



WORKPLACE BULLYING AND VIOLENCE:

WHAT YOU NEED TO KNOW



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WORKPLACE BULLYING AND VIOLENCE:

Disagreements happen every day in our working lives, and that can be a plus. Differing points of view help teams and organizations innovate and solve problems.

But it's important to understand the difference between professional disagreements—and workplace bullying or violence. Of these two serious problems, the one we hear about more often is workplace violence.

When a violent incident happens, it grabs the attention of the news media. But acts of violence in the workplace, although serious, are relatively rare.

On the other hand, workplace bullying is not rare. For too many people, it's a daily occurrence. All too often, employees are threatened, insulted, humiliated, ignored, or mocked by supervisors and coworkers.

Even when there is no physical harm, bullying can have deep emotional consequences and a profound impact on an employee's morale and stress level.

HOSTILE ENVIRONMENT

A hostile work environment consists of a pattern of offensive comments or behavior that affects a person's ability to perform the job.

Unlawful harassment often involves a hostile work environment. Every company has a duty to stop harassment before it violates the law.

Harassment is basically unwelcome behavior and can be unlawful when directed at a person in a protected class. Protected classes include race, sex, national origin, age, disability, and others.

Harassment can include bullying and rude behavior, but this type of conduct is only illegal when based on a protected class. Some people are just bad-mannered. Their behavior doesn't violate the law, but their conduct shouldn't be acceptable at work.

BULLYING

Bullying is defined as repeated, unwelcome behavior that humiliates or intimidates a coworker or otherwise sabotages his or her performance. A key word in this definition is "repeated." A single incident of anger or frustration may not be considered bullying. But if a pattern develops, then it likely fits the definition.

Bullying takes many forms, including:

- Expressions of hostility either verbally or through body language.
- Abusive conduct, behavior that belittles, harasses, or isolates a coworker.
- Abuse of power: For example, berating one employee for an infraction while allowing others a free pass.
- Deceit and sabotage, such as taking credit for someone else's work.

Even though it may be improper and unprofessional, bullying is not currently illegal under federal law.

However, severe forms of bullying are illegal. These include assault and battery, and retaliation, discrimination, and harassment based on legally protected characteristics such as gender and race.

For example, if a bully makes offensive comments based on race or gender, it could be unlawful discrimination.

Ignoring the problem of bullying simply doesn't work in the long run. Consider the message you give the victim when you fail to resolve their problem, and the continued negative impact on their working relationships. You need to act.

Reporting can be encouraged by consistent and effective responses to issues, and by supervisors and managers acting appropriately on issues when they become aware of them.

What should you do if you become aware of a bullying situation before it's reported to you? For example, you hear that two employees are having problems getting along. You should address it as a matter of improper workplace conduct. Talk to the bully and victim. Outline expectations for future conduct and consequences. Encourage the victim to report further problems. Then monitor the situation for compliance.

A HOSTILE WORK ENVIRONMENT CONSISTS OF A PATTERN OF OFFENSIVE COMMENTS OR BEHAVIOR THAT AFFECTS A PERSON'S ABILITY TO PERFORM THE JOB.

What should you do if you see an employee being bullied or threatened at work? Would you know how to respond? And what if it's another supervisor who's doing the bullying? One option is to confront the bully yourself. But don't choose to ignore the situation. Your intervention just might help stop a bully's pattern of mistreatment.

What happens when someone comes to you to report bullying? If one employee has been intimidating or ridiculing a coworker, and there were no witnesses, the report might be your first indication that a problem exists.

First, treat all reports seriously and confidentially. Assume that everything being reported is true. It might be exaggerated, so keep an open mind, but the effects on the bullied victim are real, and you will need to address them.

Next, investigate. The investigation should be conducted by you or by someone else such as a Human Resources representative.

Follow these steps:

1. Start by interviewing victims and witnesses to hear their version of what's been happening.
2. Meet with each person separately and privately. Their versions of what happened may differ.
3. After you talk to the victims and witnesses, interview the offender – the person or persons accused of bullying.
4. Fully inform them about the allegations.
5. Give offenders full opportunity to reply to the complaint.
6. Maintain their confidentiality.

