

# Understanding Harassment and Bullying in the workplace

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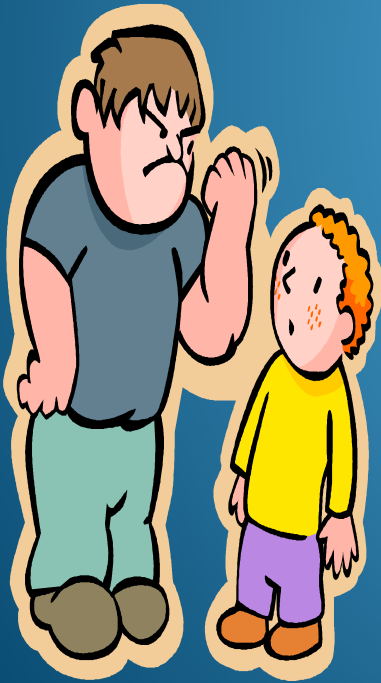
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Coalition

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# The National Workplace Bullying Coalition

- Vision: Through education and mobilization, we envision a future where workers are assured their right to dignity at work, where workplace bullying is an unlawful act, and where employers have taken effective steps to prevent, detect and remedy acts of workplace bullying.
- Join any one of our teams via <https://secure.actblue.com/donate/nwbcmembership>
- <https://dignityatworkact.org/how-to-pass-the-bill/>
- Email – [information@workplacebullyingcoalition.org](mailto:information@workplacebullyingcoalition.org)

# Understanding Harassment and Bullying in the workplace



# Agenda

- Defining Workplace Bullying
- Identifying Workplace Bullying
- The effects from workplace bullying
- Understanding (the best we can) why workplace bullying occurs
- What can be done to address workplace bullying at the micro, mezza, and macro levels

# Defining Harassment – Gender based

- 29 CFR 1604.11(a): Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for business decisions affecting such individual, or (3) **such conduct has the PURPOSE or EFFECT of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.**

# EEO Laws

- **Unwelcome, offensive** conduct that is **based on** race, color, sex, religion, national origin, disability, and/or age (any **protected status**). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is **severe or\* pervasive** enough to create a work environment that a **reasonable person** would consider **intimidating, hostile, or abusive**
- Protected statuses is unlawful – race, color, national origin, gender, religion, age status over 40, disability

# What is Workplace Bullying?

- Bullying does not have to be based on a protected or any other status
- Focus is on the behavior, not the status
- Focus is on the harm to the target/victim
- Positive protection of the right to dignity and esteem in the workplace
- Can be typical harassing behaviors, but also commonly the use of employment practices (unjust employment decisions)
- Intent does not matter other than to the remedy
- Single events can be bullying as well as repetitive events

# Harassment v. Bullying

- Harassment is unlawful when it is **discriminatory**
  - Unlawful under EEO laws such as Title VII, ADA, ADEA and state human rights laws
  - Unlawful as a form of discrimination
- NWBC's focus on bullying is it should be unlawful because it violates the right to **dignity**
  - 75% of bullying incidents are not based on a protected status (Namie and Namie)
  - Many bullying incidents do not rise to the severe and/or pervasive standard as it has been defined by the lower courts
  - Yet these incidents are severely damaging to organizations and target





# Workplace Bullying



Unlawful  
Harassment

# Elements of Bullying?

- *Intent*
- *Repetitive or Single Incident*
- **Power**
- **Unwanted**
- **Objectionable**

# Definition of Workplace Bullying

- Workplace bullying shall be defined as the unwanted abuse of any source of power that has the effect of or intent to intimidate, control, or otherwise strip a target of his or her right to esteem, growth, dignity, voice, or other human right in the workplace. Workplace bullying may take the form of moral, psychological, or general harassment, incivility, abusive supervision, violence, mobbing, aggressions, and other types of objectionable behaviors

# Definition of General Harassment

- Unwelcome, objectionable conduct that is severe or pervasive enough to create an intimidating, hostile, or abusive environment or otherwise unreasonably interfere with the working environment.

