



**RESEARCH STUDIES**

*workplacebullying.org*

**The WBI Website  
2013 Instant Poll-A  
Workplace Bullied Targets  
Forgo Taking Leave**

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## **WORKPLACE BULLIED TARGETS FORGO TAKING LEAVE UNPAID LEAVE A REALITY FOR MANY**

### **WBI 2013-A Instant Poll**

Individuals who are bullied at work can suffer stress. With prolonged exposure, that stress can trigger stress-related diseases. Health complications follow. At some point, those individuals are adversely affected and work suffers. It becomes apparent to them, coworkers, and family members that leave from work should be taken to allow for health recovery. The options for American workers include taking paid sick leave, filing for workers compensation, taking family medical leave or seeking disability insurance. Only 23% of private-sector employers offer at least one day of paid sick leave. There is no national mandate for employers to provide paid sick leave in the U.S.

McGill Institute for Health and Social Policy, Montreal, that compiles comparisons across countries of various policies that affect workplaces. With respect to paid sick leave, the Institute wrote:

*Paid sick leave is crucial to employees' ability to protect their health. Such leave allows workers to access medical care promptly and recuperate more quickly when they become sick, which leads to a shorter recovery time from acute illnesses. For workers with chronic conditions, paid leave provides time to obtain essential medications and follow through on treatment recommendations, and thus reduce the impact of their illness on their day-to-day functioning. Leave to care for health needs is also important for employees who are not experiencing an acute or chronic health problem, as it allows them time for preventive care. Besides enabling employees to prevent, recover from, manage, and avoid exacerbating illness, all of which reduce their total absence from work, paid sick days decrease the likelihood that sick employees will spread infectious diseases to coworkers. Recent studies have shown that the costs that companies incur when sick employees come to work often surpass the costs of employees staying home when they are ill. The lost productivity associated with presenteeism has been demonstrated for a range of health problems, including migraines, depression and mononucleosis.*

According to McGill studies: Norway, Germany, Japan and the UK offer paid sick leave for up to 26 weeks or until recovery is complete. Australia offers 1 to 10 days; Russia 11-30 days; Canada 31 days to up to 25 weeks. The range of percentages of wages replaced during sick leave from 75 to 100% is offered in Norway, Germany, Russia and Australia; 50-74% in Canada and Japan. By contrast, in the U.S. there is no paid sick leave law and no provision for replacing lost wages.

For this first survey of 2013, WBI decided to explore how leave from work is taken by bullied targets.

Workplace Bullying Institute Instant Polls are online single-question surveys that rely upon self-selected samples of individuals bullied at work (typically 98% of any sample). No demographic data are collected. Our non-scientific Instant Polls accurately depict the perceptions of workers targeted for bullying at work as contrasted with the views of all adult Americans in our scientific national surveys.

The 461 respondents to this survey were asked:

*If bullying affected your health, how did you take LEAVE from work?*

The percentages for each response option were:

.510 *I took no leave time*

Thus for 228 respondents (49% of the pool), some form of leave was taken. The percentages below reflect the proportion based on the sample subset of 228.

.043 *Forced to file Workers Comp claim; claim denied*

.039 *Forced to file Workers Comp claim; claim successful*

.022 *Voluntarily filed Workers Comp claim; claim denied*

.004 *Voluntarily filed Workers Comp claim; claim successful*

.140 *Forced to use unpaid FMLA*

.096 *Voluntarily used unpaid FMLA*

.096 *Forced to use paid FMLA*

.219 *Voluntarily used paid FMLA*

.127 *Used only Short-Term Disability*

.057 *Used both Short- and Long-Term Disability*

.153 *Now on early retirement, disability*

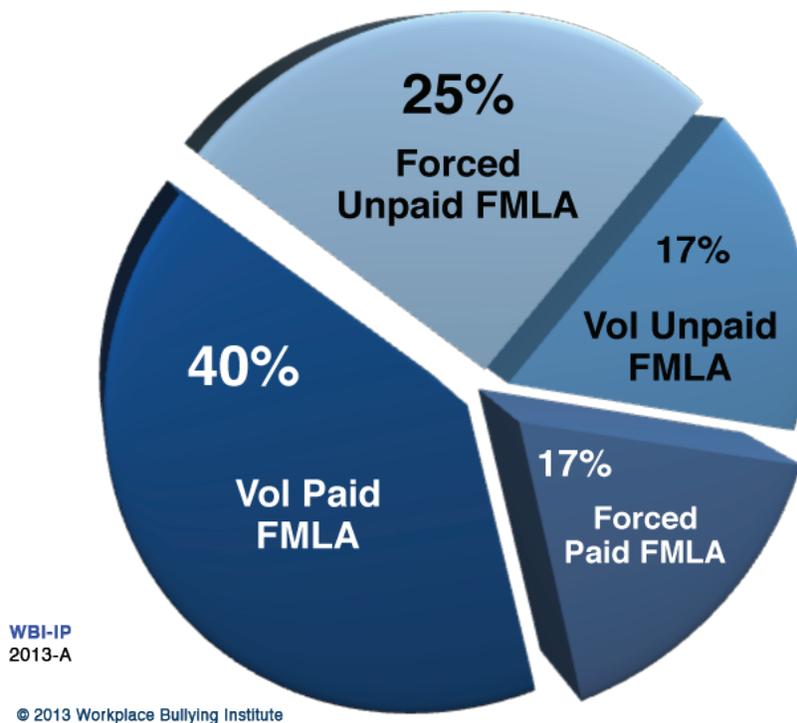
The slightest majority possible (51%) of bullied targets opted to not take any form of leave at a time in their careers when they perhaps most required sick leave. Persistent bullying causes a host of stress-related diseases and emotional injuries. Staying on the job under such duress must have affected their well being, proficiency at work, and the quality of familial relationships.

