# Workplace Harassment and Employee Bullying

*Creating an Organizational Culture of Respect*

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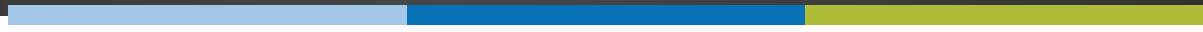
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In 2006, activist Tarana Burke began a campaign to assist and raise awareness for survivors of sexual violence. It would be called "Me Too," two words symbolic of a greater community need for empathetic support around issues of abuse, victimization and trauma.

Over a decade later, the Me Too movement – along with sister movement Time's Up – has become a unifying effort to spotlight everyday stories of sexual harassment. Yet, questions surrounding the effectiveness of speaking out against harassers and bullies has revealed inadequacies in the systems meant to address such behavior, particularly in the workplace.

As the realities of harassment loom large in the court of public opinion, employers are re-examining internal policies and procedures. Legal responsibility has evolved to include reputation and brand, all of which are at risk when intolerable behavior proliferates in the absence of proper investigative, disciplinary and corrective protocols. No organization wants to be called out with the next Me Too hashtag.

Acknowledging procedural deficits in reporting and addressing workplace misconduct allows an organization to evaluate what is working – and what isn't. Along with organizational training on behavioral best practices, employers have the opportunity and responsibility to create a workplace culture that prioritizes respect and establishes resilience throughout the workforce.

> *Employers have the responsibility to create a respectful and resilient workforce culture.*

## Sexual Harassment in the Workplace

Although sexual harassment is against the law, a 2018 online survey conducted by Pew Research Center's American Trends Panel found that 59 percent of

> *59% of women and 27% of men report unwanted sexual advances or harassment.*

women and 27 percent of men reported having received unwanted sexual advances or verbal or physical harassment of a sexual nature.[1]  While these percentages include harassment both in and outside of the workplace, they clearly represent a pervasive challenge warranting attention.

Engaging in conversations about appropriate workplace behaviors depends on an organization's understanding and enforcement of said behaviors. Comprehending what is and what isn't considered harassment allows employers to differentiate between certain behaviors, thus informing the context of any policies and/or procedures moving forward.

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1 http://www.pewsocialtrends.org/2018/04/04/sexual-harassment-at-work-in-the-era-of-metoo/

What constitutes sexual harassment, then? Unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- Submission to such conduct by an individual is made, explicitly or implicitly, a term or condition of employment.

- Submission to or rejection of such conduct by an individual is used as the basis for employment.

- Such conduct has the purpose or effect of interfering with an individual's work performance, or creates a hostile environment.

Discrimination based on an individual's gender identity or sexuality is also sexual harassment. Using pregnancy, childbirth or related medical status, as well as an employee's desire to either become pregnant or have an abortion, is a violation of laws covered by the Pregnancy Discrimination Act and the Americans with Disabilities Act. Disregarding these laws opens the organization to litigation.

More innate methods of workplace harassment include "quid pro quo" tactics and the creation of a hostile work environment.

Latin for "this for that," **quid pro quo** is the most blatant form of harassment and involves either an expressed or implied demand for sexual favors in exchange for some benefit (like a promotion), or the avoidance of some detriment in the workplace (like termination or a demotion). By definition, quid pro quo harassment can be perpetrated only by someone in a position of power or authority over another.

**QUID PRO QUO**
A demand for sexual favors in exchange for a workplace benefit or to threaten a professional loss.

Stemming from sexual or other discriminatory conduct that interferes with an employee's ability to perform his or her job, **hostile environments** create an intimidating, offensive, threatening or humiliating workplace, or cause situations where someone's psychological well-being is adversely affected. Such behaviors can be verbal, physical or visual, and perpetrated by anyone in the work environment ranging from peers and supervisors to customers and vendors. Hostile conduct must be unwelcomed, directed at a protected category such as sex, offensive to a reasonable person and severe or pervasive in scope.

**HOSTILE ENVIRONMENTS**
Intimidating, offensive, threatening or humiliating behaviors that negatively affect well-being and/or job performance.

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Remember, too, that harassment can take place both during work hours and away from the workplace when employees are off-duty. The employer is responsible for preventing sexual harassment of employees, no matter *who* is causing the problem or *where* or *when* it is occurring.

Why don't those who've experienced harassment come forward? Fear plays a large role: Fear of retaliation, of not being taken seriously, of embarrassment or hurting the alleged harasser, or of being alienated by colleagues. In many cases, the harassed hope the harassment will simply stop, but this rarely happens unless steps are taken to address and resolve pervasive, problematic behavior.

> *Fear often prevents harassed individuals from speaking out.*

## Workplace Bullying

Another substantial challenge facing organizations and their employees is **workplace bullying**.

