

Workplace Bullying: What's An HR Representative To Do?

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Is there a “bully” at your workplace? Do you get frequent complaints about this employee’s behavior from those whom he or she supervises? What can and should you do if there is a bully in your midst?

According to the Workplace Bullying Institute (“WBI”), bullying is repeated health harming mistreatment of one or more persons by one or more perpetrators. A bully frequently engages in abusive conduct, that is, conduct that is threatening, humiliating, intimidating or interferes with an employee’s ability to function in his or her job. The most common form of bullying is verbal abuse. Office bullies will generally verbally abuse their targets in front of their peers for maximum effect. The behavior by the bully often includes: screaming and yelling at the target; criticizing the target for performance issues (no matter how minor); blaming the target for anything that goes wrong in the office and chastising the target at a meeting.

As an employer, you should be aware that to violate the anti-discrimination laws, the bullying behavior has to be aimed at an employee because of his or her membership in a protected class. So, for example, a bully who targets an employee because of his or her religion, sexual orientation, disability or gender is engaging in illegal behavior. If the bully does not target employees on the basis of protected class membership, but rather is an “equal opportunity harasser,” the bullying will not be found to be illegal.

However, although some bullying may not be illegal, it nonetheless results in a high cost to employers. Employees are more likely to make a harassment or discrimination complaint against a supervisor who is a bully than one who is not. Also, the effect of bullying on employees can be enormous and harmful to the employer by interfering with employee work product and causing high turnover in the workforce, employee absenteeism, and increased workers’ compensation and disability claims.

As an employer, what can you do to prevent workplace bullying? Do not tell employees that the bully’s behavior is “just his or her management style.” Instead, make sure that your company has a strong workplace policy that defines bullying behavior and how it will not be tolerated. Make sure upper management of your company supports the anti-bullying policy. Your company should provide training by qualified experts in employment law for all employees on proper conduct in the workplace, including anti-bullying training as well as anti-discrimination training. The anti-bullying training should emphasize that those supervisors who bully are more likely to have workplace and legal claims filed against them by their employees and conversely, those who maintain good relationships with their subordinates are less likely to have filed claims. In addition to training, your company should have a policy which insures prompt, thorough and fair investigation of employee bullying complaints along with swift and appropriate remediation of bullying behavior.

TAKEAWAY: Reduce bullying in the workplace and reduce the high cost of bad behavior.

Attorney

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