ADDRESSING WORKPLACE BULLYING IN AMERICA:

A MODEL POLICY FOR WORKPLACE BULLYING BASED ON A SERVANT

LEADERSHIP PERSPECTIVE

by

ROMEO BRINKLEY

(Under the Direction of John Dayton)

ABSTRACT

Workplace bullying is a rising legal, moral, and economic issue in the United States. Perpetrators of workplace bullying not only wreak havoc by inflicting physical and psychological pain on their targets, they trigger severe economic consequences to the organization through lost productivity, turnover, sick leave, workers compensation and disability claims, and litigation. Somewhat surprisingly, there are no current United States federal or state laws that provide protection to all workers specifically against workplace bullying. Whereas targets of workplace bullying who fall into protected status categories as defined under Title VII law may have legal recourse using a harassment or discrimination claim, non-status-based workplace bullying is in essence legal in the United States. In order to rectify this egregious omission in United States law, numerous activist organizations and anti-bullying advocates have taken up the cause to inform lawmakers of the magnitude and impending dangers of the issue. Until workplace bullying is formally addressed at the federal and/or state levels, the work presented here proposes a model policy that can be used by organizations to help eradicate workplace bullying at the micro level.

Research across the world has shown that workplace bullying can be directly linked to organizational culture. Because organizational culture matters, this study uses a servant leadership perspective by which to frame and develop the model policy. Servant leadership is based on the concept of shared power, with intentional emphasis placed on equality, growth and development, safety, and well-being of *all* team members in the workplace. Organizational buy-in from all levels, especially ownership, is necessary for a workplace bullying policy to be successful. In order to cement the organization's commitment to the importance, equality, and protection of all team members, the model policy crafted here adopts a no-tolerance stance against workplace bullying, including the vow not to hire, promote, or retain employees who are found to be in breach of the workplace bullying policy. This model policy for workplace bullying based on a servant leadership perspective seeks to change organizational culture and eliminate workplace bullying through formal policy implementation, training, and fair and consistent enforcement.

INDEX WORDS: Workplace bullying, servant leadership, model policy, organizational culture, self-labeling method, behavioral experience method, mobbing, harassment, bullying behaviors, bullying laws, Title VII, Healthy Workplace Bill (HWB), and Workplace Bullying Institute (WBI).

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DEDICATION

This dissertation is dedicated to my girls – Jodi, Reagan, and Sophie for believing in me and encouraging me to see this through. Your unconditional love and support through all the ups and downs of life have meant the world to me.

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First and foremost, I would like to offer thanks to God for surrounding me with great examples of servant leadership along my life journey and for setting my path to righteousness. There is no greater example of servant leadership than Jesus Christ. Love God and love others – it should really be that simple.

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CHAPTER 1

Introduction

Terms such as discrimination and harassment have fortunately (or unfortunately) become a part of workplace vernacular in the last century. Acts of inappropriate and unlawful conduct have now been acknowledged and addressed from a legal standpoint, lending support to those who have been affected by unwanted behaviors in the workplace. Regrettably, workplaces around the world still must deal with these egregious acts of inappropriate and unlawful (and in some cases, even terminable) behavior.

Presentation of the Problem

A workplace behavior similar to discrimination-based harassment that has come to light in the last two decades is workplace bullying. Whereas victims of discrimination and harassment currently have legal recourse through United States laws and statutes protecting status-based classes, targets of workplace bullying not based on a protected status do not have a legal means by which to protect themselves from workplace bullies. At present, there is no recognized, independent cause of action for bullying in the United States; rather, workplace bullying must be couched in the terms of other causes of action, such as redress related violations of federal and/or state constitutional rights, or within the framework of tort or contract law (Payne, 2018). Although comparable to discrimination and harassment in the basic terms of one person or group doing another individual wrong, bullying is quite different in motivation and operation, and merits its own discussion in policy.

The goal of this study is to develop a model policy of workplace bullying that is not only an official policy for my organization, but one that can be used as an effective personnel tool for others. My aim is not to identify a "new" policy solely through a review of the literature; rather, to use the knowledge gained through prior research and professional experience to craft a model policy on workplace bullying in hopes that these earlier lessons not only stem the tide against workplace bullying in my workplace, but take a giant step forward in eradicating this growing problem in all areas across the business landscape. The model policy proposed here is created from a lens of servant leadership, which champions the rights of individuals over the greater good of the organization and sees every person in a light that is just as valuable as any other.

From an extensive review of the literature (which will be discussed later), a rate of 4% for "serious bullying" in a 1,000-employee organization can be expected. In an organization comprised of 1,300 team members like mine, this percentage translates into an estimated 52 cases of serious bullying, with an additional 260 team members exposed to some type of workplace bullying. Of course, one incident of workplace bullying is too many – but these numbers place an unhealthy spotlight on an issue that must be addressed at the policy level.

The literature on workplace bullying (Aquino and Lamertz, 2004; Harvey et al., 2007; Martinko et al., 2006; O'Leary-Kelly et al., 1996) coupled with anecdotal evidence culled from my organization has shown that organizational culture matters. Findings in *The Civility in America* 2018 survey (Reardon, 2018) show that workers respond positively when leaders of an organization are civil and create processes to promulgate civility, further highlighting the importance of positive organizational modeling. Because our corporation believes in the notion that culture matters, we are making a concerted effort to institutionalize policies that support workers' rights with a focus on team members' well-being. Perhaps the most important part of

our efforts to have a team-first focus is promoting "servant leadership" as our prime mode of operation.

Servant Leadership

While servant leadership is a timeless concept, the phrase "servant leadership" was coined by Robert K. Greenleaf (1970) in *The Servant as Leader*, an essay in which he pronounced:

> The servant-leader is servant first… It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions… The difference manifests itself in the care taken by the servant-first to make sure that other people's highest priority needs are being served. The best test, and difficult to administer, is: Do those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, more likely themselves to become servants? And, what is the effect on the least privileged in society? Will they benefit or at least not be further deprived?

According to Greenleaf (1970), a servant-leader focuses primarily on the growth and well-being of people and the communities to which they belong. While traditional leadership generally involves the accumulation and exercise of power by one at the "top of the pyramid," servant leadership is different. In a servant leadership model, the servant-leader shares power, puts the needs of others first and helps people develop and perform (Greenleaf, 1970).

Expanding his view from the individual level, Greenleaf (1970) recognized that organizations as well as individuals could be servant-leaders. As a proponent of an "others-first"

philosophy, he had great faith that servant-leader organizations could change the world. In speaking of corporate responsibility, Greenleaf said:

> This is my thesis: caring for persons, the more able and the less able serving each other, is the rock upon which a good society is built. Whereas, until recently, caring was largely person to person, now most of it is mediated through institutions – often large, complex, powerful, impersonal; not always competent; sometimes corrupt. If a better society is to be built, one that is more just and more loving, one that provides greater creative opportunity for its people, then the most open course is to raise both the capacity to serve and the very performance as servant of existing major institutions by new regenerative forces operating within them.

In a supplementary illumination of the servant leadership philosophy, Spears (2004) offers the following timeline on the origins and rise of the servant leadership model:

> Since the time of the Industrial Revolution, managers have tended to view people as tools, while organizations have considered workers as cogs in a machine. In the past few decades we have witnessed a shift in that long-held view. In countless for-profit and nonprofit organizations today we are seeing traditional, autocratic, and hierarchical modes of leadership yielding to a different way of working – one based on teamwork and community, one that seeks to involve others in decision making, one strongly based in ethical and caring behavior, and one that is attempting to enhance the personal growth of people while improving the caring and quality of our many institutions.

Spears (2004) expanded on Greenleaf's model, identifying ten characteristics that are consistent with the servant leadership philosophy. In his model, Spears (2004) extracted the following set of characteristics central to the development of servant-leaders: listening, empathy,

healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment to the growth of people, and building community. An increasing number of companies have adopted servant-leadership as part of their corporate philosophy or as a foundation for their mission statement. Among the corporations identified by Spears (2004) that subscribe to the servant leadership model of management include Chick-Fil-A (Atlanta, Georgia), The Toro Company (Minneapolis, Minnesota), Synovus Financial Corporation (Columbus, Georgia), ServiceMaster Company (Downers Grove, Illinois), The Men's Wearhouse (Fremont, California), Southwest Airlines (Dallas, Texas), Starbucks (Seattle, Washington), and TDIndustries (Dallas, Texas).

In line with Greenleaf's (1970) model of leadership, our organization's principal goal is to proactively create a set of formal, explicit guidelines that leave no doubt that our focus is always squarely on doing the right thing by all people. In a servant leadership model, the leaders of the organization are considered the servants of the company, understanding that it takes a team to be successful. Basic terminology is even different in a servant leadership environment, with employees being viewed as team members or partners rather than just employees or numbers. Throughout this study, employees are more commonly referred to as team members. It is leadership's task to ensure that all viewpoints are valued, and that all team members have a voice.

Research Questions

This study will address the following research questions:

1) What is the relevant history of workplace bullying?

2) What is the current status of research, law, and policy concerning workplace bullying?

3) Based on this research, how can we improve institutional policy concerning workplace bullying?

Research Methods

This study will use legal research methods and law related policy analysis. As Dayton (2019) said:

> In legal research, checks on the validity of research come not just from the methods of the research process, but also from the ability of readers to independently verify and evaluate the research results. Legal research is thoroughly documented with citations to the evidence, i.e., citations to verifiable facts, and primary (e.g., constitutions; statutes; regulations; case decisions) and secondary (e.g., scholarly commentary) legal authorities. Readers can readily check the evidence cited, and independently evaluate the researcher's logic, arguments, and conclusions. Based on verifiable facts and legal authorities legal research presents:
>
> 1) Relevant evidence;
>
> 2) Findings based on the evidence;
>
> 3) Conclusions logically deduced from the findings; and
>
> 4) Policy recommendations, when warranted by the strength of the evidence, findings, conclusions, and needs in the field of practice.

Each element of legal research builds on and relies on the prior elements.

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Figure 1.1. Elements of Legal Research.

Legal research may draw on a variety of research tools, sometimes including quantitative or qualitative methodologies, but more commonly relying on unique frameworks of legal analysis (e.g., analyses rooted in classical and modern legal and philosophical frameworks, for example, natural law; utilitarianism; pragmatism; libertarianism; positivism; realism; critical legal studies; etc.); case law interpretation; statutory interpretation; constitutional theory; legal history; and methods adapted from the fields of logic and economics.
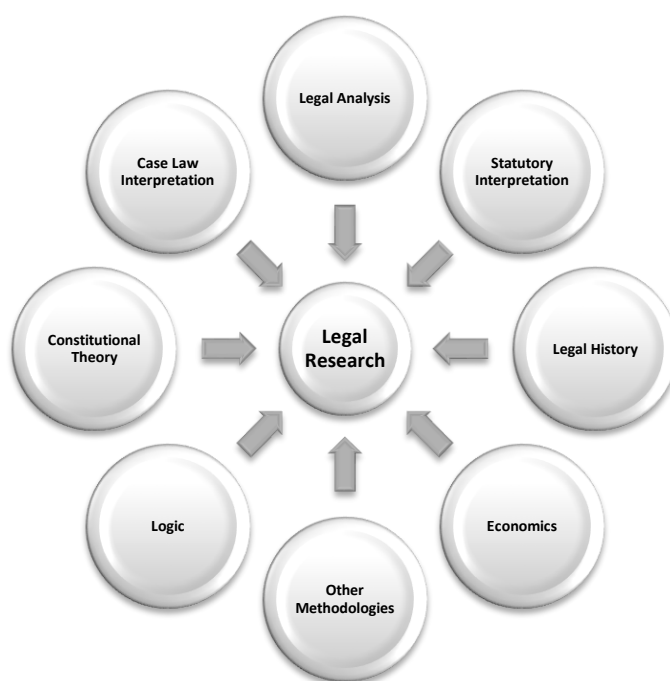
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Figure 1.2. Methodological Tools in Legal Research

Regardless of the specific methodologies employed, legal research essentially involves a meta-analysis of the relevant evidence and legal authorities comprised of three key tasks:

1) A search for relevant evidence (e.g., documents);

2) An analysis of the relevant evidence; and

3) A synthesis of research findings into a current composite picture of the law.
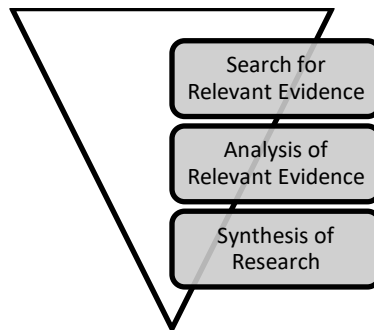
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Figure 1.3. Legal Research: A Reductive Process

Legal writing also involves three key tasks:

1) Developing a concept for an appropriate written document to communicate the

research synthesis and resulting findings, conclusions, and recommendations;

2) An outline expanding this concept into a framework for a logical and

sequential presentation of findings, conclusions, and recommendations; and

3) Drafting and refining the outline into a finished document.
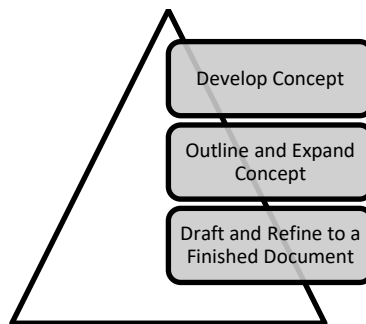
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Figure 1.4. Legal Writing: A Developmental Process

Legal research involves a process of reduction, carefully sorting materials starting with

all potentially relevant materials down to confirmed relevant materials for analysis and

then synthesis into a coherent, current snap-shot picture of the law. Legal writing

involves a process of production, starting with a concept for a legal document based on the synthesis of research, expanding to an outline, and further expanding to the refined and finished final document:

Limitations of the Study

This study and its model policy are not intended as legal advice and should in no way be interpreted as legal advice. Legal advice can only be obtained from an attorney licensed to practice law in your jurisdiction and with specific knowledge concerning the facts in your case. The author and the publisher have made good faith efforts in the preparation of these materials, but neither the author nor the publisher make any warranties of comprehensiveness, accurateness, or fitness for a particular purpose. Further, any opinions or strategies suggested in these materials may not be appropriate for your circumstances. Always consult with an appropriate professional concerning your specific circumstances.

CHAPTER 2

Literature Review

In any study, it is helpful to define the concepts and terms which will be the focus of study. While there isn't a universally accepted definition of workplace bullying, many researchers of workplace bullying agree on the basic tenets of the behavior.

Defining the Phenomenon

In general, bullying is a systematic, abusive aggression in the workplace that occurs over time (Cobb, 2017; Dayton, 2014; Namie & Namie, 2011). This abusive behavior can be either direct or indirect, but always comes with bad intentions and in many cases leads to some form of personal injury, up to and including death (Cobb, 2017; Namie & Namie, 2011). Einarsen et al. (2011) add "At a basic level, workplace bullying is about the systematic mistreatment of a subordinate, a colleague, or a superior, which, if continued and long-lasting, may cause severe social, psychological, and psychosomatic problems in the target" (p.4). Exposure to traumatic action is claimed to be a more crippling and devastating problem for employees than all other kinds of work-related stress put together (Zapf et al., 1996; Hoel et al., 2011).

Bullying is not an either/or proposition. Rather, bullying is a gradually evolving process. Einarsen (1999) describes bullying as a process that involves four stages of process development. In the initial stage of aggressive behaviors, interactions can be very brief, and most likely will be subtle and indirect. Einarsen's (1999) second stage of development is where the term bullying appears. In this second stage, negative interactions become more frequent, direct, and overt. The third stage of Einarsen's (1999) model is described as stigmatism, where it becomes difficult

for victims to defend themselves. In this stage, withdrawal becomes common. In Einarsen's (1999) fourth and final stage of development, the bullying interactions lead to severe trauma, where the recipient feels helpless, often developing physical and psychosomatic ailments. According to Einarsen (1999), prejudices against the victim produced by the bullying process seem to cause the organization to treat the victim as the source of the problem.

Numerous researchers agree that the various forms of hostile behaviors can be arranged along a continuum of increasing severity, from what can be described as general incivility upwards to physical violence (Andersson & Pearson, 1999; Glomb, 2002; Namie, 2003; Lutgen-Sandvik, 2003; Tracy et al., 2005). If unchecked, low-intensity behaviors could lead to increasingly severe behaviors; hence, lending further credence to the definitions of workplace bullying that emphasize a component of escalation. Bulling may take the form of open verbal or physical attacks on the victim, but it may also take the form of more subtle acts such as isolation or exclusion (Einarsen et al., 1994; Leymann 1996; Zapf et al., 1996).

Keashly and Jagatic (2011) advocated for an interactionist perspective on workplace bullying, one in which the bullying arises from a complex interaction of actor, target, and situational and structural forces. In Keashly and Jagatic's (2011) working definition of workplace bullying, intent to harm is revealed in the reference to deliberate or premediated action. In their 2011 study, Keashly and Jagatic describe workplace bullying as a hostile relationship that occurs and is maintained through a variety of mechanisms that we can identify as sources of the condition. However, other authors suggest that intent may not necessarily be a defining element (Hoel et al., 1999; Ferris et al., 2007). Considering the systemic or structural aspects to bullying behaviors or relationships, as with racism and sexism, actors may be

conforming to broader norms without intending harm (Keashly, 1998, 2001; Richman et al., 2001; Wright and Smye, 1996).

When committed as systematic, psychological harassment by a group, bullying is referred to as "mobbing" (Cobb, 2017; Einarsen, et.al; Namie & Namie, 2011). Organizational bullying (or "structural mobbing") includes situations in which organizational practices and procedures perceived to be oppressive, demeaning, and humiliating, are employed so frequently and persistently that many employees feel victimized (Liefooghe & Mackenzie-Davey, 2001; Neuberger, 1999). In describing organizational bullying, Einarsen et al. (2011) depict situations where employees may feel worn down, frustrated, frightened, and/or intimidated by the indirect interactions with management and the organization. Ferris et al. (2007) suggest that politically skillful leaders may intentionally use bullying not to harm, but to *influence* low-maturity subordinates to conform and perform. This doesn't mean that the actions of the organization or its leaders do not cause harm; rather, the *intent* is not to cause harm.

While most researches agree that workplace bullying is indicative of a permanent state rather than an episodic event, perhaps the greatest challenge in the presentation of the problem is how to operationally define the duration of bullying behaviors. Of the biggest contentions among researchers is defining the timeframe (i.e. six months, one year, multiple years) and frequency (i.e. number of occurrences per week/month/year, etc.) required to formally constitute bullying. Frequency is imperative to know, but not easily measured (Hoel et al., 1999; Nielsen, Notelaers, & Einarsen, 2011).

Determining the most appropriate time frame to identify cases of workplace bullying is a subjective practice, as it is obviously possible for victims to *feel* bullied in a much shorter time than a "prescribed" time frame set out by academics. However, in order to operationalize the

phenomenon and begin to find ways in which to attack the problem, six months seems to be the

standard to differentiate between exposure to social stress at work and victimization from

bullying. Leymann (1993, 1996) chose the six-month criterion because it is frequently used in

the assessment of various psychiatric disorders. Those researchers advocating for using the six-

month time frame are identified here as the "Group of Six":

- Leymann (1990, 1996)

- Einarsen & Skogstad (1996)

- Mikkelsen & Einarsen (2001)

- Niedl (1995)

- Vartia (1996)

- Zapf et. al (1996)

There is a consensus among researchers that bullying is a matter of months and years

rather than days and weeks. Leymann (1990, 1996) said that in order to be termed mobbing or

bullying, the action should occur at least once per week, which characterizes it as a severe form

of social stress. According to Leymann (1996), the choice of using the term *mobbing at work* in

reference to workplace bullying was made consciously. Leymann (1996) believes that his term

mobbing reflects a more subtle, less direct aggression as opposed to the more physical aggression

most commonly identified as bullying, but with the same debilitating and stigmatizing effects.

Einarsen, et al. (2011) suggest defining behavior as *bullying* if someone is exposed to systematic

and prolonged negative behavior, and *severe bullying* if the duration is at least six months.

Based on this school of thought, it is impossible to decide whether bullying is present based on a

single act. Rather, the bullying process must be taken into account. Victims tend to get worn

down over time in such a way that Einarsen, et al. (2011) suggest "the frequency and duration of

unwanted behaviors seem to be as important as the actual nature of the behaviors involved" (p. 15).

Lutgen-Sandvik et al. (2007) delineate bullying using an analogy of degree of burns. In their model, Lutgen-Sandvik, et al. (2007) term third-degree bullying as greater and more damaging than first-degree bullying. First-degree bullying includes low level abuses that can cause damage over time but are common and usually quick to heal. Intensive, frequent, and persistent behaviors that are more painful and less easy to heal are considered part of second-degree bullying. The most extremely escalated form of bullying is termed third-degree bullying, where the actions often result in deep scarring and permanent damage (Lutgen-Sandvik, et al., 2007).

The Lutgen-Sandvik, et al. (2007) model assumes that not all instances of bullying are equal. It should come with caution, however, that bullying on any level is damaging. In order to be termed workplace bullying, the negative behaviors have already been identified as having occurred over a period of time; hence, this is not just a one-off instance of a poor choice. Ambiguity (as in cases of first-degree bullying) is sometimes hard to define and prove, thus causing organizations to shy away from using these terms.

Another central feature of many definitions of bullying is the imbalance of power between the perpetrator and the recipient (Einarsen, 1999; Leymann, 1996; Niedl, 1995; Zapf et al., 1996), which will be explored in further detail in the review of the literature. In a relationship where a power imbalance is present, the victim of bullying is perceived to have little recourse to retaliate against the superior, and the victim may find it difficult to defend against an overwhelming group of opponents. The power imbalance may be hierarchical, informal (based

on knowledge, experience, access to influential persons), and/or based on target's dependence on the perpetrator (Einarsen et al., 2011).

Due to the subversive nature of how bullies frequently operate, bullying is often a subjective process of reconstruction and thus is difficult to prove – especially by those whose standards and/or biases could cause skewed interpretations. Whereas single acts may be ambiguous and prone to subjective appraisal processes, Einarsen et al. (2011) argue that the bullying process creates a trail of evidence that can be objectively addressed. An objective conceptualization is necessary in conjunction with legal issues and cases of internal investigations and hearings. Alternately, subjective conceptualization may be a better predictor of victims' responses and reactions, organizational outcomes such as turnover and absenteeism, and organizational responses.

Einarsen et al. (2011) advise that when subjective conceptualizations are required, procedures must exist for a fair hearing for both parties, with conclusions drawn on an objective basis. Fair and impartial procedures are of the utmost importance when developing formal, written policy. While the definition of intent varies widely among researchers by discipline, the intent of a perpetrator's behavior is a driving factor in determining the presence of bullying. Intent seems to be used more by those from lay/non-academic circles. European research has stayed away from examining intent for the most part because it is so hard to verify (Hoel et al., 1999). Perhaps the greatest difficulty in using intent as a contributing factor of workplace bullying is its lack of measurability. From the victim's standpoint, there is little doubt that intent plays a huge role in if a person decides to label his or her experience as bullying. However, unless a perpetrator actually confesses to purposefully and deliberately projecting negative behaviors on another, intent is near impossible to prove.