# Specific examples of bullying from research participants

- School yard type physical threats
- Screaming in public
- Unfair/unreasonable work assignments, impossible tasks
- Taking credit for work of others
- Removal from meaningful work
- Seat Checks
- Going through one's work, micromanaging
- Pulling support with no explanation
- Use of policies to bully
- Stealing lunch, practical jokes
- Ostracizing, cold shoulder

# Negative Acts Questionnaire – Operational Method

- Someone withholding information which affects your job performance
- Unwanted Sexual Attention
- Being humiliated or ridiculed in connection with your work
- Being ordered to do work below your level of competence
- Having key areas of responsibility removed or replaced with more trivial or unpleasant tasks

# Negative Acts Questionnaire

- Spreading of gossip and rumors about you
- Being ignored or excluded
- Having insulting or offensive remarks made about your person, attitudes, or private life
- Being shouted at or being the target of spontaneous anger
- Intimidating behavior such as finger-pointing, invasion of personal space, shoving, blocking the way
- Hints or signals from others that you should quit your job

# Negative Acts Questionnaire

- Threats of violence or physical abuse
- Repeated reminders of your errors or mistakes
- Being ignored or facing hostile reactions when you approach
- Persistent criticism of your work and effort
- Having your opinions and views ignored
- Insulting messages, telephone calls, or emails
- Practical jokes
- Systematically being required to carry out tasks that clearly fall outside of your job description




# Negative Acts Questionnaire

- Being given tasks with unreasonable or impossible targets or deadlines
- Having unfounded allegations made against you
- Excessive monitoring of your work
- Offensive remarks or behavior with reference to your race or ethnicity
- Pressure not to claim something which by right you are entitled to
- Being the subject of excessive teasing and sarcasm

# Negative Acts Questionnaire

- Threats of making your life difficult
- Attempts to find fault with your work
- Beings exposed to an unmanageable workload
- Being moved or transferred against your will



The diagram consists of two concentric circles. The outer circle is larger and contains the text 'Workplace Bullying' in the center. To the left of the center is the word 'TASK' and to the right is the word 'Relationship'. The inner circle is smaller and contains the text 'Unlawful Harassment' in the center. A vertical blue line bisects both circles from top to bottom. The background features a blue and white wavy pattern at the top.

# Workplace Bullying

TASK

Relationship

Unlawful  
Harassment

# Who Bullies?

- While there are some trends/common bullying scenarios bullying happens at all levels
  - Supervisors most common in US
  - Peers
  - Subordinates
  - Must have some source of power over the target for it to be bullying, but the power does not have to be formal (power can be formal or informal; sources include position, referent, information, relational, coercive)

# Effects of Bullying

- According to Einarsen (1999:16), workplace bullying may be “a more crippling and devastating problem for employees than all other work-related stress put together..”
- Targets of bullying suffer severe negative outcomes including stress, illness and even death (Davenport, Schwartz and Elliot, 1999).
- Fahie and Devine (2014) found that targets of workplace bullying suffer negative psychological, economic, physical, and social outcomes, including stress, suicide ideation, hyper-vigilism, and loss of esteem.

# Effects on Targets – Psychological and Emotional

- Loss of Esteem
- Fear
- Resentment
- Anxiousness/Nervousness
- Turnover intent
- Crying
- Distress
- Depression
- Suicide ideation
- PTSD
- Suicide
- Violence
- Addiction/overuse of substances
- Often we see an escalating of effects

# Effects on Targets - Physical

- High Blood Pressure
- Heart Disease
- Hair Loss
- Nervous ticks
- Alcohol and Drug Use, Overuse, Abuse, Addiction

# Effects on Targets - Economic

- Absenteeism
- Increased health care costs
- Job Loss
- Foreclosure
- Eviction



# Effects on Families

- Bullying at home
- Broken relationships
- Loss of spousal and parental consortium
- Diminished interest in relationships

# Effects on Bystanders

- Often mirror those of targets
- Lost confidence
- Lost commitment to employer
- Unwilling to report
- Anxiety, fear, nervousness

# Effects on Clients/Customers

- A teacher's working conditions, are a child's learning conditions
- Same for all employment
- We see medical mistakes and airline disasters linked to bullying

# Effects on Communities

- Unemployment
- Foreclosures/Evictions
- Withdraw from Community by Targets, bystanders, family
- Poverty, Homelessness