Eliminating the 51% of bullied target-respondents who claimed to have never taken leave for their health's sake, 228 respondents remain who tried some form of leave. This is the sample subset to which we turn for insight into what type of leave is used and whether or not that leave accomplishes the goal of health restoration for targets of workplace bullying.

## FMLA

To WBI, targets report that HR forces stressed workers seeking relief to choose between Family Medical Leave Act (FMLA) and Workers Compensation (WC). FMLA was the most frequent leave option overall, used by 55% of targets. Federal FMLA is unpaid. Some states allow FMLA to be paid leave. Within the FMLA users, 57% chose the option voluntarily. Nearly 43% were forced into FMLA.

Paid FMLA chosen voluntarily was the most frequent type of FMLA leave option -- chosen by 22% of all those who took leave. Paid FMLA leave represented over half of FMLA options used (57%). Nearly ten percent (9.6%) of targets using leave were those forced to use paid FMLA and matched by another 9.6% who voluntarily chose unpaid FMLA.



## Disability Insurance

The reliance on disability insurance was second to FMLA -- used by 33.7% of all those who took leave. Within the disability group, early retirement based on disability was the most frequent (45.4%), short-term disability second (37.6%) and being granted long-term disability the least frequent (17%). The award of disability retirement is difficult to achieve. The federal government reviews applications and demands severe injuries before approving Supplemental Security Income (SSI) grants. Many applicants retain medical and legal professionals to assist with the process because of the difficulty. Therefore, one can assume that the 45% success rate for bullied targets reflects more on the severity of the injuries sustained from exposure to bullying than the ease of the process.

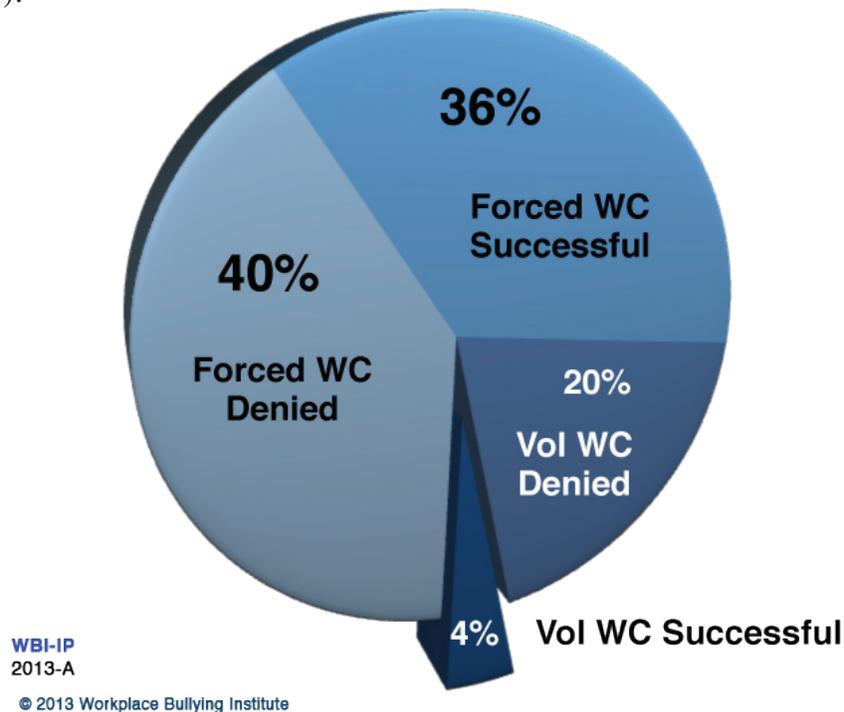
## WC

Workers compensation (WC) options -- representing an overall 11% of all leave taken -- included filing a claim voluntarily or being forced to file by the employer. The rationale given by employers is that if stress is the consequence of work conditions, then stress is a work injury and WC is the appropriate option. It is noteworthy that under the guise of “workers compensation reform” states are adopting laws that prohibit claims for psychological stress. For claimants, there is no income while the claim is processed which often takes months to complete.

WC claims failed in 60% of claims filed to provide paid relief for bullied targets.

Respondents reported that employers coerced them to file in 76% of WC claims. Forced claims that were eventually denied accounted for 40% of all overall leave options chosen and 40% of all WC claims. The majority (53%) of forced claims were denied.

WC claims voluntarily filed were 2% of all overall leave options chosen. Five of the six cases resulted in denied claims (83%).



In conclusion, FMLA and Disability were the more successful leave options for bullied targets than WC. If the nation had a paid sick leave mandate, bullied targets would not risk financial ruin because of the injuries sustained at work enabled by employers. As with all matters American, individuals are left to correct problems they neither deserved nor invited.

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