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WORKPLACE BULLYING: HOW TO ADDRESS AMERICA'S SILENT EPIDEMIC

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Violence in the workplace begins long before fists fly or lethal weapons extinguish lives. Where resentment and aggression routinely displace cooperation and communication, violence has occurred.
Bernice Fields, Arbitrator¹

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I. INTRODUCTION: ORIGINS OF THE U.S. ANTI-BULLYING MOVEMENT

Workplace bullying is repeated interpersonal mistreatment that is sufficiently severe as to harm a targeted person's health or economic status. Further, it is driven by the perpetrator's need to control others while undermining legitimate business interests. Bullying keeps work from getting done.

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1. *United States Postal Serv. v. Nat'l Ass'n of Letter-Carriers, AFLCIO, USPS Case No. 194N-41-C 99136168, NALC Case No. GTS 2348 (Nov. 2000).*

The founder of the international anti-bullying movement cared most about the impact of bullying on the targeted individual's health. Heinz Leymann was a German psychiatrist who established the world's first Work Trauma clinic in Sweden. He documented the traumatization that can result from sustained "psychological terrorization" in the workplace. He used the term mobbing.²

Bullying initially evokes memories of school-age incidents of humiliation and intimidation. Workplace Bullying is a term coined by British journalist and movement pioneer Andrea Adams with the publication of *Bullying At Work* in 1992.³ Adams applied the phenomenon of schoolyard bullying to workplace misery.

As a married couple in America in 1995, we knew nothing about this rather rare social movement. Life changed dramatically when bullying visited our family. Until bullying comes into one's life, there are ample reasons to deny its existence, even when witnessing its impact on others. With bullying, as with sexual harassment, child abuse, domestic violence and school bullying, it is the perpetrators who choose who will be targeted, the context, the time of onset, the methodology and bullying's duration. It is not sought. Victims neither seek nor like the degradation and fear that typically accompanies bullying, despite the erroneous attribution that is made to blame the targeted victim. We have come to learn that those doubters are individuals who have neither suffered from bullying, directly or indirectly, nor witnessed it. These people are the exceptions.

By 1995, Ruth had had a multi-year relationship with a large health maintenance organization, serving as pre-doc and post-doctoral intern then as psychological assistant in several of the HMO's psychiatric clinics. She decided that year to transfer to a smaller clinic in order to transition from specialized counseling to treating a broader range of psychotherapy clients. In hindsight, we now can see that Ruth failed to screen the new employer and to inquire about the history of the open position. But job seekers are traditionally conservative, more grateful than curious or assertive. Unluckily, Ruth ran into the "boss from hell"; her female supervisor was an emotional tyrant and a person with a reputation for driving qualified clinicians out of her clinic with impunity.

2. Heinz Leymann, *The Content and Development of Mobbing at Work*, 5 EUR. J. WORK & ORG. PSYCHOL 165 (1996).

3. ANDREA ADAMS, BULLYING AT WORK: HOW TO CONFRONT AND OVERCOME IT (1992).

The subsequent bullying Ruth endured at this woman's hands defied naming at the time. She clearly harassed Ruth. Yet the supervisor violated no company policies and broke no laws. Woman-on-woman harassment, as in this case, often fails to be discriminatory. Both harasser and victim were members of a protected status group in the eyes of the law. Therefore, what happened to Ruth was nameless, hence her feelings of injury were considered illegitimate.

It took a year to extricate Ruth from the toxic work environment. Ruth did what many bullied targets do; she initially attempted to appease the bully and kept her plight a secret. Personal shame is a natural response when the targeted person's assumptions about the work world are so dramatically shattered. In Ruth's case, she had a long, stable history with the employer to which the aberrant bullying period was constantly being compared. Ruth ruminated for months over her bully's motivation while keeping the shame-filled days a secret from Gary.

Ruth's personal anguish from being bullied dominated our lives until Ruth left the company on negotiated terms. Her tormenting supervisor still works at the same clinic in the same role. The employer levied no sanctions against the offender, though the employer absorbed significant costs to resolve the case.

We then discovered, outside the U.S., the term which best described Ruth's experience – workplace bullying. This episode in our lives led to the founding of the U.S. anti-bullying movement. We combined our doctoral disciplines – clinical and social psychology – with our experiences as corporate consultants – external and as former in-house directors of training – with Gary's experience as an adjunct professor of psychology and management.

