

Chapter 1. What Is Workplace Bullying?

A Bully of My Own

This book comes out of my own experience with a workplace bully – my former boss. Up until I met him, I was confident in my ability to do my job, believed I had reasonably good people skills, and was a conscientious, responsible and valuable employee. Up to that time, my performance evaluations and letters of recommendation from various past employers had confirmed those assumptions.

But in this particular position, I was outmatched.

In less than six months, I was a wreck. I was working 12-hour days – with an increasing number of those hours devoted to responding to the continuing barrage of memos, emails and voicemails criticizing my performance. Every time the phone rang, I jumped; every time a new email appeared on my computer screen, I cringed in anticipation of yet another twist of the knife.

Panic attacks became part of my life, although it took me awhile before I recognized them for what they were. My hands, my arms, my whole body would tremble. I couldn't breathe; my heart would pound. At night, I would go home and cry. And, increasingly – and especially after a particularly nasty encounter of the managerial kind – I would cry at work. Most of the time I would cry in my office but sometimes, to my chagrin, would break down in front of my colleagues.

My husband was worried; he wanted me to resign. I kept thinking that somehow I could get through to my manager, that we could resolve the issues and that, finally, we would all live happily ever after.

Of course, that never happened. Instead, I reached the breaking point. The doctor I had recently started seeing insisted that, one way or another, I stop going to work ... at least for awhile. Finally, and sometimes I think just in time, I did.

Never, for a single moment have I regretted it. I only regret that it took me so long.

Bullying may be defined as using one's authority to undermine, frighten or intimidate another, often leaving the victim feeling afraid, powerless, incompetent and ashamed.. In the workplace, bullying is characterized by a wide array of behaviors – from subtle to glaringly obvious.

Often the targets of bullies enjoy their work, or would, if left alone to do it. But once targeted by a bully, they are faced with increasingly unreasonable demands and a constant campaign to undermine them until they are finally forced either to quit or call for help. Frequently the effort to undermine includes humiliating the target; diminishing the individual's authority and autonomy; overloading the individual with work or, conversely, taking away the usual workload and replacing it with menial and/or meaningless tasks; constant, unnecessary oversight; and distorting or even fabricating "facts" relating to the target's performance.

Bullying often begins in a relatively subtle fashion and almost always represents an accumulation of many seemingly minor events. That makes it even more insidious: Events, when taken in isolation and out of context, may seem trivial. It may take weeks, even months for targets of bullies to understand what has been happening to them.

The bully's victims often unwittingly contribute to the delay in understanding what is happening to them. They typically have high standards themselves, have done well at their jobs in the past, have consistently received above-average performance evaluations and are dedicated to their work. It is these very qualities that make the victims easy targets, since they are typically eager, and sometimes over-eager, to please their managers. They want to do their job well and they take pride in their work. When they encounter the initial swells of criticism, they redouble their efforts: working harder, staying later, doing more. To no avail.

If you find that you're abruptly excluded from meetings that you habitually attended in the past and/or that you need to attend in order to do your job; if your manager subjects you to persistent, unwarranted criticism whether public or private; if your manager undercuts your authority and/or areas of responsibility, you are being bullied.

Similarly, if your manager constantly condescends to or patronizes you, withholds information you need to do your job; constantly and arbitrarily changes your work deadlines, bombards you with memos and telephone calls focused on minutiae or, conversely, refuses to

return your calls or respond to your memos, ignores or constantly interrupts your work or comments, or denigrates you to co-workers or clients, you can be again be pretty certain that you've been targeted by a bully.

In addition to an intense focus on the trivial, bullying is often also characterized by a constant refusal to recognize the target's positive contributions, achievements or intrinsic value. Your work is never quite good enough. If forced to say something positive about your work, your manager will almost always accompany the reluctant compliment with a derogatory comment.

If you're a manager yourself, you've probably learned to temper constructive criticism with positive feedback, in order to avoid discouraging your staff. If you're a bully, you'll turn the same technique inside out. For example, criticism from a "negative" manager, whether a bully, or simply a poor communicator (see Chapter 3, "Profile of a Target" for a discussion on distinguishing the two), might sound something like this:

"You did a good job with this project, too bad you don't show the same commitment to the work you're supposed to be focusing on."

Or:

"I appreciate your staying late to get this project out on time. Now, in the future, if you could just be more organized ..."

Of course, there is the possibility that you did put extra effort into a special project – or that maybe you could stand to organize your time a little bit better. Only you can put such comments into their proper context.

But even, if criticism were in order, it could be phrased differently. If your manager is trying to motivate, rather than intimidate, you might instead hear something like:

"You did a good job on this assignment. Let's figure out how to apply some of the skills and talents you've demonstrated here to other projects."

Or:

"I appreciate your staying late to get this project out on time. When the deadline is over, let's sit down and talk about what we might be able to change, so that no one will need to stay late the next time around."

The Crux of the Matter

If whatever you do is not good enough; if you're constantly singled out for criticism over trivia, if you feel you are doing a good job, and that your boss is unable to or unwilling to recognize it, then you have a problem that, one way, or another, you need to resolve.

Clearly, bullying in the workplace is many things, often obnoxious, frequently cruel. What it is not, however, is illegal in the US – unless it devolves even further into physical violence and/or it is directed against members of protected classes identified by laws such as Title VIII of the Civil Rights Act of 1964 or subsequent federal measures, such as the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA).

