

Why Workplace Bullying Legislation Makes Good Business Sense

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Abstract

Millions of employees in Canada and the United States are subjected to workplace bullying on a daily basis. With so many individuals suffering at the hands of workplace bullies, the problem can no longer be ignored. Very few, organizations have formal policies in place to protect employees from bullies. Though several states are considering legislation pertaining to workplace bullying, lawmakers have yet to pass legislation that protect employees from workplace bullies.

A few Canadian provinces have made workplace bullying have passed legislation making it illegal. In 2004, the provincial government of Quebec amended the Labour Standards Act to address workplace bullying. In 2007, Saskatchewan followed suit by passing legislation making workplace bullying illegal in that province. In 2010, Ontario passed legislation that provides employees protection from workplace violence and harassment. With the passage of Bill 168 which is an amendment to the Ontario Occupational Health and Safety Act employers are required to take reasonable steps to ensure the safety of employees.

What is Workplace Bullying?

According to research conducted by WBI & Zogby International in 2007, 37% of American employees have been bullied. Workplace bullying also known as psychological harassment is rampant throughout workplaces in the United States and Canada. With so many individuals suffering at the hands of workplace bullies, the problem can no longer be ignored. Very few, organizations have formal policies in place to protect employees from bullies. Though the topic of workplace bullying is being considered in several states, lawmakers have yet to pass legislation in the United States to protect employees from workplace bullies. There are several grassroots organizations lobbying lawmakers to pass bills which would protect employees, however, not one state has taken the initiative to be the pioneer for this cause. As a result employees and the organizations they work for are being negatively impacted.

Workplace bullying is repetitive, abusive behavior that devalues and harms other people on the job (Barrow, 2009). It is not usually physically violent but relies instead on the formidable weapons of hostile actions and words. Workplace bullying intimidates and torments the targeted individual, putting his or her self-esteem and overall health at risk. Workplace bullying is a reality for many employees. Bullies seek to destroy people instead of helping them to realize their fullest potential within organizations. Far from consisting of isolated instances here and there, workplace bullying is a significant and troubling phenomenon, one that demands attention. According to Strandmark & Hallenberg (2007) workplace bullying is an extreme social phenomenon that is triggered by social stressors and social defeats that cause negative biopsychosocial stress reactions and health hazards for the targeted individuals. Bond, Tuckey & Dollard (2010) suggested that workplace bullying was a form of stress at work caused by

repeated, systematic exposure to negative acts. Workplace bullying is a significant health and safety issue which occurs between leaders, managers, coworkers and employees. It is prevalent in all industries and at all levels within the organizational structure. No one is exempt from experiencing workplace bullying.

The Effects of Workplace Bullying

According to Cleary, Hunt, Walter & Robertson (2009), the psyche of a bully can be characterized as possessing an aggressive form of pathological narcissism. The researchers suggested that bullies have a desire to dominate their relationships and are controlling and manipulative. They are unempathic and rely on exploitative behavior as a way of dominating the relationships they have with others.

When a bully decides to bully others, it is difficult for targeted individuals to stop bullying. Oftentimes, the targeted employees are not aware of the bullying until an extended period of time has passed. They suspect that something is terribly wrong, but may not truly understand that they are being bullied. If the employers do not have clear policies in place that address workplace bullying, the targeted individuals are left to fend for themselves with limited options available to them for addressing the problem.

To explore the topic of workplace bullying further, research was conducted to determine the extent to which employees in Canada and the United States are experiencing bullying behavior in their workplaces. 355 men and women from Canada and the United States completed an online *Workplace Interaction Survey*. Of the participants, 80 percent were women and 20 percent were men. 46 percent of the participants were between the ages of 46 – 65 years old. 41 percent of the participants were between the ages of 31-45 years old and 14 percent of the

participants were between the ages of 18 – 30 years of age. 86 percent of the participants identified themselves as being full-time employees and 11 percent as part-time employees. 56 percent of participants had a length of service between 1-10 years and 44% had a length of service between 11-30 years.