Bullied targets in American workplaces face tremendous challenges to stop their bullying. Few companies have human resources policies to address harassment in addition to the discriminatory variety. Even fewer companies faithfully enforce the policies mandating "respect." Complainants are not believed by senior management. Employee assistance program counselors can help with workers' emotional fallout, but they work for employers and have conflicted loyalties. U.S. unions have shown some interest, but current struggles for survival preclude involvement with bullying as a worklife quality campaign. Bullying marginalizes targets. Targets are left to fight for themselves.

To help targets in mid-1997, we launched the "Campaign Against

Workplace Bullying." Over the years, the scope of projects has diversified. We began with direct target support. Employer interest began in 1998 and is much more frequent and earnest today. In 2002, the Campaign became the nonprofit Workplace Bullying and Trauma Institute (WBTI) reflecting our increased attention to research. Legislative advocacy followed David Yamada's seminal *Georgetown Law Journal* article.⁴

In late 1998 on the heels of coverage of the Campaign's work in *The Washington Post* and *USA Today*, we collaborated with producers of the *Oprah* television show on their trailblazing episode. We also wrote and published the book *Bully Proof Yourself At Work* as a self-help guide for Americans needing to name the baffling experience that stole their jobs, careers and health. In 2000, we wrote *The Bully At Work*.⁵ The second book was revised in 2003; media appearances now total over 500.

A. Researching the Emerging Phenomenon

In mid-1997, we began supporting Americans bullied at work by telephone via a toll-free line. The initial focus helped individual's better cope with the emotional impact of the bullying and the secondary harm endured when bullied targets are not believed when they eventually break the silence and tell their stories. To date, we have culled trends from qualitative anecdotal evidence from over 4300 individuals via telephone.

The instant popularity of the websites (bullybusters.org, workdoctor.com and bullyinginstitute.org) enabled us to conduct three waves of self-report surveys of voluntary website participants. In 1998, our survey sample was 200 individuals; in 2000, we had 1335 respondents; in 2003, there were 1000 respondents. Findings were reported at specialty conferences in Australia and South Africa. We teamed with U.S. academics Loreleigh Keashly and Joel Neuman for presentations at scientific meetings hosted by National Institute of Occupational Safety and Health and the American Public Health Association. Statistical results of the 2003 survey are referenced below unless otherwise noted.⁶

4. David C. Yamada, *The Phenomenon of "Workplace Bullying" and the Need for Status-Blind Hostile Work Environment Protection* 88, GEO. L.J. 475 (2000).

5. GARY NAMIE & RUTH NAMIE, *THE BULLY AT WORK* (rev. ed. 2003).

6. GARY NAMIE, *THE WORKPLACE BULLYING & TRAUMA INSTITUTE, U.S. HOSTILE WORKPLACE 2000 SURVEY* (2000), available at <<http://www.bullyinginstitute.org/home/>

WBTI online surveys are "nonscientific" because samples are self-selected and nonrandom. However, the secretive, shameful nature of bullying necessarily requires that early research on this emergent topic accept descriptive, self-report data from targeted individuals as truthful and illustrative. Most social science research relies upon these descriptive techniques.

Some academic researchers are introducing laboratory simulations to recreate the interpersonal dynamics inherent in bully-target dyads. Conclusions from such studies are limited by the lack of authenticity and a truncated temporal span. Manufactured laboratory "workplace stressors" generated in sixty minute simulations with college-age participants pale in comparison to the actual threat of lost income or compromised health endured by targets who are exposed to unremitting stress an average of twenty-two months.

Comprehensive, on-site studies designed to reveal the prevalence of serious work environment problems are needed. But employers are reluctant to address serious, health-impairing bullying regardless of its name. Just as targeted individuals are shamed in the process, employers seem ashamed to admit that they have taken steps to correct and prevent bullying. To us, taking proactive steps is something for which credit is deserved. However, timid executives worry that if they adopt solutions for bullying, they will indicate that a problem exists, making themselves legally liable.

The final research hurdle to overcome is to make the perpetrators of bullying, the bullies, research subjects. The perpetrator's "side of the story" remains largely inferred from indicators of their impact on their targets and on the workplace. Abusers within the context of any social dilemma, such as familial abuse, are not systematically studied until the misconduct is made illegal. Because domestic violence is criminalized, courts do identify and mandate corrective counseling for abusers. Thus, researchers finally gain access to the abuser population.

