

Harassment – Mitigating Your Company's Liability



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Bullying

Bullying at work is repeated, health-harming mistreatment of a person by one or more workers that takes the form of verbal abuse; conduct or behaviors that are threatening, intimidating, or humiliating; sabotage that prevents work from getting done; or some combination of the three.

- Gary and Ruth Namie, *The Bully at Work*, 2nd Edition

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Characteristics of Bullying

- Control and/or destroy another person, often with the intent of forcing them out.
- Assault a person's dignity, trustworthiness, competence, and self-worth.
- Make a person feel responsible and guilty.
- To isolate and confuse.
- Usually long-lasting, repeated, and escalates in severity

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Definitions

Bully (Not illegal)

Harassment (Illegal)

- ✓ Sexual
- ✓ Hostile Work Environment

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When is an Employer Liable For Supervisor Harassment?

- Employer is liable for harassment by a supervisor with immediate and successively higher authority over an employee . . .
 - If there is a tangible employment action such as, discharge, demotion , or undesirable reassignment, the employer is liable and there is NO affirmative defense available; or
 - If no tangible employment action has been taken, an employer is liable subject an affirmative defense.



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Types of Bullying

Corporate bullying
Displaced bullying
Serial bullying
Mob bullying

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Why Bullying Occurs in the Workplace

When Does Bullying Happen?

- ✓ When the balance of power shifts
- ✓ The target refuses to bend to another's wishes
- ✓ The target is better than the bully in some way
- ✓ The target is a whistleblower and has high moral standards

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Case Study – Karen Klein

2012 Workplace Bullying:

**When the mob made the
Bus Monitor cry**

Is the employer liable?

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Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

- Karen Klein was an escalating abuse situation.
- Most of the children involved identified themselves as “decent people”.

“Decent people” don’t bully.

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Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

How does a “decent person” become a “bully?”

- In the case of Karen Klein, unbeknown to the participants involved in the incident, the bully-leaders injected conflict into their inconsistency-hating minds.
- This forced them to desperately to balance out conflict in the only way it can—by concluding the victim is deserving of all they are getting.

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Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

Social reality of Harassment/Bullying:

- Harassment can become a “team sport.”
- The Mob process itself is accelerated by the individual being intoxicated by the power of bullying/harassment.

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Remedies

Strategies That Don't Work

- ✓ Ignore or avoid the bully
- ✓ Try to appease the bully
- ✓ Comply with the aggressor
- ✓ Aggression

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Remedies

Strategies That Work

- ✓ Speak Up
- ✓ Lead from the top down
- ✓ Lead by example
- ✓ Be proactive
- ✓ Be Clear and Consistent
- ✓ Say it out Loud
- ✓ Educate and Support

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Offering Your Support

Speak Up!

- ✓ 95-97% of co-workers are aware when a target is being bullied.
- ✓ 8% of those people actually do something.
- ✓ 28% offer moral support.

Source: The Bully at Work – Second Edition, Namie & Namie, 2009

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What to Do If You Witness Bullying

Speak Up!

Why don't people act?

- ✓ Fear
- ✓ No one wants to take the bull by the horns and talk about the elephant in the room
- ✓ People prefer the path of least resistance
- ✓ We think the boss is always right

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Watch for Your Inner Bully

The little things that happen at work...

Those trivial workplace annoyances...

Will bring out our inner bully



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Annoyances at Work

Forty-four percent of 432 U.S.-based office workers surveyed by the Staffing Company Office Team in July 2010 said that leaving a mess for others to clean up tops the list of annoying break room behavior.

Stealing a co-worker's food came in second, at 19 percent,

Followed by leaving spoiled items in the refrigerator, at 18 percent.



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What to Do If You Witness Bullying?

Things to Say

Witnessing Bullying as a Manager

- ✓ I have some concerns about how you spoke to <insert name> in the meeting yesterday. Your tone and words were bullying.

“That’s not accepted in this organization.”

- ✓ I noticed that your interaction with <insert name> yesterday was quite aggressive, to the point that I would call it bullying.

“That’s not accepted in this organization.”

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What to Do If You Witness Bullying

Things to Say

Witnessing Bullying as a Subordinate or Peer

- ✓Comments like that aren't productive.
- ✓I don't think your tone/language is very professional.
- ✓I don't appreciate comments/jokes about <topic>.
- ✓I don't agree with you <insert name> did a great job on this project. It was late because there were some extra requirements that we had to meet.

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For More Information

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