

# WORKPLACE BULLYING

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UNIVERSITY  
*of* ALASKA  

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*Many Traditions One Alaska*

# Workplace Bullying - Overview

- Workplace Bullying - What It Is and Is Not
- UA Expectations
- Employee Rights and Responsibilities
- UA Contacts & Resources

# Workplace Bullying Is...

- Repeated, unreasonable actions of an individual (or a group)
- Directed towards, an employee (or a group of employees) resulting in:
  - intimidating, degrading, humiliating, or undermining behavior
  - the creation of a risk to the health or safety of employee(s)

# Possible Examples of Bullying

- Unwarranted or invalid criticism
- Blame without factual justification
- Being treated differently than the rest of the work group. For example:
  - Excessive monitoring or micro-managing
  - Given work with unrealistic deadlines
- Being sworn at, shouted at or being humiliated
- Exclusion or social isolation



# Workplace Bullying Is NOT Necessarily...

- A difficult personality
- “Tough” or “demanding” bosses as long as:
  - they are respectful and fair
  - they promote job performance and maintain a safe working environment

# Bullying is Different from

Illegal Harassment – Motivated by someone's protected class

<b>Race</b>	<b>Disability</b>
<b>Sex</b>	<b>Pregnancy</b>
<b>Age</b>	<b>Marital Status or Changes in Marital Status</b>
<b>Color</b>	<b>Parenthood</b>
<b>National Origin</b>	<b>Vietnam Era Veteran Status</b>
<b>Religion</b>	<b>Military Status</b>
<b>Citizenship</b>	<b>Sexual Orientation</b>

# Ways Bullying Occurs

- Supervisor to non-supervisor
- Coworker to coworker - “Peer”
- Group of employees to one - “Mobbing”
- Employee to student, customer, contractor, community member

In the following forms:

- Verbal or in writing
- Repeated conduct/behaviors which are threatening, humiliating or intimidating

# Bullying May Increase With...

- Significant organizational changes
- Inadequate information flow between organizational levels
- Lack of published policies about behavior and conduct



# University of Alaska – Policy

## Board of Regents' Policy **P04.07.040.** **Corrective Action.**

A. Supervisors will apply necessary and appropriate corrective action whenever an employee fails to meet the required standards of conduct or performance. Corrective action may be necessary because of employment related problems, including but not limited to:

... inability to work effectively with others, fighting on the job, acts endangering others, inappropriate behavior toward or harassment of others, or other misconduct.

(06-20-97)

# University of Alaska - Policy

## Board of Regents' Policy **P04.02.020. Discrimination**

A. The university will not permit or tolerate discrimination that creates an intimidating, hostile, or offensive working or learning environment, or that interferes with an individual's performance. The university recognizes that conduct which constitutes discrimination in employment or educational programs and activities is prohibited and will be subject to corrective and/or disciplinary action.

B. Discrimination refers to being adversely treated or affected, either intentionally or unintentionally, in a manner that unlawfully differentiates or makes distinctions on the basis of the individual's legally protected status or on some basis other than an individual's qualifications, abilities and performance, as appropriate. The university will vigorously exercise its authority to protect employees and students from discrimination by agents or employees of the university, students, visitors and guests.

# Review: What Bullying Is and Is Not

- Is repeated, unreasonable actions of an individual (or a group)
- Is directed towards an employee (or a group of employees) resulting in:
  - intimidating, degrading, humiliating, or undermining behavior
  - the creation of a risk to the health or safety of employee(s)
- Is often a misuse of power
- Is Not respectful and fair management
- Is Not illegal harassment or illegal discrimination based on protected class status

# Why Does Bullying Continue?

- People let them
  - They rationalize bullying behavior
  - Target and bully both get blamed
- No consequences for the bully's conduct
  - New annual performance review
- The bully is in a position of power or perceived power
- The bully is getting something out of the conduct
- In the short term, bullies may get results. In the long term, bullying leads to turnover, low morale, and dysfunction.