B. For the Targets' Sake

Bullying impacts the health of targets by causing a host of stress-related problems. The WBTI 2003 survey polled self-described

twd/bb/res/surv2000.html> (last viewed Jan. 16, 2004); GARY NAMIE, *THE WORKPLACE BULLYING & TRAUMA INSTITUTE, THE WBTI 2003 REPORT ON ABUSIVE WORKPLACES* (2003), available at <<http://www.bullyinginstitute.org/home/twd/bb/res.html>> (last viewed Jan. 16, 2004).

targets. The reported percentages appear in parentheses. Stress effects range from severe anxiety (76 percent), disrupted sleep (71 percent), loss of concentration (71 percent), post-traumatic stress disorder, PTSD, (47 percent), clinical depression (39 percent), and panic attacks (32 percent). Left untreated, and with prolonged exposure, cardiovascular stress-related diseases can result.⁷

PTSD is a psychological injury. Few blame victims for having it when war, natural disasters or accidents cause it. Yet the experience is just as strong when trauma is induced by intentional human design. Leymann and Gustafsson documented PTSD as problematic in Sweden, the result of psychosocial workplace stressors.⁸ They also estimated that 10 percent of that country's suicides were related to workplace traumatization.

The series of humiliations traumatized individuals endure to "convince" employers, Workers Compensation and disability insurance systems is unimaginable to people never bullied at work. Complainants are treated as frauds. In fact, the burden of proof falls on targets rather than perpetrators. In contrast, no such assumptions are invoked in cases of workplace homicide; all blame is rightly assigned to the perpetrator. Bullying is sub-lethal violence.

Targets of workplace bullying endure an average of twenty-two months of exposure. The attribute common to all targets is that they are unwilling or unable to react to unwarranted aggression with aggression. Research and anecdotal evidence show that it is the perpetrators who escalate their tyrannical misconduct when they feel threatened by, and react in response to, targets' asserted independence, technical and social skills or ethical whistle blowing. Targets do not seek to be tormented any more than sexual harassment targets invite undesirable assaults or domestic violence victims seek to be beaten or verbally abused.

In individualism-based cultures, people tend to blame victims for the harm they endure and make them responsible for solving their unprovoked problems. Prior to encountering the bully, targets report years of satisfying work (averaging twenty-one years) and smooth relations with other bosses and other co-workers with their current employer (averaging 6.7 years). Cavalier justifications for accepting

7. PETER L. SCHNALL ET AL., *THE WORKPLACE AND CARDIOVASCULAR DISEASE* (2000).

8. See Heinz Leymann & Annelie Gustafsson, *Mobbing At Work and the Development of Post-Traumatic Stress Disorders*, 5 EUR. J. WORK & ORG. PSYCHOL. 251 (1996).

psychological injury at work include "that's why they call it work," "capitalism depends on competition," and "get used to him, he's just that way, grow a thicker skin."

For a bullied target, economic setbacks begin when the bully appears in her life as the result of a new hire or transfer. Bullied targets have a 70 percent chance that they will lose their jobs, either voluntarily (33 percent) or through constructive discharge (37 percent), after being targeted. If the bullying has stopped, it is because 17 percent of targets transferred. Perpetrators experience negative consequences in only 13 percent of cases.

Clinical research could examine the precipitating factors that make a target prone to upheaval, illness and acute stress. What happens biologically, physically, and emotionally to the target during the bullying episode? How do we change psychological diagnostic categories so they truly describe what the target experiences and are not pejorative? In what ways can treatment promote resumption of a normal life?

When targets seek the services of a mental health professional, they are often incorrectly given the diagnosis of dysthymia, a state of low grade on-going depression, because they report symptoms that have existed for over two years. Since targets typically experience a prolonged exposure, this diagnosis may seem justified.

The clinician who does not understand workplace bullying can make some fundamental errors. The first is distinguishing the seriousness of the symptoms reported by the target. It is important to know that shame colors the target's perspective when first seeking therapy. Symptoms or their intensity are downplayed by targets because of a feeling that they themselves caused what happened. However, according to the *DSM IV-TR*,⁹ symptoms of major depression usually develop over days to weeks including a prodromal period in which anxiety and mild depressive symptoms can exist before the onset of a full major depressive episode.

When targets finally seek therapy, the start of the precipitating bullying events have long passed. In 20 percent to 30 percent of cases, depressive symptoms may persist for months to years and be may be associated with some disability or distress. In these cases, the diagnosis of a major depressive episode in partial remission is the correct diagnosis.

9. AMERICAN PSYCHIATRIC ASSOCIATION, *DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-IV-TR)* (rev. 4th ed. 2003).