Review their statements, and if you need clarification, conduct a second round of interviews.

Evaluate the credibility of the statements. If there were no witnesses, evaluate one person's word against another's. Even if you don't think bullying occurred, your employees obviously have problems working together, and the conflict needs to be resolved.

At the end of an investigation, submit an objective report:

- Describe the allegations and what was reported.
- Describe the investigation processes.
- Outline all relevant evidence, including who was interviewed.
- Conclude whether workplace bullying is substantiated.

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And, if the investigation confirms that workplace bullying did occur, communicate recommendations to the victim, the bully or bullies, and others involved.

Your options to resolve the bullying will vary. For example, you could:

- Direct the bully to stop the behavior.
- Coach, counsel, or mentor the bully.
- Invite an apology.
- Conduct individual training.
- Provide mediation.
- Use disciplinary action. Responses at the workplace should be appropriate to the seriousness of what has occurred.

After discipline, follow up to make sure the bullying is not continuing.

Keep in mind that threats to harm someone, acts of violence, assault, property damage, and stalking are criminal matters that may result in termination, and may even prompt you to contact the police.

Unfortunately, attempts to de-escalate a bullying situation are not always going to be 100 percent effective. Sometimes bullying can escalate and turn into workplace violence. It's also important to note that not all workplace violence is caused by bullies. It can erupt for a variety of reasons.

WORKPLACE VIOLENCE

Violence at the workplace can be caused by personal factors such as financial, legal, or marital problems; drug or alcohol abuse; or even mental or physical ailments. Or it could be caused by workplace factors such as job loss, perceptions of unequal or unfair treatment, or harassment by coworkers.

Workplace violence is very real and very dangerous. It affects organizations of every size and type. And when it does happen, the repercussions can be severe.

Workplace violence is defined as violence or the threat of violence against employees, supervisors, customers, or vendors.

It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers, and visitors. However, it manifests itself, workplace violence is a major concern for employers and employees nationwide.

It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide.

When you encourage people to report workplace bullying, your organization will be in a better position to:

- Take action to address the issues as early as possible
- Assess whether workplace bullying prevention measures are working,
- Provide prompt assistance and support to employees

TYPES OF JOBS WHERE VIOLENCE CAN OCCUR

Research has identified factors that may increase the risk of violence for some workers at certain worksites. Such factors include exchanging money with the public and working with volatile, unstable people.

Working alone or in isolated areas may also contribute to the potential for violence. Providing services and care and working where alcohol is served may also impact the likelihood of violence.

Time of day and location of work, such as working late at night or in areas with high crime rates, are also risk factors that should be considered when addressing issues of workplace violence.

Among those with higher risk are workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.



CONTROLLING WORKPLACE VIOLENCE

The key to controlling workplace violence is to identify and deal with potential problems before they get out of hand. Although many threats don't lead to violence, in almost every incident that took place, the violent employees exhibited warning signs, or even told people what they were going to do.

Here are some of the key warning signs that could alert you to a potential problem:

- A good employee may suddenly become a problem employee.
- He or she may become increasingly frustrated, may start lashing out, or may pick fights with coworkers.
- There may be an obsession with weapons.
- Direct or implied threats.
- A recent decline in health or hygiene.
- Signs of alcohol or drug abuse.
- Intimidating or bullying of coworkers.
- Recent financial, marital, or legal issues.

It isn't just employees who perpetrate workplace violence. Offenders can be customers; vendors; a worker's estranged spouse, boyfriend, or girlfriend; or an acquaintance of an employee.

Here's what you can do to prepare for and minimize incidents of workplace violence:

- **First**, be alert to the warning signs. All threats must be taken seriously, handled promptly, and reported to your Human Resources department or the police. Don't

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ignore the potential for violence, only to regret it later.