The *Workplace Interaction Survey* developed by LMSB Consulting consisted of common bullying characteristics as outlined by researchers Charlotte Rayner and Helge Hoel. Rayner & Hoel categorized bullying behaviors as follows:

- 1) *Threat to Professional Status* (e.g., humiliating the person in public or sabotaging the person's work).
- 2) *Threat to Personal Standing* (e.g., name calling, spreading malicious rumors about a person, teasing or intimidating a person).
- 3) *Isolation* (e.g., preventing access to opportunities, or isolating the person physically or socially).
- 4) *Overwork* (e.g., imposing undue pressure to produce work and setting impossible deadlines).
- 5) *Destabilization*(e.g., failing to give credit where it is due, assigning meaningless tasks, removing responsibility or setting the person up for failure).

To gain a better perspective of the possible occurrences of workplace bullying, the statistics derived from the *Workplace Interaction Survey* were applied to employed residents of New York State and Ontario, Canada. Table 1 represents the number of residents in New York and Ontario and the number of employed residents in the state and province. The statistics were obtained from Statistics Canada Ontario Labour Force and Empire State Development. As of September, 2009, there were 10,695,300 Ontario residents and 19,541,453 New York State

residents. Regarding Ontario residents, 6,525,100 are employed (Table 1). There are 8,862,900 New York State residents currently employed (Table 1). WBI & Zogby International’s research found that 37% of respondents were bullied. Applying this percentage to employed residents of Ontario and New York State the numbers would be 2414287 and 3279273 respectively (Table 1).

Residents of Ontario	Employed Residents	Residents of New York	Employed Residents	Bullied Ontarians	Bullied New Yorkers
10,695,300 Statistics Canada Ontario Labour Force (September, 2009)	6,525,100 Statistics Canada Ontario Labour Force (September, 2009)	19,541,453 Empire State Development (July, 2009)	8,862,900 Empire State Development (October, 2009)	2414287	3279273

Table 1: Number of Employed & Potentially Bullied New Yorkers & Ontarians

Table 2 represents the number of employed employees in New York and Ontario who may potentially have experienced workplace bullying behavior described by Rayner & Hoel as *Threat to Professional Status*. Based on this information, approximately 1.1- 1.5 million Ontarians and New Yorkers are potentially having their professional status threatened in the workplace either by being publicly humiliated or by having their work sabotage. The *Threat to Professional Status* category includes other behaviors that were not included in this research, which would increase this number significantly.

Threat to Professional Status	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Public humiliation	47%	1134715	1541258

Sabotage	31%	748429	1016575

Table 2: Threat to Professional Status

Table 3 represents the *Threat to Personal Standing* category and the potential number of employees in New York and Ontario who could be experiencing various types of behavior representing this category is approximately 1-3.7 million. At first glance, the bullying behaviors in question may seem innocuous, especially when considered separately from each other, as isolated sources of frustration or annoyance. However, the cumulative damage can be severe to the targeted person who must endure such behaviors again and again over an extended time period.

Threat to Personal Standing	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Teasing	42%	1014001	1377295
Intimidation	18%	434571	590269
Sarcasm	26%	627714	852611
Abusive language	21%	507000	688647

Excessively monitored	22%	531143	721440
Malicious rumors	27%	651857	885403
Verbal or Physical Assault	12%	289714	393512

Table 3: Threat to Personal Standing

The relentless nature of workplace bullying is central to its destructive power. Consider a prisoner who is being water tortured. The repeated, consistent dripping of small amounts of water on the prisoner's forehead becomes an unbearable form of suffering, far beyond what you might imagine a "harmless" drop of water could cause. In the same way, repeated, consistent efforts to undermine a person's dignity and self-esteem result in suffering far greater than what one might imagine "mere" words or actions could produce.

The *Threat to Personal Standing* is real for bullied employees. If this threat is not addressed it will eventually paralyze employees and render them unable to perform their jobs in an efficient and effective manner. Applying the statistics from the *Workplace Interaction Survey*, this type of bullying behavior could be contributing to the immobilization of workforces in New York State and Canada. To shield employees from this bullying behavior and others, organizational leaders and lawmakers need to become more proactive when addressing workplace bullying by adopting policies and legislation.