Empirical studies show that it is often difficult to decide if someone is bullied based on work-related bullying alone (Einarsen, et al., 2011), or if the bullying is strictly personal in nature. Some of the basic variances between work-related bullying and person-related bullying are denoted in Table 2.1 below:

Table 2.1 *Work-Related Bullying vs. Person-Related Bullying*	
Work-Related Bullying	Person-Related Bullying
Giving unreasonable deadlines	Making insulting remarks
Unmanageable workloads	Excessive teasing
Excessive monitoring of work	Spreading gossip or rumors
Assigning meaningless tasks	Playing practical jokes
Assigning NO tasks	Engaging in intimidation
Not passing on information	Social isolation
Work sabotage	Verbal threats/Verbal aggression

The notion of what is socially acceptable and not acceptable at work changes over time (Caza and Cortina, 2007), thus making it difficult to formulate policies that stand the test of time. As a result, it is common to find very broad conceptualizations of bullying in policies, partly as a pragmatic response to its complexity and current social standing (Rayner & Lewis, 2011). Although broad policies seem inadvisable on the surface, Rayner and Lewis (2011) opine that generalized rules help defend the policy from becoming outdated. On the other hand, Bowen and Blackmon (2003) argue that loose guidelines are less useful for employees who seek to know what behaviors are acceptable (or not).

Many researchers and experts on the subject have weighed in on precisely what bullying includes, and maybe more importantly, what bullying does not include. Einarsen et al. (2011) propose a very comprehensive definition that tackles the major areas of contention in the field of bullying research. In their description of the phenomenon, Einarsen et al. (2011) use the following terminology:

> Bullying at work means harassing, offending, or socially excluding someone or negatively affecting someone's work. In order for the label *bullying* (or *mobbing*) to be applied to a particular activity, interaction, or process, the bullying behavior has to occur repeatedly and regularly (e.g., weekly) and over a period of time (e.g., about six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incident is an isolated event or if two parties of approximately equal strength are in conflict. (p. 122)

The Workplace Bullying Institute's (WBI) working definition encapsulates many of the main features that world-renowned researchers have identified, and is one that I believe offers a well-rounded, compact description of the issue. According to the WBI,

> Workplace bullying is the repeated, health-harming mistreatment of an employee by one or more employees through acts of commission or omission manifested as verbal abuse; behaviors – physical or non-verbal – that are threatening, intimidating, or humiliating; work sabotage, interference with production; exploitation of a vulnerability – physical, social, or psychological; or some combination of one or more categories. (Namie & Namie, 2011, p. 13)

Other terms that are frequently used in discussions on bullying include the recipient of the mistreatment, who is called the "target," and the "bully," who perpetrates the abuse. Namie and Namie (2011, p. 13) advocate the use of the term "target" rather than "victim" because victimization connotes hopelessness, and recipients of workplace bullying have enough to deal with than to add another stigma to their plight. Dayton (2014) emphasizes that bullying is *not* individual autonomy, academic freedom, or free speech.

For this discussion of bullying in the workplace, and the subsequent policy that follows, I offer the following as the base definition:

Workplace bullying is the targeted, harmful mistreatment of a team member by one or more other persons that occurs repeatedly and frequently over a progression of time and causes disruption of production and/or health in the workplace. The intentional negative behaviors or acts recur regularly (e.g. daily or weekly) over a period of time (at least two months), and may be of a physical, psychological, social, and/or verbal nature. Targets of the abusive behavior may suffer physical, psychological, social, and/or mental health related issues that require medical treatment. In addition to wellbeing issues, targets may also encounter work-related sabotage including the withholding of essential information to perform the job, exploitation of a weakness, and social exile. While most instances of workplace bullying involve an imbalance of power between the perpetrator and target, not all bullying situations involve a subservient dyadic relationship.

A word of caution on the use of bullying terms must be advised. Most authors view bullying as an interpersonal phenomenon, and as a result, the term "bullying" is frequently misused (Einarsen, 1998; Hoel and Beale, 2006; Zapf, 1999). Not all forms of workplace aggression and/or discrimination can be labelled bullying, and vice-versa (Lewis, Giga, & Hoel,

2011). Organizational leaders must take extreme caution in determining whether an act of aggression is indeed a form of workplace bullying or if it is more appropriately categorized as a violation of one's civil rights based on the protected group categories as defined by U.S. legislation under Title VII law. I like to use the analogy of how some people use "migraine" to describe a bad headache. A true migraine frequently has accompanying neurological symptoms such as flashes of light, blind spots, tingling in extremities, and sensitivity to sounds. While someone may indeed be suffering from a genuinely painful and pulsating sensation in their head, calling a general headache (or a variation of a different headache such as a cluster headache or sinus headache) a migraine diminishes the medical implications of the actual condition. In the same way, throwing the term bullying around in a flippant manner to describe all instances of negative behavior surely weakens true cases of identifiable bullying. Some of the more common terms associated with workplace bullying and used under the general umbrella of violence in the workplace include harassment, workplace deviance, workplace incivility, and employee mistreatment (Keashly & Jagatic, 2011). More specifically, the use of terms like organizational bullying may ultimately serve to dilute the power of the bullying term altogether (Hoel & Beale, 2006).

Timeline of Workplace Bullying Research

The anti-bullying movement began in 1980s Sweden under Heinz Leymann, a German psychologist and Doctor of Medical Science who studied worker trauma (Cobb, 2017). Leymann (1986, 1990) actually coopted the term *mobbing* from Heinmann's (1972) work on bullying in the schoolyard to describe the systematic mistreatment of organization members. Heinmann (1972) originally adapted the term from the Swedish translation of Konrad Lorenz's 1968 book "*On Aggression*" which was used to describe the concept of mobbing in an

educational setting. While bullying is a common event in schools, Magarick and Brownlee

(2018) duly note that bullying also occurs in the workplace, often leading to violent reactions up

to and including murder. It is interesting to note that whereas the schoolyard bully is often the

misfit or the loner, the workplace bully is generally identified as a highly skilled, ambitious

employee who seeks to harm or intimidate coworkers who might share the credit (Brann &

Isaacson, 2018).

In 1986, Leymann wrote the first Swedish book on the subject called "*Mobbing:*

Psychological Violence at Work." Leymann's work led to widespread research projects in

Norway, Sweden, and Finland. Seemingly in lockstep with the inception of bullying research in

the Scandinavian countries, UK journalist Andrea Adams in collaboration with psychologist Neil

Crawford gave voice to workplace bullying in the early 1990s through their popularized radio

appearances followed by a successful book on the subject (Einarsen et al., 2011). From

Scandinavia and the UK, the concept spread to other European countries during the late 1990s,

eventually catching on in America in the early 2000s.

Leymann (1990, 1993, 1996) argued strongly against individual factors as antecedents of

bullying. Rather, Leymann (1993) promoted a situational outlook where organizational factors

related to leadership, work design, and low employee morale are seen more as the primary

driving forces that illicit bullying behaviors. In Leymann's (1990, 1993, 1996) assessment,

bullying should be understood primarily as a dyadic interplay between people, where neither

situational nor personal factors are entirely sufficient to explain why the phenomenon of

workplace bullying develops. The original Scandinavian focus had a target (or victim's)

perspective on bullying. Initial investigations began as a social construct of work relations,

viewed mainly from a psychological, stress perspective. As interest in the topic grew, focus

spread to fields such as sociology, communication theory, law, industrial relations, and medicine (Einarsen, et al., 2011).

Although workplace bullying has its roots in European research, Einarsen (2011) traces the phenomenon of bullying to 1976 and the American psychiatrist Carroll M. Brodsky's work "*The Harassed Worker*." In his 1976 qualitative study of injured California workers, Brodsky interviewed a significant but unspecified number of employees who filed worker compensation claims based not on physical injury, but on claims of "psychic" injury caused by ill-treatment from employers, co-workers or consumers, or excessive demands of work output. Brodsky (1976) subsequently identified five types of harassment: sexual harassment, scapegoating, name-calling, physical abuse, and work pressure.

Research in North America began in the 1990s, primarily as a study of emotional abuse (Keashly & Jagatic, 2011). Up to that point, the focus in North America was more on acts of physical aggression, or violence in the workplace (Fitzgerald, 1993). Even now, relatively little attention is given to research on non-physical forms of hostility (including workplace bullying) outside of the sexual harassment literature. According to Yamada (2011), the term workplace bullying did not begin to enter the vocabulary of American employment relations until the late 1990s. North American research into persistent, non-physical forms of aggression in the workplace has increased dramatically in the past ten years (Keashly & Jagatic, 2011).

Keashly et al. (1994, 1997) initially looked to the domestic violence construct of emotional abuse and the workplace bullying and mobbing constructs that were beginning to gain traction in the developing European literature to frame their research. As their research began to develop, Keashly and Jagatic (2011) began to focus on power relationships as they relate to workplace bullying. In the United States, the current favored (albeit seldom successful) tort

claim for workplace bullying has been intentional infliction of emotional distress (IIED), which Yamada (2011) claims is usually filed against both the employer and the offending worker.

The WBI is a research-advocacy group that was founded in 1997 after Dr. Ruth Namie was mistreated at the hands of a fellow woman professional (Namie et al., 2011). In 2000, the WBI staged the first U.S.-based workplace bullying conference in Oakland, California as an unfunded, two-day event (Namie et al., 2011). In information provided by Namie et al. (2011), WBI founders have extensive academic and professional backgrounds in areas such as social and clinical psychology, behavioral research methodology, survey design, statistical analysis, family therapy, chemical dependency, domestic violence treatment, university teaching in management and psychology, and business consulting and corporate management.

As of 2011, Einarsen, et al. had identified 91 formal studies on workplace bullying. Of the 91 reports, 81.3% were published from 2000-08, 16% were conducted in the 1990s, and 2.7% came from the 1980s. As evidenced in the research, workplace bullying has gained momentum since the early 2000s. Europe seems far more organized and centralized in its research efforts and focus on what can be termed true workplace bullying. American exploration of the workplace aggression phenomenon has been widespread and somewhat generalized, with many overlapping constructs and labels under the "hostile relations at work" tagline (Keashly and Jagatic, 2011). The topic is especially significant now in the United States with current issues like the #MeToo movement, social justice, and gun control dominating social and political culture, and the subject is ripe for further study and development – especially at the policy level. This may be one of those rare situations in which the research can help drive public opinion, rather than the other way around.

Workplace Bullying Research Around the World

    Europe.

    In 1994, Sweden became the first nation to enact a law against workplace bullying. Called "Victimisation at Work," the Swedish law has provisions to protect against bullying, mental violence, social rejection, and harassment (Cobb, 2017), placing the onus on the employer to detect and protect. In a 2016 proclamation, the Swedish Work Environment Authority unequivocally stated its position that "our mental and social work environment is just as important as the physical" (Cobb, 2017, p. 126). Norway's "The Bully-Free Workplace" is a project between the Norwegian government and its social partners, the major labor unions, and employer organizations designed to raise awareness and consciousness at the workplace level (Cobb, 2017).

    In the United Kingdom, where the term workplace bullying first became popularized thanks to reporter Andrea Adams, The Protection from Harassment Act (PHA) of 1997 is still seen as the standard-bearer for workplace bullying remedy. Yamada (2011) cites the PHA as providing for criminal sanctions as well as imposing civil liability where a defendant engages in a course of conduct which amounts to harassment of another, and which he or she knows or ought to know amounts to harassment of another. Although it offers strong recourse for those who have been victimized by harassment, the PHA is limited by the high threshold level of conduct associated with coextensive criminality (Patten, 2018). In fact, it took a well-publicized 2006 court decision, Green v. DB Group Services (UK) Ltd., to associate the PHA's applicability to the concept of workplace bullying. The rights of those who are bullied on account of being in a protected group including race, sex, religious faith, sexual orientation, gender reassignment, age, and religion and belief are also extended protections under Section 26 of the Equality Act of

2016 (Patten, 2018). Although the literature of occupational sociology which has driven the empirical research in this area identifies bullying and harassment as interchangeable concepts in the legal sense, Patten (2018) contends the Equality Act of Great Britain provides no protection at all to those who are bullied for reasons not linked to a protected characteristic, and not unlike Title VII of American law falls well short in its present form as a tool to tackle workplace bullying.

Gibraltar addressed workplace bullying in a piece of legislation that pertains to common law jurisdiction. The Employment (Bullying at Work) at of 2014 ("the Gibraltar Act") adopts the approach of enacting general anti-workplace bullying provisions while retaining the existing law on harassment based on equal opportunities (Patten, 2018). At its essence, the Gibraltar Act is depicted by Patten (2018) as providing the basic right that an employer must not subject an employee to bullying. Under the Gibraltar Act, bullying is defined as a situation where one person engages in conduct which has the purpose or effect of causing another to be alarmed, distressed, humiliated or intimidated (Patten, 2018). According to Patten (2018), the reference to conduct in the Gibraltar Act includes detailed examples of prohibited actions, including persistent behavior which is offensive, intimidating, abusive, malicious or insulting; persistent unjustified criticism; punishment imposed without justification; and changes in duties and responsibilities without reasonable justification. As of 2018, no cases under the Gibraltar Act have reached the higher courts, which Patten (2018) suggests leaves open the issue of how the law will be interpreted and applied by the judges.

Ireland has empowered an independent statutory body, the Workplace Relations Committee (Cobb, 2017, p. 80), to hear bullying and harassment cases. The Spanish penal code addresses bullying (Cobb, 2017) by prohibiting using relation of superiority to repeatedly subject

another person to hostile or humiliating acts. The Law on Turkish Human Rights (Cobb, 2017)

identifies mobbing and psychological harassment as two types of discrimination prohibited by

Turkish law. In other EU countries, workplace bullying is covered under the Occupational

Health and Safety Law's General Duty Clause. This clause obliges employers to keep its

employees both mentally and physically safe. The concept of a worker's dignity is a foundation

of EU laws against bullying and harassment, and EU anti-bullying laws are designed to protect

and favor workers' human rights.

Asia.

In Asia, bullying is referred to as "pawahara," or power harassment in Japan, and is the

subject of potential civil claim versus the employer (Cobb, 2017). Interestingly, Cobb (2011)

also notes that work-related suicide that can be directly linked to overwork is considered a type

of bullying and is a state-recognized and compensable condition in Japan. As of 2015, an annual

stress check must be given by Japanese companies to employees where 50+ people are

employed. A 2012 report conducted by the Ministry of Health, Labour, and Welfare found that

around 25% of workers in Japan suffer "power harassment" (Cobb, 2017).

Australia.

According to the Australian Fair Work Commission (Cobb, 2017), a worker may apply

for a stop order if bullied while at work in a constitutionally covered business. However, in

order to be recognized, the bullying "must be repeated and unreasonable, and create a risk to the

health and safety of the worker" (Cobb, 2017, p. 170).

The Americas.

Cobb's (2017) research of the Americas finds that "moral harassment" has been defined

by the Argentinean courts, but not yet made an actionable offense. The Chilean Labor Code of

2003 was updated in 2012 to prohibit bullying and mobbing (Cobb, 2017). Columbia's Work Harassment Law protects against bullying, mobbing, and harassment, with specific emphasis on bullying (Cobb, 2017, p. 256). The Federal Labor Law of Mexico as amended in 2012 (Cobb, 2017) added sexual harassment and bullying to the list of justifiable causes for termination.

The Canadian Labour Code (Cobb, 2017) identifies bullying as repeated acts or comments that could mentally hurt or isolate a person in the workplace, including incidents that are intended to intimidate, offend, degrade, or humiliate a particular person or group of people. Quebec became the first North American government entity to enact antibullying legislation under the Psychological Harassment at Work Act, which became effective in 2004 (Yamada, 2011). In 2008, the Canadian government enacted regulatory amendments to the national occupational health and safety regulations requiring employers in federally regulated industries to dedicate sufficient attention, resources, and time to address factors that contribute to workplace violence including but not limited to, bullying, teasing, and abusive and other aggressive behavior, and to prevent and protect against the bullying actions (Yamada, 2011).

Lack of Workplace Bullying Laws.

While most industrialized nations have at least some type of discriminatory and/or harassment code as part of the criminal code, Cobb's (2011) research indicates that the following more notable nations do not have specific laws addressing workplace bullying: Brazil, China, India, Italy, Russia, the United Kingdom, and the United States. At this juncture, France is the only nation to have criminalized bullying behavior at work (Yamada, 2011). Through its Social Modernization Law of 2002, "moral harassment" is expressly prohibited in French workplaces, and such behavior is a violation of the nation's labor and criminal code subject to penalty of law (Guerrero, 2004).

Somewhat discouragingly, in Sweden, where the regulatory ordinance has been in effect some 25 years, only one out of nine businesses had voluntarily implemented policies and procedures against bullying in the workplace (Hoel & Einarsen, 2009). Possible reasons for the perceived lack of success cited by Yamada (2011) include the ordinance itself, the problems victims have faced when seeking redress, the responses of employers, the lack of support from trade unions and the Labour Inspectorate, cultural and socio-economic factors, stakeholder attitudes, litigation and liability, exposure, and the lack of proactive prevention on the part of employers. This information does not bode well for the United States if one of the pioneering Scandinavian nations seems so ambivalent about combating negative workplace behaviors.

Research Frameworks

One of the biggest challenges facing researchers is coming up with a methodology that can assess all five of the core elements of the conceptual working definition of workplace bullying (Nielsen, Notelaers, & Einarsen, 2011). Specifically, it is difficult (if not impossible) to find a single measurement that can synthesize data that identifies exposure to negative acts, determines the regularity and persistency of those acts, describes the process development of workplace bullying, and addresses the power imbalance between the target and perpetrator.

    Self-labeling method.

According to Nielsen et al. (2009), the self-labeling method is the most frequently used approach in workplace bullying studies. Self-labeling is a cognitive approach that provides respondents with a definition of the bullying construct, and then gives a single-item question asking whether the construct describes their experience at work within a specific time period (Nielsen et al., 2011). In some cases, respondents are offered a theoretical definition of bulling before being asked whether they have experiences in the workplace that correspond to the

offered definition (Einarsen & Skogstad, 1996; Olweus, 1989; O'Moore, Lynch, and Niamh, 2003). Other self-labeling studies (Lewis, 1999; Rayner, 1997) ask the bullying question without a prompt, which eases some of the natural concerns about leading the respondents and thus tainting the survey results. Response categories vary by study, with some using a simple yes/no response alternative while others choose numeric scales or scales that range from "never bullied" to "bullied daily" (Cowie et al., 2002).

Some of the reasons that the self-labeling method is popular among researchers are that the survey is easy to administer, the questions are explicit yet do not take up much space in a questionnaire, and there is a high validity to the responses – especially if the respondents are presented with a precise and easy-to-grasp theoretical definition that fully explains the concept (Nielsen et al., 2011).

The self-labeling method is not without its drawbacks. Results obtained using the self-labeling method are very subjective. Personality, emotion, cognitive reasoning, and personal biases may factor heavily into a respondent's answers, especially when no formal definition or direction is given prior to the administration of the questionnaire. Additionally, the instrument is designed in a way that does not solicit information regarding the nature of the behaviors involved – only whether or not the behaviors occurred (Nielsen, et al., 2011). Information on how the behaviors occurred are virtually ignored.

In a meta-analysis of the prevalence of workplace bullying, Nielsen et al. (2009) showed that self-labeling studies *with* definition yielded far lower estimates of bullying than self-labeling studies *without* definitions.

Behavioral experience method.

The behavioral experience method examines persistency rather than focusing on the cognitive, utilizing a list of behaviors given to respondents who are then required to indicate the frequency with which each behavior had been directed at them. Respondents are presented with a register that includes various types of unwanted and negative behavior that may be termed bullying if occurring repeatedly over time (Nielsen et al., 2011). Once behaviors have been identified from the list as having occurred, respondents are then asked to report how frequently they have been exposed to the identified behaviors (Nielsen et al., 2011). Some researchers use a fixed cutoff point to determine "actual" bullying in the samples. In the fixed-cutoff system, respondents who score higher than the cutoff number are considered to be victims of bullying.

Many researchers have developed inventory lists designed to assess bullying or phenomena similar to workplace bullying (Nielsen et al., 2011). Some of the most frequently used and widely recognized lists include Leymann's Inventory of Psychological Terror (LIPT) (Leymann, 1990), the Workplace Aggression Research Questionnaire (Harvey and Keashly, 2003), and the Negative Acts Questionnaire (NAQ/NAQ-R) (Einarsen, Hoel, & Notelaers, 2009; Einarsen & Raknes, 1997). The NAQ seems the be the most utilized list, showing up in approximately 47% of the identified behavioral experience studies (Nielsen et al., 2011). All the items in the NAQ (Einarsen et al., 2009) are formulated in behavioral terms, with no reference to the word "bullying," and using a scale ranging from "never" to "daily."

Because results using the behavioral experience model are ultimately based on operational criterion through statistical analysis (Frese & Zapf, 1988; Notelaers, et al., 2006), there is less likely to be deviations based on cognitive and emotional processes. Additionally, the behavioral experience model takes into consideration the nature, frequency, and duration of

the unwanted behaviors. It is important to note that in order to be considered "objective

bullying" in the behavior exposure model, the reported unwanted and negative treatment must be

confirmed by third parties or by the alleged perpetrator (Agervold, 2007). As Nielsen et al.

(2009) note, all victims are targets of bullying, but all targets are not necessarily victims.

One potential drawback of using the behavioral experience model is the lack of

consideration of the power distance between the target and perpetrator (Nielsen, 2009). While

bullying behaviors are identified and the frequency and duration of the actions are addressed, the

relationships between the parties is not considered. Additionally, there is a reasonable possibility

that perceptional bias could affect results. Since all perceptions are ultimately influenced by

one's attitudes, personality, and affective states, respondents may experience the same behavior

differently (Bower, Gilligan, & Monterio, 1981; Lazarus, 1982).

Perhaps the greatest limitation of research on workplace bullying using the behavioral

experience model is the lack of verification of bullying incidents (Coyne et al., 2003; Einarsen,

2000; Hoel, Rayner, and Cooper, 1999). Most of the research has assessed the bullying

phenomenon from the target perspective without obtaining any information to verify the

behavior or without even obtaining the views of other parties, including the alleged bully or other

employees (Coyne et al., 2003). In order to legitimize the results, an additional step to validate

claims presented in a study must be addressed. According to Agervold (2007), the assessment of

witnesses is the closest one may come to an objective observation of bullying. While workplace

bullying is a real and potentially destructive phenomenon, false accusations can also cause

irreparable harm to one's reputation and livelihood. Just as both sides must be interviewed in

any legitimate investigatory process, the same consideration should hold true regarding

confirming data obtained in a behavioral experience survey.

Findings on workplace bullying using the self-labeling and/or behavioral experience

models are heavily dependent on measurement methods, and comparisons between studies must

take the measurement method into account (Nielsen et al., 2011). In general, the meta-analysis

of Nielsen et al. (2011) has found that the self-labeling method has led to a lower reported

prevalence rate than the behavioral experience method.

Self-labeling method + Latent Class Cluster method.

In response to the discrepancies between the self-labeling and behavioral measurement

models, Nielsen et al. (2011) propose a best practice approach of combining the two approaches

in order to capture all characteristics included in the theoretical definition of workplace bullying.