'Equal Opportunity' Bullying

Title VII of the Civil Rights Act of 1964 makes it illegal for any employer to “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin ...”

As this book went to press, there was no law on the books on either the federal or state level dealing with “equal-opportunity bullying,” also known as “nonspecific harassment.” However, as discussed in Chapter 17, “Legislative Directions,” legislative measures have been introduced in California and Oregon that would extend protection to nonspecific harassment. Unfortunately, both measures appear to be stagnating.

Certainly, bullying seems pervasive enough to justify such legislation. According to a number of studies, workplace bullying is extraordinarily common. For example, a 1999 Wayne State University study found bullying to be an experience that four out of five employees – 23 million people – will deal with at some point during their careers.

Although not all of these individuals will face bullying dramatic enough to cause them severe stress, much less to force them out of their jobs, thousands, if not millions, of them will find their lives change dramatically for the worse because of the bullying they confront.

Downhill Slide

I got my first clear indication of just how far things had deteriorated when I discovered, by chance, that my manager was leaving me out of the loop entirely – assigning tasks directly to my staff and obtaining information from them about my activities. and checking up on me, evidently to see if I was really doing what I said I was. (I was.)

On a larger scale, he began to unilaterally redefine my job description, increasing my responsibilities, while depriving me of authority and autonomy.

Soon after, my manager canceled several business trips that I had scheduled with his approval. And a small thing, maybe, but telling: He berated me for leaving the office “early” – 6 pm. Office hours were officially 8:30 to 5:30, – a schedule to which most employees adhered scrupulously. He, however, would often come in at 11 and leave by 5.

I sometimes wonder if my manager would have harangued me more, or less, if he had known I was leaving at 6 in order to make a 7 o'clock appointment with a psychologist who specialized in helping victims of workplace bullies.

Other “classics” include denying targets the training they need, refusing employees leave they've earned and requiring their victims to meet unrealistic goals and deadlines that change as they approach them.

Because bullying frequently takes the form of cumulative events that, in isolation, could be considered minor, neither victims of bullying nor their co-workers may be aware that such behavior is in fact taking place. And employees struggle to meet objectives that either can never be met or, when met, will change once again.

Although many targets of bullying tend to rationalize, and thus to minimize, the impact of the abuse on them, a 1998 report on workplace violence released by the UK's International Labour Organization (ILO) concluded that physical and emotional violence is one of the most serious problems facing the 21st century workplace.

The ILO definition of workplace violence includes bullying, which it describes as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their

work. These behaviors may originate from customers or from co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors."

According to the ILO, employees expressing concerns about inappropriate, unethical or bullying behaviors are frequently stigmatized as having a negative attitude, being paranoid or engaging in whistle blowing.

US psychologist and author Gary Namie contends that bullying represents a significant health hazard to the person targeted. According to a 2000 survey conducted by Namie's Workplace Bullying & Trauma Institute, of those targeted by bullies:

- 41% were diagnosed with depression.
- More than 80% reported effects that prevented them from being productive at work (severe anxiety, lost concentration, sleeplessness, etc.).
- Post-traumatic stress disorder (PTSD) affected 31% of the women and 21% of men.

These, and other health impacts of the workplace bully are discussed further in Chapter 4, "Impact of Bullying."

Understanding Your Rights in the Workplace

In some cases, you may have a legal basis for a claim against your employer, and may not be aware of it. For example, so-called exempt, or salaried, employees are not covered by certain labor-related laws. Exempt employees, including administrative, executive and professional employees, receive an annual salary and are not entitled to overtime pay. Thus, if your employer has classified you as an exempt employee, but you have no management and/or administrative responsibilities and are not classified as a "professional," you may be entitled to overtime pay.

While making the distinction between exempt and non-exempt employees may seem to be a minor bureaucratic detail, some 400 current and former Wal-Mart employees in Oregon thought differently. In a class action suit, they accused the company, the world's largest retailer, of violating federal and state wage laws by systematically pressuring them to work unpaid

overtime. In late 2002, A federal jury in Portland found the retailer guilty of that charge in the first of 40 such lawsuits to go to trial.

Similar class action suits in New York and Washington state allege that, among other charges, that the retailer keeps employees locked in stores after closing, requiring them to work, off-the-clock.

Although not the “up close and personal” brand of bullying on which this book is focused, the behavior in question could certainly be perceived as bullying. And the Portland, Oregon, court victory is clearly an instance where affected workers joined together to oppose such behavior in court.

Your case may very well be on a far-smaller scale, dealing with other, more personal issues. But because it is likely to be more personal – directed against you personally, rather than more generally against the company’s rank-and-file, the impact it can have on you may well be far more dramatic than lost wages. Nevertheless, you, like the Wal-mart employees, can take action.

In later chapters, we’ll take a detailed look as the legal options available to you. But whether a legal remedy is appropriate in your case or not, you can declare victory over your bully.

50 – Well 10, Anyway – Ways to Leave Your Bully (with apologies to Paul Simon)

1. Just put on your hat, Jack.
2. Go for a run, son.
3. Tell him good-bye, Sly.
4. Pack up your desk, Bess.
5. Laugh in her face, Grace.
6. Stand up to her guff, Buff.
7. Say he’s a pain, Jane.
8. Complain to his boss, Ross.
9. Tell him you’re gone, John.
10. Get a new job, Bob.

