

EMPLOYMENT ALERT

BULLIED AT WORK?

By Karen A. Khan, Esq.

Chances are that you know someone who was bullied as a child. Chances are that *you* may have been bullied at least once growing up. But, how many of you have either witnessed or been the victim of 'workplace bullying'? And what is 'workplace bullying' anyway?

According to Gary and Ruth Namie of the Workplace Bullying Institute, 'workplace bullying' can be defined as "**repeated, health-harming mistreatment, verbal abuse, or conduct which is threatening, humiliating, intimidating, or sabotage that interferes with work or some combination of the three.**" Another prominent researcher, Pamela Lutgen-Sandvik, defines 'workplace bullying' in "*Take This Job and . . . : Quitting and Other Forms of Resistance to Workplace Bullying*" as "**persistent verbal and nonverbal aggression at work, that includes personal attacks, social ostracism, and a multitude of other painful messages and hostile interactions.**"

Make no mistake. Workplace bullies are generally insecure people who seek power and control by intimidating and humiliating their target - usually a co-worker - whom the bully feels threatened by. Their aim is to inflict psychological violence against their target. Do you recognize the following examples of 'workplace bullying'?

- A co-worker spreads untrue rumors and gossip about you
- You are constantly criticized without justification
- Your opinions are persistently belittled or discounted
- You are excluded from social events at work
- Your work is routinely undermined or impeded
- You are constantly stared or glared at, or given the 'silent treatment'- nonverbal intimidation

Compared to workplace violence, bullying at work tends to be *non-violent* in the traditional sense of the phrase, but it can lead to violence. Still, the effects of 'workplace bullying' are far reaching. Targeted employees eventually suffer from many ailments including stress, PTSD, lower self-esteem, panic and anxiety disorders, inability to concentrate, inability to sleep and depression, all of which bear associated costs to the employer. Some costs to the employer include high levels of absenteeism, decreased productivity, high turnover, low employee morale and increased costs associated with its Employee Assistance Program.

But 'workplace bullying' is *illegal*, isn't it? **NO**, it is not! There is no federal or state legislation which outlaws bullying at work. While federal and state laws make it illegal to harass an employee because of their race, sex, age, religion, national origin, etc., most targets of 'workplace bullying' will be hard-pressed to prove that they were bullied because of a protected characteristic. Only a few states have proposed legislation which would permit an employee to sue for an *abusive work environment* and to date, there has been no proposed legislation in the District, Maryland or Virginia which would prohibit 'workplace bullying'. That said, employees and employers alike have a vested interest in preventing 'workplace bullying.'

Employers should:

- ✓ Institute a zero-tolerance policy which prohibits *any form of harassment*
- ✓ Train managers and staff on how to identify and prevent bullying at work
- ✓ Have an open door policy and encourage employees to report bullying behavior

Employees should:

- ✓ Understand that they are not the problem - the bully is
- ✓ Keep detailed records of the bully's actions, including dates, times, and witnesses
- ✓ Report the bullying immediately and expect your employer to investigate

One can think of many ways of how to stop a workplace bully in his or her tracks. You *know* what I mean. Don't. It is a better practice for employers to institute and enforce policies which protect employees from workplace bullies than to do nothing, and have the bullied target do harm to themselves or worse, to other employees.

The contents of this Employment Alert are intended for informational purposes only and must not be considered as legal advice.

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The Khan Law Group, PLLC is a Washington, D.C. based employment law firm representing corporate clients as well as individual employees with employment issues in Washington DC, Maryland, Virginia, and nationwide. The Group is dedicated to providing the highest calibre of personalized legal services and representation.

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