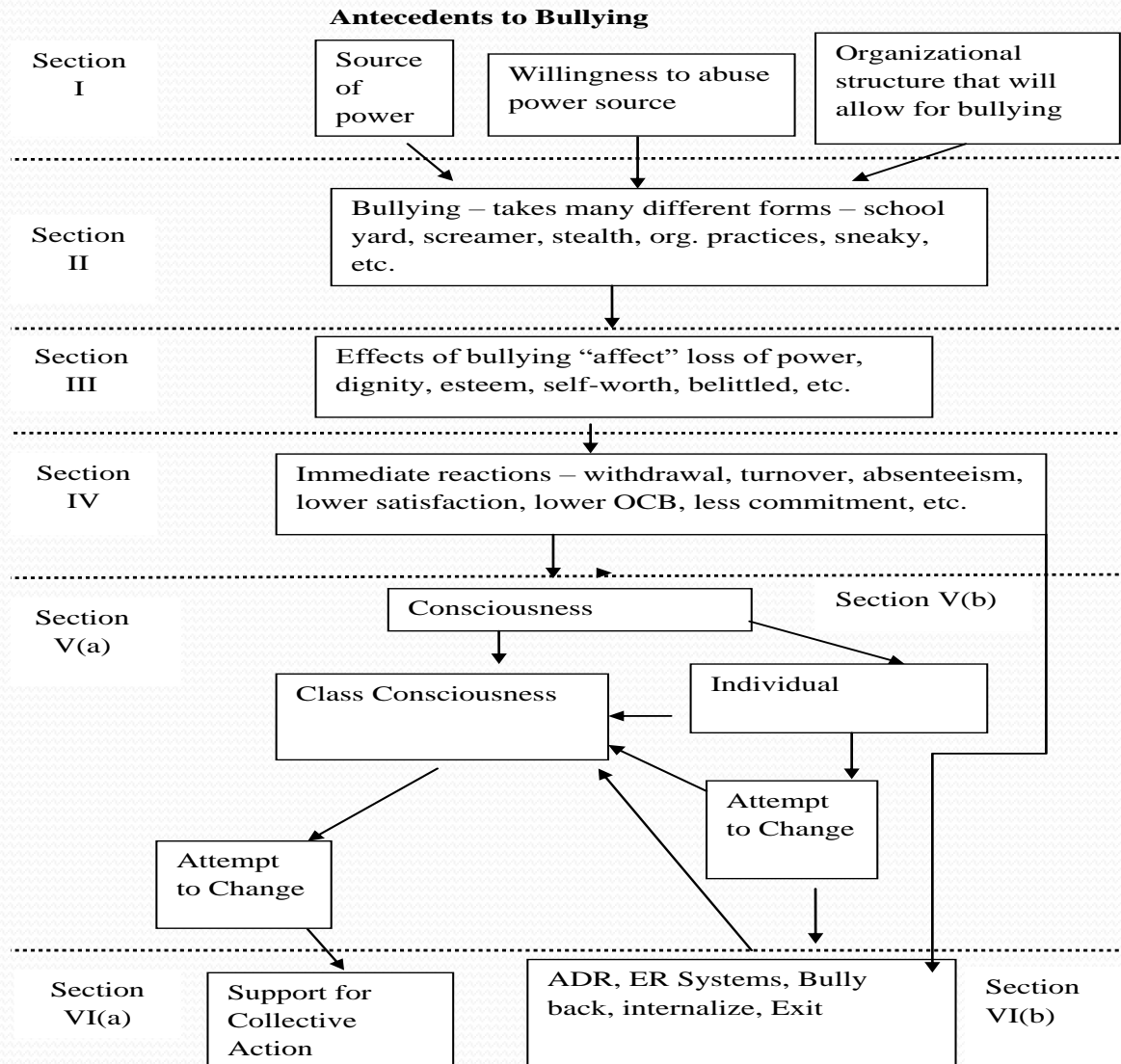
# Effects on Organizations

- Billions of dollars lost each year
- Up to millions of dollars for each incident
- Absenteeism
- Turnover
- Reputational costs
- Increased health care costs
- Safety issues at work
- Scrap, wasted products, low quality
- Accidents
- Lawsuits
- Lost innovation
- Decreased OCBs