The next problematic diagnoses come from the target's presentation of the facts about the workplace bullying situation. In such a situation the target is demeaned, belittled, devalued, and made to feel a flawed individual. Many targets believe the bullies' lies as truth. Often the target has been followed outside work, called and threatened at home and has had personal property destroyed (car tires slashed-windows broken).

Many targets feel an intense hurt and shame knowing that they allowed themselves to stay in harm's way. This leads to an enormous sense of injustice resulting in a pressing need to tell the world that they are not the person portrayed by the bully. This flood of emotions intensifies as the target obsesses over the personal impact of events. Often in the disjointed and disoriented retelling of the incident, the target is seen as a person with maladaptive interpersonal behavior with significant, intense, disharmonious relationships. Thus, the clinician often makes the diagnosis of both Borderline and Paranoid Personality Disorder.

Clearly at the WBTI, we have too many reports of targets who are harassed outside of work to not believe that this phenomenon occurs. However, the real must be separated from the imaginary.

The diagnosis of Borderline Personality Disorder (BPD) seems to be changing. Hodges posits that the latest editions of the DSM are revising the definition of the disorder to resemble that of the affective disorders.¹⁰ She also states that there is an increase in this diagnosis in women in the last decade. Workplace bullying researchers must look at individual diagnostic features of the disorder.

One feature of BPD states that people with this disorder make frantic efforts to avoid real or imagined abandonment. This can lead to profound changes in self-image, affect, cognition and behavior.¹¹ Surely, targets who are faced with isolation from co-workers and threat of the loss of a job combined with continuous statements that they are incompetent failures do experience profound changes in how they view themselves. They tend to be intensely angry at the involuntary nature of their situation. They try to please the bully by changing in any way to restore their good position. Their affect is unstable, and their relationships both at work and at home can be unstable and full of mood changes. Solid clinical research of targets is

warranted.

Most important, we must re-examine the diagnosis of PTSD as it relates to bullied targets. The *DSM IV-TR* describes the essential PTSD feature as the development of characteristic symptoms following exposure to an extreme traumatic stressor involving direct personal experience of an event that involves actual or threatened death or serious injury, or other threat to one's physical integrity; or witnessing an event that involves death, injury, or other threat to the physical integrity of another person. It further lists responses of fear, helplessness, agitation, avoidance of situations, anxiety and increased arousal.

From WBTI research, we know that 30 percent of women and 21 percent of men targets report all three PTSD symptom categories (thought intrusion, hypervigilance, and avoidance). These symptoms cause a great deal of distress for targets. For many, they cause life-altering disabilities. However, there is no *single* precipitating event that involves actual or threatened death, serious injury or threat to one's physical integrity.

Since bully attacks can be subtle and insidious, it is not simply *one* event that is frightening or threatening. Rather, targets are slowly exposed to cumulative events that are intended to undermine their confidence. It is after a continuous barrage of verbal demeaning, that the target becomes isolated from coworkers. This leaves the targets wondering what they could have done differently. In the absence of anyone to point out the absurdity of the bully's comments, targets are left to internalize and wonder if indeed they are responsible for what happened to them.

Shame and humiliation intensify as fears begin about the threat of job loss. For many, this means not only the loss of income but also the inability to provide family with food, lodging, healthcare and the necessities of life. Depression begins and anxiety mounts. Then comes the "event," the feared and dreaded moment that signifies that the target has failed. The bully either openly threatens the target physically or terminates the job. This is not a stressor where physical death is threatened, but rather the culmination of the emotional fear that they have failed not only themselves but that their dreadful acts will be the downfall and possible dissolution of their family due to the loss of their job and their failure as a person.

10. Shannon Hodges, *Borderline Personality Disorder and Posttraumatic Stress Disorder: Time for Integration?*, 81 J. COUNSELING & DEV. 409, 409 (2003).

11. DSM-IV-TR, *supra* note 9.

C. An Undiscussable Problem

How can a problem so prevalent not trigger societal outrage? Silence by targeted persons is understandable because shame stems from being controlled and humiliated. Co-workers' silence makes sense in a fear-plagued environment where people are unsure if they next will be targeted.

More puzzling is the typical employer response in light of extant internal anti-harassment and anti-violence policies. In the WBTI surveys, respondents described the nature of support, or lack of it, provided by others at work. Targets who had reported the abusive misconduct to the perpetrator's (bully's) manager and had asked for relief elicited positive, helpful responses in only 18 percent of cases. In 42 percent of instances, the bully's boss actually compounded the problem. And in 40 percent of cases, the boss did nothing, which is not a neutral response after help was explicitly requested. Human Resources (HR) and anti-discrimination officers were similarly unhelpful: 17 percent took positive steps to stop the bullying, 32 percent reacted negatively, and 51 percent did nothing.

