

Valuing People Avoiding the Abusive Workplace

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ExMPA 2006
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Workplace Bullying

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Bullying Type: The Screaming Mimi



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Bullying Type: The Constant Critic



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Local News

The worst moment of Katrina Perry's job nightmare happened to take place at home. One afternoon in 2001, in the fog of depression, she decided to end the torment. She called a few mortuaries, got some price quotes on funerals. Then she went into the bathroom and grabbed a razor blade.

. . . .

The cause of Perry's misery was a bully . . .

(Seattle PI, 20 Dec 04 at A1)

At work.

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Defined

Abusive conduct is defined as what a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. A single act is not normally considered sufficient to constitute abusive conduct, but an especially egregious single incident may be allowed.

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Frequency -Types

. In one survey, 47.1% of respondents experienced one negative act on the job during the last six months and 27.8% experienced two negative acts during the same time period. The most frequent negative acts reported by bullied and non-bullied workers in an Arizona survey were (1) an unmanageable workload, (2) being assigned work below one's level of competence and (3) having information withheld. When asked whether respondents believed they were victims of workplace bullying, 11.4% self-reported being bullied during the past 12 months, and 9.2% self-reported being bullied in the last six months.

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Continued

The 5 most common tactics of bullies were (1) falsely accusing someone of errors not actually made (2) stared, glared, was nonverbally intimidating and clearly showing hostility (3) discounting the person's thoughts or feelings in meetings. (4) used the "silent treatment" to separate from others (5) exhibited presumably uncontrollable mood swings in front of the group.

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Effects of Bullying on Employees

- Illness
- Absenteeism
- Stress
- Physical Illness: Heart Disease & High Blood Pressure
- Emotional Distress
- Depression and/or Anxiety
- Family Issues

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Workplace Effects

- Loss of Productivity
- Staff Turnover – Retention Problems
- Litigation
- Poor Morale

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Washington Cases

Robel v. Fred Meyer 148 Wn.2d 35.

In *Robel*, the plaintiff was harassed constantly and called vulgar names in the workplace by co-workers. Some of the harassment was rooted in the fact that the plaintiff had filed a disability claim as a result of a workplace injury. However, the worst name calling seemed to bear no relationship to her disability claim. In a 5-4 decision, the Washington Supreme Court found this met the requirements of IIED because it was “beyond all possible bounds of decency... atrocious, and utterly intolerable in the civilized community.”

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Bishop v. State 77 Wash. App. 228 (1995)

Bishop was verbally abused and teased by her supervisor while working for the Washington Department of Corrections. The court stated that stress free workplaces can't be guaranteed and absent a statutory mandate, “employers do not owe a duty to use reasonable care to avoid the inadvertent infliction of emotional distress when responding to workplace disputes.”

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Chea v. The Men's Wearhouse **85 Wash App 405 (1997)**

A negligent infliction of emotional distress claim was successful in a workplace bullying situation in *Chea*. The plaintiff employee was grabbed by the lapels and yelled at by his supervisor for failing to make a sale in the defendant's store. He suffered from several medically recognized psychological symptoms as a result of this incident. Previously, *Chea's* supervisors and coworkers subjected him to racial epithets in the workplace. However, the incident where *Chea* was grabbed and yelled at prompted the emotional harm that was the impetus for the lawsuit. Division I of the Washington Court of Appeals affirmed a jury award for negligent infliction of emotional distress because the employer's negligent acts caused the plaintiff's emotional injury. The court went on to point out that this is a narrow area of recourse and can't be applied to a situation where the only factual basis for the emotional distress was the discrimination claim or when the emotional distress results from an employer's disciplinary decision or in response to a workplace personality dispute.

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Solutions?

- Individuals
- Structural
- Policies

DISCUSS

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Workplace Violence

No Longer a Trivial
Issue

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Scope of Problem

- Nearly 1000 homicides per year at work
- Most are non-fatal assaults and threats
- About 2 million incidents per year
- Migration of domestic violence to work
 - 75% abused women report abuse at work
 - 96% experience negative job consequences

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Types of Violence

- Violence by Strangers
- Violence by Customers or Clients
- Violence by Co-workers
- Violence by Personal Relations

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Ideas for Prohibited Behavior Policy

- Violent Behavior
- Threats of Violence
- Harassment or Intimidation
- Interference with Legal Rights of Movement or Expression
- Disrupts the workplace or Agency's ability to provide a public service

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Suggested Response Procedure

- Report direct threats immediately
 - 911
 - Agency Emergency Number
- Report to Supervisor
 - May be confidential – consult HR Consultant
- Supervisor to Report to Unit Head
 - Law Enforcement Involvement?
- Critical Incident Stress Debriefing

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Domestic Violence

- May “spillover” into workplace
 - Lowered productivity
 - Changed behavior
 - Intimate partner may call or visit workplace

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Domestic Violence Resources

- Leaves
- Modified work schedules
- EAP Contact
- Develop workplace safety plan
- Create a workplace where people feel they can ask for help
 - Also mitigates harassment liability