In the recommended model proposed by Nielsen et al. (2011), the self-labeling method with pre-

identified working definition of workplace bullying is used in conjunction with the Latent Class

Cluster (LCC) method. The LCC is a statistical method for identifying subtypes of related cases

(latent classes) from multivariate categorical data, which may help overcome many of the

shortcomings of the operational criterion method described earlier (Nielsen et al., 2011).

Whereas the operational criterion method separates only between targets and nontargets, Nielsen

et al. (2011) believe that the LCC helps distinguish between several groups of respondents. Not

only does the LCC differentiate between groups, it also discerns different kinds of bullying

behaviors. A final justification for using the LCC over the operational criterion model is that one

obtains a better indication of how workplace bullying develops as a process, which as has

already been established, is a key component of the workplace bullying phenomenon (Notelaers,

et al., 2006). The greatest weaknesses of the LCC model is that it requires advanced statistical

knowledge, it requires large samples that are not always readily accessible, and it has yet to be

implemented in large-scale statistical programs (Nielsen et al., 2011). Because the prevalence

rates for bullying vary extensively depending on the operationalization employed, the measurement method can be used to manipulate the observed extent of the bullying phenomenon in a given enterprise or survey (Nielsen et al., 2011).

Multicausality.

Einarsen et al. (2011) present a theoretical framework to workplace bullying in which bullying is described as a complex social phenomenon characterized by multicausality. Individual factors may be involved, and a power differential between the parties is central. Thus, a dyadic perspective is vital to the understanding of the concept of bullying at work. The clash, or mismatch, in terms of personality and power may be as relevant as the focus on the pathological and deviant personality of the perpetrator or victim.

The victim's response to the bullying behaviors must also be considered, as they are rarely passive recipients of negative acts. Zapf and Gross (2001) found that those victims who successfully coped with bullying fought back with similar means less often and avoided further escalation, whereas the less successful contributed to the escalation by their aggressive counterattacks and "fights for justice." The theoretical framework offered by Einarsen et al. (2011) includes a reference to the societal level, consisting of national culture, and historical, legal, and socioeconomic factors. Although limited in study to this point, bullying must always be seen against such a background in order to be fully understood (Beale, 2011; Ironside & Siefert, 2003; McCarthy, 2003).

Work environment hypothesis.

Leymann's (1990, 1996) work environment hypothesis has been the catalyst for several pieces of research on workplace bullying (Agervold, 2009; Hauge et al., 2007). It should be noted that these Leymann-based studies were cross-sectional in nature and do not allow for

relational interpretation for cause and effect. Thus, while organizational deficiencies can be found to contribute substantially to the advancement of bullying, it is equally plausible that basic social conflicts at work may be the cause, rather than the result, of organizational issues (Zapf, 1999). Also of note, Leymann himself never presented any empirical evidence for his strong focus on organizational factors and his disregard for the role of personality as a cause/predictor of workplace bullying (Einarsen et al., 2011).

Empirical Findings

        Self-labeling Method.

Lutgen-Sandvik and Namie (2009) used the self-labeling method to conduct their telephone survey of U.S. workers on the prevalence of generalized workplace harassment, a construct related to bullying. In Lutgen-Sandvik and Namie's (2009) study, 12.6% of their sample considered themselves to have been bullied in the past twelve months. Assuming the current U.S. workforce population of 162 million, these figures translate into 20+ million American workers who are possible victims of workplace bullying. Another 12.3% in the Lutgen-Sandvik and Namie (2009) study reported having seen others being bullied at work during their working career. Perhaps not surprising, Lutgen-Sandvik and Namie (2009) report that only 0.4% of respondents in their survey self-identified as having bullied others. Zapf et al. (2003) reported that studies using self-labeling method without a preceding definition produced a 10% to 25% reported rate of workplace bullying. For studies that included a preceding definition of bullying, a 1% to 4% rate of bullying was reported.

In data gathered from a nationally representative sample of Human Resources representatives of U.S. organizations (N = 494), Grubb et al. (2004) report that 24.5% reported

some degree of bullying in the past year. Reported information from the survey came from data that only key informants would be privy, thus underscoring the reliability of the numbers.

Namie (2007) reports that because of bullying, 40% of targets reportedly quit, 24% are terminated, and 13% transfer to safer positions with the same company. Logic suggests the termination of the costly offenders, but Namie (2007) found that alleged offenders were punished in less than 2% of all reported workplace bullying cases. In self-identified studies on bullying conducted by Namie (2008), bullied individuals reported in 46% of cases that coworkers abandoned them, and 15% aggressed against them with the bully. Sadly, coworkers rallied to the defense of an attacked target and confronted the bully as a group in less than 1% of the cases identified by Namie and Namie in a 2009 study.

Patten (2018) cautions the extent of bullying may be resistant to accurate measurement due to the lack of precise and agreed definitions of bullying across different research projects combined with the reluctance of victims to self-identify. In an extensive review of the research evidence, Beswick et al. discovered prevalence rates ranging widely from about 2% up to some 25% (Patten, 2018). Using this data as a baseline, Patten (2018) contends that the prevalence of workplace bullying is not much less than the frequency of occupational injury and could perhaps be even greater.

Behavioral experience method.

The behavioral experience method (Nielsen et al., 2011) uses a questionnaire consisting of a list of bullying behaviors to assess the rate of bullying. The behavioral experience method investigates exposure to bullying behaviors at work based on the frequency and repetitiveness of exposure to such behaviors within a given time.

In a survey of over 2,500 U.S. wage and salary workers, Schat et al. (2006) found that 6% of the employees experienced workplace violence, and 41.4% experienced psychological aggression at work during the last 12 months. Additionally, 13% of the workers indicated that they had experienced some type of psychological aggression at work on a *weekly* basis. Where the numbers get a little jumbled is trying to distinguish between all the various terms. As previously discussed, without some type of common language and/or frame of reference, it is somewhat hard (but not entirely impossible) to determine the significance of the problem.

In the meta-analysis of Nielsen et al. (2011), the behavioral experience method led to a 14.8% bullying rate. In a study using the behavioral experience method with an operational criterion, Nielsen (2009) discovered a 3% to 17% rate of bullying, depending on the cutoff criterion used.

A meta-analysis of the impact of methodological moderators by Nielsen et al. (2009) supports the review of Zapf et al. (2003). On the low end, a mean rate of 11.3% instance of workplace bullying was found for self-labeling with definition provided. At the high end, a mean rate of 18.1% instance of workplace bullying was obtained for self-labeling without a provided definition. The behavioral experience estimates obtained by Nielsen et al. (2011) fell in between the self-labeling results, with a mean rate of 14.8% instance of bullying.

Patterning and escalation.

Schneider et al. (2000) found that employees who experienced one form of harassment were also likely to experience other forms of harassment. A few other authors have used the simple patterning indicator of counting the number of different events to illustrate patterning (Glomb, 2002; Keashly & Jagatic, 2000; Keashly et al., 1994). However, instances of co-occurrences of workplace bullying and harassment are largely ignored in the literature.

One of the defining characteristics of workplace bullying is the escalation of negative behaviors over a period of time. Escalation in the workplace does *not* involve mutuality of aggression, where two parties are going back and forth to escalate a situation. With escalation, there is a definitive "actor" and "target" (Keashly & Jagatic, 2011). This is in sharp contrast to the construct of workplace aggression literature which Glomb (2002) describes as more of a two-way, reciprocal dance where the parties mutually engage in negative behaviors. In workplace aggression literature, there are no pure actors or pure targets; rather, there are only actor-targets (Keashly & Jagatic, 2011). Glomb (2002) argues that actors become targets and targets become actors such that there are no pure targets.

Keashly and Jagatic (2011) claim that one of the greatest limitations of North American workplace aggression theorizing is that the initial literature tended to focus implicitly, if not explicitly, on understanding single incidents or aggregate levels of aggression (Glomb, 2002; Neuman and Baron, 1997; O'Leary-Kelly et al., 1996). However, that trend is starting to turn, and more recent research is starting to focus on persistent hostility with a particular actor or actors (Hershcovis and Barling, 2007; Tepper, 2007).

Although the facet of duration is included in the majority of workplace bullying definitions, it has largely been ignored from a measurement perspective (Keashly & Jagatic, 2011). Duration in most studies appears primarily as just a timeframe used to assess the frequency of the bullying behaviors rather a stand-alone factor to be studied and addressed.

Individual antecedents.

Bullies tend to target those employees who are highly independent, ethical, competent, well-liked, and less-social/verbal (Dayton, 2014). As a result, Dayton (2014) identifies schools, hospitals, social services, and altruistic institutions as prime breeding grounds for workplace

bullying due to their attractions of these types of personalities to their respective professions.

While bullies don't just seek out the weak, they do choose targets who are less likely to resist

and push back when confronted with a loud, social, uncomfortable interaction. Although not all

bullying situations are the same, Dayton (2014) depicts the general targeting selection process as

such:

> Workplace bullies do not, for example, just seek out the weakest prey like a wolf circling
>
> a herd of sheep. To the contrary, workplace bullies strategically seek out high-value
>
> targets with strong professional achievement or potential in order to preempt threats to
>
> their own egos and status. (p. 19)
>
> Recall that bullying is systematic, over a long period of time, direct and/or indirect

aggression in the workplace (Cobb, 2017), and targets often have a difficulty or reluctance to

defending themselves in the workplace. Thus, it is understandable how introverted employees

who are in service-oriented industries may be logical targets for the workplace bully.

Social influences on workplace bullying (as opposed to individual causes) involve the

words and/or deeds of individuals that elicit or condone aggression, and the context in which

these actions occur (Neuman & Baron, 2011). Important social norms serve to shape and

reinforce aggression as well as the process by which norm violations elicit retaliation or

predispose individuals toward aggression and bullying. (see organizational culture and norms)

As a staunch challenger to the idea of individual antecedents of bullying, Leymann

(1996) forcefully argued that anyone could become a target of bullying in the workplace under

the right (or wrong) circumstances, thus emphasizing the important link between a poor work

environment and giving rise to the idea that organizational culture is most important deterrent to

workplace bullying. Leymann's writings gave rise to the work environment hypothesis, a theory

that developed from the studies of the late 1990s and early 2000s which found that both victims and observers of bullying report a more negative work environment than those who were not bullied (Baillien, Neyens, & De Witte, 2008; Hauge, Skogstad, & Einarsen, 2007), and that the worst work environment is associated with those most severely bullied (Zapf et al., 1996). However, as the research has shown, workplace bullying is a complex and dynamic process where both action and reaction should be understood within the social context in which they take place (Salin & Hoel, 2011; Neuman & Baron, 2011).

While generalized personality traits of perpetrators (protection of self-esteem, lack of social competence, micropolitically motivated behavior, etc.) and victims (being in a salient position, having low social competence and self-assertiveness, showing high achievement and high conscientiousness, etc.) have been identified in various studies, the literature seems to support the notion that there is no one reason that can be identified from either side as a predictor for bullying behavior (Zapf & Einarsen, 2011).   Several studies have concluded that personal characteristics do not in any way provide an explanation for workplace bullying (Coyne et al., 2003; Glaso et al., 2007, 2009; Lind et al., 2009; Matthiesen & Einarsen, 2001; Zapf, 1999).

Recent studies confirm what the early studies discovered, which is that role conflict and role ambiguity are among the strongest predictors of workplace bullying (Baillien & De Witte, 2009; Baillien, Neyens, & De Witte, 2008; Einarsen et al., 1994; Hauge, Skogstad, & Einarsen, 2007; Moreno-Jimenez et al., 2009; Bowling & Beehr, 2006). These findings were integral in our organization's decision to reevaluate job descriptions and training methods in order to help combat the issue of workplace bullying. As a result, bullying seems to thrive in workplaces where employees perceive contradictory expectations, demands, and values in their jobs, and where expectations are seen as unclear or unpredictable (Salin & Hoel, 2011). Physical aspects

of the work environment may also come into play as suggested in a qualitative study conducted by Baillien et al. (2008) that found working in high temperatures, crowded spaces, or in otherwise unpleasant and irritating environments and relying on sharing tools and equipment were all associated with higher risk for bullying.

The work environment hypothesis, which suggests that a number of factors associated with the work environment and organization as antecedents of bullying, is the most favored model to explain the onset of bullying at work (Vartia & Leka, 2011). Based on their practical and clinical work, coupled with analysis of actual workplace bullying cases, Vartia and Leka (2011) argue like so many other analysts that bullying is an escalating process that needs to be stopped as early as possible.

Skogstad et al. (2007) found a significant association between organizational change and exposure to bullying. Work environment changes such as reduction in staff and/or pay, the use of temporary labor, major technological change, and major internal restructuring all have been identified as predictors of workplace bullying behaviors (Hoel & Cooper, 2000; UNISON, 1997; Skogstad et al., 2007; Barling, Dupres, & Kelloway, 2009). Similarly, Rayner (1997) found that targets most frequently mentioned a recent change in job (51%) or change in manager (31%) as the coinciding event at the onset of their bullying experience.

The impact of specific antecedents is likely to vary between occupational settings (Salin & Hoel, 2011). Thus, different antecedents may take on different meanings in different settings, further advancing the necessity for multilevel and longitudinal research on the subject.

Race.

In a WBI survey of 1,008 United States workers that included 130 Hispanic, 120 African-Americans, 30 Asian-Americans, and 681 White respondents, Namie (2017) found that the

groups most bullied were Hispanics (25%), African-Americans (21%) and Whites (19%). The 2017 WBI survey (Namie, 2017) indicated that Asian-Americans were found to more likely be witnesses of workplace bullying (44%) than direct targets (7%). Studies comparing bullying rates of black and minority ethnic (BME) groups to the general populace in the United Kingdom showed that 25.2% of BME respondents indicated that they had been bullied, compared to 11.8% of white respondents (Hoel & Giga, 2006). In a similar study, Lewis and Gunn (2007) reported that 35% of BME respondents reported being bullied, whereas 9% of whites acknowledged being bullied.

Gender.

Although there may be a perception that women are bullied in higher numbers than men, some studies suggest that men and women are bullied in approximately equal numbers (Hoel, Cooper, & Faragher, 2001; Zapf et al., 2011). Using results from the 2017 WBI survey, Namie (2017) concluded the following regarding gender and workplace bullying:

- Women were targets in 66% of cases overall.

- Bullies were more likely to be men (70%) than women (30%).

- Both men and women perpetrators disproportionately chose women as targets for bullying.

- Women bullied women in 67% of cases where women were the perpetrators; men bullied women in 65% of cases where men were the perpetrators.

- The majority (46%) of bullying cases are one in which the perpetrator is male and the target is female.

- The rarest (10%) cases involve women perpetrators targeting men.

Sexual Orientation.

A 2007 British study conducted by gay rights campaign group Stonewall (2007) found that nearly 20% of lesbians and gay men were experiencing bullying on the job directly as a result of their sexual orientation. Thirteen percent of the British population (close to 4 million people) reported that they had witnessed verbal bullying of lesbians, gays, and bisexuals (LGB) in the workplace, with another four percent (1.2 million) reporting witnessing physical bullying of these groups (Stonewall, 2007). Furthermore, as compared to other groups, LGBs tend to focus on the experience as bullying rather than as discrimination (DiMartino, Hoel, & Cooper, 2003). While there have been numerous studies conducted on general workplace harassment and discrimination based on sexual orientation in the United States, the dearth of empirical information on specific workplace bullying perpetrated against lesbians, gays, bisexuals, transgenders, and queers (LGBTQ) presents a great opportunity for future research. In their introduction to a study on workplace incivility, Zurbrügg and Miner (2016) remarked that they could not identify even one prior study examining experiences of workplace incivility for sexual minorities.

United States Labor Laws

Workplace bullying vs. discriminatory laws.

It is important here to draw a distinction between laws that are based on class-based discrimination and statutes that address harassment and bullying. Whereas Title VII of the Civil Rights Act of 1964 prohibits discrimination and unwelcome conduct based on five protected categories (race, color, religion, sex, and national origin), bullying generally stops short of criminal activity and is often perpetrated by members of the same protected class. Payne (2018) submits that "workplace bullying is not an independently cognizable claim under Title VII

absent a connection to a protected class and proof of discrimination. Similarly, mere workplace bullying is not enough to give rise to an actionable hostile work environment claim, absent a showing that the conduct occurred because of the employee's membership in a protected class" (p. 9). Expanding on this point of Title VII law, Payne (2018) illustrates that even if mean-spiritedness or bullying renders a workplace environment abusive, there is no violation of the act unless that mean-spiritedness or bullying was rooted in race or national origin discrimination.

More recent state laws have added further protections for specific categories including domestic partners in California and sexual orientation in Illinois (Magarick & Brownlee, 2018), but these laws are geared more toward addressing discrimination and unlawful hiring/termination practices based on protected status rather than strengthening legal protections against violence in the workplace. Additional protective laws for American workers include the Age Discrimination in Employment Act (ADEA) of 1967 which protects workers over 40 from being discriminated against based on age; the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination based on physical/mental disabilities; and the most recent Genetic Information Nondiscrimination Act (GINA) of 2009, which restricts employers from hiring or firing based on one's genetic information. The Equal Employment Opportunity Commission (EEOC) is charged with overseeing and enforcing these anti-discriminatory laws. Again, these laws offer substantial protections for certain classes of citizens but falls short of offering blanket protections for *all* employees against workplace bullying. In order to have a legitimate claim of workplace bullying, one must be a member of a protected class who is harassed and/or overtly discriminated against by a different class member – which in reality falls under the purveyance of anti-discrimination laws, not workplace bullying.

While there are obviously strong arguments for retaining special and targeted protection for those who suffer wrongs based on a protected characteristic, Patten (2018) views workplace bullying more widely as not necessarily just a discrimination issue. Patten (2018) offers that:

> Discrimination is about historic exclusion of certain groups from access to social and economic resources. Bulling is an abuse of a power relationship which may be premised on discrimination but has no particular need to be. As O'Donnell puts it, 'Bullying gets at "you," the individual, whereas sex, race and religious discrimination targets an individual as a member of a group.' This would suggest that discrimination related bullying and bullying more generally do, in fact, represent separate mischiefs which require separate approaches. (p. 183)

The coexistence of bullying and discrimination laws raises interesting issues in the United States, where protected class status remains the dominant paradigm of how legal issues of worker harassment and the mistreatment of employees are framed (Yamada, 2011). In order to correct this oversight in the law, Dayton (2014) believes that additional legislation and institutional policies are needed that protect specifically against non-status-based workplace bullying. As Dayton (2014) notes, workplace bullies can be hard to detect because they are smart enough to work within the rules of the organization. Thus, the solutions lie within the organizational structure. Organizations that do not understand the intricacies and differences between discrimination, harassment, and bullying are vulnerable to the pitfalls of workplace bullying.

At-will employment.

American law presumes that both the employer and employee are free to terminate their relationship at any time for any reason or no reason at all (Arnow-Richman, 2018). In every

state but Montana (which protects employees who have completed an initial "probationary period" from being fired without cause), employers are free to adopt at-will employment policies. Consequently, Arnow-Richman (2018) contends that most workers have no right to their job, nor any voice in dictating the conditions of their employment, thus making them vulnerable to harassment and the negative retaliatory penalties that often follow the bullying accusations (i.e. loss of work, demotions, transfers, pay cuts, oppressive schedules, etc.).

As has been established throughout the literature, workplace bullying occurs at all levels of the organization. Lower-level employees, even those without supervisory authority, are capable of promulgating a hostile work environment. However, employees at the lower levels lack power vis-à-vis their employer. As a result, companies tend to have little to lose by terminating the alleged harasser and every incentive to hedge against the risk of liability litigation, especially if the accused is employed under at-will conditions (Arnow-Richman, 2018). It must be cautioned, however, that although employers in at-will states technically have a right to separate from employment for any reason, organizations are still required to operate within the bounds of Title VII legislation. Employers must therefore be careful to consider allegations of workplace bullying through multiple lenses before invoking their at-will rights to terminating employment.

In theory, there is no requirement of internal due process in an at-will workplace (Arnow-Richman, 2018). According to Arnow-Richman:

> If employers need no reason to terminate an employee, they need not verify the truth of
> the accusations underlying their decision, provide opportunities for the worker to be
> heard, or vet the proportionality of their response. In fact, harassers arguably get more
> due process than at-will employees who engage in any other form of misconduct, owing

to their employers' efforts to protect themselves from victims' lawsuits. It is only

because employers investigate allegations of harassment to avoid potential liability to the

victim that those accused enjoy any form of process at all. (2018, p. 97)

Consequently, the issue not only centers on the rights of the alleged victim of the bullying

behavior, but on the rights of the accused to due process. In the interest of creating a true

antibullying culture in which all team members are protected, it is imperative that reports of

workplace bullying are investigated thoroughly in an unbiased manner, which includes

interviews with both the target and perpetrator of the alleged behavior, along with any witnesses

to the incidents in question.

IIED.

According to Amendola (2018), the American Law Institute first recognized IIED as an

independent tort in 1948 to address the culpability of emotional distress and the bodily harm that

results. While IIED serves as a basis for recovery of emotional damages and resulting bodily

harm, the tort claim contains strict threshold requirements, and as a result, very few plaintiffs

succeed in proving their case (Amendola, 2018). In order to qualify for redress under the IIED,

Yamada (2011) notes that the wrongdoer's conduct must be intentional or reckless, must be

outrageous and intolerable in that it offends the generally accepted standards of decency and

morality, there must be a causal connection between the wrongdoer's conduct and the emotional

distress, and the emotional distress must be severe. As Amendola (2018) points out, while courts

primarily screen the tort the law via strict interpretation of the extreme and outrageous code of

conduct, IIED does not require employers and their managers to act with courtesy or respect. In

order to be in violation of IIED, the defendant's actions must go beyond the bounds of human

decency such that it would be regarded as intolerable in a civilized community (Amendola,

2018). Further, Amendola (2018) highlights the fact that the severe emotional distress must be so severe that no reasonable person could be expected to endure the behavior. Hence, the employer's ability to manage their employees is protected because an employee's claim of IIED is only accepted when the employer's conduct is proven to have been truly egregious in all areas of the IIED tort (Amendola, 2018).

Although on the surface the IIED tort claim appears to be an ideal legal recourse for workplace bullying, Yamada (2011) has found through extensive analysis of IIED judicial claims that typical workplace bullying claims seldom resulted in liability for IIED. An unfortunate observation made by Amendola (2018) from case law is that situations of bullying and harassment often fall between the cracks of discrimination claims and IIED claims. Amendola (2018) stresses that whereas a corporation has the legal duty to provide a safe and discrimination-free workplace to its employees, the commitment to provide a respectful environment is merely an ethical one. It is thus argued here that using a servant leadership lens to frame the workplace bullying policy benefits a company by treating workplace bullying as both an ethical issue as well as a legal obligation.

Whistleblowing.

Whistleblowing occurs when an employee witnesses wrongdoing of some kind on the job and reports it to either someone within the organization or to an agency outside of the organization. As numerous cases attest, whistleblowers often risk punishment in retaliation for his or her initiative to stop the wrongdoing (Matthiesen, Bjorkelo, & Burke, 2011). The most widely recognized definition of whistleblowing is "The disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their

employers, to persons or organizations that may be able to effect action" (Near & Miceli, 1985, p. 4).