# The Why?

- Organizations
  - Allow bullying, or even
  - promote bullying
- Bullies
  - Source of power
  - Willingness/desire to bully
- System/Culture
  - Allows for or supports bullying/creates bullies

# The Workplace Bullying Process



# The Workplace Bullying Process (Antecedents)

- Organizational structures or policies that allow (i.e. absent leadership, lack of accountability for direct reports, ignore risk factors, poor work organization) or support (bullying culture, Theory X, management by intimidation, promotion of bullies, hyper competitiveness) bullying
- Willingness to bully
- Source of power to exploit – formal or informal



# The Workplace Bullying Process (the bullying itself)

- Bullying takes many forms
- Interpersonal/Relationship bullying – yelling, name calling, intimidating, practical jokes, sexual or ethnic harassment, rumors, etc.
- Organizational/Task bullying – unfair workload, assignments, scheduling practices, reassignment, micromanaging, withholding of information, assignment of menial tasks, refusal to accommodate

# The Workplace Bullying Process – the effects (affect)

- Often comes before target realizes they are being targeted
- Loss of esteem, confidence, dignity
- Anxiety, nervousness
- Depression
- Hypervigilism

# The Workplace Bullying Process (reactions)

- Withdrawal – psychological or physical
- Absenteeism
- Lowered commitment
- Lower job and life satisfaction

# The Workplace Bullying Process (consciousness)

- Individual and Class consciousness
- Often need some triggering event
  - Friend, family members, co-worker informing target
  - Surveys had a huge impact
  - Hearing/seeing other stories (both individual and class consciousness)

# The Workplace Bullying Process (attempts to change)

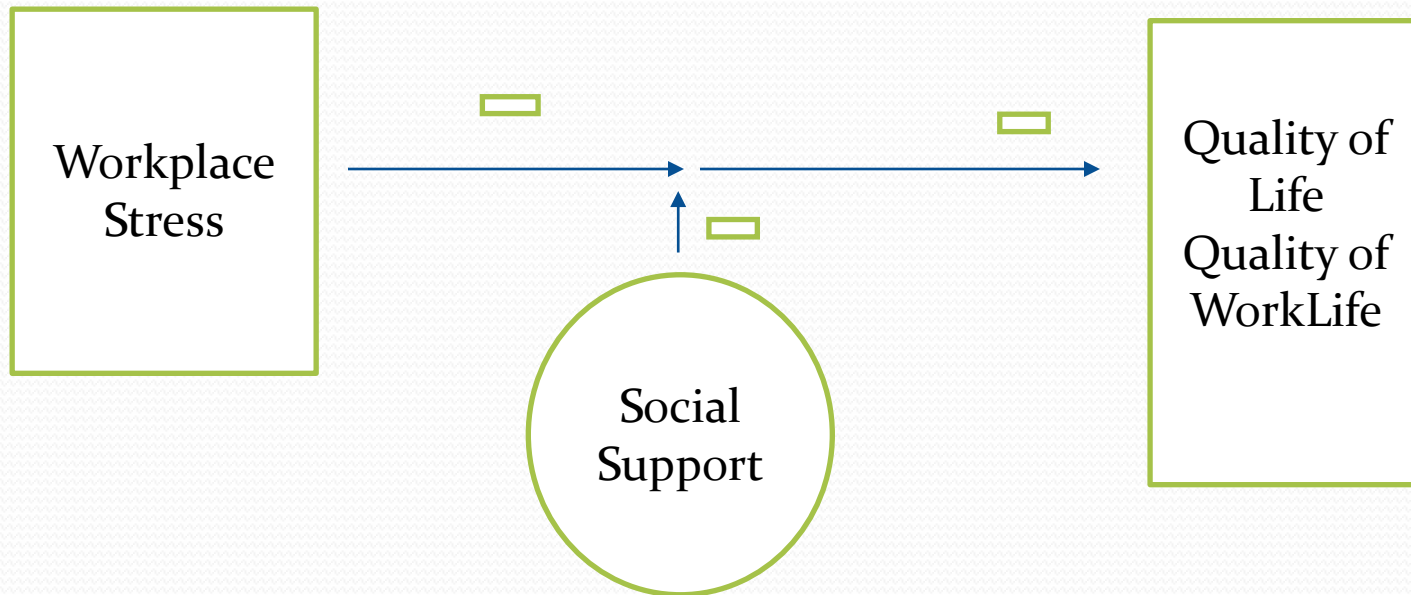
- Level of consciousness is a big dictator of steps to be taken
- Individual steps – ADR, ER/HR systems or policies, bully back, internalize, exit, sue
- Collective steps – Support groups, concerted activity, organizing, standing together

