
Bully in the Workplace

In the past decade, we've seen great strides in ensuring equality in the workplace and a heightened awareness of the issue of sexual harassment. Employers are making it clear that there is no place for discrimination or harassment in our workplaces. However, another type of harassment is becoming more prominent as both a social and workplace issue. The issue of 'bullying' in the workplace is becoming more prevalent and is made more prominent by the media reports of bullying in our schools. It is now thought that bullying is more prevalent in the workplace than other destructive behaviors such as sexual harassment and racial discrimination.

In 1999, the International Labour Organization (ILO) defined workplace violence, including bullying, as: *"any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviors would originate from customers or co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors."* In 2004, the ILO also ranked Canada as 4th highest in workplace aggression behind France, Argentina and England/Wales. The USA was in 7th place.

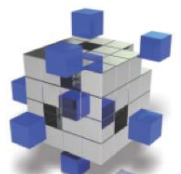


A study published in March 2021 by the CBC, and based on research by Western University, the University of Toronto and the Canadian Labour Congress, found that 71.4% of the workers in the study had experienced at least one form of harassment and / or abuse in the past year. [CBC Link](#)

What constitutes 'bullying'?

There are three major actions that can constitute the act of bullying (which is an act of harassment):

- Repeated acts of physical assault. This doesn't necessarily mean assault causing hospitalization (which would be a criminal act). It can be as simple as being slapped on the back by someone on a regular basis after you have told them that you find it inappropriate or dislike it;



- Repeated acts of petty theft. Again, if the theft were large enough it would be a criminal act. However, if someone is continually stealing your lunch or mouse pads, etc., and it's not addressed, then it's an act of harassment; and,
- Repeated acts of verbal harassment. This act is going to be the focus of this article as it's the least known yet seems to be the action that is growing in causes of litigation against employers and peers.

What is verbal harassment?

The repeated use of denigrating, humiliating, vindictive, cruel or malicious speech that is meant to undermine a person's confidence, self-esteem, popularity with others or professional competence would be deemed as verbal harassment. This harassment does not need to be in a superior to subordinate relationship. It can occur in a peer to peer relationship.

It will most often occur within the organization, but can also be found in exterior circumstances such as a customer service representative that is verbally accosted on the telephone by a particular customer on a regular basis.

How should you respond to harassment?

There are a few basic steps to take:

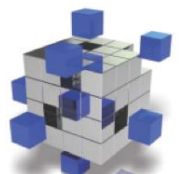
1. Stay calm and **DO NOT** retaliate. If you feel threatened to the point of fearing for your personal safety, get away from the situation and/or call for help.
2. Firmly tell the harasser to stop.
3. Report the issue to senior management. If senior management is the issue, document the issue and contact a lawyer.
4. Keep a diary/record of events including date, time, place and witnesses.
5. Keep records of all correspondence.
6. **DO NOT** blame yourself for 'bringing it upon yourself'. *YOU DID NOTHING WRONG!*

What should your management do when you report it?

Your employer must make every attempt reasonable under the circumstances to remedy the situation. That means that they take the necessary employment actions to deal with the harasser within the organization. It also means that they either deal with the out of control customer or remove you from the situation without penalty to you.

What has the government done to address this issue?

Unfortunately there hasn't been much done. In Ontario, for instance, the only two parts of the Occupational Health & Safety Act that can be used by an employee are: 25:2 (h) that requires every employer to take every precaution reasonable to ensure a safe and healthy workplace; and, 43:3 which covers the right to refuse to work under unsafe or unhealthy conditions. However, there is pressure mounting on federal and provincial / state governments to enact tougher laws and to include cyber-bullying.





What are the consequences of bullying?

Bullied employees waste up to half their time at work spending time networking to protect themselves and thinking about the situation. This leads to a lack of motivation, stress that may lead to stress-induced illness and time off including depression. This may also lead to high staff turnover, severance packages and litigation.

Often, the target of bullying cannot leave it at work. The stress and anger returns home with the target which leads to deteriorating family conditions and loss of friendships.

In some cases, the results are violent and tragic. April 6, 1999: a former employee of OC Transpo in Ottawa went on a shooting rampage that resulted in four employees dead and then commits suicide. The killer had been the victim of workplace harassment.

Our healthcare and judicial systems often come into the situation causing us all some level of expense in the form of our taxes.

According to Michael Mulroy, a Toronto-based employment lawyer, the price to be paid by corporations when managers are the bullies can be very costly. Whether the employer is the bully (e.g. the owner or president of a business) or an employee whose conduct toward a co-worker goes unchecked by the employer, the cost associated with unabated bullying is a myriad of legal claims. Employees can sue employers for constructive dismissal, as it is a fundamental term of employment that an employee be treated with dignity and respect, and intentional infliction of mental distress or negligence is prohibited. Awards are escalating as the courts sanction employers for inaction. One particular award was close to one million dollars in a case where the employee was unable to recover from the harassment she endured. Punitive damage awards, previously quite modest, are now exceeding \$100,000. The message from the courts is clear: ***such conduct is not to be tolerated.***

Where to go from here?

Employers and employees must work together to ensure that this type of behavior becomes as reprehensible as sexual harassment, racial slurs and drunk driving. This issue should be put on the Health & Safety Committee agenda, debated and preventative measures including education put in place. If it's happening already, get on the ball and stop it...before someone gets hurt and the organization pays a hefty price in morale, loss of knowledge capital and cash.

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