The difference between bullying and discrimination might explain employer reactions. Illegal harassment is only one category of bullying. Civil rights claims require discriminatory misconduct limited to when the targeted person, and only the target, is a member of a protected status group. Litigation avoidance compels HR and anti-discrimination representatives to take seriously all civil rights complaints or risk additional charges of reckless indifference.

Bullying encompasses mistreatment that includes same-sex and same-race harassment. We found that in only 25 percent of bullying cases does the target have protected group status and thus have a potentially qualifying basis for a discrimination or harassment complaint. A survey conducted by University of Illinois researchers found a similar dominance of bullying over forms of illegal harassment.¹² Bullying's lack of illegality makes it easy to ignore even though it is three times more prevalent than its better recognized, illegal forms.

Women and men are bullies. Women comprise 58 percent of the perpetrator pool and when the targeted person is a woman, she is

bullied by a woman in 63 percent of cases; when the target is male, he is bullied by a man in 62 percent of incidents. Most bullying is same-sex harassment which is ignored by laws (except in cases of sexual coercion) and most employer policies. Overall, women comprise the majority of bullied people (80 percent).

In fact, WBTI research shows that half of all bullying is woman-on-woman. Unless the target enjoys protected status based on race, ethnicity, religion or disability, it is not likely that current laws provide the target with legal redress. Without laws, employers are reluctant to recognize, let alone correct or prevent destructive behavior, preferring to minimize it as "personality clashes."

Bullying is nearly invisible. It is non-physical and nearly always sub-lethal workplace violence. Workplace homicide grabs headlines as vivid rare events even in the violent U.S. (the national risk of death at work by homicide is estimated at one in 130,000).¹³ Corporate decision-makers invest heavily in prevention and response processes, complete with zero-tolerance provisions. When violence explodes, counseling is routinely offered to restore the emotional health of all those involved.

In contrast, bullying is psychological violence, mostly covert and sometimes overt. Bullying is psychological violence, both in the forms it takes and its impact. Regardless of how bullying is manifested – either verbal abuse or sabotage to render the target unproductive and unsuccessful – it is the aggressor's desire to control the target that motivates the action. The major risk is psychological damage, but counseling is not offered to complainants who report bullying.

The workplace mistreatment continuum ranges from irritating but harmless incivility, through mildly and severely harmful bullying, to physical assaults and the rare homicide. A recent study¹⁴ provided comparative frequencies: physical assaults, one in twenty-five; illegal harassment one in eight; and verbal abuse one in four. Employer interest in the most common trend in contemporary workplaces, abusive interpersonal relationships, has yet to be kindled.

An encouraging trend is that employers have begun to consider the impact of other forms of negative emotional behavior on work productivity. Depression impacts work and employers are taking

12. See J. Richman, et al., *Sexual Harassment and Generalized Workplace Abuse Among University Employees: Prevalence and Mental Health Correlates*. 89 AM. J. PUB. HEALTH 358 (1999).

13. THE CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY, REPORT OF THE UNITED STATES POSTAL SERVICE COMMISSION ON A SAFE AND SECURE WORKPLACE IN THE UNITED STATES POSTAL SERVICE 1 (2000).

14. *Id.* at 1.

notice. Also, thanks to the Corporate Alliance to End Partner Violence (caepv.org), employers are learning how domestic violence impacts the workplace in three ways. First, abusive spouses often kill or injure their victims at work. Second, abused workers miss a great deal of work and are distracted, unproductive workers until their crises are resolved. And third, enlightened CAEPV-member firms believe that employers should be sensitive to traumatized victims as injured people deserving human compassion.

Bullying closely resembles the phenomenon of domestic violence. Both were shrouded in silence before being brought to public attention. Partner violence victims initially are blamed for their fate. Eventually the behavior was deemed unacceptable by society as codified in law. Workplace bullying deserves the same evolution from recognition to prohibition. The glaring difference between domestic and workplace bullying is that the latter finds the abuser on the employer's payroll. Trauma experienced by bullied targets is *caused* by work, by an intentional, systematic campaign launched by one or more people against a target just as a battering spouse causes harm to the victim.

D. Why Employers Should Care

Here are several reasons for employers to address workplace bullying:

1. It is three times more prevalent than sexual harassment: Illegal discrimination and harassment require significant investments of time and money to identify, correct and prevent. Employers already know what to do about harassment. It is a matter of expanding the scope of harassment's definition to cover "status-blind" situations.