While less publicized and with few laws against it, studies have shown workplace bullying to be an ongoing challenge impacting productivity, retention, and the physical, emotional, and behavioral well-being of employees. In fact, 19 percent of Americans are bullied, another 19 percent witness bullying and 61 percent are aware of abusive conduct in the workplace. [2]

Legislation is attempting to keep up – bills targeting workplace bullying have been introduced in 29 states, and the U.S. Department of Health and Human Services provides guidance for identifying and addressing bullying in its various forms – but bullying can often persist without technically breaking discrimination laws. [3]

To be clear, **bullying is not** harassment as detailed in this paper; a difference of opinion between co-workers; a "tough boss," which can include behaviors or actions that seem antagonistic but are in fact practical; constructive feedback and/or guidance meant to improve an employee's ability to succeed in his or her role; or an isolated incident that doesn't continue on a regular basis.

**Bullying is** persistent, offensive, abusive, intimidating or insulting behavior or unfair action directed at another individual or group of people, causing the recipient(s) to feel threatened, abused, humiliated or vulnerable. Workplace bullies and targets may be employees, clients or vendors.

> **BULLYING**
> Persistent, offensive, abusive, intimidating or insulting behavior or unfair action directed at another individual or group of people.

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2 https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/workplace-bullying.aspx

3  https://www.stopbullying.gov/

# Workplace Harassment and Employee Bullying
## Creating an Organizational Culture of Respect

Examples of bullying behavior can include:

- Threats
- Verbal abuse
- Inappropriate language
- Slander
- Unwarranted or invalid criticism
- Being shouted at
- Teasing/practical jokes
- Excessive/inappropriate monitoring

- Ridicule
- Isolation
- Unrealistic work demands
- Threats of job loss
- Denial of rightful promotion
- Exclusion from meetings/information
- Taking false credit for other's work

Contrary to popular belief, bosses and other supervisory positions are not the most predominate workplace bullies; most workplace bullying occurs employee to employee. A Society for Human Resource Management survey indicated that 82 percent of bullying reported was employee to employee, while supervisor to employee bullying made up 56 percent and employee to supervisor was 37 percent (yes, employees can bully supervisors). [4]

What do these statistics mean for the workplace? The impact of bullying on employees can cause anxiety, lowered self-esteem, helplessness, concentration difficulties, increased substance abuse or depression. For organizations, this translates into increased errors, absenteeism or presenteeism, the utilization of medical benefits and higher attrition rates. In turn, the overall workforce experiences diminished capacity in productivity, creativity, teamwork, authority, and morale, leading to eventual staff turnover.

### A Note on Cyberbullying and Online Harassment
Cyberbullying and online harassment are behaviors that utilize electronic technology to victimize others. Examples include harmful text messages or emails; rumors sent by email or posted on social networking sites; and embarrassing pictures, videos, websites or fake profiles. As smartphones keep people connected 24/7 and the Internet of Things insinuates into everyday life, employers and employees alike must be diligent about their online behaviors and report cyberbullying and/or online harassment when it takes place.



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4   http://www.workplacebullying.org/shrm-2012/

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# Workplace Harassment and Employee Bullying
## Creating an Organizational Culture of Respect

## Building a Workplace Culture of Respect

Employers hold the responsibility for preventing harassment and bullying while addressing employee concerns in a timely, effective and respectful manner. Developing and following guiding principles aimed at creating a safe, stable workplace culture can only boost morale, allowing employees to work effectively.

Cultivating a safe workplace free of harassment and bullying begins with clear policies and procedures. Options to consider when evaluating next steps include:

**Creating an anti-bullying policy.** The policy should be part of the wider organizational commitment to a safe and healthy work environment, and involve appropriate guidance from human resources. Anti-bullying policies aid in holding employees and supervisors accountable for their actions. The policy should define both acceptable and unacceptable behaviors so employees can have a clear understanding of what is expected.

**Encouraging open dialogue.** Conduct awareness campaigns for all staff detailing what constitutes harassment or bullying, as this will embolden employees to report situations where they believe such behavior is occurring.

**Improving management's ability to deal with, and respond to, conflicts.** Managers and other supervisory staff can play an active role in the lives of their direct reports, rather than being far removed. Enacting and promoting an open-door policy for managers with the sensitivity to address harassment issues will provide employees a safe environment to discuss concerns.

**Handling conflicts and disciplinary action in a professional manner.** When witnessed or reported, unacceptable behavior should be addressed immediately. Complaints need to be taken seriously and investigated promptly. Reassignment of those involved may be necessary, but via an "innocent until proven guilty" approach.

**Incorporating an ethics hotline.** An ethics hotline underscores an employer's commitment to supporting ethical behavior in the workplace as well as provides employees a means to anonymously report health and safety concerns, including from harassment or bullying, to an impartial third party.

**Receiving support from senior management.** Commitment from senior management provides top-down investment into addressing harassment and bullying as a serious workplace concern, improving the health and well-being of the organization while bolstering confidence and morale among staff.

**Modeling appropriate workplace behavior.** Organizational culture is built on expectations. If supervisors display the characteristics they hope to see reflected in employees – optimism, respect, confidence, resilience – then those characteristics will become workplace norms.

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# Workplace Harassment and Employee Bullying
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But how do employees and their supervisors know when it's time to report an incident?

## REPORT AN INCIDENT

✓ Whenever an internal complaint of harassment, discrimination or retaliation is made (oral or written).

✓ When the employer knows or "should know" of possible violations of the company's policy against harassment and discrimination.

