



Getting Past “Not Horrible”: Addressing Office Bullies is Good for the Bottom Line

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A Dallas jury recently awarded a verdict of more than a million dollars to a vocational nurse based upon her claims of sexual harassment and intentional infliction of emotional distress. While it appears that verdict will not ultimately be enforced — following a post-verdict settlement reached between the parties just minutes before the jury’s ruling that was smaller, yet still sizable — it is a warning sign for employers in terms of changing views on workplace bullying.

In this case, the employee bringing the lawsuit reported only three instances of yelling. At trial, she testified that on the three occasions, her physician supervisor screamed at her with raised arms and clenched fists, “Just shut up. Just shut up, I’m sick of you,” according to court documents. The employee reported this behavior to her human resources department and, shortly thereafter, she alleged that she was called by the physician for an after-hours meeting in his office, where he gave her a “demonstration” of what real screaming was to prove he had not screamed at her previously.

While it has yet to be seen whether these kinds of bullying cases will gain large-scale traction in courts across the county, a thematic message is becoming increasingly clear: The days of an aggressive boss who acts like a drill sergeant toward employees must come to an end. Understanding this concept in extreme situations should be relatively easy, but employers should also take care not to oversimplify what these troubling kinds of behaviors can entail. While the “yeller” is an easy bully to spot, other less

aggressive behaviors can be less evident, but nonetheless equally troublesome, including:

- Use of profanity
- Targeting an employee with heightened and excessive criticism
- Holding employees to different standards
- Referring to employees by demeaning names or lesser titles
- Excluding employees from a lunch or team meeting

While these latter types of behaviors may not facially rise to the level of actionable discrimination or harassment, it is easy to see how they can quickly give rise to these kinds of legal claims if the employee can show that the bully treated others, outside of a protected class, more favorably. Likewise, given the rise of tort claims, we are likely to see more and more cases where the employer is held liable for these bullying claims.

If avoiding legal claims is not enough to persuade an employer to address these behaviors, bullying is shown to have a dramatic impact on workplace culture, employee health, and productivity. This type of culture can quickly tarnish a company's reputation, cause additional absenteeism, and ultimately result in high rates of turnover – all ultimately affecting the bottom line. Indeed, workplace bullies affect the employees' mental and physical health.

What can employers do?

1. Have a policy

Employers often have code of conduct policies in addition to policies prohibiting harassment and discrimination. Managers must lead by example and neither create nor allow a toxic environment. Offenders must be counseled and disciplined so that employees know inappropriate behavior

will not be tolerated. If employers do not step in, they are in some ways sending a message by default to employees that this toxic behavior is at least allowed and potentially even supported.

Sometimes employers brush off employee complaints citing over-sensitivity or failure to accept constructive criticism. However, employers should be mindful of these complaints to ensure that these behaviors are not going too far or that the behaviors are being applied equally. Employers may also be hesitant to address these behaviors with rainmakers or key employees. However, this hesitancy is at the employer's own peril.

2. Interactive training sessions

Training conducted by having employees click through an emailed PowerPoint is much different than sitting in a room with other employees and having hard conversations regarding different perspectives on workplace conduct. Consider having a professional trainer or attorney come in to train managers on appropriate conduct. Sometimes having an outsider come in makes it easier for managers to identify issues and role play, as opposed to doing so with the person they see every morning at the water cooler.

3. Culture of inclusion

As the saying goes, "life is short." Extensive research shows that when workers feel continuously accepted, respected, appreciated, encouraged, empowered, and valued, they are more productive and speak highly of their employers. Reducing office bullying is an important first step in the process of creating a culture of inclusion for all. Employers should want their employees to think of work more than just "not horrible," but rather a positive and respectful environment.