Retaliation was reported by 17% to 38% of identified whistleblowers in stratified samples of federal employees (Miceli et al., 1999). Data collected in random samples by Miceli and Near (1992) have found that roughly 25% of whistleblowers experience retaliation. Miethe (1999) claims that the probability of being met with punishment after having exposed an unlawful action is much more likely for whistleblowers of organizational wrongdoing compared with whistleblowers of individual wrongdoing.

As it relates to workplace bullying, Matthiesen (2006) differentiated post-bullying as one of 10 bullying types. Among a group of 221 bullying victims surveyed by Nielsen (2003), whistleblowing turned out to be the third most frequent self-reported antecedent for workplace bullying. Qualitative studies (Bjorkelo et al., 2008) and quantitative studies (Nielsen & Einarsen, 2008) have each documented cases showing that workplace bullying may follow instances of whistleblowing. According to Miceli et al. (2008), whistleblowers in more powerful positions, especially those with expert or informal power and those who are depended on for their resources or potential contributions, are more protected against workplace bullying.

Organizational Factors

      Organizational Structure.

Hierarchical structure can have a direct impact on how an organization uses policies relating to bullying and harassment to take formal and/or informal actions. Raynor, Hoel, and Cooper (2002) describe the basic conundrum of a vertical hierarchy as such:

      When many bullies are line managers themselves, the structure may not be helpful.

      Senior managers will often support their staff – but what happens when a very junior

member of staff raises a problem about their line manager who is often also part of the same staff team as the senior manager? Senior managers will, in such circumstances, often defend their junior managers perhaps because their own performance is dependent on their staff, or perhaps because they feel a strong loyalty. Some senior managers work in a culture where they are always expected to defend their immediate staff. If one has a culture where senior managers are always expected to support their junior managers, then a climate is provided where the issue of bullying cannot be raised effectively on an informal basis. Loyalties can be split in these situations. This situation highlights the need for an independent structure to be in place to resolve bullying problems. (p. 93)

Further, organizational structure and hierarchy can also be used to illustrate how someone can use position and status as a formal and legitimate source of power to abuse others. Arnow-Richman (2018) declares that "organizational structures that allow individual decision makers free reign to mete out the harshest forms of discipline are the same ones that enable harassers to leverage harassment as means of asserting control over dependent workers" (p. 103). In a study of power sources within an organization, Raynor, et al. (2002) detail how power can also derive from informal sources such as personal connections to top staff and strong personalities. In vertically aligned organizational charts, a target's options for true advocacy may be severely limited – especially without any type of formal policy outlining expected behaviors, processes for reporting abuses, and consequences for breaking policy.

Leadership Style.

In a large-scale Norwegian study (N=2, 539), Hauge et al. (2007) found both tyrannical and laissez-faire leadership behavior to be among the strongest predictors of workplace bullying. Hoel et al. (2011) found in a study of 5,000 British employees that bullying was positively

associated with noncontingent punishment (NCP), a leadership style where punishment is used arbitrarily (Podsakoff, Todor, & Skor, 1982), further illuminating the need for a formal policy and process from identifying, investigating, and managing workplace bullying.

By contrast, workplace bullying was found to be negatively associated with a participative leadership style (Salin & Hoel, 2011). In very competitive work environments bullying may be used strategically to punish and get rid of over- or under-achieving colleagues or subordinates who are considered either threats or burdens (Salin & Hoel, 2011). In a Finnish study, Sutela and Lehto (1998) reported that performance-based reward systems were associated with an increased risk for bullying. This supports Salin and Hoel's (2011) argument that bullying may be used not only to sabotage the work performance of others, but also to achieve compliance in order to meet departmental goals and objectives.

Analyses of a representative sample (n = 2539) of the Norwegian workforce conducted by Hauge, Skogstad, and Einarsen (2007) showed role conflict, interpersonal conflicts, and tyrannical and laissez-faire leadership behavior to be strongly related to bullying, with the strength of associations differing to high degree for various measures of bullying. Hauge et al. (2007) found support for an interactive relationship between decision authority and role conflict at different levels of laissez-faire leadership. Hence, Hauge et al. (2007) determined that bullying is likely to prevail in stressful working environments characterized by high levels of interpersonal friction and destructive leadership styles. In addition, bullying is particularly prevalent in situations where the immediate supervisor avoids intervening in and managing such stressful situations (Hauge et al., 2007).

Organizational Tolerance.

As noted throughout the literature, empirical evidence has established an association between leadership, or its absence, and workplace bullying (Liefooghe & Davey, 2001; Leymann, 1996; Einarsen et al., 1994; Hoel & Cooper, 2000; Hodson, Roscigno, & Lopez, 2006; Cortina, Magley, Williams, & Langout, 2001). Perhaps the most pervasive thought regarding the perpetuation of workplace bullying is the idea of organizational tolerance. Brodsky (1976) stated that although personality disorders may be characteristic, bullies will only bully if the corporate culture permits or rewards. Hence, bullying will never become systemic unless permitted by the corporate climate.

Rayner (1998) concluded that bullying prevails because of organizational tolerance after ninety-five percent of the respondents in her study claimed that bullying was caused by the facts that "bullies can get away with it: and "victims are too scared to report it." Brott (2018) contends that while it is true that employers cannot act to remedy a situation unless they are made aware, the organization has an obligation to the employee to investigate in a timely and neutral manner once an allegation comes to light. Any proper investigation must include an interview with the person who is the subject of the alleged behavior, an interview the accused (including asking probing questions), interviews with any witnesses with direct connection to the events, and a plan for response once the investigation has concluded (Brott, 2018). According to Rayner (1998), factors that mitigate workplace bullying the most are express organizational prohibitive influences and support systems for victims. The empirical evidence is strong in support for formal, written organizational policy against any type of workplace bullying.

Organizational Culture.

The overwhelming majority of literature on workplace bullying supports the notion that an organization's culture and related climate play an undeniably important role in the manifestation of hostile behaviors at work (Aquino and Lamertz, 2004; Harvey et al., 2007; Martinko et al., 2006; O'Leary-Kelly et al., 1996). Studies of workplace bullying conducted vis-à-vis organizational culture have emphasized that in many organizations where high levels of bullying are present, negative and abusive acts were indirectly "permitted," whether or not the behavior was actually an integrated part of the culture (Salin & Hoel, 2011), falling in line with Brodsky's (1976) earlier supposition that for harassment to occur, there needs to be a culture present that permits (and often rewards) the behavior. Considering this assertion, it is rather unsurprising that bullying is seen to be prevalent in organizations where employees and managers feel they have the support, or at least the implicit blessing, of senior managers to carry on their abusive and bullying behaviors (Einarsen, 1999). Under this line of thought, it follows that new managers will quickly come to view this form of behavior as acceptable and normal if they see nothing is done by the organization in response (Rayner, Hoel, and Cooper, 2002).

The finding in the literature that is possibly of the most importance to corporations is that bullying was found to be more common in organizations with no clear antibullying policy in place. Unfortunately, Salin (2009) found that even having a written policy did not predict what kind of actions organizations take in cases of bullying, thus indicating that policies may be limited to being a preventative effect rather than influencing what interventions organizations may employ.

In order to be motivated to act, Namie et al. (2011) believe that organizations must either have a desire be early adopters, seeking to be first in their industry to accomplish a major feat, or

seek congruence with espoused organization values or respect and dignity for all. It is from the

latter motivating factor that this recommendation for a model policy for workplace bullying

flows. As Namie et al. (2011) remark, whereas mission statements do not necessarily hold

organizations accountable, policies can and do. It is not enough just to have a policy on the

books. Any workplace antibullying policy must spell out explicitly the process for reporting,

investigating, and addressing all acts of bullying in the workplace (Dayton, 2014). Hence, this

study aims at creating a comprehensive policy that not only defines workplace bullying and the

behaviors that are clearly unacceptable in the workplace, but also identifies clear policies that

delineate steps to be taken when bullying is found to be present.

In 2004, a National Institute for Occupational Safety and Health (NIOSH) research team

surveyed and assessed employers' perceptions about the prevalence of bullying within their own

organizations and found that the overwhelming majority of employer reps (generally either the

owner or human resources representative) said that bullying never happened at their site (Grubb,

Roberts, Grosch, and Brightwell, 2004). In the NIOSH study as reported by Grubb et al. (2004),

only 1.6% said that bullying happened frequently, 17.4% indicated that bullying was rare, with

5.5% acknowledging that bullying sometimes happened. Grubb et al. (2004) cite from the

survey that employees were the most frequent aggressor (in 39% of the cases), as well as being

the most frequent victim (55.2% of the cases).

Because bullying is sometimes hard to pinpoint, and often misconstrued as sophomoric

behavior and/or rites of passage, management often turns a blind eye (or worse, contributes) to

bullying behaviors. While perpetrators do not tend to self-identify as bullies, they (and others)

may often excuse their behavior under various labels including "effective" management, banter

or mere personality clash (Patten, 2018). Correspondingly, Patten (2018) says that victims may

find themselves mislabeled as overly sensitive, precious or unable to take a joke. Combined with

the lack of federal and/or state policy regarding workplace bullying, organizations have an easy

path to a detached approach regarding bullying in the workplace. Brann and Isaacson note:

> Bullying in the workplace is a common occurrence that's often ignored or overlooked by
>
> management. Sometimes it may be ignored because, unlike sexual harassment, there's
>
> usually no legal requirement that an organization have an antibullying policy. It also may
>
> be overlooked because leaders take a hands-off approach, believing employees should
>
> work out their own issues. (2018, Letter 7)

Aquino and Lamertz (2004) advanced the idea that norms sometimes develop in which

harassment and/or bullying is deemed necessary for worker motivation legitimize and provide

justification for bullying behaviors for some organizations. In a similar study, Ferris et al. (2007)

found support for the idea that "strategic" leader bullying can have positive consequences,

including temporary increases in productivity of both targets and witnesses, voluntary attrition of

underperforming employees, and increased power for the bully-leader. However, it should be

considered that high turnover rates resulting from workplace bullying may mitigate any

perceived positive effects. A bullying culture may also make it hard to attract new (and loyal)

employees as word gets around about an organization's culture and means of operation.

Ironside and Seifert (2003) have also conducted research on the use of bullying as a

rational function of management from an industrial relations perspective. Essentially, Ironside

and Siefert (2003) found bullying to be a common ingredient of management, arising from the

essential nature of the capitalist employment relationship, and as a method that can be expected

to be employed when other forms of control do not have the intended effect. Implicit in this

perspective is the suggestion that bullying is a viable option for organizations to use as a primary means of managerial control of labor.

In effect, an organization can enable bullying (Ferris, 2004; Keashly & Harvey, 2005). The response (or lack of response) of organizational leaders to bullying behaviors communicate the organization's (in)tolerance for such treatment (Ferris, 2004; Harvey et al., 2007; Heames & Harvey, 2006). Namie et al. (2011) support the notion that bullying cannot exist in the workplace without tacit approval from executives and owners.

While most of the evidence points to a strong correlation between an organization's culture and its link to workplace bullying, there are still relatively few empirical studies in which organizational culture or climate is directly measured and the relationship tested among its dimensions and regarding workplace hostility. Longitudinal research identifying the specifics on which aspects of organizational culture correspond to negative behaviors of workplace bullying would be greatly beneficial in determining the extent to which bullying relationships are bidirectional, ultimately helping organizations develop formal policies to help eliminate, or at least minimize, bullying in the workplace.

Power.

Keashly and Jagatic (2011) note that much of the work examining organizational position and gender as target and instigator in the power model has been conceptional in nature. Researchers are all over the map with their assessments of power as it relates to being the catalyst or predictor of bullying behaviors in the workplace.

Supportive of the notion of power as control, nearly 60% of the targets responding in a Namie (2000) web-based survey of workplace bullying indicated that they were being bullied because they refused to be subservient. Although bullying originates with, and affects,

individuals at all organizational levels, Namie (2007) found that 72% of bullies outrank their targets, with corporate executives experiencing the least amount of bullying at a 5% rate.

Aquino and Lamertz (2004) developed and found support for a social stratification model of workplace victimization. In their model, Aquino and Lamertz (2004) recognize power as a process of dependency, creating a dominant-subordinate structure in relationship, thus opening the door for an abusive relationship. Because the abuser controls some important resource(s) in the victim's life, the victim is therefore dependent on the abuser and feels compelled to comply in order to gain access to the needed resource(s). Tepper (2000) concurs by concluding that targets remain in these abusive relationships because of economic dependence, including reduced job mobility. There is little systematic empirical documentation of the process by which target dependencies or vulnerabilities are formed and utilized by the actors (Keashly & Jagatic, 2011). At minimum, worker dependency on others creates the conditions for power to become an issue.

Aquino and Lamertz (2004) suggest that the pairing of a dominating perpetrator with a submissive victim or a reactive perpetrator with a proactive victim will result in behavior that might be considered workplace bullying, which is consistent with Einarsen's (1999) notions of predatory bullying and dispute-related bullying. However, Aquino and Lamertz (2004) are quick to point out that while these dyadic combinations may lay the groundwork for bullying conditions, the imbalance of social power in the relationship and the presence and involvement of others who have relationships to both parties can influence whether and how bullying occurs. This approach draws attention to how bullying is modeled by both parties and those around them (Hodson et al., 2006; Venkataramani and Dalal, 2007). Additionally, it is healthy to understand this perspective as one that doesn't necessarily see the target as a helpless "victim," but as an

actor capable of influencing and challenging the treatment he or she receives (Lutgen-Sandvik, 2006).

Coworkers are the most frequent source of hostile workplace behaviors (Cortina et al., 2001; Keashly & Neuman, 2004; Neuman & Baron, 1997; Richman et al., 1999; Schat et al., 2006). Keashly and Nowell (2011) state that coworkers who become cognizant that they hold the upper hand are less likely to pursue mutually constructive resolutions because of their greater leverage based on the power structure of the situation. Unfortunately, evidence indicates that few if any of the interpersonal management strategies available to targets are effective in stopping a bullying situation (Zapf & Gross, 2001; Keashly & Nowell, 2011). Zapf and Gross (2001) have concluded that for some victims of workplace bullying, no strategy (active nor passive) was successful and leaving the organization was ultimately the only pragmatic option available.

If the parties involved are equally able to defend themselves, then the situation may well be a serious conflict but is not bullying according to Keashly and Nowell (2011). Many scholars take the position that, while related in nature, conflict and bullying are two separate constructs (Einarsen, 1999; Hoel et al., 1999; Zapf & Gross, 2001; Raver & Barling, 2008). To further elaborate this position, Einarsen (1999) proposes two types of bullying. According to Einarsen (1999), predatory bullying occurs when the victim has done nothing to provoke or justify the bully's behavior. Dispute-related bullying (Einarsen, 1999) develops out of grievances between two or more parties and involves retaliatory practices to some perceived harm or wrongdoing. Einarsen (1999) believes that if one of the parties becomes disadvantaged at any point during the dispute, there could be a victimized situation.

The reference to hostile behavior and intent to harm in bullying is clearly and strongly negative (Keashly & Nowell, 2011). With basic conflict, the tone is subtler. While there is potential for negativity, Keashly and Nowell (2011) claim that the negativity is not the primary defining feature of conflict. Thus, conflict can actually be a constructive and positive process rather than a destructive and harmful progression like bullying (De Dreu, 1997; Jehn, 1994, 1995; De Dreu, 2007). In fact, Reardon (2018) muses that "underlying the code of decency or respect is the assumption that people will disagree. The democratic process thrives on dialogue, and dialogue *requires* disagreement" (p. 40).

The time component also sets bullying apart from conflict. As discussed, bullying is a progression of negative behaviors that happens over time. However, time is not a defining component of conflict. Keashly and Nowell (2011) point out that conflict can be easily overcome, or it can be very long-standing. Another way to think of the element of time is that it provides a sense of a process of development from an initial episode to a series of events (Thomas, 1992). This is a place where the conflict literature can provide useful insight into the development of workplace bullying in terms of conflict stages, escalation, and intractability (Keashly & Nowell, 2011).

While being equal or unequal in power does not define whether a conflict can occur, the power relationship can be reasoned to define whether bullying can be said to exist (Keashly & Nowell, 2011). As noted by Keashly and Nowell (2011), mutuality or reciprocity is perhaps the key distinction between bullying and conflict. In conflict, parties mutually engage in exchange of behaviors and are simultaneously actors and targets (Andersson and Pearson, 1999; Glomb, 2002). However, in the traditional conceptualization of bullying as described by Keashly and Nowell (2011), there is a clear actor who is the instigator, and a target who either cannot respond

or can respond only in a limited manner, which does not protect the target from harm or stop the perpetrator's behaviors. While bullying as defined is not a mutual, reciprocal process, some authors (Aquino, 2000; Aquino & Lamertz, 2004; Einarsen, 1999; Zapf, 1999; Zapf & Gross, 2001) have argued that the targets or victims can be contributors to the bullying experience.

In a review of the conflict literature, reciprocity encompasses a notion of mutual impact in which both parties are affected, often negatively (Keashly & Nowell, 2011). Thus, the conflict literature offers the study of workplace bullying a fuller consideration of the contributory activities of, and effects on, both actors and targets, particularly in the development of escalated conflicts (Raver & Barling, 2008). It may also be beneficial to consider the type of conflict issue and relative status of the parties, which are two other prominent elements of the conflict condition (Keashly & Nowell, 2011). Cognitive disputes in the workplace arise over ideas and tasks and can be highly fruitful if handled appropriately using problem solving techniques with a high degree of respect given to all parties (Jehn, 1997). Affective issues on the other hand, involve matters that threaten one's identity and value system, and are often characterized by intense negativity, friction, frustration, personality clashes, non-negotiables, and win-lose interactions (Keashly & Nowell, 2011). Although problem-solving strategies were effective in the productive management of cognitive conflicts, there were ineffective and even harmful in managing affective conflicts (Keashly & Nowell, 2011).

Reliance on aggregate measures of hostility does not allow for the differentiation between hostile behaviors on the part of different actors or multiple behaviors on the part of a single actor. Research using behavioral checklists does not specifically focus on aggressive behaviors from particular actors (Brotheridge & Lee, 2006; Cortina et al., 2001; Keashly et al., 1997), which makes it difficult to operationalize facets of pattern and escalation – which are core components

of workplace bullying. Keashly and Jagatic (2011) suggest that it is not unreasonable to suppose that a variety of behaviors coming from one actor may be experienced differently than behaviors coming from a variety of actors.

Simply measuring frequency without relating it to a specific actor or actors is measuring something much different; namely, hostile workplace climate rather than workplace bullying. Given that workplace bullying is cast as a severe form of workplace aggression and abuse, it is important that research empirically assess severity and its link to both actors' and targets' interpretations and experiences of these hostile relationships (Lamertz & Aquino, 2004; Keashly & Neuman, 2002; Keashly & Jagatic, 2011; Meglich-Sespico, 2006).

It is proposed that more qualitative methods such as interviews focused on the specific details of incidents and relationships are more appropriate than the broader survey methodology (Glomb, 2002; Keashly, 1998; Keashly & Jagatic, 2011; Lutgen-Sandvik, 2006) in determining the presence and depth of workplace bullying. For example, Glomb's (2002) work of probing interviews allowed the researcher to identify a progression of hostility that would have otherwise went unidentified had the study relied solely on aggregate measures of hostile workplace behaviors. While most of the North American literature on workplace bullying to this point has focused on the targets of bullying behavior, little attention has been paid to the actor's perspective and interpretations. This lack of attention appears to be an issue in the European literature as well (Einarsen et al., 2003).

Rayner (1999) found that open discussion and information sharing with the bully increased the likelihood of the bully taking retaliatory action against the target. In addition, Keashly and Nowell (2011) claim that problem solving by the target will not be successful in managing bullying. Research looking at bullying and harassing behaviors notes that few targets

directly confront the aggressor, often for fear of physical confrontation and/or retaliation (Cortina & Magley, 2003; Hoel et al., 1999; Keashly & Jagatic, 2011; Rayner & Cooper, 2006). Direct confrontation by the target seems to depend on the degree of leverage the target has vis-à-vis the perpetrator, along with the target's desire to remain with the organization.

Cortina and Magley (2003) found that giving "voice" to one's mistreatment placed the individual at risk for both work and social retaliation. Considering the past research, it would be enlightening to see how the more modern protest activities such as the #MeToo movement has directly affected bullying rates in the United States, and perhaps just as important, moved the needle on conversations of bullying in the workplace. Dambreville (2018) suggests that the momentum and energy of the #MeToo movement has brought heightened awareness to the systemic issues of workplace harassment that have in the past have gone unreported.

Although problem solving has long been heralded as the right way to manage conflicts, the literature (Keashly & Nowell, 2011) suggests that such an approach on an unequal playing field is not necessarily the most effective nor the most appropriate strategy, and it may make things worse. Considering a viewpoint that attempts to identify the development of workplace bullying and the actual roles of its participants provides a springboard for future studies seeking to understand how bullying evolves, which has gone largely unexplored in the North American and European literature.

Norms.

Notwithstanding potential measurement difficulties, Patten (2018) asserts that there is ample evidence from the field of occupational sociology to establish workplace bullying as a real and present social issue. Present-day social factors in the United States such as race relations, the changing of cultural norms and values, the influence of political parties, and the overall

political and economic climate should all be taken into consideration as potential influencing factors of violence in the workplace. According to Downey et al. (2019), the opportunity for bullying at all levels is also enhanced by the anonymity of social media. It is relatively easy for individuals to hide behind comments anonymously using virtual private networks. However, anonymous cyberbullying increases the chances of making even larger groups potential targets since the true identity of the bully remains a mystery. Downey et al. (2019) call attention to the numbers that show a large proportion of workplace violence is carried out by employees who were bullied or hazed in their support for formal antibullying policies. The prevalence of workplace bullying using even the most conservative estimates, the adverse impact bullying has on all who are involved, and the special nature of the workplace being an enclosed arena where many are trapped by economic and/or social pressures are all factors that Patten (2018) identifies as having created a degree of moral urgency.

Cultural norms that typically counteract aggressive behavior either do not apply or apply weakly in the case of workplace bullying (Neuman & Baron, 2011; Opotow, 2006). Norms vary widely among cultures, thus making it difficult to expect all employees to have fixed understandings of American customs and norms as they relate to the workplace. Given the diverse nature of most workplaces, miscommunication often arises as to what behaviors are acceptable in the workplace (Harvey et al., 2007; Heames and Harvey, 2006).

While most bullying takes the form of psychological rather than physical (Einarsen & Raknes, 1997; Zapf, 1999), there may be cultural differences in the Latin American and Southern European cultures which tend to place an emphasis on male dominance and machismo. As a result, a broader sense of what is acceptable cannot automatically be assumed nor universally defined – thus providing an opportunity for bullying to occur unchecked unless expressly

prohibited. Hence, there is even greater importance to explicitly lock down such an important company regulation within official corporate policy.

One area that is untapped in the research is the notion of variability of tolerance of behavior within the organization (Rayner & McIvor, 2008). For example, does an organization extend the same level of resources for and expect the same levels of compliance from its factory workers as it does its office workers? The few studies that have investigated bulling along hierarchical levels have found the same reported incidence at all levels (Hoel, Farragher, & Cooper), which coupled with anecdotal evidence from Raynor and McIvor (2008) and evidence from the academic literature on fairness and justice would suggest that policy equity across all levels and positions is advisable.