2. It is costly: Employment practices liability can be substantial. Bullied targets, often the most talented employees, are driven from the workplace. Turnover is expensive. Increased health care utilization can result in heftier premium costs borne by employers. We partner with a disability management firm. One illustrative case reveals that severe stress led to a mean number of 159 days off work. In terms of just short-term disability costs, one bully caused over \$500,000 in losses when just three people per year were severely affected.

3. Data to prevent bullying-related losses exist. Because the complaint system gatekeepers (in HR) hear all the stories, the employer has evidence of the prevalence of bullying. Everyone knows

who are the repeat offenders. Nothing is now done because of the gap in the law that would compel employers to correct and prevent an abusive work environment.

4. Witnesses know when bullying happens, whether or not it was behind closed doors. When a high-performing employee is fired and humiliated by an "exit parade" – given a box to take private belongings, escorted by HR and security – or simply disappears without explanation one day, fear dominates the workplace. Fear-driven workplaces with poor morale undermine employee commitment and productivity.

5. Employee recruitment and retention are made more difficult when the employer's reputation features the antics of one or more petty tyrants. Senior management may admire the "toughness" of the bullying managers, but word of mouth within the labor pool tarnishes a good reputation.

E. The Bullies

Though bullies torment peers and sometimes those above them in the organization chart, WBTI research shows that 71 percent of bullies outrank their targets. Most bullies are bosses. Most aggression at work is committed by individuals who study the cues and know what gets them promoted. If strict competition is the answer, then work to them is a zero-sum game – personal gains come at the expense of others. Most bullies are simply opportunists.

It would be convenient to categorize all bullies as having disordered personalities. Then, all solutions would be focused on rehabilitating those individuals. However, only a small proportion of bullies (approximately 4 percent according to the *DSM-IV-TR*) may have genuinely disordered personalities – antisocial or narcissistic.

It seems reasonable, however, to assume most bullies are normal, albeit hyper-aggressive, in order to effect harm to so many individuals.

The characteristic common to all bullies is that they are controlling competitors who exploit their cooperative targets when the opportunity presents itself. It requires the interaction between a suitable work environment (characteristics of a bullying-prone workplace described below) and a person with Machiavellian tendencies. Normal people without abnormal personalities can readily be induced to manipulate others to achieve personal goals. Users need not be certifiably disordered or psychopathic.

We sort bullies into four categories based on the wide range of tactics employed too numerous to list here.

The *Screaming Mimi*, the stereotypical bully, controls the emotional tone for everyone. He toxifies the workplace with mood swings and unpredictable displays of anger. Targets are publicly humiliated to convince witnesses that the bully is to be feared. He usually stops short of physical violence, but this volatile individual poses the violence risk employers fear most.

The *Constant Critic* is the hyper-critical nitpicker. Her attention to minutiae and obsession over others' performance is the way she hides her own deficiencies and insecurities. This bully resorts to name calling. She loves to complain about everyone else's "incompetence." She invents "errors" by her targets simply to belittle and to confuse them. Though she prefers behind-closed-door settings, she can berate targets in public, too.

The *Two-Headed Snake* ingratiate up the organization chart, reserving brutality for those below. Snakes defame the reputation of targets to boost their own self-image. The Snake spreads rumors and engineers "divide and conquer" schemes within work teams to turn co-workers against the target. His version of events is always believed while the target's perspective is discounted.

The *Gatekeeper* bully is the most transparently obsessed with control. She allocates time, money, staffing and information in ways that ensure her target's failure. Then, she has an excuse to complain about "performance problems." One ludicrous bully actually set office clocks so that everyone seemed to come to work late and leave early.

Solutions should be focused less on personality than on altering the rewards and punishments that would-be aggressors experience as part of a workplace culture. Bullying pays off in most contemporary workplaces.

Bullying-Prone Workplace Characteristics:

"Making the numbers," an obsession with outcomes is uncritically adopted;

Recruitment, promotion, and reward systems focus on individuals' "strength of personality" or interpersonal aggressiveness while ignoring emotional intelligence;

Short-term planning, e.g., to meet quarterly investor projections governs operations;

Executives give higher priority to personal friendships than to

legitimate business interests;

Fear is a dominant, desired workplace emotion, whether deliberately engineered or inadvertent; and

Misuse of performance appraisal processes occur with impunity.

