

Prevention Strategies for Workplace Abuse

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Until we get a law.....

- A legislator once said:
- “It used to be okay to hit your partner. And, it used to be okay to hit your child. And, it used to be okay to kick your dog. Well, it’s still okay to abuse your employee, because we have no laws prohibiting it, like we prohibit spousal abuse, child abuse and animal abuse.”

Protected Class

- The groups **protected** from employment discrimination, by law. These groups include:
- men and women on the basis of sex;
- any group which shares a common race, religion, color, or national origin;
- people over 40;
- and people with physical or mental handicaps.

Employees that work in abusive workplaces must

Become familiar with union protections, legal precedents and standards about workplace mistreatment and abuse.

EDUCATE YOURSELF on what workplace bullying is, what it looks like, and how it can destroy organizations.

YOU ARE DOING THIS TODAY!! EDUCATION IS KEY!!!

WATCH YOURSELF!

- Be aware of your own behaviors towards co-workers. Identify if you do participate in the abuse of another.
- **BREAK THE CYCLE OF ABUSE!!!**

Look around and reach out!

- Establish peer support, build connections and relationships with targets of workplace abuse.
- **DO NOT** isolate, ignore the target or play into the bully/abuser's game.

Solicit Support

- Solicit support from family and friends. Family and friends that **BELIEVE YOU** when you say you are being emotionally abused in your workplace.

Band Together!

- Use a **GROUP** of employees to approach the bully, Human Resources, the boss, or bosses.
- **Solidarity. Unified group.** There is strength in numbers. It is easy to eliminate one employee, but not a group of employees.

Know your Workplace Policies and Laws

Create a Workplace Civility Policy: A Zero Tolerance for Workplace Abuse

Behaviors such as abrasive behavior, discrediting a co-worker, abusive or disrespectful verbal or body language behavior, physical AND/OR emotional and social isolation are NOT tolerated.

At this time, there is not one law in the United States that protects against workplace abuse. Anyone can do anything as long as it is within the laws of employment.

In the US, workplace abuse is not explicitly defined as discrimination.

“Gotcha Goals”

- Be conscious of institutional “set ups,” in which the objective is punitive, rather than improvement.

Seek Professional Help

- Distance yourself from the bully.
- Seek medical attention and Employee Assistance Programs/Counselors.

Start Documenting Incidents

- Write a memo, or journal, to yourself, with dates, times, descriptions of what happened.
- Were there any witnesses? Record names and positions that they hold!
- Save **ALL** hard copies of emails, texts, tweets. Transcribe voice mails and date them!!
 - Maya Raghu, Director of Workplace Equality and Senior Counsel at the National Women's Law Center in Washington, DC

Don't Go It Alone

- Before you decide to take any action, talk the bullying incidents over with trusted friends, family members, and, **IF POSSIBLE**, trusted co-workers.
- Gain their perspective and their emotional support
- You might also uncover helpful information about a serial bully at work.
 - Maya Raghu, Director of Workplace Equality and Senior Counsel at the National Women's Law Center in Washington, DC.

Consider Steps

- Sometimes stopping the bullying may be as simple as telling the person to stop.
- But, that too, has its risks.
- Rehearse your actions, consider the possible consequences, and most important, make sure you are physically safe.
 - Maya Raghu, Director of Workplace Equality and Senior Counsel at the National Women's Law Center in Washington, DC.

BEFORE you complain....

- Does your company have a policy?
- What is the reporting procedure?
- What are the potential outcomes?
- Does the policy say anything about retribution?
 - Maya Raghu, Director of Workplace Equality and Senior Counsel at the National Women's Law Center in Washington, DC

Strategize the Situation

- As you prepare to complain.....
- Think of the outcome you would like.
- Most people simply want the bullying to stop and get on with their jobs.
- This is another time to talk with friends, family and trusted co-workers.
 - Maya Raghu, Director of Workplace Equality and Senior Counsel at the National Women's Law Center in Washington, DC

Contact HR

- Human Resources is charged with protecting the interests of the company. However, it is the place to start.
- It's important to show proper procedures were followed, even before contacting agencies such as the federal Equal Employment Opportunity Commission or Oregon's Bureau of Labor and Industries (BOLI).
 - Alice Ballard, Employment Lawyer

Intervention Strategies for Workplace Abuse

- Solicit witness statements.
- File a “formal complaint” with the Human Resources Department so the complaint becomes part of a professional record. Keep a copy of the complaint!
- Confront the person who is your bully. Take a witness with you.
- **DOCUMENT, DOCUMENT, DOCUMENT.** Prepare a case against the bully.
- Take your case public.

What Employees Can Do

- Stand by the person being bullied. Especially following their “closed door” meeting.
- Refuse to betray/deceive a co worker. “Siding” with the bully only brings “short term immunity.”
- **BE PRESENT**. Offer to be a witness or representative for your co worker.
- Provide testimony at hearings, arbitrations, and mediation. This can be written or in-person testimony.

Establishing Healthy Workplaces

- **KNOW** Healthy Leadership Styles
- Leaders set the tone. Workplace culture **DOES** start at the top! Healthy leadership helps to eliminate conflict and abuse in the workplace. Conflict resolution skills!