- **Second**, know your company's crisis management or emergency response procedures. Know who to call for help in a crisis situation and listen to all instructions.
- **Third**, know in advance how to respond to threats and violent acts. This includes moving away from the situation and knowing where to go and how to warn others.
- **Fourth**, be on the lookout and report any physical security concerns, such as doors left unlocked, lights that are not working, or unidentified visitors.

If a violent incident occurs, supervisors should work with Human Resources regarding disciplinary action or other appropriate responses, depending on the situation. For example, it may have been an otherwise good employee who briefly lost their temper. Or it could be an employee who gradually becomes more and more aggressive and starts making threats.

Another type of violence that affects the workplace is domestic violence. Just as home life issues don't get left behind when employees report for work, domestic violence does not disappear when victims leave home.

If a victim of domestic violence leaves their abuser, where's the one place the abuser knows the victim will be every day? At work. That's why domestic violence presents a unique set of challenges for employers, supervisors, and office security staff.

If you suspect one of your employees or colleagues may be in an abusive relationship, here are some possible signs and symptoms to look for:

1. Arriving to work late or very early.
2. Unplanned or increased use of earned time or paid time off.
3. Decreased productivity.
4. Stress caused by personal phone calls.
5. Wearing long sleeves on a hot day or sunglasses inside.
6. Difficulty in making decisions or concentrating.
7. Bruises, chronic headaches, abdominal pains, or muscle aches.
8. Signs of fear, anxiety, depression, or fatigue.

For all these behaviors, look for a repeated pattern, rather than a single incident.

If you think an employee is experiencing domestic violence, be concerned, but if you approach that employee, don't attempt to act as a counselor. It's okay for you to offer support. But don't try to solve the problem yourself.



Be on alert for warning signs of workplace violence.

Here are some things you can say to an employee who may be a victim of domestic violence.

- “I know it’s hard to talk about this.”
- “You’re not alone. Many people have gone through this.”
- “I can give you a number to call for professional help.”

Again, don’t try to be a counselor. Don’t tell the person what to do. And don’t discuss the person’s information with anyone else without permission.

Make sure the employee knows the specifics of your workplace policy and how to report any incident. Let the employee know where to go for help, such as the Employee Assistance Program or other resources.

To avoid a potentially dangerous situation, be careful about becoming overly involved in counseling or offering personal favors. Don’t offer your home as shelter or make impromptu safety checks at the employee’s home. Maintain your relationship as supervisor, not as counselor.

As a supervisor, you need to be aware of the laws that apply to domestic violence as part of an early prevention strategy:

- Occupational health and safety laws generally require employers to maintain a safe workplace, which may include a violence-free workplace.
- Family and medical leave laws may require employers to grant leave to employees who are coping with domestic violence situations.
- Victim assistance laws may prohibit employers from taking adverse job actions against employees who disclose their situation, or who take time off from their jobs to make court appearances.

WRAPPING IT UP

Workplace bullying and violence affect the victims, and the company’s bottom line.

When hostile or violent incidents are allowed to continue, they can decrease employee morale, increase stress, lower productivity, increase absenteeism, and increase the use of company healthcare benefits.

So be alert for signs of bullying and violence at your workplace. And know what steps to take when you see them. Make sure employees know that abuse and violence won’t be tolerated, and that there will be consequences.

You may not be able to prevent every incident, but through your actions you can help maintain a safer and more productive work environment for everyone.



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Mark joined J. J. Keller & Associates, Inc. in 1994. With a background in monitoring Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and Department of Transportation (DOT) regulations, he currently specializes in the OSHA 1926 construction and 1910 general industry regulations. His focus is on workplace violence, electrical safety, mobile cranes, scaffolding, excavations, and fall protection.

He is also an authorized OSHA Construction Outreach Trainer and is responsible for monitoring, analyzing, and summarizing 1910 and 1926 regulations for various J. J. Keller guides, manuals, and newsletters. Mark has also written numerous trade publication articles on related topics. As the lead construction safety editor, he is also one of the subject matter experts for Cal/OSHA Title 8 regulations.



ABOUT J. J. KELLER

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