F. Employer Solutions

Employer-led, voluntary solutions are the most likely to succeed. Here we suggest steps for employers to pursue according to our proprietary system, the Blueprint for a Bullying-Free Workplace (patent pending).

1. Create a New Values-Driven Policy.

Ideal provisions in the policy include a clear definition, a declaration of bullying's unacceptability, an extension of hostile workplace protections to everyone, and a prohibition of retaliation against complainants or participants in investigations.

2. Devise Credible Enforcement Processes.

Unenforced policies undermine organizational credibility. Informal and formal channels to redress policy violations provide the context for an investigatory process executed by trained peer or enforcement specialists.

3. Education and Corporate Culture Inculcation.

Investigator training, training the trainers, all hands education and integration with recruitment approaches and performance evaluation.

4. Restorative Interventions for Affected Teams and Confirmed Violators.

The affected teams and complainant require special attention, as do confirmed policy violators who also deserve dignified opportunities to correct their behavior according to a plan that does not impose a zero tolerance on offenders.

G. Compelling Employer Action via Legislation

In an ideal world, employers would readily perceive the fiscal, operational and morale benefits associated with breaking the silence over workplace bullying. However, most internal workplace policies did not spontaneously generate. They were created to reflexively respond to regulatory laws. Laws compel employers to frequently do "the right thing" with respect to worker protection.

A 1998 *Washington Post* newspaper editorial called on federal

lawmakers to write specific anti-harassment laws without restriction to discrimination against protected groups. The editorial, written in response to Supreme Court decisions extending employer liability for discrimination, stated, that "what bothers people about abusive workplace conduct, after all, is not the fact that it may be discriminatory but that it is abusive in the first place."¹⁵

In June, 2004, the province of Quebec's Labour Standards Act went into effect.¹⁶ For the first time in Canada, there will be a ban on "psychological harassment" in the workplace. That term is vaguely defined as any "vexatious behaviour in the form of repeated and hostile or unwanted conduct that affects an employee's psychological or physical integrity," including unwanted attitudes, comments and gestures. The Quebec Labour Standards Commission responsible for enforcement of the new law has experienced so many complaints (estimated to soar to 2000 in the first year) that it increased the number of investigators from 10 to 17.¹⁷

In the U.S. in 2005, two versions of David Yamada's draft legislation¹⁸ were introduced in the states of Washington (HB 1968), and Hawaii (HB 232 & SB 481).

Of course, the real value of having a law in place for bullied employees is to legitimize targets' complaints, compelling employers to correct and prevent "status-blind," health-impairing abusive misconduct. When employers take such steps, the bullies can be held accountable.

H. Looming Barriers

The U.S. is the final industrialized nation to address workplace bullying. There seems to be an inverse relationship between our economic strength and our willingness to extend basic human rights protections to workers. Here are some broad psychological, organizational and societal trends certain to interfere with America catching up with the rest of the world.

1. An American reverence for unchecked aggression. Critics of workplace bullying either discount its existence or denigrate targets

15. Editorial, *Justice Scalia and Mr. Oncale*, WASH. POST, Mar. 8, 1998, at C6.

16. Katherine Harding, *Taking Aim at Bullies*, THE GLOBE & MAIL, Mar. 19, 2003, at C1.

17. Luis Millan, *Harassment Legislation Takes on a Life of Its Own*, WORKPLACE NEWS ONLINE, Oct. 18, 2004.

18. See David C. Yamada, *Crafting A Legislative Response to Workplace Bullying*, 8 EMPLOYEE RTS. & EMP. POL'Y J. 475 (2004).

as "thin skinned" or so "provocative" that they must deserve their fate. American-style social Darwinism and winner-take-all bravado is captured by one outspoken corporate attorney: "[the U.S.] was built by mean, aggressive, sons of bitches," said [Jeff] Tannenbaum [attorney at the Littler Mendelson firm in San Francisco]. 'Would Microsoft have made so many millionaires if Bill Gates hadn't been so aggressive?' Tannenbaum says that . . . some people may need a little appropriate bullying in order to do a good job.'¹⁹

One British research study partly blamed bullying in the U.K. on the importation of an aggressive American style of management style spread by globalization.²⁰ So, for American employers heavily influenced by transnational corporations and bureaucracy-entrenched government institutions, the correction and prevention of bullying will be an uphill task, a sign of weakness.

Further, we cannot know how many bullies were commanded by executives to harm people. Without solid organizational research focused on health-harming and work interfering bullying, we rely on anecdotal reports of otherwise "good" people acting as bullies because they were simply following orders and passive observers enabling the destructive behavior. For these reasons, some theorists describe bullying as "mini-Holocausts."

