Is There A Bully in the Room?

What Laboratory Managers Should Know about Workplace Bullying

March 24, 2011
Objectives

1. Identify key characteristics of bullying behavior.

2. Apply suggested techniques to address and change bullying behavior.

3. Discuss legislative and organizational strategies to prevent bullies in the workplace.
What Is Workplace Bulling?

• Repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group), which is meant to intimidate and creates a risk to the health and safety of the employee or employees.

• It is frequently the abuse or misuse of power intended to intimidate, degrade, or humiliate.

Department of Labor and Industries, 2008

Bullying vs. Aggression & Harassment

• Aggression - A single act
• Harassment - Illegal discrimination which is offensive and unwelcome conduct occurring because of the persons protected class
  – Offensive jokes, unwelcomed sexual advances
• Bullying - repeated attacks against the target creating an on-going pattern
Calling a Bully a Bully

- Synonyms reflecting the seriousness of bullying:
  - Mobbing
  - Psychological Violence
  - Emotional Abuse at work
  - Psychological Harassment
  - Personal Harassment
- Euphemisms that trivialize bullying and its impact:
  - Incivility
  - Disrespect
  - Difficult People
  - Negative Conduct
  - Ill Treatment

Worforce Bullying Institute, 2011

Common Characteristics of Targets

- Usually pose a threat (real or perceived)
- More technically skilled than the bully
- They are the informal leaders in a group
- Typically better liked
- Have more social skills
- Frequently have emotional intelligence
- They have empathy
- They are ethical and honest
- Can be whistleblowers
- Are non-confrontational
Environments Where Do Bullies Thrive

- Companies where there is:
  - Extreme competition
  - Fear of redundancy
  - Fear of one’s position
  - Culture of “putting colleagues down”
  - Authoritarian style of management
  - Change
  - Excessive workload

http://www.workplacebullying.co.uk/targetind.html

Occurrence Rates

- According to the Workplace Bullying Institute (WBI)
  - 54 million U.S. workers have been affected
  - 400 million U.S. workers have directly affected by a bully or have seen one in action
  - 95 percent of respondents were self-described targets

- Who are the bullies
  - 81% are bosses
  - 14% are coworkers of the victim
  - 5% bully higher ups
  - 46% of workers abandon the bullied co-worker
  - 15% actually join the bully

Statistical Overview

• Over one million persons are victims of violent crimes in the workplace each year (15% of all violent crimes).

• Of all violent crimes committed in the workplace, 19% were committed by individuals well known to the victim.

• Estimates show that 500,000 workers miss 1,751,000 workdays annually which equates to approximately $55 million.  
  http:www.workplacebullying.co.uk/targetind.html

Most Often Cited Behaviors of Bullies

• Blaming others for errors
• Raising false concerns about or criticizing the work of others
• Making unreasonable demands
• Yelling and screaming threats of job loss, insult, or put-downs
• Social exclusion
• Stealing credit for others work

  Johnston, J. (2010)
Health Outcomes of Bullying

- Depression
- Migraine headaches
- Skin disorders including rashes
- Chest pains
- Constant fatigue
- Hypertension
- Muscle tension and pain
- Vomiting at the thought of going to work
- Diarrhea
- Coughs and exasperated asthma
- Abdominal pains

Equal Opportunity Harasser

- Supervisors often bully by:
  - Constantly criticizing, demeaning and undermining employees
  or
  - Overworking and exploiting employees.
Co-Workers In The Bullying Cycle

• Most coworkers do not help the target.
  – 5 things that discourage co-workers from helping
    • Abilene Paradox
    • Groupthink
    • Cognitive Dissonance
    • Co-workers side with the aggressor
    • Winners take all – targets are losers
• Fear suppresses action and bullying leads to a fearful work environment.

Co-Workers In The Bullying Cycle

• What do co-workers actually do?
  – 0.8% banded together
  – 7.1% offered advice
  – 28.4% gave social support
  – 15.7% did nothing
  – 13.2% distanced themselves
  – 4.8% followed the bullies orders and stayed away
  – 12.8% betrayed the target to the bully
  – 14.7 % publicly sided with the bully
  – 2.5% of actions were not clear

Namie, 2009
Bullying In Health Care

- Health care (HC) is a team sport
- Civility – there is a perception that HC has a lack of civility
- Places patients at risk
- Hierarchical
- Title Driven
- Economic pressures of the current HC environment
- Stress, burnout, depression and fatigue
- Nurses have a reputation for “eating it’s young” (Guglielmimi, C., 2010)

Grenny, J. (2009)

Examples of HC Bullying

- Physicians groping nurses and technicians as they try to perform their jobs
- Tools and other objects being flung across the OR
- Personal grudges interfering with patient care
- Accusations of incompetence or negligence in front of patients and their families
- Isolation or “icing out” of co-workers
- Taking credit for others work
- Making fun of or mocking coworkers

Johnson, C. (2009)
Suggested Techniques for Targets

• Do
  – Firmly tell the person that the behavior is not acceptable and ask them to stop
  – Keep a factual journal or diary of daily events
  – Keep copies of letters, memos, e-mails, faxes etc.
  – Report the harassment to the person identified in your workplace policy, supervisor, or a delegated manager