# Workplace Bullying Solutions

- Macrolevel
- Mezzo level
- Microlevel

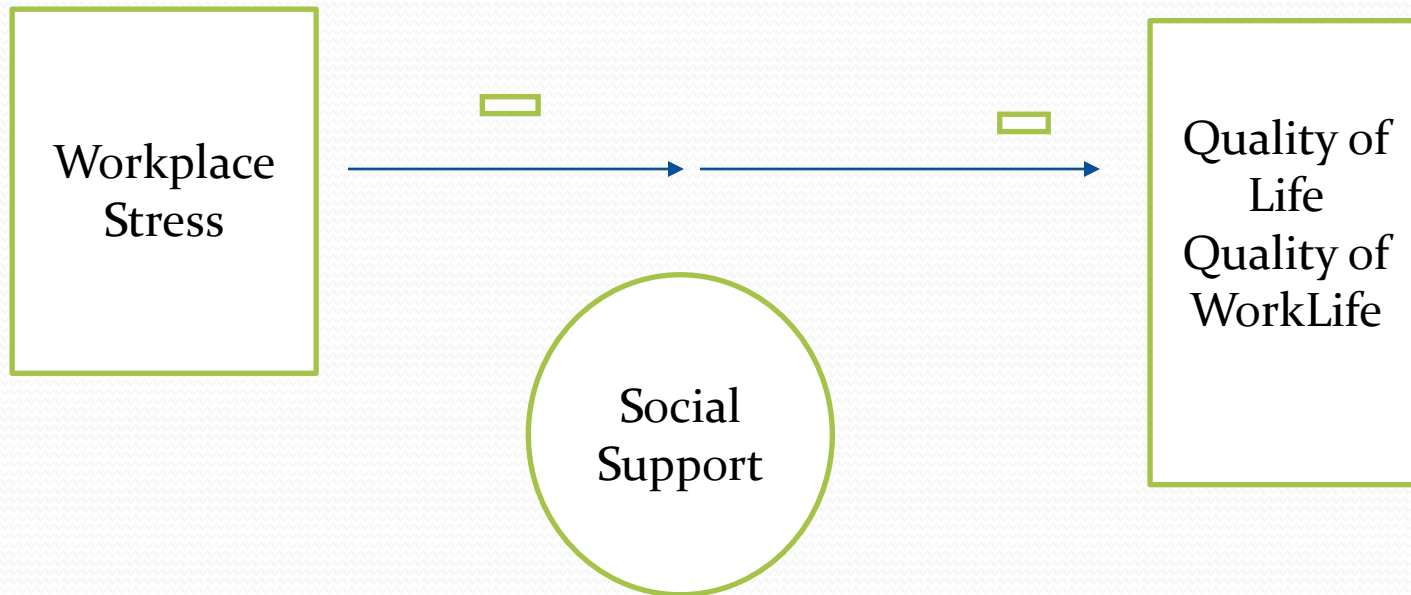
# How to Address Workplace Bullying

- Common Model of Workplace Stress



# How to Address Workplace Bullying

- Workplace Stress due to Bullying





# How to Address Workplace Bullying - Targets

- 1. Recognize it
- 2. Coping Mechanisms
- 3. Success Stories
  - Winning – Filing complaints/claims
  - Growth – spiritual, emotional, professional
  - Survival – getting by
  - Leaving – getting out
- 4. Know when to get out
- 5. Pursue legal routes if at all possible
- 6. Document, document, document
- 7. Jump through hoops

# How to Address Workplace Bullying – Targets (Resistance)

1. Escape – Double-edged sword as often also a success for the bully
2. Collective Voice – Problem is most often co-workers join in the mobbing, supervisors ignore or discount, “bullies reframe targets as deviant.”
3. Subversive disobedience – (work to rule, withholding labor, etc.) “reframed as production deficits” that lead to punishment including termination