Community.

Sjotveit (1992,1994) was concerned with examining workplace bullying from the communal perspective as well as the industrial relations perspective, invoking Marxist traditions in his study of the importance of communal relations in the tearing down (or, bullying) of workers. Based on the idea of workers' collectivism as identified in his communal studies, Sjotveit (1992, 1994) argued that observer intervention at an early stage is the critical piece of prevention, seeing this in terms of whether observers were motivated to challenge the perpetrator out of a sense of workers' solidarity with their victimized challenger.

Dobson's (2000) research expresses similar concerns as Sjotveit's (1992, 1994) earlier work. In his study, Dobson (2000) concurs with Sjotveit, saying:

> Bullying has an effect on not only those who are its victims, but also strikes out at our sense of community. If the community is unable to protect the individual, the individual will be reluctant to take an interest in the community. (p. 7)

In line with the servant leadership model, Gardner (2018) champions the position that people who have strong social connections with their coworkers are more likely to be resilient, more productive and less likely to suffer stress-related illness.

Economic Impact of Workplace Bullying

Workplace bullying is not only a personal health issue for the target, it can have severe negative economic consequences for the organization that transcends the physical and moral implications. For example, researchers have concluded that productivity is likely to decrease under prevalent conditions of workplace bullying (Cobb, 2017; Dayton, 2014; Einarsen, et. al. 2011; Namie & Namie, 2011; Tehrani, 2012). Instead of focusing on work, Reardon (2018) reports that those who experience uncivil behavior in the workplace are far less motivated and are themselves worried about future incidents. Job satisfaction suffers, and companies are likely to drive away their best employees when they continue to harbor bullies. In fact, studies show that witnesses to workplace bullying are more likely to leave a company than the actual victims of the continued abuse (Dayton, 2014; Namie & Namie, 2011). Although there are no current laws forbidding bullying per se in the United States, even the most frivolous lawsuits must be acknowledged and answered, costing organizations millions of dollars annually in insurance and legal fees. In sum, Dayton (2014, p. 47) argues that "workplace bullies drive off the best people; damage institutional reputations and productivity; and can cost institutions enormous amounts of money, big losses with no institutional benefits."

Not only do employers have a moral obligation to ensure worker protection, there are other costs to consider when addressing the problem of workplace bullying. Reduced productivity, intervention costs, high costs associated with turnover (recruiting, staffing, training, etc.), increased sick leave, potential worker's compensation and disability claims due to health-related

issues, and legal liability are among the ancillary costs of workplace bullying (Gardner, 2018; Hoel & Einarsen, 2009). Reardon (2018) notes that some companies estimate that negative employee behavior costs millions of dollars in lost productivity.

While employers may initially view the legal constraints of yet another policy, an undue financial and personnel hardship, it can be argued that a formal antibullying policy is likely to save an organization money in the long run while making the workplace safer. It follows that organizations should be motivated to stop bullying in the workplace, if for no other reason because of the monetary implications. An in-depth study of the true fiscal cost of bullying could open the eyes of corporate leaders in a way that mere words may not. A cross-disciplinary study with financial/economic researchers would add a much-needed financial component to the existing literature on the effects of workplace bullying.

Necessity for Federal/State Laws

Regardless of organizational structure, for an anti-bullying policy to succeed, there must be unwavering, *intentional* support through formal policies modeled by the very top members of the organization. "Without formal complaints of policy violations, the organization can operate as if the bullying never happens. Policies are typically crafted to comply with legislative mandates. Without laws, bullying policies in the workplace are not required" (Namie & Namie, 2011, p. 35). The problem is – most employers won't take the time to develop additional policies if they are not mandated by a federal and/or state legislative body. As of 2019, workplace bullying policies are strictly voluntary in the United States.

With cooperation at the state and federal level, a rudimentary policy to eradicate workplace bullying would follow the pathway described in Figure 2.1:
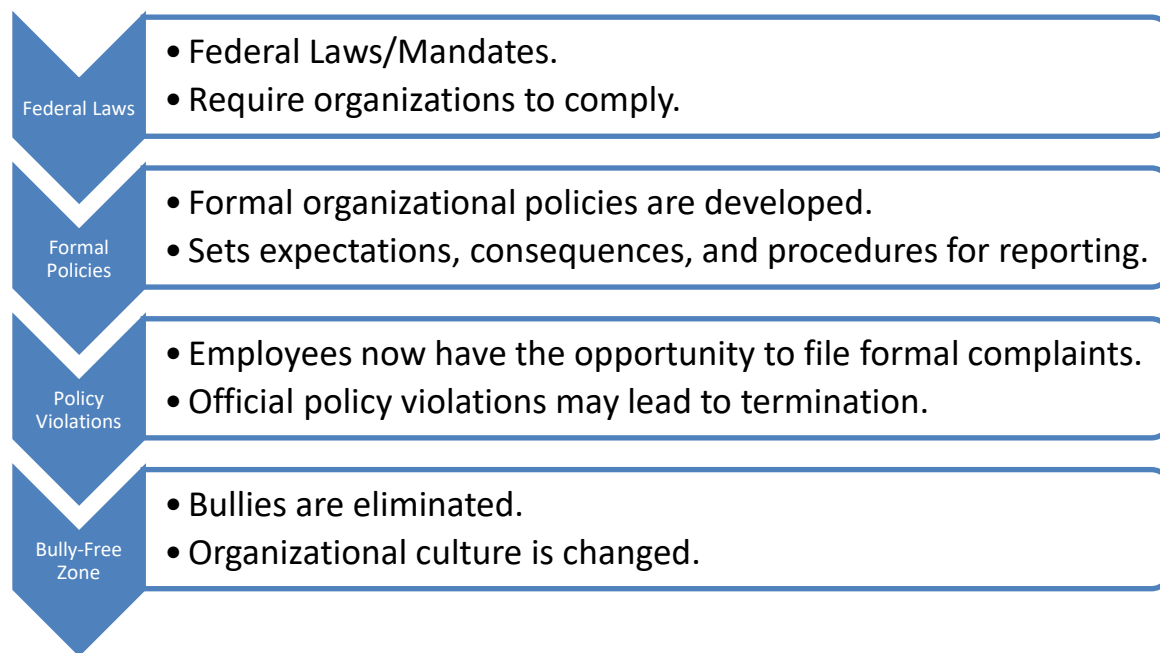
Figure 2.1. Pathway to Workplace Bullying Eradication (With Federal and State Mandates).

Without cooperation at the state and federal laws, United States corporations are doomed

to be stuck in the cycle depicted in Figure 2.2:
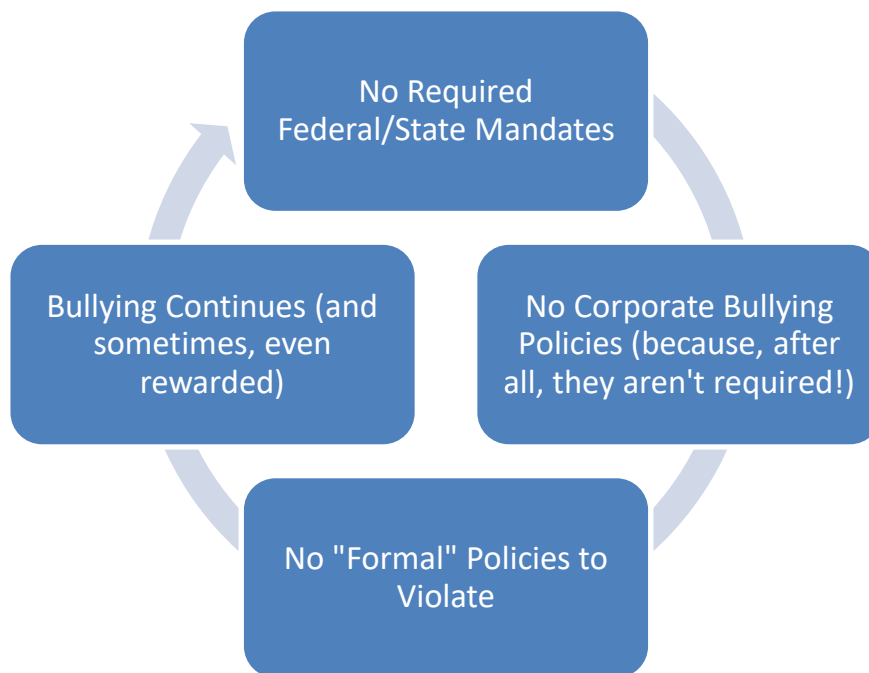
Figure 2.2. Current Cycle of Workplace Bullying (Without Federal and State Mandates).

Many laws are now on the books across the world that address discrimination and harassment (particularly, sexual harassment), but very few directly related to bullying in the workplace. It is worth noting that other Western civilized countries and other areas around the world are light years ahead of the United States when it comes to formal policies on workplace bullying. Based on a study of prevailing laws across the world (Cobb, 2017), it seems as if United States employers tend to tolerate incivility and/or disrespect more so than other civilized cultures.

Interventions

Institutional strategies.

Dayton (2014) has built a strong foundation of potential remedies for establishments that wish to formulate procedures for dealing with workplace bullying at the organizational level, including a solid resolution process for which I intend to expound and expand as a model policy. Among the institutional strategies that Dayton (2014) cites as most important are prevention-mitigation strategies. Bullies feed on power, and appeasing a bully is akin to feeding the bully (Dayton, 2014; Namie & Namie, 2011). Bullies are smart – they stay just on the legal side of criminality. Researchers agree that what ultimately stops bullies' aggression is organizational aggression – aggressive hiring standards, aggressive formal policies against workplace bullying, and aggressive action to rid the organization of bullies when policies are broken (Cobb, 2017; Dayton, 2014; Einarsen, et. al. 2011; Namie & Namie, 2011; Rayner, Hoel, and Cooper, 2002; Tehrani, 2012). Namie & Namie (2011) advocate that it takes leaders of organizations to change corporate practices, and that the leaders must model the commitment downward to all team members. Eradicating workplace bullying starts and ends at the top.

In the United States, the history of labor and employment law is built upon the inequitable master-servant relationship and is the foundation for an employer-employee power imbalance (Namie et al., 2011). Up to this point in our nation's history, Namie et al. (2011) highlight the point that the legislative campaign has found weaker purchase with lawmakers reluctant to expand prohibitions beyond the civil rights laws. The justification of worker subordination seems to be alive and well. "The idea that workers are untrustworthy, lazy, and lack initiative shores up organizations' use of terror tactics to drive human resources (Lutgen-Sandvik & McDermott, 2008, p. 320). On an encouraging note, however, there is current legislation pending in 30 states and 2 territories under the Healthy Workplace Bill (HWB) that may serve to enhance legal support for workers who fall victim to workplace bullying.

Namie et al. (2011) assert that the United States' capitalistic market system is built on the premises of profit and productivity, which fosters the use of groups like business lobbies to promote economic advantage. In the capitalistic economic system, worker treatment is often a secondary consideration and given attention only when it affects productivity and the bottom line. Organizations must also be willing to consider the monetary costs of workplace bullying as an economic driver.

The traditional model of the capitalistic business places high reverence for hierarchy, which is true for all stakeholder groups. In the model policy of workplace bullying proposed in this study from a servant-leadership perspective, it is required that organizations view the policy as an inverted triangle, with the basic needs of the greater population of workers at the top of the triangle affording the most importance and care, with leadership residing in the bottom areas as the quasi-servants. In this model, the workplace bullying policy becomes the driving force and foundation of the employer-employee relationship.

Vartia and Leka (2011) describe the intervention process over the course of three stages. Interventions at the primary stage are proactive in nature and aim to prevent harmful results by reducing overall risk. At the secondary stage of intervention, the aim is to reverse, reduce, or slow the progression of the situation, to stop the event from recurring, and/or to increase the availability of resources to help individuals (and organizations) cope with the situation. The tertiary stage is rehabilitative in nature. By this point, damage has been inflicted, and the goal is to reduce the negative impacts caused by the different occupational hazards and restoring the health and well-being of employees, as well as restoring a safe and healthy workplace.

Interventions can also be thought of in terms of how different levels of the organization respond. Vartia and Leka (2011) provide recommended intervention responses for those at the organizational level, the job level, and the individual level. At the organizational or employer level, the goal is to influence the attitude towards bullying and inappropriate behavior, to develop and foster an organizational culture where there is no room for bullying, and to introduce policies and procedures for prevention and intervention. In most cases, organizational interventions take place at the primary and secondary levels, creating activities, interventions, and policies designed to prevent and reduce the occurrence of bullying by increasing the overall awareness, recognition, and knowledge about the issue, and by reducing the potential risks of bullying (Vartia & Leka, 2011). Preventative strategies may also focus on organizational culture and management practices, with the aim of equipping management, supervisors, and other effected actors to investigate complaints and resolve basic conflicts and bullying in the workplace. Job-level strategies include influencing the work-environment, the job descriptions, the work organization, and the functioning of the work unit. Individuals can affect intervention responses

by influencing job perceptions, attitudes, behaviors, or the individual's health and/or ability to do the job. Organizational and workplace-level activities should be focused on *all* employees.

Contingency approach.

The most common tactic to address conflict intervention is the contingency approach, in which the basic premise is that different management or intervention strategies are appropriate and effective at different points in time (Fisher & Keashly, 1990; Glasl, 1982; Prein, 1984; Fisher, 1990). Fisher and Keashly (1990) propose that effective efforts at de-escalation recognize the need to move the conflict stage-by-stage rather than attempting to move directly from violence to rational discussion.

Intervention programs are most effective and mutually enforcing when they include both individual-directed and organizational-directed strategies across primary, secondary, and tertiary levels (LaMontagne et al., 2007). Many conflict researchers have focused on ways to alter the conflict situation in order to deescalate to some more manageable and less damaging level (Keashly & Nowell, 2011). Whenever possible, informal resolution is a preferred method of conflict resolution. In some cases, informal resolution of a situation may provide a more satisfactory result than proceeding directly to a hearing or litigation (University of Massachusetts Amherst, 2017).

A contingency approach to conflict resolution highlights the critical role that other people outside the principals can play in helping resolve the conflict (Keashly & Nowell, 2011). The contingency method not only looks at the current status, but also emphasizes the need to thoroughly explore the history of the bullying situation as well (Keashly & Nowell, 2011). Recall that in order to be deemed workplace bullying, history matters. Hoel et al. (1999) explain that the reason many interventions and management strategies fail is because the strategies were

inappropriate for the circumstances. The contingency perspective highlights the need to view dealing with bullying as a comprehensive and coordinated effort of a number of different activities involving several players (Olson-Buchanan & Boswell, 2008; Opotow, 2006).

The contingency approach is not without its criticisms. The power imbalance and inability to defend that characterize severe bullying relationships is why Keashly and Nowell (2011) suggest that mediation may not only be inappropriate but may be harmful. Additionally, Keashly and Nowell (2011) claim that mediation's focus on present and future relationships does not address or punish past behaviors and does little to address the target's concerns for justice and recognition of the harm done. There is also concern that the necessity of adhering to a private, confidential process in mediation keeps wrongdoings outside of public scrutiny, which can be among the greatest deterrents of unlawful behaviors.

Whereas Hoel et al. (1999) suggest that mediation could help identify bullying patterns in an organization, Keashly and Nowell (2011) disagree, believing that it may work to obscure facts and case dispositions if used only in case-by-case processing. Since witnesses receive little or no information regarding the dispensation of judgment or penalty, Keashly and Nowell (2011) claim that there may well be a reduction in the likelihood of reporting subsequent bullying situations. Thus, an important source of information to enable an organization to take corrective action against abusers may be stifled, and employee trust in the organization reduced (Keashly & Nowell, 2011).

The conflict literature argues that flatter organizational structures where power is more widely shared seem to offer more protection against, and less support for bullying than rigid, hierarchal structures where power is narrowly channeled (Keashly & Nowell, 2011). Kolb et al. (1992) add that hierarchal structures with large power disparities tend to result in more hidden

forms of conflict that manifest themselves in more covert and potentially counterproductive ways. Since bullying is initially characterized as consisting of highly covert and indirect behaviors, these findings from the conflict literature are supportive of the value of pursuing the connection between organizational structure and bullying and considering the implications for managing bullying situations (Aquino & Thau, 2009).

Again, it must be remembered that many researchers from the conflict perspective identify some cases of conflict as a positive experience given a proper outlet for discussion. When effectively stimulated and managed, conflict can result in improved relationships, greater creativity and innovation, and enhanced task performance (Keashly & Nowell, 2011). However, to suggest that bullying is "just a conflict" without attaching the proper qualifiers runs the risk of normalizing this form of relationship and potentially providing justification that it makes people and organizations function better (Ferris et al., 2007). Such thinking, according to Keashly and Nowell (2011), may validate the extent and seriousness of bullying, and minimize the perceived need to take action or the need to cease such treatment.

Policy-level interventions.

Policies are generally thought of as a preventative measure, forcing employers to set standards for managing cases firmly and ethically (Vartia & Leka, 2011). The Framework Agreement on Harassment and Violence at Work, signed in 2007 by the European Trade Union, business, and economic groups throughout Europe, provides a solid, action-oriented framework to help organizations identify, manage, and prevent problems of harassment and violence at work. The 2007 European Framework Agreement has raised public awareness of the issue of workplace bullying (ETUC/BUSINESSEUROPE-UEAPME/CEEP, 2009). Although a number of initiatives in the form of legislation and policies have been implemented as a result of studies

such as the European Framework Agreement, Leka et al. (2008) caution that analysis and overall evaluation of the resulting policies is relatively rare.

As of early 2019, there are no current laws in the United States that strictly forbid workplace bullying. While individuals have protections under Title VII of the U.S. law, these protections are specific in nature, and do not apply to all individuals. In terms of a legal perspective, individuals who want to take a bullying case forward must seek recourse through other legal avenues such as antidiscrimination laws through the Equal Employment Opportunity Commission (EEOC), health and safety laws, whistleblowing legislation, or even constructive dismissal routes (Lewis, Giga, & Hoel, 2011). The "mutual respect" provision in the Commonwealth of Massachusetts' collective bargaining labor contract as identified by Yamada (2009) is believed to be the closest thing to an organized agreement that includes express protections against bullying at work.

The lack of a formal bullying policy at the governmental level makes it hard for victims to pursue redress for bullying actions in the workplace. This suggests that workers from protected or minority groups may have more avenues available to pursue bullying claims through antidiscrimination legislation, whereas employees who are not in these specific classes may have limited (or no) options (Porteous, 2002). Civil litigation tied to Title VII law is the most common avenue of redress for employees who experience workplace bullying in the United States. Payne (2018) identifies several possible contexts in which workplace bullying can be brought to legal action, including the following:

- A civil suit by the bullied employee victim against the coemployee bully for damages inflicted on the bullied victim;

- A civil action by the bullied employee victim against the employer for failing to take steps to protect the victim from the coemployee bully;

- A civil action by the bullied employee for unlawful retaliation against the employer where the employee has suffered an adverse employment action after reporting workplace bullying;

- A civil action by the bully against the employer for wrongful termination or other adverse employment action alleging that the bullying involved did not rise to such a level as to justify the action taken;

- A civil action by the bully against the employer for wrongful termination or other adverse employment action, where the bully alleges membership in a protected class and the employer asserts that the bullying activity constituted an independent justification for the termination;

- Constructive discharge claims by either the bully or the bullied victims.

- A cause of action by the employer against the bullying employee (or even the bullied employees if the reports are later deemed unfounded) for damage to the company's reputation. (p. 7)

Although bullying and discrimination are two similar yet somewhat distinct phenomena, Lewis et al. (2011) contend that making explicit interconnections between the two concepts can provide mutual synergies.

Lewis et al. (2011) recommend broadening the involvement of organizational constituents in the policy arena to achieve maximum buy-in and effectiveness. Perhaps the best way to achieve maximum success with a workplace bullying policy is by utilizing human resource professionals along with upper management and drawing in wider participation from

general employees to create a genuine balance, not just one created by those who may have an equity agenda (Lewis et al., 2011). Climate surveys of staff members may help identify what issues are deemed as critical by organizational team members at all levels. Quantitative assessments in the form of staff surveys and qualitative assessments in the form of focus groups are two sources that are easy to administer and interpret, providing results that can help an organization gather information as to what should be included in a formal policy on workplace bullying.

When crafting a policy, the organization must decide whether workplace bullying will be an issue of zero-tolerance. It has been emphasized that developing and implementing a policy is as important as its contents. Written policies on all types of workplace violence typically communicate a no-tolerance stance, requiring managers to act on all instances of reported violations (Richards & Daley, 2003). Harvey et al. (2009) advocate that any demonstration of tolerance of bullying would send a counterproductive message to the establishment of other good practices, and at the very least erode the trust and confidence in the organization. While supporting the zero-tolerance perspective, Lewis et al. (2011) say that consideration should at least be given to the detrimental impact on the complainant if sanctions are indeed draconian in nature. However, one must keep in mind the official definition that is advocated for in the workplace bullying literature assumes that the negative behavior has occurred over time, so it is recommended here that a zero-tolerance policy be used for *proven* cases of workplace bullying.

Advocacy Groups and Activism

       The Workplace Bullying Institute (WBI).

       The WBI is a social activist organization that has a long history of aiding bullied workers, legislative advocacy, and collaboration with academics (Lutgen-Sandvik, Namie, & Namie, 2009; Neuman, 2000; Yamada, 2002, 2008).

       The WBI focuses their advocacy efforts on three constituency groups: persons suffering because of bullying, lawmakers who have the power to mandate worker protections against psychological violence at work, and organizational decision-makers who are responsible for providing safe work environments. According to research conducted by Namie, Namie, and Lutgen-Sandvik (2011), most targets learn initially about workplace bullying on the internet, on television, or from a newspaper article, and thus may be more responsive to peripheral cue complexity.

       The Elaboration Likelihood Model (ELM) developed by Petty and Cacioppo (1986) is a cognitive process model that derives its name from the likelihood that a person thinks deeply (elaborates) about a message when exposed to the message. According to ELM, commercial television is the ultimate forum for persuasive appeals employing peripheral cues (Petty & Cacioppo, 1986). In an example provided by Namie et al. (2011), soap isn't sold by listing ingredients, but rather because of the emotional characteristics such as smell, feel, etc. I would argue that in today's culture, the availability of multiple channels of social media may now be the most effective way to draw attention to a particular cause. In an interesting tactic listed by Namie et al. (2011), the WBI advocates for bullied targets to adopt slogans in order to accommodate the media trends and to make their stories memorable.

The approach of using a slogan in a massive social media push has been very effective in drawing attention and awareness to the sexual abuse of women in the #MeToo public campaign. While a distinction must be made between sexual harassment and workplace bullying, it is worthy of noting that the EEOC has reported a spike in the number of sexual harassment claims filed with the agency, with 68 harassment lawsuits initiated in 2018, some 50% more than were introduced in 2017 (Dambreville, 2018).

