

## WORKPLACE BULLYING: WORK SHOULDN'T HURT

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(With Special Thanks to Carrie Clark, Co-Founder, California Healthy Workplace Advocates)

Workplace bullying is not against the law, even when the target of the bullying sustains brain damage (Post Traumatic Stress Disorder) from their experience. (The Workplace Bullying Institute (WBI) in Bellingham, Washington, defines workplace bullying as follows:

Workplace bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms:

- ∞ Verbal abuse
- ∞ Offensive conduct/behaviors (including nonverbal) which are threatening, humiliating or intimidating
- ∞ Work interference—sabotage—which prevents work from getting done

A 2007 WBI/Zogby International study funded by the Waitt Institute for Violence Prevention reported that 37 % of American workers have been bullied on the job, an estimated 54 million workers. Workplace bullying is four times more prevalent than illegal harassment that is based on “protected class” discrimination. In only one in five cases of workplace bullying, the bully has crossed the legal line and committed illegal, discriminatory acts. Seventy-two percent of bullies are bosses, 18% of bullies are co-workers, and 9% of bullies are bottom-up subordinates. Forty-four percent of bullied workers reported bullying that lasted more than one year. Seventy-three percent reported suffering from bullying for six months or more. Workplace bullying is a serious social and economic problem.

Some of the actions of bullies reported by targeted workers include covert and overt harassment, verbal abuse, increased workload, diminution of work duties, hyper-surveillance (monitoring of computer usage and telephone calls, work arrival times including timing how long the worker takes on breaks/lunch, and what time the worker leaves work), social isolation, disparate treatment (rules that apply to the target but not to other workers), retaliatory actions as a result of the worker reporting the abusive conduct, false written documentation, information withholding needed for the worker to do his/her job, theft of the fruits of another’s labor by the bully, and exclusion from important meetings, trainings and communications.

A worker who has suffered from workplace harassment or abuse at the hands of a bully often will quit the job that he/she once loved or will be fired or laid off or will transfer to another department, or worse yet, will become so depressed that he/she may consider or carry through with suicide. To add further insult after leaving the job, it is not uncommon for the worker to

discover that his/her former employer has given a bad work reference affecting future job prospects.

It is strongly suggested that bullied workers keep a diary of the workplace incidents which include the date and circumstances, the names of any witnesses, and any supporting documents. Keep this work diary at home. The worker should be very careful with whom they confide in at work. Human Resource departments are often not the worker's friend.

If the worker is written up, it is strongly recommended that the worker immediately contact their union shop steward or if not represented by a union, a labor and employment attorney for advice. A worker may only have 10 working days or less to respond to a reprimand that is placed in the worker's employment file. Being written up may be the start of a paper trail that can later be used against the worker.

Bullied workers often suffer in silence. It helps to put a name to what the worker is experiencing—workplace bullying. California Healthy Workplace Advocates (<http://www.bullyfreeworkplace.org/>) holds monthly meetings in Sacramento, California. Workers who have suffered from workplace abuse are encouraged to attend meetings and meet others who have experienced workplace bullying, and share their stories. Interested individuals can also attend meetings to learn more about this workplace phenomenon.

For further information from the North American experts on workplace bullying, go to the website for the Workplace Bullying Institute (WBI): <http://www.workplacebullying.org/>. WBI is dedicated to the eradication of workplace bullying that combines help for individuals, research, public education, consulting for employers, and legislative advocacy (<http://www.healthyworkplacebill.org/>).

The residue of workplace bullying usually lasts a lifetime. Workers are encouraged to seek counseling to cope with what is happening to them. Targets of workplace bullying often suffer from anxiety and stress, depression, and even post traumatic stress disorder (brain damage). These emotional traumas may lead to any or all physical manifestations: high blood pressure, insomnia, gastrointestinal problems, migraine headaches, and multiple other symptoms. Stress can indeed kill. Workers may want to talk to a personal physician about what is happening to them as a result of their work situation. The physician can give the worker a referral to a mental health specialist, and if appropriate, can prescribe medication. Many employer health insurance plans include personal counseling sessions. Workers can also contact the Mental Health Department in the county in which they live for referrals. Community-based counseling agencies often provide counseling on a sliding-scale basis.

A "protected class" includes workers discriminated against because of age (40 or older), disability, national origin, race/color, compensation (unequal pay for women than men for the same job), pregnancy, religion, sex, sexual harassment, retaliation because he/she complained about discrimination or filed a charge of discrimination or participated in an employment investigation or as a witness to discrimination, or for failure to accommodate for a disability. Workers in this "protected class" can contact the following agencies to file a formal complaint:

U.S. Equal Employment Opportunity Commission (EEOC)

<http://www.eeoc.gov>

1-800-669-4000

California Department of Fair Employment and Housing (DFEH)

<http://www.dfeh.ca.gov>

1-800-884-1684

Note: There are important time limitations when filing an EEOC or DFEH employment complaint. Workers, who have been illegally discriminated against by their employer, may wish to seek the advice of a labor and employment attorney for help in filling out the complaint forms. Complaints filed with the DFEH are cross filed with the EEOC and vice versa. The worker may forever lose their rights if the complaint is not filed on a timely basis.

If the worker is unable to work due to the health-harming effects of workplace bullying, the worker may need to take a medical leave to get respite from it. The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) allows eligible workers to take up to 12 weeks or 60 working days of paid or unpaid job-protected leave when the employee is unable to work due to a serious medical condition during any 12-month working period. The worker may use their sick leave, comp time, or vacation time to cover for the absence. Depending on the seriousness of the work injury, the worker can file a Workers' Compensation claim with their employer in order to receive medical care. The worker should discuss the matter with their personal physician as the worker will need a letter from their doctor in order to take a medical leave of absence from work. The worker will also need a letter from their doctor in order to return to work. If the Workers' Compensation claim is denied and the worker wishes to pursue the matter, the worker can consult with a Workers' Compensation attorney. There is no charge to consult with a Workers' Compensation attorney. Workers' Compensation attorneys are paid if they pursue the case and win.

The bottom line, work shouldn't hurt.

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