Isolation is another bullying category which was considered in this research. Applying the *Workplace Interaction Survey* results to the statistics for employed residents in New York State and Ontario, between 700,000- 1 million employees may be experiencing physical or social

isolation or are denied opportunities for advancement because of workplace bullying (See Table 4). Employees experiencing isolation will eventually become discouraged and disengaged from the organization. Some employees may choose to take their frustration out on themselves by engaging in harmful behavior or may choose to harm others. Of the 355 respondents completing this survey 7 percent indicated they thought about harming themselves or others because of how they were being treated in the workplace. Applying this statistic to Ontario and New York employees, the number of potential employees in Ontario who could decide to harm themselves or others would be 169000 and for New York employees the number would be 229549. The potential for workplace violence and workplace bullying suicides is alarming. In recent months, there have been incidences in which employees have resorted to using deadly force as a way of venting their frustration and bringing attention to their situation. Violent incidences in the workplace will continue to occur until the issue of workplace bullying is properly addressed. Unfortunately, the trend for workplace violence and workplace bullying related suicides is increasing. People, are literally, losing their lives because of the antics of workplace bullies. Steps need to be taken to protect employees and to prevent tragedies related to workplace bullying from occurring.

Isolation	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Denied promotions/ opportunities	29%	700143	950989
Ostracized	33%	796714	1082160

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Table 4: Isolation

With organizational restructuring occurring and the trend for “doing more with less” facing many employees, the average employee is feeling overworked and their stress level has significantly increased. This trend appears to be the norm for many employees, however, for employees who are being bullied, their experiences are intensified and the stress is greatly increased. A workplace bully seeks to destroy a targeted person on several levels. Two ways to do this is by placing undue pressure on the person and by providing them with unreasonable deadlines. These two bullying tactics will inevitably have a negative impact on the targeted employee as he or she is placed in a “no-win situation”. The more the employee tries to meet the deadlines and to perform, the more he or she will fail. The person does not fail because of incompetence but because it is impossible for him/her to meet the expectations of the bully. Once the targeted person believes he/she has a handle on the situation, the rules of the game change along with the expectations. Eventually, the person’s performance suffers along with his/her physical, emotional and mental state and the bully renders the person incompetent. The outcome is often a negative one as the employee in this situation is demoted, transferred or terminated by the bully. Applying the statistics from the *Workplace Interaction Survey* to New York and Ontario employees, the number of potential New York employees and Ontario employees who could be experiencing undue pressure to produce is approximately 1 million and 1.4 million respectively (Table 5). Regarding New York and Ontario employees who are seeking to meet unreasonable deadlines the numbers are 531143 and 721440 million, respectively (Table 5).

Overwork	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Undue Pressure to Produce	45%	1086429	1475673
Unreasonable deadlines	22%	531143	721440

Table 5: Overwork

Table 6 represents the *Destabilization* category and the potential number of employees in New York and Ontario who may be experiencing this type of bullying behavior. The bully's goal is to devalue employees to the point where they begin to question their own self-worth and their role in the organization. By not acknowledging the accomplishments of the targeted person or not giving him/her credit for the work completed, the bully is sending a message to employees that they are worthless and are not important to the organization. To ensure that employees receive the message and understand it, the bully will assign meaningless tasks to them. Over an extended period of time, the employees' self-esteem dwindles and self-doubt sets in. The employees may detach themselves emotionally, mentally and eventually physically from the organization. Some targeted employees may believe that the only way to regain their self-esteem and a sense of importance is by resorting to violent behavior. Addressing bullying behavior when identified will not only preserve the quality of life for employees, it will also help to decrease the incidences of workplace violence.

Destabilization	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Failure to give credit	36%	869143	1180538
Acknowledgement/Reward	37%	893286	1213331
Meaningless tasks	23%	555286	754232

Table 6: Destabilization

The Toll Workplace Bullying Takes on Targeted Employees

Matthiesen & Einarsen (2004) suggested that workplace bullying was the exposure to systematic and long lasting verbal, non-physical, and non-sexual, abusive and aggressive behaviour. The behavior may cause a variety of negative health effects in the target individuals including post traumatic stress, which occurs when exposed to highly distressing events which threaten the targets' personal integrity (Tehrani, 2004) . Matthiesen & Einarsen (2004) conducted a study and found that bullied individuals experienced symptoms associated with post traumatic stress. The post traumatic symptoms were depressive thoughts, isolation tendencies, fluctuating feelings, and fear when reminded of the situation. Post traumatic stress disorder may be quite prevalent among individuals who have been the target of workplace bullying.