The workplace bullying phenomenon most closely resembles domestic violence (Janoff-Bulman, 2002), but for legal purposes, bullying falls under the rubric of employment law, akin to antidiscrimination laws for the workplace (Namie et al., 2011). Existing civil rights laws as enforced by the EEOC compel employers to create policies to prevent future occurrences. Additionally, employers must have procedures in place to correct discrimination once reported, investigated, and confirmed. As Magarick and Brownlee (2018) point out, cases involving workplace bullying often lead to litigation, and employers who fail to identify and recognize bullying may become the subjects of discrimination lawsuits even if the bullied employee voluntarily resigns.

Based on historical evidence, including the before and after enactment and subsequent events of the Civil Rights Act of the 1960s, Namie et al. (2011) believe that the required sequencing of policy is clear. Namie et al. (2011) contend that laws drive internal policies, and compliance with those policies is most likely to occur when there exists a threat of punishment for negligent employers. Credible policy enforcement results in prevention and correction. The ultimate power of any labor law derives from employers' internal preventative actions that protect workers (Namie et al., 2011).

A lawmaker's likely motivation to advance workers' rights is hindered by a countercampaign to protect and enlarge employers' rights by business groups, who outspend labor activists by a 40:1 ratio in election campaign contributions (Namie et al., 2011). Further, Namie et al. (2011) call attention to the fact that due to overwhelming time obligations, legislators have minimal time to study any issue in depth during the relatively short legislative schedules that generally vary from 60 to 180 days per year depending on the state. Lobbyists therefore use face-to-face meeting time to tell emotionally charged individual stories that are geared toward the peripheral cue complexity (Namie, et al., 2011).

For employers, both motivation and ability to address workplace bullying in the United States appear to be lacking. According to data collected by Namie et al. (2011), approximately 44% of employers do nothing, and 18% actually worsen the situation for the targeted employee when bullying is reported.

A Tennessee appellate court decision in 2007 (Frye v. St. Thomas Health Services, 227 S.W. 3rd 595, as cited in Davis, 2008) ruled that "the fact that a supervisor is mean, hard to get along with, overbearing, belligerent, or otherwise hostile and abusive does not violate civil rights statutes." It can be inferred from the Tennessee court decision that anything goes if the conduct is not expressly illegal, hence providing yet another reason that an explicit law prohibiting workplace bullying is needed.

It is Namie et al.'s (2011) belief that since workplace bullying is not yet taboo and does not come with a publicly shamed stigma, it is seen as an acceptable (and even somewhat preferred) operational tactic in the corporate world that goes largely unchecked. For the most part, Namie et al. (2011) claim that American employers exert unchallenged control over most work conditions with only 7.5% of the non-governmental workforce represented by a union.

Namie et al. (2011) advocate for the inclusion of expertise from non-bullied individuals as well as from actual victims, because the specialists can stand to learn even more about the various aspects of the phenomenon and are less likely than bullying victims to be adversely affected from working with, and on behalf of, traumatized individuals.

In what is reported by Namie (2007) as the first survey on workplace bullying in the United States, the WPI employed a Zogby survey that included 20 items intended to detect bullying rates in U.S. workplaces. In the stratified sample (n = 7,740), the survey used the WPI definition of bullying without explicit inclusion of the term bullying, instead replacing the term with a descriptor. Namie (2007) identifies the results of the initial 2007 WBI survey as follows:

- 12.6% of U.S. workers were either currently being bullied or had been bullied within the last year.

- 24.2% of respondents had previously experienced bullying but were not presently being bullied.

- 12.3% of the laborers had witnessed bullying but had never personally experienced the phenomenon.

- 44.9% of those who participated in the survey have never witnessed nor ever experienced bullying in the workplace.

- Only 22 people (out of 7,740) admitted to being a perpetrator of bullying.

- Women chose female targets (71%) more than women targeted males (29%).

- Men targeted men (54%) more than men targeted women (46%).

- Females are the slight majority of all targets (57% to 43%).

In another online survey of 400 bullied workers, Namie (2008) found that 53% of employers did nothing to stop the reported mistreatment, and 71% of employers retaliated

against the person who reported the alleged behavior. According to Namie's (2008) survey, alleged offenders were punished in only 6.2% of the cases.

The WBI again commissioned Zogby Analytics to conduct their 2017 national survey (www.workplacebullying.org/category/science, 2019). The 2017 survey was taken from a stratified sample of 1,008 individuals who were representative of all adult Americans. When the 2017 WBI U.S. Workplace Bullying data were collected, legislation written to address abusive conduct in American workplaces, the HWB had been introduced in 30 states and territories in some form (www.workplacebullying.org/category/science, 2019). The most recent data, compiled from the 2017 WBI survey found the following:

- 77% of Americans support a new law to address abusive conduct at work.

- 19% of Americans claim to have been bullied.

- 19% of Americans have witnessed bullying on the job site.

- 61% of Americans are aware of abusive conduct in the workplace.

- 60.3 million Americans are affected by workplace bullying.

- 70% of all bullying perpetrators are men (65% of their targets are female).

- 30% of all bullying perpetrators are women (67% of their targets are female).

- 66% of all bullying targets are women.

- Hispanics are the most frequently bullied race in the United States (25%), with African-Americans identified as being the second highest group (21%).

- 61% of the bullies are bosses.

- 33% of the bullies are coworkers.

- The majority of perpetrators (63%) operate alone.

- 40% of bullied targets are believed to suffer adverse health effects.

- 29% of targets remain silent about their experiences.

- 71% of employer reactions are harmful to targets.

- 60% of coworker reactions are harmful to targets.

- To stop the bullying, 65% of the targets leave/lose their original jobs.

- 45% report worsening of work relationships, post-Trump election.

Because the numbers in the WBI surveys indicate the majority of bullied workers are Hispanic, it would be interesting to explore data on incident rates of Hispanic-on-Hispanic bullying. As a specific subset of research, it would be interesting to know if rates of bullying among undocumented workers are different than those of legal migrant workers.

In 2001, the WBI expanded to include a new division named The Workplace Bullying Institute – Legislative Campaign (WBI-LC), whose goal is to influence and enact state laws (Namie et al., 2011). According to Namie et al. (2011), the WBI-LC focus is on state law rather than federal law primarily because Congress and presidential administrations have neglected to expand labor rights in the last 30 years. The WBI-LC is a self-described highly organized, specialized lobbying group with a strict code of conduct, including the prohibition of lobbyists to use the lobbying platform to tell their personal stories or to vent to lawmakers (Namie et al., 2011).

The Healthy Workplace Bill (HWB).

Although the United States has yet to enact comprehensive workplace bullying laws, progress has been made in recent years. David Yamada introduced workplace bullying into America's legal lexicon by authoring the HWB in 2000. The HWB as proposed by David Yamada (2000) addresses workplace bullying by prohibiting an abusive work environment. Rather than suggesting mandatory employer action(s), the purpose of Yamada's (2000) proposal

is to convince employers to proactively stop workplace bullying by giving employers multiple opportunities to escape liability for an abusive bully's conduct while tightening the requirements to file a lawsuit.

Legislation based on Yamada's HWB would permit workers to sue for physical, psychological, or economic harm due to the abusive treatment on the job, provided that the abusive treatment was conducted with malice and over a period of time (Cobb, 2017). As the centerpiece of Yamada's HWB, "Workers who show that they were subjected to hostile conduct, including verbal abuse, threats, or work sabotage, could be awarded lost wages, medical expenses, compensations for emotional distress, and punitive damages" (Cobb, 2017, p. 267). Proponents of the HWB advocate that the threat of litigation provides the leverage that convinces employers to take voluntary action (Namie & Namie, 2011, p. xvi). Organizations that proactively choose to comply with HWB standards by investigating accusations promptly and addressing issues in good faith are rewarded with affirmative defenses regarding potential penalties (Cobb, 2017). Several states have used the HWB as a catalyst in introducing anti-bullying laws at the state level.

In addition to documented physical or psychological harm, evidence of malice is required to prove workplace bullying in Yamada's (2000) bill. Again, there is no government intervention or enforcement proposed, and individual plaintiffs must find and pay for private legal counsel (Namie et al., 2011). The tenets of Yamada's (2000) bill include the following public policy objectives aimed at creating a safe work environment that is free from bullying behaviors.

The most important goal of the HWB according to Yamada (2011) is prevention of bullying behaviors in the workplace. At this stage, organizations must develop explicit policies,

educate and train employees on the policies, and affect the workplace culture. Next, Yamada (2011) declares that it is imperative that organizations provide a means of relief to targets, including monetary damages, mental health counseling, and reinstatement to original position. Yamada (2011) stresses the importance of prompt, internal resolutions of all bullying disputes, which includes fairness to all parties and strong protections against retaliation. Finally, Yamada (2011) asserts that bullies and the employers who enable their behaviors should be held accountable for their actions (or non-actions).

HWB opponents include major corporations, industry trade associations, and commerce associations whose businesses stand to be negatively affected monetarily by cases of workplace bullying (Namie et al., 2011). Challengers to workplace bullying laws contend among other things that businesses should not be regulated, employers can control workplace issues voluntarily, frivolous lawsuits already cost organizations, current laws provide sufficient protections, and workplace bullying is too subjective and hard to define (Namie et al., 2011). According to Namie et al. (2011), employers are generally reluctant to allow practitioners to asses workplace bullying in their places of business, for they assume that the findings will become public and perceived as pejorative.

After two years of lobbying efforts, California became the first state to introduce the HWB in 2003. Use of the 2007 WBI-Zogby survey showing that 13% of workers were currently bullied, with an additional 24% having been bullied at some time in their careers (Namie, 2007) marked a change in lawmakers' reactions to workplace bullying. By 2009, 17 states through 200 state legislators had introduced 55 bills representing some variation of the HWB. In 2010, the WBI-LC (Namie et al., 2011) proposed a version of the HWB for consideration by Federal lawmakers. Under provisions of the bill, the law would not supersede the autonomy of states,

but would provide protection for federal government employees who are not eligible for state law protections (Namie et al., 2011). As of 2019, 30 states and 2 territories have introduced the HWB or some variation as a proposal of law; however, no state has passed any bill into law that specifically addresses workplace bullying. Because there are no state or federal laws on the books to specifically and satisfactorily address workplace bullying in the United States, workplace bullying is, in the strictest sense, nearly always legal.

Namie et al. (2011) hold that credible survey results and the resulting data are essential tools for communicating with public policy makers. Tennessee was the 26th state to introduce a version of the HWB, and the first to pass a version of the bill. The Tennessee Healthy Workplace Act of June 2014 grants legal protection to state agencies that adopt the state's model policy (or create their own) to combat abusive behavior (Cobb, 2017). In September of 2014, Governor Jerry Brown of California signed Assembly Bill No. 2053, which requires employers of 50+ to engage in biannual supervisor training and education on workplace bullying, including the prevention of abusive conduct (Cobb, 2017). Similar in nature to California's law, Utah passed HB 216 effective July 1, 2015 (Cobb, 2017) which requires state agencies to offer biannual training for supervisors and employees on how to identify and prevent abusive conduct. On a somewhat related note, the Sioux City, Iowa, public school district implemented the first comprehensive antibullying system (for teachers and school staff) in the United States in 2009 (Namie et al., 2011).

Corporate Policies

At the micro level, a survey of South Metro Human Resources Association members in metro Atlanta, Georgia found great discrepancies on how major corporations deal with the subject of workplace bullying. On one end of the spectrum, The Oldcastle BuildingEnvelope

Employee Handbook outlines a specific, detailed anti-bullying policy, including consequences for violators and protections for reporters. Some organizations such as Beck Facility Services currently wrap workplace bullying in with an overall, general policy on workplace violence and/or anti-discriminatory laws. As unfathomable as it seems, some major corporations such as Yamaha still do not have any policies at all that acknowledge workplace bullying. At minimum, organizations are advised to publicly state anti-discriminatory, anti-harassment, and anti-bullying stances in corporate documents including employee handbooks and policy manuals to comply with EEOC laws and mandates.

The Call to Formal Policy

Regardless of geographical location or the form of organizational structure, the best way to stop a bully is through formal policies and procedures that specifically address the problem of workplace bullying. In a formal written policy, bullying terms must be defined, specific policies detailed, consequences for breaking the policy outlined, and procedures for reporting and redress summarized. Company leaders must be part of the policy development process, and employees need to see that the company leaders are modeling the policies as written. Yes, peoples' personality and upbringing may factor in. Yes, victims can fight back. But organizations (and its leaders) are the primary culprits, and even more important, the primary sources of intervention for creating bully-free workplaces. A limited number of commentators suggest that employers refrain from imposing specific workplace bullying policies because the implementation of such policies may open the employer up to additional liabilities (Payne, 2018). However, the lack of formal policy on an action that could be considered a criminal offense does not supersede an employer's responsibility. Considering the servant leadership model proposed here, a separate, formal policy on workplace bullying is strongly advocated.

Namie & Namie (2011) hold that there is quite a difference between focusing on "bullies" and focusing on "bullying." Creating an effective policy should not be treated as a witch hunt, but a new way to identify that whoever violates a new, clear set of standards is a policy violator, and subject to the prescribed consequences (Arnow-Richman, 2018; Namie & Namie, 2011). As Amendola astutely states:

> Educating and empowering the community about workplace bullying and its effects is the slow but steady way of instilling values of respect for personal dignity in the workplace. These efforts are strengthened by employers willing to adjust their policies and offer special training. (2018, p. 104)

Hoel and Einarsen (2009) recommend that in order to be effective, bullying laws must impose sanctions on employers that negligently or intentionally subject their employees to mistreatment. With workplace harassment under such close scrutiny and the very real possibility of public backlash and financial implications (from boycotts and/or lawsuits) in the age of the #MeToo movement, it is imperative that employers and their counsel understand the nuances of federal, state, and local anti-harassment laws that make it incumbent upon organizations to provide a workplace free of bullying. Yamada (2011) advocates for the statutory tort approach in contrast to the workplace safety regulatory approach, contending that the model provides positive and negative incentives for employers to engage in preventative measures, and to respond fairly and promptly to reports of bullying in the workplace. Effective training and prevention are also urged by Hoel and Einarsen (2009) to complement legal intervention.

Numerous anti-bully proponents believe that companies waste time going after the person (the bully) when they should be focused on the bigger picture of changing the organizational culture through policy development and enforcement (Cobb, 2017; Dayton, 2014; Namie &

Namie, 2011). While a legal remedy against bullying is unlikely to eradicate the phenomenon,

Patten (2018) maintains that legal action may be a part of a process which helps to change a

culture while, at the same time providing relief for individual victims who are deserving of

protection. The belief is you don't attack the bully – you change the accepted culture. It is not

the organization's job to change the individual, but to make sure that the organization is free

from all actions that create working distractions. It takes leaders of organizations to change

corporate practices and culture through policies and effective modeling.

As a secondary, perhaps unintended benefit, Payne (2018) postulates that the resulting

corporate policies can arguably be said to create a standard duty of care owed by employees to

each other, by which bullying conduct can be measured and used in a breach of contract or

negligent supervision action. The servant leadership model promotes employee accountability to

one another across all levels, and intentional actions such as formal policy development that

encourages transparency contributes to a positive work culture.

The Process of Policy Setting

Rayner and Lewis (2011) make an excellent observation by saying it is a mistake to think

that a formal policy is only used in situations of formal complaint. All policies outline formal

procedures, but an effective policy has far wider purpose and includes for example, guiding

statements about how the organization intends to prevent bullying, and the explicit steps of

enforcement should the policy be violated. In this vein, Richards and Daley (2003) endorse two

direct roles of an effective policy, (1) as a statement of *intent*, and (2) as a document to *guide* all

stakeholders through the formal and informal processes connected to bullying prevention and

intervention. Brann and Isaacson (2018) recommend that the antibullying policy be similar in

scope to other workplace harassment policies, including definitions, explanations, reporting

procedures, consequences for violations, and antiretaliation provisions.

Ownership.

The first step in the process of setting a policy for workplace bullying is settling the issue

of ownership. It must be decided where the policy belongs in the organization, and who (which

department) owns the administration of the policy. Although a health and safety approach may

draw on excellence in helping the targets of bullying, the practices needed to prevent or

minimize bullying lie in line management, training, and the disciplinary and/or investigative

routes that are normally the jurisdiction of personnel or human resource departments (Richards

& Daley, 2003). Factoring in the integration into other organizational policies as well as staying

up-to-date on new legislation concerning equality and human rights means that policies on

bullying are most usually situated in the human resource department (Rayner & Lewis, 2011).

Salin (2008) demonstrated that success with antibullying policies is often attributable to young

and enthusiastic human resources managers keen to drive new initiatives.

Because the human resources department is most clearly associated with enacting and

enforcing policy, it is logical to understand why workplace bullying policy would be thought of

as a function of the human resources department. Bullying is typically seen as a human

resources (HR) department matter because HR receives the majority of complaints (Namie,

2007). However, Namie et al. (2011) point out that while HR may have the expertise to handle

labor issues, they often lack the credibility with executives to autonomously effect organizational

changes. As a result, Einarsen, Raknes, and Matthiesen (1994) perceive bullying to be more of a

function of executive leadership. Somewhat contradictory to both positions, Rayner and Lewis

(2011) point out that buy-in and commitment from all players at *all* levels is needed to gain

compliance with what is stated in policy. Any policy on workplace bullying must be crafted

from a viewpoint that realizes bullying as an "our" problem, sharing communication and

responsibility throughout the organization (Rayner & Lewis, 2011).

While a workplace bullying policy may naturally be owned and enforced by the

personnel or human resources department, Rayner and Lewis (2011) suggest that the design

process needs to include those team members who will be responsible for delivering the various

aspects of the policy (i.e. trainers, supervisors, and front-line managers). In consideration of

Rayner and Lewis' (2011) recommendation, it is proposed here that the policy include input

from ownership, upper management (including financial officers who will need to monitor

costs), human resources, personnel, legal and compliance departments, front-line management,

health and safety coordinators, organizational counseling services, general employees, and trade

unions/worker representatives. Advice and guidance from external agencies and professional

bodies such as the Society for Human Resource Management (SHRM) can help ensure legal

compliance and equitability and is also highly recommended. Support from the Chief Executive

or senior management team is needed to validate the exercise. Policies that are not completely

supported by the company's board and executive team are doomed to fail (Rayner & Lewis,

2011).

Written Policy.

An organization's policy on workplace bullying should be in written form and should be

provided to all employees at hire. In the written policy, the organization should clearly define

bullying, expressly stating that violations of the policy will not be tolerated. Numerous, specific

examples of the type of behavior that can constitute workplace bullying should be cited (Brann

& Isaacson, 2018). It must not be assumed that everyone automatically knows what behaviors

are categorized as bullying in the workplace, especially as identified in the organization's specific policy. Payne (2018) defends the importance of formal policy, declaring:

> A distinct advantage of workplace bullying policies is that they may define bullying conduct so that it is not limited to harassment of another worker for reasons related to that worker's membership in a protected category such as race, religion, gender, or other protected status. As a result of such a wide definition, the employer can take action against the employee who is doing the bullying, and the policy may establish a duty of care owed by the bully to the employee which may form the basis of a tort claim by the injured employee directly against the bullying employee. (p. 10)

In addition to providing written communication of the policy in the hiring process, it is recommended that additional training be included at hire in the form of a webinar orientation and/or visual supplement. Refresher training on all the organization's anti-harassment policies are encouraged to be provided to members at all levels on an annual basis. Internal corporate initiatives such as monthly update sessions, staff development, and general organization-branded literature are great tools to use for ongoing training.

Reporting.

In order to build an antibullying culture, Brann and Isaacson (2018) insist that the workplace bullying policy be enforced fairly and consistently. Downey et al. (2019) uphold the immediate reporting of any perceived bullying incident, conducting a thorough investigation when bullying is reported, providing training for managers on bullying behavior and how to enforce the policy, and taking steps to ensure that retaliation doesn't occur as the tenets of a fair and consistent policy. Consistently applied and enforced policies build organizational norms and

culture, creating an environment where employees have explicit knowledge of what behaviors are expected and prioritized.

Enforcement.

Employees may be reluctant to speak up and speak out on workplace bullying if the history of an organization is steeped in lack of attention and action on the issue. Recommended steps to ensure proper enforcement of the workplace bullying code include encouraging immediate reporting of bullying behavior as defined in the proper policy by all team members at all levels, conducting a thorough investigation as soon as the bullying is reported (just as one would treat a sexual harassment claim), providing training for managers on bullying behavior and how to enforce the policy, and ensuring retaliation doesn't occur (Brann & Isaacson, 2018).

Namie et al. (2011) prescribe a dispositional-systemic hybrid approach to addressing workplace bullying. In Namie et al.'s (2011) model, the first step is to facilitate the collaborative creation of a policy and operational procedures for the problem. When a person's offense has been confirmed as a policy violation, Namie et al. (2011) recommend a personalized intervention program for that individual. Informal resolution through agreement, consultation, or facilitation can assist to create a more sustainable change in behavior or the work environment; in general, people are more likely to abide by a resolution they agree to as opposed to one imposed by an authority (University of Massachusetts Amherst, 2017).

Ferris (2004) advocates a similar approach, contending that helpful, responsive organizations provide coaching for the bully, counseling for the targets, and policies that clearly define inacceptable conduct. Illustrating examples of bullying behavior within the formal

workplace bullying policy is imperative. Examples recommended by Downey et al. (2019, Letter 7) include:

- Threatening or intentionally intimidating someone, such as violence and blackmail;

- Shouting or raising your voice in public or in private;

- Not allowing someone to speak or express himself (e.g., ignoring or interrupting);

- Hurling personal insults, using obscene gestures and using offensive nicknames; and

- Publicly humiliating someone in any way (e.g., spreading rumors or hazing).

While policy awareness is essential, alone it is not enough. On issues that carry such importance as workplace bullying and violence, it is proposed here that all team members should be trained on the policy in order to eliminate any confusion and to ensure compliance. Training not only educates team members on acceptable behaviors and expectations of the workplace, it protects organizations by proving formal documentation should legal questions arise. Dambreville (2018) contends that training is more likely to be effective if it occurs more than once a year, is conducted in person rather than remotely or online, includes engaging activities that encourage active participation, and is conducted/attended by supervisory-level employees as well as front-line team members.

In addition to policy training for all employees, Namie et al. (2011) press for the creation of an internal group of peers who can be trained to be experts in workplace bullying. To identify potential peer candidates, Namie et al. (2011) endorse peers who demonstrate empathetic tendencies and trust as gauged by their coworkers, and who can be trained in skills including problem triage, clarification, coaching, informal resolution strategies, and incident interventions. Namie et al. (2011) claim that it is the peer team that has the greatest chance at success in sustaining the antibullying initiative, better than policy and formal enforcement alone. True

culture change is affected by a credible team. Once again, a caution must be rendered. Bullying

by definition is a process that occurs systematically over time. While rehabilitation is possible in

some cases, the overall costs of offering an intervention program as part of policy can be

damaging to the organization.

According to Rayner and Lewis (2011), there are three basic approaches that an

organization may use to set a new policy on workplace bullying. First, a company may choose

to set a specific, stand-alone policy for bullying. This is most appropriate where local laws

stipulate specific penalties and provide support for bullying in the workplace. Instead of a

separate policy solely to address bullying, some establishments choose an option that combines

the areas of harassment and bullying into a single, inclusive policy. This tact may be more

effective in environments where the existing laws or new legislation in discrimination,

harassment, and equality overlap. The third alternative is to create a positive "Dignity at Work"

policy that seeks to encourage employees to move toward a positive statement and embeds "good

behavior" into the organizational culture. The latter style is popular in European organizations

and seeks to affect a greater life-theme rather than just a singular event.