2. A human tendency to blame victims for the abuse they endure, committing the fundamental attribution error. Observers tend to overestimate the explanatory power of personality relative to the comparatively pallid role of invisible "work environments" when attempting to understand why bullying occurs. Bullies who employ subtle, undetectable techniques are invisible while targets' actions are seen. Targets, therefore, are held responsible while bullies are not. Mental health and legal professionals are sometimes guilty of making this perceptual mistake. The phenomenon is not restricted to bullying. It also operates in cases of rape and domestic violence.

A corollary of the blame-the-victim problem is an increasing unwillingness to have empathy for another class of "victims." It is as if there is a finite amount of societal empathy to expend, and it has been spent on domestic violence, child abuse and victims of sexual abuse at

19. Allyce Bess, *Whipping the Work Force Out of Shape*, SAN FRAN. BUS. TIMES, July 16, 1999, available at <<http://www.bizjournals.com/sanfrancisco/stories/1999/07/19/story8.html>> (last viewed Jan. 16, 2004).

20. HELGE HOEL & CARY L. COOPER, THE BRITISH OCCUPATIONAL HEALTH RESEARCH FOUNDATION, DESTRUCTIVE CONFLICT AND BULLYING AT WORK 18 (2000), available at <<http://www.le.ac.uk/unions/aut/umist1.pdf>> (last viewed Jan. 16, 2004).

the hands of priests.

The awareness-raising roadmap will involve positioning workplace bullying as the last taboo within the family of abusive relationships to be considered serious enough to address with legislation. Child abuse, domestic violence, school-age bullying and physical workplace violence and homicide are now prohibited, most of them criminalized. Workplace bullying, or psychological harassment, alone is ignored in the U.S.

3. The juxtaposition of the espoused political maxim of "personal responsibility" with the actual record of failing to hold accountable hyper-aggressive, destructive individuals. This is the blame-the-victim barrier. Bullies with managerial or executive rank rarely suffer negative consequences.

Lessons from early-adopting employers have taught us that Boards of Directors and CEOs are most reluctant to terminate or even to sanction bullies identified through processes originally approved by those who govern, when the bully is a close ally. We assess the considerable negative fiscal impact of bullies at the onset of our engagements. Often, bottom-line impact is subordinated to the personal connection between the highest executives and their bullying staffers.

The sentiment was articulated by an associate director of a federal agency who refused to transfer a confirmed bully who had triggered strokes, depression, severe anxiety and a dozen EEOC formal complaints in a twenty-four-employee division. The bully himself was willing to be reassigned. The bureaucrat executive said he loved the bully because he was "a great conversationalist and a lunch buddy" and ignored our recommendation.

One university manager who bravely confronted historical bullying was fired one week after an anti-bullying policy was written. Paradoxically, grateful staff wrote letters of thanks to the campus president who did not know bullying was being addressed, and he fired the person who dared to correct the problem.

Thus, personal fealty and patronage is worth more than legitimate business interests. An illegitimate bully manager can harm others with impunity as long as she or he has an executive sponsor. Bullying is the litmus test for executive integrity and organizational courage.

4. Accelerating erosion of U.S. worker protections in a deregulatory climate. Unions now represent only 8 percent of private

sector workers and 13 percent of the labor force overall. Federal workers are being de-unionized while the government is restructured. The NLRB is headed by political appointees who oppose unions. The EEOC, responsible for monitoring employer compliance with anti-discrimination and affirmative action laws, promises employers a less adversarial approach. Workers' Compensation laws are changing in several states so that job stress is excluded as an eligible claim category.

After the general 2004 election, the U.S. Presidency and majority in both the House of Representatives and the Senate were firmly in control of the party that favors outsourcing of American jobs, which serves to reduce wages and worker protections. Serious consideration of federal legislation to prevent workplace bullying seems unlikely in the near future.

All of these trends in the current milieu minimize employers' responsibility to create and sustain healthy work environments. Yet, nearly every international law unequivocally fixes that responsibility on the employer. In the U.S., the message is "employee – make thyself safe no matter how harmful the inescapable bullying."

More information can be found at:

bullyinginstitute.org [research & tutorials for individuals]

bullybusters.org [coordination of citizen lobbying for the anti-bullying Healthy Workplace Bill]

workdoctor.com [employer solutions to bullying problem]

Tel: 360-656-6630

e-mail: admin@workdoctor.com