

Expanding the Issues of Bullying in the Workplace: Labor and Management Responsibilities

Bullying: The Five Tests

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Bullying has been added to the list of workplace offenses quite recently, and it still suffers from an identity crisis. There is no consensus about the exact nature of the phenomenon, which poses a major obstacle to its eradication. Definitions have been proposed by psychologists, lawyers, occupational safety experts, and other specialists, but each reflects the relatively narrow outlook of a single discipline.

Some definitions focus on harm to the target's mental health or physical well-being. Others highlight the resulting disruption or loss of productivity. Still others regard bullying as a type of discrimination or harassment. A few analysts have thrown up their hands in despair, adopting the approach made famous in another context by the late Justice Potter Stewart: "I know it when I see it."

The various proposed definitions share a vagueness that limits enforceability if customary discipline standards are applied. Only a crisply worded workplace rule can support charges when an imposed penalty is challenged in arbitration.

With enforcement in mind, my colleagues and I at Workplace Solutions have developed a definition that concentrates on the bully's tactics, which tend to be discernible by co-workers. Since arbitrators are familiar with the venerable seven tests of just cause (Koven and Smith 2006), we created an analogous scheme: the five tests of bullying. It amounts to a precise operational definition that comports with traditional notions of fair investigation. Bullying is established when the target has been subjected to the following five tactics:

- Humiliation
- Intimidation
- Defamation
- Isolation
- Sabotage

Humiliation might take the form of openly berating or ridiculing the target. Intimidation typically entails making threats, including hints of bodily harm. Defamation may involve spreading false rumors—such as baseless accusations of theft or other impropriety—undermining a person's stature in the eyes of others. Driving a wedge between the target and his or her natural supporters creates isolation and vulnerability, especially when the instrument is a cyber-bullying campaign via social media—an example of a promising technology put to a nefarious purpose. Finally, the bully may attempt to degrade the target's performance by means of sabotage, such as intercepting a key memo or deliberately deleting critical work data.

With these tactics, the bully pressures the target to conform or precipitates his or her departure from the workplace. A likely outcome is discharge or "constructive discharge" (an ostensibly voluntary quitting that is really a response to unbearable mistreatment).

Strategy for Prevention

The five tests ideally should be part of a comprehensive bullying prevention strategy, which might include the following:

- Formulating a clear written policy
- Fostering, through training, a workplace culture inimical to bullying
- Facilitating early intervention
- Empowering bystanders
- Eliminating under-reporting of bullying.

There are several reasons for failing to report bullying. Employees may fear that they will not be taken seriously by the employer. They also may worry about negative consequences for their career or their personal safety. Reluctance to implicate a fellow employee, potentially causing job loss and family hardship, could be a factor as well. Workers often do not trust the employer to respond properly, remain unsure about the kind of behavior they should report, or feel embarrassed about their own interaction with the bully.

Empowering bystanders necessitates convincing them that it is in their interest to take action when they observe bullying. Tolerating symptoms of dysfunction jeopardizes the civility of the environment. Moreover, willful ignorance can result in acute risk for the workplace as a whole. Relentless bullying has been known to provoke violent or even lethal reactions—a consequence that might be labeled “bullicide.”

Besides encouraging reporting, labor and management could negotiate consensus guidelines for bullying prevention and incorporate them in the collective bargaining agreement. The member countries of the European Union have adopted good practice guidelines known as codes of “dignity at work,” a rubric that covers bullying.

Regrettably, some organizations avoid the issue entirely. They deny the existence of bullying, minimize it, or regard it as nothing more significant than a “personality clash.” Blame may be inverted: faulting and punishing a target is common.

At times, bullying may lurk in the background of a garden-variety dispute. The grievant is not the bully but a co-worker who defended the target and, in the process, found himself or herself charged with violating another shop rule—such as a prohibition against fighting on the job.

Who Are the Bullies?

Many believe that bullying classically occurs when a supervisor oppresses a subordinate, perhaps by making outlandish demands. In fact, the term “abusive supervision” has been applied. Although empirical data are largely lacking, valuable insights can be derived from surveys. A U.S. national survey asked self-described bullying victims to categorize their tormentors (National Institute for Occupational Safety and Health 2004). The respondents named the following categories:

- Co-Workers: 38% of respondents
- Customers: 25%
- Supervisors: 15%
- Others: 22%

A survey of managers in the United Kingdom found that fully 40% of them claimed to have been bullied in the previous three years (Woodman and Cook 2005). Judging by these preliminary results, the notion that only bosses can be bullies is a myth. No doubt our understanding of bullying, its perpetrators, and its impact will be enhanced in coming years as findings from more extensive surveys and focus group studies become available.

References

- Koven, Adolph M., and Susan L. Smith. 2006. *Just Cause: The Seven Tests* (3rd ed., rev. by Kenneth May). Bethesda, MD: Bloomberg BNA Books.
- National Institute for Occupational Safety and Health. 2004. *Workplace Bullying: What Organizations Are Saying*. Washington, DC: National Institute for Occupational Safety and Health.
- Woodman, Patrick, and Petra Cook. 2005. *Bullying at Work: The Experience of Managers*. London: Chartered Management Institute. https://www.managers.org.uk/sites/default/files/user35/CMI_-_Bullying_at_work_Sept05_-_Full_Report.pdf.