Sequencing.

If using a participative style to develop the initial workplace bullying policy, Rayner and

Lewis (2011) advocate to bring the group together early and often in an open discussion forum to

flesh out early concerns with the related existing (or non-existent) policies. These early meetings

can also have the positive effect of breeding inclusion, which gives each group a respected voice

at the table. Too often, an organization just changes or tweaks an existing policy to come up

with a new policy. There can be a danger in this scenario if the current policy has been

ineffective or is not respected by some segments of the organization (Skogstad, 2005). Hence, the importance to bringing various groups (and voices) to the initial discussions.

Rayner and Lewis (2011) recommend that all drafts and revisions be taken back to the group before being signed-off and finalized by administration. Organizations must be very careful not to create a policy that is unattainable, that cannot be adhered to, that leaves the company vulnerable to legal challenges, and one that ownership is not willing to fully support 100%. An impracticable and unrealistic policy is sure to fail and will likely cause more damage than good.

Training.

Archer (1999) identified the training process as another powerful source of socialization of bullying behaviors, and an essential component of the policy sequencing process. It is critically important to better educate the workforce (and the public) what bullying is and is not (Lewis et al., 2011). Acas (2007) has found that rather seeking legal advice when dealing with potentially problematic issues such as those pertaining to religion and sexual orientation, managers are often blinded by their own perceptions and biases. Acas' finding suggests that some fundamental reprogramming is necessary to educate managers to think and act in non-prejudicial and non-judgmental ways, especially when acting as an agent of the organization (Lewis, et al., 2011).

Front-line managers often do not have the training or background that would equip them to deal with issues of immediate confrontation. Lewis et al. (2011) recommend that supplemental training to the formal policy include sessions on stereotyping, conflict awareness, conflict resolution, and policy interpretation. It is recommended that as part of the formal policy, the Human Resource department take the burden of investigation and follow-up off the

front-line management. The Human Resource department has members who are well versed in policy development, interpretation, and enforcement; hence, this should be the department to take the lead on any serious issue that could have legal implications.

The proposed model policy presented here will draw heavily on the work of Dayton (2014), who proposes the following sequencing of events in the policy development process:

- Statement of Institutional Policy

- Policy Definitions and Interpretation

- Prohibition Statement

- Mandated Reporting of Policy Violations

- Protection of Rights

- Enforcement Mandates

- Resolution of Complaints

- Appeals Process

- Policy Sanctions

- Policy Amendments

Final Considerations

Bullies can strike anywhere, anytime, and in any organizational structure. However, with careful, strategic, *intentional* planning, any organization can take steps to ensure that their institution creates a culture where bullying is overtly recognized and identified in written policy as unacceptable and actionable behavior. Raynor, Hoel, and Cooper "see the culture or climate as the major organizational element that allows bullying to continue by upholding norms of behavior from an era when such behavior at work was not questioned" (2002, p. 85). Unless and until organizations are willing to acknowledge that workplace bullying is a problem, and then

develop policies that directly attack the issue, then bullying in the workplace will continue to proliferate.

Employers more so than bullied individuals or lawmakers have the leverage to provide safety for millions of employees under their control (Namie et al., 2011). As an organization that espouses the idea of servant leadership, a model policy for workplace bullying is a foundational building block for ensuring that power is shared in a way that ensures all are treated equally in the workplace, and that all team members always feel safe and valued. An explicitly written policy is an excellent way to formally put weight down in a way that offers basic workplace protections to everyone, regardless of position, status, gender, race, etc.

CHAPTER 3

Model Policy for Workplace Bullying

Dayton (2014) endorses constitutional mandates as the most effective way to address workplace bullying. While Dayton's advocacy of constitutional remedies may affect positive change in the public sector, constitutional resolutions will not work to regulate private industry unless specifically adapted to include non-status-based cases. As established in the literature, targets of bullying in private institutions rely primarily on Title VII discrimination as their legal basis for unconstitutional remedy. Unfortunately, Title VII does not cover non-status-based abuses in the workplace and has proven to be rather ineffective in addressing the phenomenon of workplace bullying for *all* groups. For a person who is not part of a protected class to bring a charge of violence in the workplace, one must stretch beyond the bounds of constitutional discriminatory laws and draw from a variety of personal options including cease and desist remedies, tort claims, and criminal complaints (Dayton, 2014).

Because federal and state laws in the United States have been mostly unsuccessful in addressing workplace bullying, it is proposed that the most effective way to address the problem is by adopting a model policy developed at the organizational-level. While the ultimate goal may still be the development of guaranteed constitutional protections for all on the level of Title VII, the best short-term option is enacting policy at the grass roots level that gives assurances for all team members at all levels protection from the perils of workplace bullying.

The first step in affecting change is drawing attention to the significance of the crisis. Organizations must acknowledge that workplace bullying is a credible threat to all

establishments, and unwanted bullying behaviors pose personal, legal, and economic dangers to the company. Once the importance of the situation has been recognized, the organization must prioritize the issue by committing necessary resources to creating and enforcing a formal workplace bullying policy that is to be used as a clear guideline for expected behavior in the workplace. Establishment of the workplace bullying policy should be a collaborative effort, drawing from expertise and experience across all areas of the organization. The design team should include representation from the following areas: ownership, administration, financial officers, senior management, supervisors, line managers, general team members, personnel, human resources, training and development, health and safety coordinators, legal and compliance, trade unions/worker representation groups (if applicable), and organizational counseling services (Rayner & Lewis, 2011).

The best time to prepare for a crisis is before it occurs. Hence, training is perhaps the most important step in incorporating the model policy. The model policy developed here assumes that team members at all levels of the organization will be trained on the particulars of the policy including policy definitions and interpretations (containing specific examples of bullying behaviors), team members' protection of rights, reporting procedures, enforcement mandates, resolution of complaints (including consequences for policy violations), and the appeals process. Team members who hold managerial and/or lead positions will require supplementary training on policy interpretation, the identification of bullying behaviors and conflict resolution using methods such as role playing, conflict simulation, and mock interviews. As recommended in the literature, peer groups may also be developed to help direct the policy and resulting programs. Recall that the servant leadership model places emphasis on the importance, equality, and protection of all, particularly those in the traditionally lower-level

positions of the organization. Once the commitment to formal policy is enacted and accepted as standard, team members will have a clear understanding of workplace bullying and the value placed on worker safety by the organization.

Dayton (2014) stresses the importance of recognizing that the targets workplace bullies are most likely to attack are also the people most needed for the long-term success of the institution. In Dayton's words:

> Talented, hardworking people are the key to institutional success. They are the essential lifeblood of successful institutions, but the first to leave when a workplace becomes dominated by workplace bullies. Workplace bullying serves only the short-term selfish interests of bullies at enormous costs to everyone. (p. 18)

Formal Policy

Overwhelming evidence from the literature makes it clear that it is in the organization's best interest to not only incorporate formal policy for dealing with bullying, but to assist team members in developing self-help remedies for prevention, preparedness, response, and recovery in dealing with workplace bullies (Dayton, 2014). In order to formally denounce workplace bullying and to create an official procedure for addressing bullying in the workplace, the following model policy has been established:

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Statement of Organizational Policy

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It is recognized by this organization that all persons have a right to a safe and respectful workplace. It shall be the policy of this organization to safeguard that right fully and impartially using the servant leadership style of management which is rooted in ethical and caring behavior. Servant leadership is based on teamwork and community, and champions the rights of individuals over the greater good of the organization. Every person in the organization is of equal value.

It is further recognized that workplace order, efficiency, and civility are essential to the achievement of a safe and respectful workplace. It shall be the policy of this organization to uphold order, efficiency, and civility in the workplace under the servant leadership model, which focuses

primarily on the growth, safety, and well-being of people and the communities to which they belong.

It is further recognized that order, efficiency, and civility in the workplace are essential to recruiting and retaining the highest quality personnel to support the advancement of the organizational mission and to maximize and protect organizational resources. It shall be the policy of this organization to only recruit and retain the highest quality personnel.

It is further recognized that employment misconduct in the form of workplace bullying presents an ongoing threat to this organization's people, mission, and resources. It is understood by this organization that it takes a team to be successful. Servant leadership puts the needs of others first and helps people develop and perform. Employees who engage in employment misconduct in the form of workplace bullying do not align with the organization's mission and should not be hired, retained, or tolerated. It shall be the policy of this organization to enact and enforce personnel policies to address workplace misconduct in the form of workplace bullying and remove employees engaged in this misconduct as policy violators and unfit employees.

Therefore, under the lawful authority of this organization this workplace anti-bullying policy is hereby enacted and shall be fully enforced. Workplace bullying and harassment by any person will not be tolerated in this organization. It shall be the duty of all employees to prevent, report, and stop workplace bullying and harassment in this organization through all reasonable means including full compliance with this policy. Organizational administrators and other team members shall act in accordance with this clear policy statement: *Do not hire workplace bullies; do not retain workplace bullies; and do not tolerate workplace bullying*. Those who uphold these protective policies shall be appropriately supported by this organization for their vital aid in safeguarding the organization's people, mission, and resources. Those who violate these policies shall be appropriately sanctioned or terminated as organizational policy violators and unfit employees.

Policy Definitions and Interpretation

To safeguard and advance individual rights and the organizational mission, it is the purpose of this policy to uphold order, efficiency, and civility in the workplace through preventing and stopping workplace bullying. Provisions of this policy shall be liberally interpreted to achieve this stated purpose.

Employee/Team Member: Any person working for this organization including full-time, part-time, and temporary personnel. Further, all parties doing business with this organization or on organization or customer property are expected to comply with the anti-bullying provisions of this policy.

Policy Violation: Any act by a team member found to be in contravention of this policy after the provision of adequate administrative review consistent with organizational personnel policies and applicable laws. A policy violation may serve as the basis for personnel action including termination of employment.

Workplace Bullying: Workplace bullying is the targeted, harmful mistreatment of a team member by one or more other persons that occurs repeatedly and frequently over a progression of time and causes disruption of production and/or health in the workplace. The intentional negative behaviors or acts recur regularly (e.g. daily or weekly) over a period of time (at least two months), and may be of a physical, psychological, social, and/or verbal nature. Targets of the abusive behavior may suffer physical, psychological, social, and/or mental health related issues that require medical treatment. In addition to wellbeing issues, targets may also encounter work-related sabotage including the withholding of essential information to perform the job, exploitation of a weakness, and social exile. While most instances of workplace bullying involve an imbalance of power between the perpetrator and target, not all bullying situations involve a subservient relationship.

Policy Clarification and Examples: In action, workplace bullying is a pattern of harassment by one team member or a group of team members directed at another team member that under the totality of the circumstances a reasonable person would find was intended to: wrongfully interfere with the targeted person's work performance or conditions; inflict unjustifiable distress; degrade, defame, intimidate, or threaten; create a hostile work environment; or any other pattern of intentional abuse that a reasonable person would find objectively offensive and professionally unacceptable in the workplace including conspiring with others to engage in any of the proceeding prohibited acts. A team member who engages in conduct which has the purpose or effect of causing another to be alarmed, distressed, humiliated or intimidated commits a violation of the workplace bullying policy. Specific examples of workplace bullying include but are not limited to:

- Threatening or intentionally intimidating behavior (physical, verbal, or psychological);
- Malicious actions toward another including physical violence;
- Shouting, swearing, taunting or raising one's voice in a threatening/demeaning manner in public or in private;
- Public humiliation (e.g., spreading gossip, rumors, or hazing);
- Hurling personal insults (e.g., cruel comments, inappropriate remarks about a person's appearance, lifestyle, family, or economic background), making obscene or offensive gestures/jokes, sarcasm, playing practical jokes, and using offensive nicknames/teasing;
- Isolation or social exclusion;
- Cyberbullying which includes intimidation, threats, humiliation and harassment that takes place via electronic media including computers, cellphones or other electronic devices (i.e. derogatory social media posts, threatening texts/e-mail messages, posting of unauthorized pictures);
- Work sabotage that prevents a team member from performing his/her duties;
- Prohibiting or limiting access to information/resources that are essential to the job function;
- Leveraging one's position to force another to do unassigned tasks;
- Extreme increase/decrease in duties and responsibilities without reasonable justification;
- Blackmail;
- Not allowing someone to speak or have voice (e.g., ignoring or interrupting);
- Incessant blame and/or punishment without justification;

- Persistent, unjustified criticism; and
- Any other direct or indirect systematic, abusive, aggression in the workplace that leads to personal physical, social, psychological, or psychosomatic injury.

Workplace bullying does not include acts that were welcomed, intentionally provoked, or involved mutual retaliation by the complainant; nor does workplace bullying include professional critiques; ordinary supervision; reasonable performance evaluations; valid disciplinary actions; disagreements; or misunderstandings provided these were conducted in good faith and not intended as acts of harassment, abuse, or conspiracy in violation of this policy. Singular, one-off incidents do not constitute workplace bullying as defined in this policy; however, solitary acts of aggression may fall under the governance of other organizational policy.

Workplace Bullying Prohibited

Workplace bullying as defined by this policy is expressly prohibited in this organization. Violations of this policy are subject to employment sanctions including termination. All team members hold their positions subject to good faith compliance with this and other applicable organizational policies. In accordance with the Team Member Handbook and Code of Conduct, the following guidelines are provided for team members who believe they have been subjected to bullying in the workplace and for supervisors and administrators who are expected to report, investigate, and resolve complaints in a timely manner.

Mandated Reporting of Policy Violations

Any team member having reasonable cause to believe that a violation of this policy has occurred shall report the alleged violation to his or her supervisor, or the designated reviewing administrator if the supervisor is reasonably believed to be involved in or concealing activities prohibited under this policy. It shall be the duty of all team members to know this policy, fully comply with this policy, and to report violations of this policy as soon as practicable, but in no case more than 5 working days after acquiring reasonable cause to report under this policy. Failure to make a required report shall be considered an act of insubordination subject to employment sanctions.

Any person making a good faith report under this policy shall be immune from organizational sanctions related to that good faith report. Anonymous reports may be made to supervisors and/or the designated reviewing administrator. This shall not, however, be construed to permit any formal disciplinary action based solely on an anonymous report. An anonymous report shall serve only as a basis for further investigation concerning a potential violation of this policy.

Protection of Rights

Through promoting order, efficiency, and civility in the workplace, and prohibiting harassment and retaliation, it is the intention of this policy to protect the rights of all persons, including all lawful rights to free speech and a safe workplace. It is recognized that workplace bullying impairs team members' rights of free speech and a safe workplace. Conduct that violates this policy is not protected speech and is subject to reasonable time, place, and manner restrictions for legitimate employment purposes. This policy is not intended to infringe or limit the right of anyone to seek

a remedy under state or federal law. A complainant may file a formal grievance with an external agency to seek redress under applicable state or federal law.

Enforcement Mandates

It is the duty of all team members to fully comply with this policy and to cooperate in its administration. Necessary and appropriate administrative procedures not already provided in this policy shall be developed and implemented to enforce the purposes and mandates of this policy.

Annual Notice of Policy Mandated

All team members shall receive notice of this policy at hire and annually thereafter. This policy shall be available online and remain open for inspection at all times. All team members shall submit an annual confirmation receipt of this policy indicating that they fully understand this policy and that they agree to fully comply with this policy.

Pre-employment Screening Mandated

Prior to hiring of any new team member, it shall be the responsibility of the hiring supervisor or the Human Resources administrator to: 1) Thoroughly check personal and professional references and any other probative and lawful available resources to assure that the applicant does not have a prior history of employment misconduct prohibited under this policy; and 2) Discuss with search committee members and any other persons who had significant personal contact with the applicant during the interview process whether there are any reasonable grounds to believe that the applicant is likely to engage in employment misconduct prohibited under this policy. If discovered evidence or unbiased professional opinions would lead a reasonable person to believe that the applicant is likely to engage in employment misconduct prohibited under this policy, that applicant is ineligible for employment in this organization.

Training in Policy Compliance and Reporting Mandated

All new team members shall successfully complete a training session on the promotion of workplace order, efficiency, and civility and compliance with this policy including mandated reporting at hire.

Team members who hold managerial or lead positions shall be provided supplementary training on policy interpretation, the identification of bullying behaviors, and conflict resolution upon assuming the supervisory position. The organization shall provide refresher training on the policy including compliance requirements and legal updates to all managers and leads on an annual basis.

Annual Policy Compliance Review for All Team Members Mandated

An assessment of compliance with this policy shall be part of every team member's annual performance review. This policy applies to all team members at all levels of this organization with equal force and without exception. A team member's record of compliance with this policy shall be considered in all employment decisions including decisions on contract renewal, promotion,

and tenure. An assessment of compliance with this policy is required prior to appointing any person to an administrative position.

Administrative Duties in Policy Compliance Mandated

All organizational administrators shall have an affirmative duty to proactively address workplace bullying and harassment through effective education and prevention efforts, a duty to thoroughly and objectively investigate complaints under this policy, and a duty to take appropriate remedial actions in a timely manner. An evaluation of the performance of these duties shall be part of every administrator's annual performance review. Any administrator who has failed to comply with this policy shall not be promoted to any higher administrative position and willful non-compliance with this policy constitutes grounds for employment sanctions including termination of employment.

Resolution of Complaints

Allegation of Policy Violation

Any person may make a good faith report alleging a violation of this policy. Any person making an allegation as a purported target of workplace bullying and requesting an organizational remedy must present to the reviewing administrator evidence of good faith resolution efforts prior to receiving remedial assistance from the organization, unless there is clear and convincing evidence of a policy violation by the alleged perpetrator and further informal resolution efforts are clearly not in the best interests of the parties or the organization.

Evidence of Good Faith Resolution Efforts

Whenever possible, all team members are expected to make good faith efforts to informally and collaboratively resolve conflicts and to minimize any negative impacts of interpersonal conflicts on other personnel and the organization. All reasonable, informal resolution efforts should generally be attempted in good faith prior to initiating formal personnel proceedings.

Evidence of good faith resolution efforts may include oral or written statements and any other relevant evidence concerning reasonable attempts to resolve misunderstandings or negotiate informal resolutions of disputes at the employee level prior to requesting organizational assistance. If there is insufficient evidence of good faith resolution efforts, the reviewing administrator may encourage further resolution efforts prior to endorsing organizational support for an informal adjustment or a formal complaint.

If sufficient evidence of good faith resolution efforts has been provided or found unnecessary under the circumstances by the reviewing administrator, the complainant may request organizational assistance with an informal adjustment or file a formal complaint.

In those instances when there is clear and convincing evidence of a policy violation, willful refusal by the alleged perpetrator to cooperate with reasonable resolution efforts, conflicts threaten harm

to persons or the organization, or there is particularly egregious misconduct, formal organizational proceedings shall be initiated without delay.

Informal Adjustments

All parties to disputes under this policy may make requests to the reviewing administrator for informal adjustments for the purpose of reasonably resolving disputes. Administrators may grant requests that promote the purposes of this policy and that are in the best interests of the organization. *Under no circumstances, however, may an alleged perpetrator be granted any informal adjustment that may be perceived by reasonable persons as organizational appeasement or reward for misconduct in violation of this policy.* Informal adjustments may include, for example, temporary or permanent reassignment of duties, supervisors, or placements; supervised meetings; memorandums of understanding; mediation; counseling; etc. In order to protect order, efficiency, and civility in the workplace, and prevent harassment and retaliation, a reviewing administrator may also act of his or her own accord in making informal adjustments in team members' work assignments or other reasonable informal adjustments that are clearly in the best interests of the organization.

Filing Formal Complaints

Any purported target of workplace bullying alleging a violation of this policy by a named alleged perpetrator may file a formal complaint at any time. If the complainant has not already made a showing of good faith resolution efforts and attempted informal adjustments, the complainant must attest clearly in the formal complaint that informal resolution efforts are futile in this case, and present sufficient supporting evidence for this claim.

A form for filing official complaints shall be available to all team members. The complaint form shall request the name of the alleged target of the policy violation; name of the alleged policy violator; a concise description of the alleged policy violation(s) including a summary of relevant events; times and dates, names of witnesses; any corroborating evidence; and any other information or evidence that will assist in the investigation of the complaint. The reviewing administrator may request additional evidence and statements from any team member, and it shall be the duty of all team members to cooperate fully in any good faith investigation. A formal complaint must be filed within 30 days of the most recent event included in the complaint unless the reviewing administrator finds that there was sufficient cause for delay in filing the complaint.

Investigations and Probable Cause

Upon receiving a formal complaint alleging a violation of this policy, the reviewing administrator/investigator shall conduct a prompt, thorough, and objective investigation to determine whether there is probable cause to believe that a team member has violated this policy. Investigation proceedings shall begin within 48 working hours of receiving the formal complaint. Investigation procedures shall be conducted as confidential personnel matters to the extent allowed by law and organizational policy.

The investigation shall be conducted using the following prescribed steps. The investigator shall:

1. Meet with the complainant to review the allegations of the complaint;
2. Meet with the alleged bully ("respondent") to review the allegations of the complaint;
3. Investigate as needed including interviewing witnesses, examining evidence, reviewing documentation;
4. Schedule a formal hearing if necessitated by preliminary evidence, or as set forth in state labor laws and/or collective bargaining agreements;
5. Make a determination as to whether bullying has occurred; and if so,
6. Provide oral and/or written instruction to the respondent (including disciplinary action);
7. Communicate disposition of the complaint to authorized parties;
8. Take appropriate steps to prevent recurrence and retaliation; and
9. File a written report of the findings.

The investigator shall create a case file including a copy of the initial report of the alleged violation; a summary of the investigation process including evidence reviewed and persons interviewed; and a summary of findings, evidence supporting those findings, and a clear statement concerning whether there is probable cause to believe that a team member has violated this policy.

If no probable cause is found the complaint shall be dismissed without prejudice. If probable cause is found the case shall be scheduled for a hearing and formal notice shall be served to any person alleged to have violated this policy. Any other violation of civil law or organizational policy discovered in this investigation shall be promptly reported to appropriate organizational officials. Any criminal act discovered in this investigation shall be promptly reported to appropriate organizational officials and law enforcement agents.

Hearings

A team member alleged to have violated this policy shall receive written notice in accordance with organizational procedures for personnel hearings, including notice of the charges, evidence, rights of parties, and notice of the time, place, and nature of the hearing. If the result of the hearing is a finding that the charged party has violated this policy, a written summary of the findings shall be sent to the Director of Human Resources for appropriate personnel action.

Personnel Actions

Personnel actions may include sanctions for violations of this policy up to and including termination of employment. Unless otherwise prohibited by law or organizational policy, hearing findings shall be considered final. Appropriate personnel actions shall be executed without delay, subject only to certification presented to the Director of Human Resources of a successful organizational appeal or a valid court order staying the execution of personnel actions.

Appeals

A party found in violation of this policy and subjected to employment sanctions has a right to appeal those findings and any resulting sanctions. The process for appeal shall be in accordance with organizational policies for appeals in personnel matters.