• Do Not
  – Retaliate

• Seek Professional Counseling

Outcomes

• Employers reactions:
  – 18% made the situation worse
  – 44% did nothing
  – 32% tried to help

• Outcomes of bullying:
  – 40% of targets quit their jobs
  – 24% of targets get fired
  – 13% of targets transfer
  – 23% of bullies are punished
Definitions:

- Torte: A “civil” wrong that entitles the injured party to recover money damages from the responsible party.
- Statute: legislative act: an act passed by a legislative body
- Bill: a statute in draft before it becomes law; "they held a public hearing on the bill"
Is Workplace Bullying Illegal?

- There is currently no federal law
- Only if it involves a protected class
- Healthy Workplace Bill – drafted by David Yamada
- There are currently 13 states with proposed legislation
- Canada and the United Kingdom are leading the way

Available Torts and Laws in the US

- Discrimination law, hostile work environment theory could apply if the employee is a member of a protected class
- The “generic” harassment claim is not actionable
- Disability discrimination law is actionable only if the harassment or offending behaviors creates or critically augments a recognized liability (REF 32)
- Challenge with these is that “stress” is seen as part of being employed
Claims for legislation

- Forces the employer to explicitly train management and staff on this issue
- It provides the organization with an affirmative defense when:
  - The employer exercised reasonable care to prevent and correct promptly any actionable behavior; and,
  - The complaint employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer

Claims against legislation

- Will bring frivolous lawsuits
- Will increase the cost of running business in order to handle these lawsuits
- Companies have already HR policies addressing these issues
- Employees already have anti-discrimination laws
- Why penalize revenue producers
- Decisions can be “bias” depending on what side of the “fence” you are on
The Healthy Workplace Bill (HWB)

- Introduced by
- Author of the bill is David C. Yamada, a law professor at Suffolk University
- The bill is part of an effort to amend the labor law to establish a private cause of action for an abusive environment

Highlights of HWB

- Primary Cause of Action
- Employer Liability
- Damages
- Private right of action
- Anti-retaliation protection
Status of the HWB

• Since 2003, 20 states have introduced it, 13 bills were active in 10 states during the Spring 2011 legislative session
• The closest is NY (A4528), which was passed by the Senate in the summer session of 2010 and it is expected to pass in 2012.

Policies Outside of the U.S.

• The following countries have labor laws that include the prohibition of abusive behavior
  – Canada
  – Australia
  – France
  – Sweden
  – UK
The Joint Commission for Hospital Accreditation has specific requirements for policies that specify how to deal with “unacceptable behavior”.

In order to encourage constructive methods of managing conflict, organizations should incorporate the following goals into their human resources policies, training programs and educational requirements:

• continually reinforcing the code of conduct
• creating educational and counseling programs for offenses that cause disruption and undue conflict
• enforcing sanctions in a consistent manner

More on the Joint Commission…

• Establishing a fair process to evaluate and act upon complaints
• Forging an overall culture of respect and integrity
• Fostering a non-punitive reporting environment
• Implementing zero-tolerance policies for specified violations, such as acts of harassment and discrimination
• Refusing to ignore unacceptable behavior at any level
Organizational Strategies

• Education
  – Violence in the workplace training for all the workforce

• Policies and Code of Conduct
  – Include language in the employee handbook
  – Have specific policies and disciplinary action

• Process for conflict management that includes:
  – Early conflict intervention and investigation from all sides
  – Conflict resolution involving a third party
  – Conflict coaches
  – Interdisciplinary committees
  – Implement a Code White or Code Pink

What The Organization Can Do

• The organization must support anti-bullying initiatives
• Develop specific policies and procedures to address disruptive behaviors
• Develop a strong and impartial HR department
• Support the initiative by:
  – Educating staff and employees
  – Provide leadership
  – Focus on prevention and immediate intervention
  – Follow-up with managers to ensure that the behaviors have stopped
• Social influence and peer pressure
• Break the code of silence
What Can Managers and Supervisors Do?

- Management commitment
  - Encourage civility and respect in the department
  - Utilize the organizational policy outlining the reporting system
  - Encourage CONFIDENTIAL reporting
  - Educate staff
  - Intervene immediately before it gets serious
  - Treat all complaints seriously
  - Have an impartial third party help with the resolution
  - It takes courage to set strict boundaries and even more to enforce them

“Whatever you do, you need courage. Whatever course you decide upon, there is always someone to tell you you are wrong. There are always difficulties arising which temp you to believe that your critics are right. To map out a course of action and follow it to the end, requires some of the same courage which a soldier needs.”

- Ralph Waldo Emerson
References


References cont.

- Stanford Hospital and Clinics, “Disruptive Behavior of Medical Staff and Physicians-in-Training Policy.”
- Mass. Senate No.699, Sec. 4(b).
- The Joint Commission, Behaviors that undermine a culture of safety, 40 SENTINEL EVENT ALERT (July 9, 2008).