✓ When an employer suspects there is any kind of misconduct.

✓ When an administrative agency begins to inquire into the conditions of the workplace.

✓ When notice of a lawsuit is received.

✓ When an employee or supervisor talks to an individual in charge about a problem, but continually stresses that they are not complaining.

✓ When major changes are observed in the workplace such as new behavioral patterns or a sudden decrease in morale, productivity or attendance.

To facilitate enforcement, the organization must come together in a concerted effort to address unacceptable behavior.

Employees can play an active role by offering their support to targets of harassment/bullying, standing in plain view when an incident is occurring and employing a "see something, say something" mentality to their interactions with peers. It is recommended that senior management consult with human resources on best practices.

Further, an organization can train its workforce to follow the **FACTS:**

**F** amiliarity with company policy.

**A** ddressing incidents immediately.

**C** ooperation.

**T** horough investigation.

**S** atisfactory resolution.

Building a workplace culture of respect takes time, effort and investment, and the scope of cross-company cultural change can sometimes overwhelm. An organization doesn't have to go it alone; partnering with a third-party vendor specializing in workforce resilience and organizational development training provides the support needed to guarantee a work environment that is respectful and safe.

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# Workplace Harassment and Employee Bullying
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## The FEI Difference

For over 35 years, FEI has been at the forefront of enhancing workforce resilience by offering a full spectrum of solutions, from employee assistance programs (EAP) and organizational development to workplace violence prevention and crisis management. We integrate a unique perspective on organizational and workforce development through the framework of behavioral health support, crisis management experience and a deep understanding of resiliency practices.

Our vast catalog of development opportunities runs the gamut of organizational best practice, allowing us to take employees to new heights. Through assessment, consultation, training and evaluation, partnering with FEI helps businesses of all shapes and sizes overcome the everyday challenges affecting their workforces.

*FEI helps businesses of all shapes and sizes overcome everyday workplace challenges.*

FEI offers trainings specifically tailored to **Sexual Harassment Awareness** and **Managing Workplace Bullying.**

Behaviors associated with sexual harassment are not only illegal, they can have devastating effects on impacted individuals and workgroups. Our **Sexual Harassment Awareness** seminar provides organizations with a complete overview of sexual harassment prevention and management, and includes an introduction to the causes and effects of harassment, the legal definition of harassing behavior and steps that can be taken to resolve difficult situations.

Likewise, our **Managing Workplace Bullying** training helps organizations avoid toxic environments that can destroy morale, make for a hostile workplace or lead to costly lawsuits. Employers learn how to use assertive communication, progressive discipline and appropriate, timely documentation to curb the belligerent attitudes, raised voices, hurtful criticism and intimidating, threatening tactics associated with bullying so employees can feel safe and do their best work.
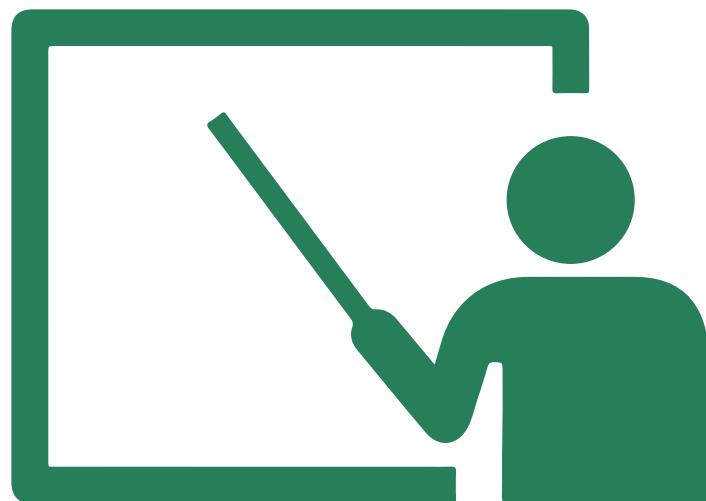
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Additional topics associated with harassment and bullying can be accessed through FEI's expansive resiliency experience including:

- The Risks, Challenges and Opportunities of Managing a Multigenerational Workforce

- Emotional Intelligence for Managers and Supervisors

- Managing Conflict in the Workplace

- Successfully Managing Difficult People

- Stress, Depression and Behavioral Health Conditions in the Workplace

- EAP Tools for Managers and Supervisors

Developing policies and procedures that take proactive action to prevent harassment and bullying is crucial to the ongoing success of an organization and the flourishing of a productive, engaged workforce. The responsibility of maintaining a culture of compassion and care lies first and foremost with the employer.

Whether seeking ways to combat problematic behaviors, or simply looking to educate employees on the expectations that inform a healthy workplace, **FEI is your partner for delivering the sustainable resilience tools that guarantee a respectful, inclusive and safe organizational culture.**

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FEI has a 35-year history in enhancing workforce resiliency by offering a full spectrum of solutions, from EAP and organizational development to workplace violence prevention and crisis management. One of the most successful social enterprises in America, FEI was created by the Alliance for Strong Families and Communities, a national network of social sector organizations working to achieve its vision of healthy and equitable society.