Employees completing the *Workplace Interaction Survey* indicated that responded to the bullying in many ways (Table 7). 33 percent of participants acknowledged experiencing various physical ailments that resulted from the bullying experience. 29 percent of participants experienced depression and anxiety on a regular basis.

Response to bullying	Workplace Interaction Survey Findings (n=355)	Ontarians	New Yorkers
Physical ailments	33%	796714	1082160
Depression & Anxiety	29%	700143	950989
Suicidal or homicidal thoughts	7%	169000	229549

Table 7: Responses to bullying

The most alarming finding was that 7 percent of the participants acknowledged that they had suicidal or homicidal thoughts as a result of their bullying experiences. This finding is in alignment with other research that has been conducted regarding the effects of workplace bullying on targeted individuals. Balducci, Alfano, & Fraccaroli, (2009) found that 7 percent of individuals who participated in their study had attempted suicide as a result of experiencing mobbing. Mobbing occurs when individuals are harassed, socially excluded and isolated at work. Applying this percentage to bullied Ontarians and New Yorkers, the numbers would be 169000 and 229549 respectively. Employees are losing their lives because of a major workplace health and safety concern. Workplace bullying can no longer be ignored. The passage of workplace anti-bullying legislation would literally, save lives.

Gallos (2008) stated “When people feel good, they work at their best. Feeling good lubricates mental efficiency, making people better at understanding information and using decision rules in complex judgments, as well as more flexible in their thinking” (2008). Bullied employees do not feel good and are not performing at their best. Because of workplace bullying, targeted employees become mentally inefficient. Employees who once performed at their fullest potential struggle to perform at a satisfactory level because their mental energy is spent trying to ward off the attacks of the workplace bully. Bullied employees become mentally exhausted because of their experiences and are not able to contribute to the organization at a level of excellence. Bullied employees disconnect from the organization and will be reluctant to share their tacit knowledge and creative ideas with others for fear of experiencing more bullying. When employees adopt this position the overall effectiveness of the organization suffers. The organization is not in a position to achieve a competitive advantage when the key contributors have been weakened by the stress and impact of workplace bullying. The effects of workplace bullying include an increase in safety incidents, low productivity, increase in absenteeism, decrease in creativity, employee disengagement, and a decrease in employee morale. Workplace bullying has a negative effect not only on employees but on the organizations in which they are employed.

Workplace Bullying Legislation

Workplace bullying will not be eradicated until legislation is passed to make it illegal. Millions of employees will continue to have their lives destroyed at the hands of workplace bullies unless steps are taken to hold individuals accountable for their actions. Legislation pertaining to workplace bullying will serve to change attitudes and behaviors in the workplace, just as sexual harassment and anti-discrimination legislation did a few short years ago. Targeted

individuals would no longer have to fear going to work. No longer would they have to endure the humiliating and devaluing experiences of workplace bullying. Targeted employees would be able to work in an environment that is non-threatening, positive and healthy. Organizations would be able to benefit from the positive contributions of these employees. Until legislation passes, millions of employees will continue to suffer silently at the hands of workplace bullies.

Workplace bullying legislation would provide an option for targeted individuals to pursue if they do not believe employers are sufficiently addressing the problem. The legislation would hold the employers accountable for ensuring that a respectful and non-hostile workplace community exists. No longer would employers be able to ignore the negative and aggressive behaviors of workplace bullies. When workplace bullying behavior exists in organizations negative consequences will result for targeted employees, the organization and society. In today's highly competitive marketplace, organizations cannot afford to have workplace bullying stifling the creativity, contributions and efforts of employees. Organizational objectives and goals cannot be achieved if employees are focusing their attention on workplace bullying rather than on performing their jobs at their fullest potential. Eliminating workplace bullying makes good business sense.

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