

# **Workplace Bullying**

**By Tannia Shamas**

No longer the sole domain of the schoolyard, bullying is now considered a serious workplace issue. According to the Canadian Centre for Occupational Health and Safety, workplace bullying is defined as “acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace.” Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as “the assertion of power through aggression.” The behaviour may be a single incident, or repeated over the course of weeks, months or years. A survey conducted by American researchers found that bullying affects one in six workers and is three times more common than either racial or sexual harassment.

Bullying in the extreme can lead to disastrous consequences. Take for example, the case of the Ottawa-Carleton Regional Transit Commission (OC Transpo), which resulted in the tragic death of four employees at the hands of a co-worker, himself, the victim of repeated taunting. In the majority of cases, bullying is nearly invisible and is more often characterized as psychological violence, crossing the boundaries of gender, race and organizational rank. Experts refer to this as “status-blind” harassment; harassment that is not directed at an individual on the basis of one of the protected grounds of sex, race, age, sexual orientation, disability, etc. Although harassment in general is prohibited throughout Canada through human rights legislation, specific legislation with respect to workplace bullying exists only in the province of Quebec’s Labour Standards Act. While this type of harassment is not considered “illegal” harassment under the law, employers should nonetheless be vigilant in prohibiting bullying. Regardless of the lack of legislation in this area, an employer has an implicit responsibility in creating and maintaining a safe working environment for all employees.

The social and economic costs of workplace bullying can be significant, especially in terms of work productivity. Bullying impacts employees by causing various stress-related health problems, resulting in increased absenteeism and costs for employee assistance programs (EAP). Employee retention/recruitment becomes an issue when the employer’s reputation suffers. Peers and colleagues who witness bullying are negatively influenced, resulting in decreased employee morale, commitment and motivation.

## **Power Imbalance and Employer Liability**

Though bullies are more likely to torment their peers, research shows that 71 percent of bullies outrank their targets. Most bullies are bosses. As the relationship between supervisor and employee is inherently unequal, an employee confronted by a superior

with behaviour that a reasonable person would find offensive, such as yelling, name-calling, belittling and use of profane, sarcastic or other inappropriate language, is a victim of workplace intimidation and bullying because the employee cannot react as though the assault came from an equal. Such behaviours constitute threats to an employee even if no direct threatening language is used. The threat is implied in the nature of the relationship. In other words, a supervisor can do things to the employee from writing a negative evaluation to termination, which would therefore hold the supervisor to a higher standard of review in supervisor-employee confrontations. The offence is further aggravated if it occurs in front of co-workers. When such behaviour is the supervisor's everyday management style, there is a presumption that a hostile work environment exists, and more stringent remedies may be taken to correct the situation.

Employers will be held to a standard of strict liability for the acts of its supervisory personnel because the employer chooses and trains supervisors to direct the work of other employees. Furthermore, the employer knows or ought to know the state of affairs in the workplace. Employers also possess the power to counsel, discipline or remove supervisors who bully and intimidate employees before or immediately after such occurrences are reported.

However, there should be no witch-hunting in complaints about supervisors. The focus must be kept strictly on behaviour, rather than suspicions, psychiatric diagnoses, or off-putting personal characteristics. The important question in determining whether bullying is plaguing the workplace is the following: "Have there been instances and/or incidents where employees have expressed concerns about being subject to intimidating, demeaning, or humiliating behaviour within their work environment?" If the answer is "yes", the employer must take immediate action in order to control and root out the possible infestation of "workplace bullying" within the organization.