Lutgen-Sandvik, Pamela (2006), Take this job and...: Quitting and other forms of Resistance to Workplace Bullying, Communication Monographs, 76(4), pp. 406-433

# How to Address Workplace Bullying – Targets (Coping) Zapf and Gross (2001)

1. Bullying viewed through the lens of conflict is late-stage conflict
2. Targets apply a variety of active and passive conflict management strategies, do not prove successful. Most commonly lead to exit
3. “Successful” targets engaged in direct strategies less often than unsuccessful. (They tried to de-escalate)
4. Unsuccessful conflict management leads to other bad outcomes, including overuse/abuse of substances

# How to Address Workplace Bullying – Targets (Coping)

1. Direct active modes of coping do not offer the same level of protection to targets of bullying as they do with other social stressors (Rickman, Rospenda, Flaherty, Feels, 2001).
2. Direct active coping did not end bullying (Rickman, Rospenda, Flaherty, Feels, 2001).
3. Taking direct action to end harassment/bullying may actually lead to alcohol use and abuse (Rickman, Rospenda, Flaherty, Feels, 2001).

# How to Address Workplace Bullying - Witnesses

- 1. Recognize it
- 2. Become an upstander not a mobber
- 3. Intervening
- 4. Deflecting
- 5. Pulling targets away from the situation/bully

# How to Address Workplace Bullying - Supporters

- 1. Families
- 2. Advocates
- 3. Counselors
- 4. Attorneys
- Social support is shown to be a great moderator of workplace stress

# How to Address Workplace Bullying – Organizations – Current State

- 1. Few policies
- 2. Policies even those addressing workplace harassment do not meet basic legal standards
- 3. HR more likely to make no change or make the situation worse rather than better (Namie and Namie, Career Builder)

# How to Address Workplace Bullying – Organizations – Current State

- Harrington, Warren, Rayner (2012) – HR enact symbolic violence on employees who raise claims of bullying against their managers by attributing managerial bullying behaviors to legitimate performance management practices.
- Cowan 2012
  - View the reports as misinterpretations of others behavior
  - Unfairly blame targets if they do not have a “feeling” about the complaint or no outside collaboration
  - Looks at the role of HR as strategic partner and member of organizational admin or management as part of reason
- Cowan (2011) Disconnect between HR perceptions and even their own policies – legalese definitions cause a disconnect



# How to Address Workplace Bullying - Organizations

- 1. Strong Policies – From the Top, True Purpose
  - Prevention training
  - Detection via broad reporting mechanisms, MBWA, audits
  - Remedy and Eliminate – strong investigation process, remedial process, anti-retaliation provisions
- 2. Organizational Culture
  - Stories
  - Reward system
  - Performance Management System
  - Leadership style may play an important moderator role

# How to Address Workplace Bullying - Unions

- 1. Recognize bullying and the effects
- 2. Strong advocate for targets
- 3. CBA language
- 4. Bylaw language
- 5. Grievances
- 6. Legal Representation

# How to Address Workplace Bullying - Society

- Change in Culture
- Legislation
  - Internationally Strong Laws Exist
    - Sweden – Since 1993
      - Employment practices are not an excuse
    - France – Social Modernization Law of 2000
      - Employers must take all steps necessary to eliminate bullying
    - Quebec Law of Psychological Harassment
      - Expedited hearings to continue employment relationship
      - Many claims are single incidents
    - Belgium –
      - All Necessary steps
      - No intent requirement
  - Common law prohibits bullying/protects targets (Germany, Spain, and UK as examples)
  - Puerto Rico passed legislation in 2021
  - The Dignity at Work Act – MA and RI Hearings, other states have sponsors, We need a movement

# Steps to Take as a Target

- Identify the bullying
- Document, document, document
- Report to HR but do not expect it to help
- Look for social support
- Know when to get out/have an exit plan

# The “Takeaways”

- Workplace bullying is severe and pervasive.
- The effects of bullying are felt by organizations and targets before the phenomena is even identified
- There are very few good options for targets of bullying and no real legal protections

# The “Takeaways”

- Workplace bullying violates the targets’ human rights
- Organizations have an economic and ethical incentive to eliminate workplace bullying
- Bullying is not an effective management style and has no sustainable benefit in the workplace
- We need solutions at all levels
- We need a movement to push for those solutions