Policy Sanctions

Compliance with this policy is a required job duty for all team members. This policy is in force at all times on all organization property; in all organization-controlled media and forums; and at all organization sponsored events. Violations of this policy are subject to employment sanctions including termination of employment.

Aggravating Circumstances

In considering appropriate sanctions for policy violations, proof of aggravating circumstances shall result in more severe sanctions. Aggravating circumstances under this policy shall include but not be limited to: Willful refusal to cooperate with reasonable and lawful proceedings under this policy; knowingly repeating a prohibited act after a written warning was issued by a reviewing administrator; and violations of this policy involving concomitant breaches of other valid organizational policies or laws. Repeated violations shall be subject to progressively severe sanctions. Anytime there is clear and convincing evidence in a quantum sufficient to convince a reasonable person that a repeat offender under this policy poses an ongoing risk of serious harm to other team members through continued violations of this policy, organizational administrators shall initiate employment termination proceedings without delay.

Disqualifications Resulting from Sanctions

A team member who has been formally sanctioned under this policy for workplace bullying shall be ineligible to hold any administrative or senior management position in this organization; may not participate in the administration or amendment of this policy; or participate in the team member recruitment, hiring, or tenure process beyond any minimal participation that may otherwise be required for supervisors under current organizational policy.

Additional Sanctions

In addition to organizational sanctions for non-status-based violations of this policy, harassment based on race, color, religion, sex, national origin, age, disability, or other criteria prohibited by law shall also be addressed under applicable federal or state laws. Actions constituting crimes shall be immediately reported to appropriate law enforcement agents consistent with federal and state laws and organizational policy.

False and Frivolous Complaints

Any person who recklessly, knowingly, or purposely files a false complaint shall be subject to employment sanctions including termination. Further, a clear pattern of filing frivolous complaints

for the purpose of harassment or other nefarious intents shall constitute a violation of this policy. Good faith complaints that prove unfounded shall not be subject to sanctions.

Retaliation and Related Misconduct Prohibited

There shall be no act of retaliation against any person who makes a good faith report, complaint, or otherwise acts in compliance with this policy. Any misconduct by team members related to proceedings under this policy is expressly prohibited including any act of retaliation, intimidation of witnesses, destruction of evidence, false statements, interference with process, or willful refusal to cooperate with lawful proceedings, and shall be subject to employment sanctions including termination.

Policy Amendments

This policy and its administration shall be reviewed annually to assure that it is advancing its stated purposes in a fair, efficient, and effective manner. This policy may be amended consistent with ordinary procedural rules of organizational governance except that proponents of an amendment must show clear and convincing evidence that the proposed amendment will advance the stated purposes of this policy in a more fair, efficient, and effective manner. Any team member who has been formally sanctioned under this policy for workplace bullying shall be ineligible to participate in the review or amendment of this policy.

Adapted from Dayton (2014) and University of Massachusetts Amherst (2017).

Because training has been identified as such a vital component of policy implementation, new employee orientation as well as annual staff development training on workplace bullying is required by this model. In addition to formal training, auxiliary reminders via corporate management meetings, monthly newsletters, and employee recognition serve as great cues of the policy, especially in a servant leadership environment.

Self-Help Remedies

While the goal of the model policy is to eliminate bullying from the workplace, it is understood that the world is an imperfect place and bad things still happen, even under ideal conditions. One way that an organization can proactively equip its team members on the perils of workplace bullying is to educate and train on self-help remedies through company-sponsored

workshops and organizational literature. The following self-help remedies are advocated to be used in conjunction with this model policy:

- *Education*: Although there are no current laws specifically protecting workers in the U.S. from workplace bullying (outside of the status-based protections outlined in the literature), there is much research on the subject. It is important for employees to understand what workplace bullying is, what bullying is not, and what behaviors are not accepted in the workplace. The more that people know, the more that can be done. Knowledge is power.

- *Awareness*: Once team members have a proper understanding of workplace bullying, they should then be able to identify bullying behaviors. Authorities recommend people have an awareness of their surroundings when visiting major cities and/or large public events where acts of terrorism could occur. The workplace is no different in the sense that personal terrorism can happen on the job, so an awareness of one's surroundings and the behavior of others is advised.

- *Speak Up*: It is imperative that bullies get called out when bullying is experienced or witnessed in the workplace. Studies support the notion that bullies will continue their aggressive assaults unless confronted (Brodsky, 1976; O'Leary-Kelly et al., 1996; Rayner, 1998; Aquino & Lamertz, 2004; Martinko, 2006; Harvey, et al., 2007; Namie et al., 2011; Namie & Namie, 2011; Yamada, 2011; Tehrani, 2012; Dayton, 2014; Cobb, 2017; Brott; 2018). Team members are encouraged to address the perpetrator(s) promptly and directly, informing the offenders that the conduct is offensive, intimidating, or embarrassing and requesting that the behavior stop immediately (University of Massachusetts Amherst, 2017). However, when direct

response is not plausible or fails, it must be cautioned for employees to allow the policy and process to dictate punishment. Team members should not jeopardize their own health and/or job status to confront a bully.

- *Documentation*: Effective policy enforcement is predicated on the preponderance of documentation. Just as employees are encouraged to report incidences of workplace bullying, managers must be trained to take each allegation seriously, and follow the process of documentation and reporting as prescribed by the policy. Cases that reach the litigation stage will require documentation including initial reports, witness accounts, interview transcripts, employer response, training documentation, and policy acknowledgements.

- *Don't Take the Bullying Personally*: Targets of workplace bullying should understand that the bully is the one who has the problem. Dayton (2014) maintains that the bully's behavior is all about the pathologically egocentric bully, so the target should not take the criticisms and attacks personally. This does not mean that bullying behaviors should be brushed off or ignored, especially at the early stages. Instead, workplace bullying should be viewed as psychological and/or physical rather than personal in nature and dealt with immediately upon encounter.

- *Keep Your Power*: Bullies have only the power which they are given. The bully's power is based on instilling fear in victims and bystanders (Einarsen et al., 2011; Namie & Namie, 2011; Dayton, 2014; Cobb, 2017; Brann & Isaacson, 2018; Patten, 2018). Maintaining power vis-à-vis bullies requires exposing the bullies for who they are and what they are doing to others. Unmasking the bully does not have to be confrontational. In fact, Dayton (2014) contends that one just openly and

courageously speak the truth that everyone else probably already knows. Once the true character of the bully has been revealed, the façade of power is neutralized.

- *Protect Your Health*: An unfortunate side effect of workplace bullying is the physical and mental harm that is inflicted upon the targets and witnesses (Hoel & Einarsen, 2009; Namie et al., 2011; Namie & Namie, 2011; Yamada, 2011; Cobb, 2017; Gardner, 2018; Reardon, 2018). A person's health, wellness, and happiness should be top priority, not only in the workplace but in life in general. In no uncertain terms, there is no shame in seeking professional help to work through physical and/or psychological matters. No job is worth compromising health and happiness.

- *Learn from Your Experiences*: It is said that experience is life's greatest teacher. While no one wishes bad things to happen, negative experiences often bring with them our most valuable lessons and sources of encouragement. Some of history's greatest leaders persevered through harsh situations to produce world-changing ideas, including the servant leadership framework proposed in this policy (e.g. Martin Luther King, Jr., Gandhi, Mother Teresa, Jesus Christ). Tough circumstances may also deepen our understanding and compassion for others, providing an unintended means for helping others and creating a springboard for advocacy.

- *Speak Out:* Help individuals and activist groups push for change through the enactment of workplace anti-bullying laws at the micro and macro levels. Volunteer to be a peer mentor for your teammates. Offer to sit on a policy development team for your organization. Get to know your local, state, and national policymakers and sit in on legislative sessions. Be an active participant in the voting process.

Eradicating workplace bullying is in everyone's best interest, regardless of class, position, or status.

CHAPTER 4

Findings and Conclusions

Evidence gleaned from this study supports the notion that workplace bullying is an issue that needs addressing in America. An ample number of studies have substantiated the frequency of workplace bullying to be anywhere from a low of around 2% to upwards of 25% based upon sampling methodology. In the most recent surveys conducted by the WBI (2017), 19% of Americans claim to have been bullied and another 19% of Americans claim to have witnessed bullying. Even considering a low end of 2%, the resulting 3 million people who are affected by workplace bullying in the United States alone is too many. On the high end, the number of victims could reach a staggering 40+ million. It has been found that some 40% of targets quit, 24% are terminated, 13% transfer, and only 2% of the perpetrators are punished (Namie, 2007). These statistics are unacceptable in an advanced society like the United States.

A survey of workplace bullying laws around the globe found varying degrees of protection for workers. Scandinavian countries have led the way since the early 1990s in enacting workplace bullying laws but have disappointingly fallen short on enforcing the mandates and demanding corporate compliance. There are numerous laws across the world that focus on vague references to human rights and workers' dignity, but very few that explicitly prohibit workplace bullying. Several Australian, South American and Central American countries at least acknowledge the concept of workplace bullying and have attempted to include harassment under general worker protections. Japan addresses employee health and well-being through annual stress checks, but the legal consequences are limited in scope. At present, France

is the only country that has gone so far as to make workplace bullying a criminal offense, but its application and effectiveness is yet to be seen. Many nations, including powerful countries like the United States, China, Italy, and Russia have no laws prohibiting bullying in the workplace.

Significant discoveries in this research point to the need for policy development at the local, state, and federal levels. Although protections from discrimination in various forms are available for people in certain classes (i.e. race, gender, religion, age), there are currently no laws in the United States that specifically address fortifications against bullying *for all* in the workplace. Workplace bullying is more than just a discrimination issue. Physical, mental, and work-based abuses can happen to anyone, regardless of class, status, or position. Therefore, protections must not be restricted to only those that are found in the narrow criterion of Title VII, ADEA, ADA, GINA, and IIED discriminatory laws. Unfortunately, it seems as though the United States has adopted a stance that either assumes workplace bullying only happens to protected groups of people (thereby covered by prevailing discriminatory laws) or is not a significant enough issue to garner separate legislation. If legislation isn't in place, then there is no lawful means of enforcement. Furthermore, if laws are enacted but not enforced or taken seriously, we will experience what has occurred in Sweden – a shell of a law that offers paper protection but no true safety. At minimum, the United States either through federal legislation or individual state policies, should follow Quebec's lead as the next North American government body to enact antibullying regulations.

Research in this study indicates that leadership style and organizational culture matters in relation to workplace bullying. Tyrannical and laissez-faire leadership behaviors were found to be among the strongest predictors of workplace bullying. Bullies will continue to bully as long as they are permitted. Workplace bullies should be prescreened from hire and should never be

retained or allowed to continue to disrupt and damage organizations and its team members. Findings from this study concur with Dayton's (2014) assertion that until adequate federal and state protections are enacted, institutions should adopt strong workplace anti-bullying policies to protect their people and institutions. This study concludes that the most effective way an organization can immediately address the workplace bullying crisis is to establish and enforce a model policy specifically addressing workplace bullying at the corporate level.

The first major step among many in institutionalizing our direction toward integrated servant leadership is the creation of a formal policy that denounces workplace bullying and includes specific consequences and remedies for those who are affected by the issue. In connection with the implementation of the policy, all members of the staff must be given basic training on the policy. Team members at all levels need to know the standards by which they are expected to adhere. Impartial accountability for everyone lends credibility to the policy while adding liability protection for the organization. Because workplace bullying can sometimes be a confusing concept, the organization must take special precautions to ensure that all parties have fair and equal treatment in the investigatory process. The use and effectiveness of the policy should be monitored and evaluated on an annual basis across all levels to ensure the policy remains relevant and appropriate for the organization.

If an organization is not moved to act on workplace bullying due to humanitarian reasons, the economic impact of bullying should be considered. Data provided in this study shows that present estimated workplace bullying rates cost U.S. organizations millions of dollars annually due to ancillary factors relating to workplace bullying including lost productivity, poor job performance, sick leave, workers compensation, and litigation. Based on the fiscal data alone, it

is incumbent upon organizations to enact and enforce a formal policy to curtail workplace bullying.

It is encouraging to note that research on workplace bullying is trending upward. Studies on workplace bullying increased more than five-fold from the 1990s through the first decade of the 2000s. However, much work still needs to be done on the subject. While the literature shows that workplace bullying is indeed a legitimate concern, legal recourse is remote and very few American organizations have addressed the issue through formal policy. As Dayton (2014) notes:

> Child abuse, spousal abuse, elder abuse, racial discrimination, gender discrimination, and sexual harassment were not so long ago tolerated even though generally thought reprehensible. Victims were on their own: They were just expected to tolerate the abuse as an inevitable part of life. Changes in laws, policies, and social attitudes eventually protected these victims and put the abusers in retreat. Similar protections for victims of workplace bullying must be enacted to protect workers and put workplace bullies in retreat. The result would be a far more functional and productive workplace with healthier and happier workers, a result that would be better for everyone, including the bullies, who ultimately harm even themselves with their out-of-control workplace misconduct.

Researchers and activists must seize on the momentum gained from public causes such as Yamada's (2000) HWB, the #MeToo campaign, and discussions on social justice to make workplaces in America safer.

This study advocates the inclusion of a formal workplace bullying policy at the organizational level based upon the servant leadership model. As its foundation, servant

leadership requires that other people's highest priority needs are being served first, emphasizes the development and performance of team members at all levels, and places a premium on shared power. Namie's (2000, 2007) research found that 72% of bullies outrank their targets, and subsequent studies found that 60% of the targets believed they were bullied because they refused to be subservient. Servant leadership inverts the traditional power structure, empowering team members who are normally thought of as being the most vulnerable to workplace abuses. The model policy proposed in this study explicitly values all team members equally, conferring organizational commitment to the well-being of *all*. As a somewhat unlikely champion of the idea of servant leadership and where it may take us if we allow, American singer/songwriter Bruce Springsteen reminds us in "Land of Hopes and Dreams" that we are all equal on the most basic level regardless of status, position, or background, and there's a greater good to be accomplished as we look to achieve equality and protections:

Grab your ticket and your suitcase, thunder's rolling down this track

Well, you don't know where you're going now, but you know you won't be back

Well, darling, if you're weary, lay your head upon my chest

We'll take what we can carry, yeah, and we'll leave the rest

Well, big wheels roll through the fields where sunlight streams

Meet me in a land of hope and dreams

I will provide for you and I'll stand by your side

You'll need a good companion now for this part of the ride

Yeah, leave behind your sorrows, let this day be the last

Well, tomorrow there'll be sunshine and all this darkness past

Well, big wheels roll through fields where sunlight streams

Oh, meet me in a land of hope and dreams

Well, this train carries saints and sinners

This train carries losers and winners

This train carries whores and gamblers

This train carries lost souls

I said, this train, dreams will not be thwarted

This train, faith will be rewarded

This train, hear the steel wheels singing

This train, bells of freedom ringing

I said, this train carries broken-hearted

This train, thieves and sweet souls departed

This train carries fools and kings thrown

This train, all aboard

I said, now this train, dreams will not be thwarted

This train, faith will be rewarded

This train, the steel wheels singing

This train, bells of freedom ringing (2001)

The literature confirms that bullying is a legitimate concern in the workplace. Statistical evidence indicates that bullies are getting away with unwanted behaviors while victims are either taking the abuse or leaving in large numbers. As a developed country and one of the leaders of the free world, our country must not allow this to happen with workplace bullying. We can do better than our current standards. The 2017 version of WBI's Workplace Survey data found that 77% of Americans support a new law to address abusive conduct at work. Formal policy at the

organizational level coupled with legislative mandates at the local, state, and federal levels are

the keys to addressing workplace bullying in America.

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APPENDIX A

Workplace Bullying Resolution Process
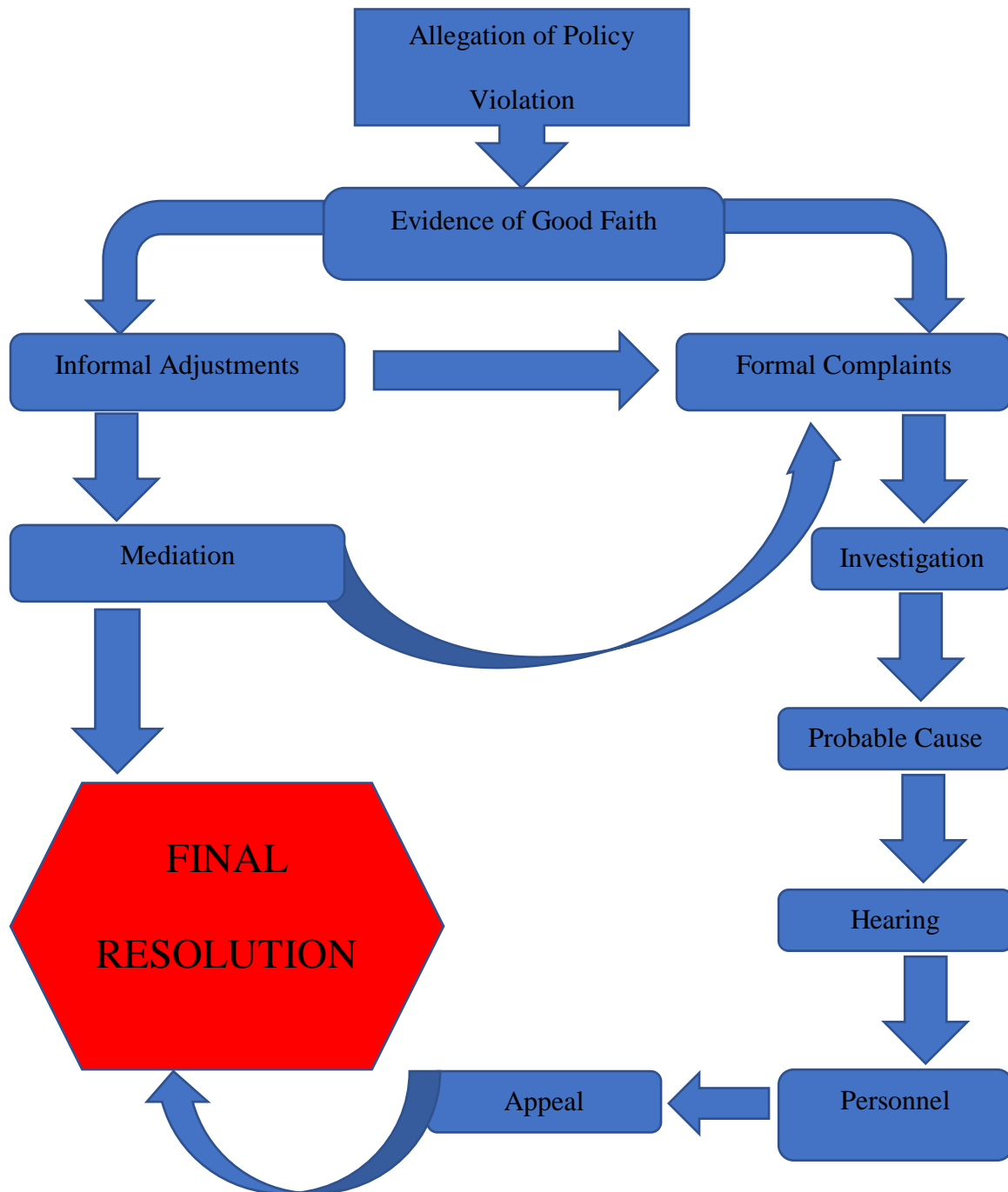
Adapted from Dayton (2014).

APPENDIX B

Workplace Bullying Complaint Form

Name of the Complainant:

Department:

Phone Number:

E-mail:

Today's Date:

Name of the Accused:

Department:

Relationship of the Accused to the Complainant (manager, co-worker, customer, etc.):

Phone Number:

E-mail:

Dates of Incidents:

(If more than one event, please report each event on a separate form.)

Where did the specific event occur?

Please explain the events that occurred:

How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

Describe the harm you have suffered as a result of the event.

Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.

What is your desired outcome of the investigation?

Were there any witnesses to these specific events? (If yes, please provide their names.)

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence [Company Name] deems relevant.

Signature   Date:

Please return this form to Human Resources within 30 days of the most recent event included in the complaint.

WORKPLACE BULLYING POLICY

Workplace bullying is the targeted, harmful mistreatment of a team member by one or more other persons that occurs repeatedly and frequently over a progression of time and causes disruption of production and/or health in the workplace. The intentional negative behaviors or acts recur regularly (e.g. daily or weekly) over a period of time (at least two months), and may be of a physical, psychological, social, and/or verbal nature. Targets of the abusive behavior may suffer physical, psychological, social, and/or mental health related issues that require medical treatment. In addition to wellbeing issues, targets may also encounter work-related sabotage including the withholding of essential information to perform the job, exploitation of a weakness, and social exile. While most instances of workplace bullying involve an imbalance of power between the perpetrator and target, not all bullying situations involve a subservient relationship.

Policy Clarification and Examples: In action, workplace bullying is a pattern of harassment by one team member or a group of team members directed at another team member that under the totality of the circumstances a reasonable person would find was intended to: Wrongfully interfere with the targeted person's work performance or conditions; inflict unjustifiable distress; degrade, defame, intimidate, or threaten; create a hostile work environment; or any other pattern of intentional abuse that a reasonable person would find objectively offensive and professionally unacceptable in the workplace including conspiring with others to engage in any of the proceeding prohibited acts. A team member who engages in conduct which has the purpose or effect of causing another to be alarmed, distressed, humiliated or intimidated commits a violation of the workplace bullying policy. Specific examples of workplace bullying include but are not limited to:

- Threatening or intentionally intimidating behavior (physical, verbal, or psychological);
- Malicious actions toward another including physical violence;
- Shouting, swearing, taunting or raising one's voice in a threatening/demeaning manner in public or in private;
- Public humiliation (e.g., spreading gossip, rumors, or hazing);
- Hurling personal insults (e.g., cruel comments, inappropriate remarks about a person's appearance, lifestyle, family, or economic background), making obscene or offensive gestures/jokes, sarcasm, playing practical jokes, and using offensive nicknames/teasing;
- Isolation or social exclusion;
- Cyberbullying which includes intimidation, threats, humiliation and harassment that takes place via electronic media including computers, cellphones or other electronic devices (i.e. derogatory social media posts, threatening texts/e-mail messages, posting of unauthorized pictures);
- Work sabotage that prevents a team member from performing his/her duties;
- Prohibiting or limiting access to information/resources that are essential to the job function;
- Leveraging one's position to force another to do unassigned tasks;
- Extreme increase/decrease in duties and responsibilities without reasonable justification;
- Blackmail;
- Not allowing someone to speak or have voice (e.g., ignoring or interrupting);
- Incessant blame and/or punishment without justification;
- Persistent unjustified criticism; and

- Any other direct or indirect systematic, abusive, aggression in the workplace that leads to personal physical, social, psychological, or psychosomatic injury.

Workplace bullying does not include acts that were welcomed, intentionally provoked, or involved mutual retaliation by the complainant; nor does workplace bullying include professional critiques; ordinary supervision; reasonable performance evaluations; valid disciplinary actions; disagreements; or misunderstandings provided these were conducted in good faith and not intended as acts of harassment, abuse, or conspiracy in violation of this policy. Singular, one-off incidents do not constitute workplace bullying as defined in this policy; however, solitary acts of aggression may fall under the governance of other organizational policy.