# Employees Rights and Responsibilities

- You have a right to:
  - Work in a safe environment
  - Raise concerns/file a complaint without retaliation
- You have a responsibility to:
  - Understand Board of Regents' policy and university regulations
  - Use available staff to help insure good judgment and act professionally
  - Notify those who have a need to know
  - Cooperate fully with investigation
  - Respond truthfully, accurately, forthrightly
  - Maintain self control at all times

# If You Experience or Witness Bullying Behavior

- Don't laugh at questionable comments or jokes—don't accept the behavior as normal
- Let the person know you don't appreciate the conduct
- Note the event, date(s), time(s), any other witnesses - who, what, where, when, why, how
- Report the conduct immediately to an authorized person

# Reporting: Authorized Persons

- Your supervisor or your supervisor's supervisor
- Statewide Office of Human Resources
- UA Labor & Employee Relations
- Office of Equal Opportunity

Many Avenues Available  
-Use Them

# Approaching the “Bully”

If you decide to approach the individual, some considerations include:

1. Be prepared
2. Be clear about what you are going to say and how you will say it
3. A quiet, reasonable, business-like tone is likely to be most effective



# If Concern Is Brought to You (Supervisor)

- Do Not ignore the bullying complaint
- Address & resolve situations promptly
- Take claim seriously
- Listen without pre-judging
- Notify employee of appropriate UA Contact (who to report the alleged bullying to)
- Follow-up with appropriate UA contact
- Maintain confidentiality regarding complaint – discuss only with those who have a “need to know”
- Make no promises or guarantees of any kind
- Follow up with employee

# During An Investigation - If You Are the “Bully” ...

- Consider the situation as a serious matter
- Recognize that UA has an impartial investigation process
- Maintain confidentiality regarding complaint – discuss with those who have a “need to know”
- Cooperate with the investigation
- Respond truthfully and accurately
- Do not try to find out who filed the complaint or probe witnesses about their statements
- False statements or the refusal to participate in the investigation may result in negative consequences

# Retaliation

- Retaliation is prohibited – before taking negative employment action, supervisor should consult with OEO, HR or Office of General Counsel
- Trying to find out who accused you of bullying or what they said is commonly perceived as a step toward possible retaliation
- Retaliation can occur even when the accused has acted appropriately. Being “in the right” is not a license to retaliate
- Beware: Retaliation is twice as likely to be claimed than discrimination, and is easier to prove

# Possible Legal Implications

*“....but bullying isn’t illegal...” Or, is it?*

Brenda Boss:

- Repeatedly yells at Emma Employee in department meetings, in the hallway and on the phone (**intentional infliction of emotional distress**)
- Talks with others, who don't have a need to know, about Emma's job performance (**potential defamation**)
- Emma claimed she was suffering from a psychiatric injury from her bullying boss (**workers' compensation and Family & Medical Leave**)
- After complaining, Brenda changed Emma's terms and conditions of work, e.g. hours, assignments, training (**Retaliation**)
- Emma can no longer sleep, has stomach ailments and is taking anti-depressants (**intentional infliction of emotional distress**) *and*
- Feels she has no choice but to resign (**constructive discharge**)

# Things to Keep in Mind...

- People who are bullied do not cause bullying
- People who are bullied are usually competent in their field but may not exactly fit in with the rest of the group
- Don't dismiss bullying as a personality clash
- Don't dismiss reports of bullying without investigating properly first
- Treat each other fairly and with respect, tolerance, and dignity
- Encourage people who believe they are being bullied to share their concerns
- Value employee concerns

# University of Alaska Contacts:

- Statewide Office of Human Resources
  - Michelle Michel (907) 450-8216
- UA Labor and Employee Relations
  - Rhonda Ooms, (907) 450-8233
- Office of Equal Opportunity
  - UAA - Marva Watson, 786-1424, [anmjs@uaa.alaska.edu](mailto:anmjs@uaa.alaska.edu)
  - UAF - Mae Marsh, 474-6600, [mmarsh36@alaska.edu](mailto:mmarsh36@alaska.edu)
  - UAS - Kirk McAllister, 796-6473, [kirk.mcallister@uas.alaska.edu](mailto:kirk.mcallister@uas.alaska.edu)

# Credits & Resources

“Workplace Bullying and Disruptive Behavior: What Everyone Needs to Know” <http://www.lni.wa.gov/Safety/Research/Files/Bullying.pdf>

*Safety & Health Assessment & Research for Prevention (SHARP), Washington State Department of Labor & Industries*  
[www.LNI.wa.gov/Safety/Research](http://www.LNI.wa.gov/Safety/Research)

“The Hidden Costs of Workplace Bullying,” Allison West, Esq., SPHR  
Employment Practices Specialists

SkillSoft Books24x7®

- ❖ “Survive Bullying at Work: How To Stand Up For Yourself And Take Control,” Lorenza Clifford A & C Black © 2006
- ❖ “Preventing Workplace Bullying: An Evidence-Based Guide for Managers and Employees,” Carlo Caponecchia and Anne Wyatt Allen & Unwin © 2011
- ❖ “Stop Bullying at Work: Strategies and Tools for HR and Legal Professionals,” Teresa A. Daniel SHRM © 2009