Managers versus Leaders

- Hire employees and leaders with **Emotional Intelligence**.
- When hiring new employees and leaders, emphasize cooperation, respect, and conflict resolution skills.

Establishing Healthy Workplaces

Build trust and compassion in the workplace.

Employees must feel safe when reporting emotional abuse in the workplace and/or a bully in the workplace.

Create opportunities during employee reviews to recognize workplace abuse/bullying.

Use an anonymous survey to gather information on workplace culture, at least twice a year.

Establishing Healthy Workplaces

- Post Anti Bullying **posters** in the workplace lunch room, main office and around the office areas. Doing JUST this one thing can bring awareness and recognition and up the attention of employees to the bullying behavior.
- Have 360 degree evaluations. **EVERYONE evaluates EVERYONE!!!**

There is HOPE! The Good News

- There are no laws on the books to prevent workplace abuse/bullying
- **HOWEVER**, there are case studies of individuals who have won major lawsuits from companies where they were bullied.
- Wrongful Termination
- Whistleblower Laws
- Retaliation Laws

Whistleblower Protection Act

- The Whistleblower Protection Act of 1989 was enacted to protect federal employees who disclose "**Government** illegality, waste, and corruption" from adverse consequences related to their employment. This act provides protection to whistleblowers who may receive demotions, pay cuts, or a replacement employee.

Retaliation Law

- Retaliation happens when an employer punishes an employee because he or she engages in a legally protected activity. All of the federal anti-discrimination laws enforced by the Equal Employment Opportunity Commission (EEOC) prohibit retaliation, as does the False Claims Act.

Wrongful Dismissal/Termination

- In law, wrongful dismissal, also called wrongful termination or wrongful discharge, is a situation in which an employee's contract of employment has been terminated by the employer, where the termination breaches one or more terms of the contract of employment, or a statute provision or rule in employment law

Case Studies

- “Maternity Leave made me a target.”
- “I was shunned.”
- “I was cornered.”
- “I was trapped in a cycle of abuse.”

“A culture of niceness”-Mercy Corps

- “Entrenched senior management, “a culture of niceness” that made criticism difficult and the former CEO’s failure of leadership all contributed to Mercy Corps mishandling of sexual abuse allegations.”
- Employees told the investigators that Mercy Corp’s “culture of niceness” makes it difficult to dissent or criticize. Staff members said they are reluctant to speak up and be the “squeaky wheel,” the investigative report noted.
 - The Oregonian, N.Crombie, February 2020

“A Culture of Niceness”

- The CEO’s failure to embrace a culture that valued constructive criticism from board members or staff likely contributed to Mercy Corp’s errors in judgments and missteps in dealing with requests.”
- “Mercy Corp’s global board was still perceived by staff as “full of close friends” of the CEO who had “been there forever” and who were unwilling to question his leadership.”
 - The Oregonian, N.Crombie, February 2020

The Mercy Corp Recommendations

- Hiring a Chief Ethics Officer
- Making significant investments to improve investigations into alleged ethics and abuse allegations, to **outside investigators**
- Referring allegations involving top officials to **outside investigators**
- Imposing term limits on board members.
 - The Oregonian, N.Crombie, February 2020

Remember

- Carrying grudges can be destructive to your emotional and physical well being.
- Those who don't forgive can experience heart disease, pain disorders and stomach ulcers.
- Take the following steps to seek true forgiveness
 - Matthew B. James, President of the Empowerment Partnership

Tell

- Tell the other person that you forgive them, IF you have the opportunity. If you do not have the opportunity, say it to yourself.
- Don't say that you will, "forgive, but not forget." The goal is to release negative feelings.
 - Matthew B. James, President of the Empowerment Partnership

Have a conversation / Move on

- If you decide to confront, create enough space for you and the other person to say everything that needs to be said. Stay calm and speak in normal tones, even if you don't like what you hear.
 - Matthew B. James, President of the Empowerment Partnership
- Move on. Ask yourself what you have learned from the situation and use it to make better decisions in the future. This comes from educating yourself and experiencing hard knocks.
 - Matthew B. James, President of the Empowerment Partnership
- “When you know better, you do better.”
 - Oprah Winfrey

True Forgiveness

- “To forgive and to never forget is to never forgive in the first place. We owe it to ourselves to experience true forgiveness.”
 - Dr. Matthew B. James (President: The Empowerment Partnership)

Resources for YOU!

- The Internet and YouTube: So much great information
- Book: Bully at Work by Gary and Ruth Namie (2nd edition)
- The Sociopath Next Door by Martha Stout
- Breaking the Silence: Overcoming the Problem of Principal Mistreatment of Teachers by Joseph and Jo Blase.

Bottom Lines

- **BELIEVE** people when they tell you they are being bullied at work. The boss is **NOT** always right!
- **DO NOT** be afraid to speak out, be a “whistleblower,” stand up for others. There are Retaliation Laws now!
- **DOCUMENT, DOCUMENT, DOCUMENT!!!**
- **EDUCATE** yourself on workplace bullying. Read all you can, research all you can!
- **KNOW** your workplace policies, state and federal laws re the workplace, your union
- When you see something, **SAY** something!

REMEMBER!

- It's a job, not a jail.
- No job is worth losing your health, or your personal integrity.
- “Those who can, do. Those who can't bully.” Tim Field, Author: Bully in Sight.