards of business conduct is subject to disciplinary action.

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Garrett S. Pıklapp, secretary and general counsel with Fareway Stores Inc., headquartered in Boone, said the company has general measures in place to ensure a positive work environment is maintained, and that the company expects its employees to be courteous and respectful to their colleagues and customers.

If an employee feels those policies are being violated, he or she is encouraged to report it to a store manager, district supervisor or the human resources department.

"We have employee handbook policies and we also consistently monitor, train and reinforce these policies by doing in-store meetings and training," Piklapp said, adding that, as part of the Iowa Grocery Industry Association, Fareway participates in a bullying prevention campaign in the state that helps provide money to schools that want to prevent bullying.

The University of Iowa also has anti-harassment policies and, over the past two years, has begun offering a workshop on respectful behavior that discusses abrasive behavior — defined as aggressive interpersonal behavior in which the person carrying out the behavior doesn't realize the impact — and bullying, in which the person carrying out the behavior does so deliberately.

Cynthia Joyce, UI ombudsperson, said the workshops have helped employees realize what kind of behavior falls into those categories. They also have helped raise awareness about bullying in the workplace, and provided information to employees about where they can go for help.

Joyce said the UI treats each case differently, and though those cases tend to get resolved eventually, they may take quite a bit of time and effort to work out.

"I often tell people who come in to talk about these issues that it took a while to get to this point, where the behavior is entrenched, and it's going to take a while for us to deal with it," Joyce said. "It can take as long as two years, especially if it's a supervisor, administrator or someone higher up in the chain.

"On the other hand, very early in my time, here a significant issue was raised, and it was resolved in a matter of months, so it can happen quickly. I tell people not to count on it, though, and that's why people sometimes begin to look for another job while we work on the problem."

A 2012-2013 annual report from the UI Office of the Ombudsperson said 23 percent of the office's visitors raised concerns about disrespectful behavior — which includes bullying — and 5 percent of visitors made explicit complaints about bullying. Of the complaints about bullying, 64 percent involved a supervisory relationship and 36 percent involved a peer relationship.

Joyce said the amount of visits the office gets from bullying has plateaued over the past few years.

"It's a pretty small number, and we're not seeing a trend. However, when bullying happens, it's very serious, so the numbers can be a little deceptive," Joyce said.

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Preventing, responding to bullying

When confronted with a bully, Namie of the Workplace Bullying Institute said the most effective action an employee can take is to make an unemotional pitch to the highest level supervisor he or she can. Most important, Namie said, is that someone who feels she or she has been bullied doesn't leave the job without saying something.

"At least control how you go. Do not go in silence or shame, you did nothing wrong. If you do not do that, and you leave in shame, it's really costly emotionally, it takes a long time to get

back on your feet and get a new job," Namie said.

He added that telling a supervisor helps raise awareness that there might be an issue in the office.

Namie said it also can be helpful to explain how continued bullying could have an effect on the company's bottom line, as excessive bullying can often lead to turnover, absenteeism and a less-productive staff in general.

The best thing an employer can do, Namie said, is to create a policy that addresses bullying, and faithfully enforce it across all levels, making it apply to everyone, even though the law does not require them to do so.

Healthy Workplace Bill

Though no laws have been enacted that make workplace bullying illegal, there is a grassroots effort to get a Healthy Workplace Bill introduced and passed in individual states across the country that would help to protect people who are not part of a protected class.

Though the bill does not use the term "workplace bullying," it would:

1. Define an abusive work environment
2. Require proof of health harm by a licensed health professional
3. Give employers a reason to terminate or sanction offenders
4. Require plaintiffs to use private lawyers
5. Provide a legal avenue for an employee to sue a bully as an individual
6. Hold the employer accountable
7. Compel employers to prevent and correct future incidents.

Yamada — who drafted the bill — said it is gaining traction in New York and Massachusetts. Resistance to the bill is coming from business groups that fear liability and excessive litigation, he said.

Iowa is one of only eight states that has not introduced a version.

Workplace Bullying Statistics:

- 35 percent of workers said they have felt bullied at work
- 16 percent of these workers reported suffering health-related problems because of bullying
- 17 percent decided to quit their jobs to escape the situation

Source: Career Builder Survey, 2012

Bullying experiences at work can include:

- Doing a new job without training or time to learn new skills, and sensing that your work is never

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good enough for the boss

- Surprise meetings with your boss that lead to further humiliation
- Others at work have been told to stop working, talking or socializing with you
- Constant feelings of agitation, anxiety or a sense of doom
- You are rarely left alone to do your job without interference
- When confronting a the person, you are accused of harassment

Source: Workplace Bullying Institute



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