

Substantial Disruption



Why We Need A Workplace Bullying Law (Part I)

By Mike Tully

Imagine the following scenario: It's time to replace your HVAC filter, so you visit the XYZ Hardware Store. You approach an employee who is wearing a badge reading, "I'm Kelly. I'm Here to Help You." She is engrossed in her iPhone and doesn't look up or acknowledge you. After an awkward moment, you ask, "Excuse me, where can I find HVAC filters?" Without looking up, barely acknowledging your existence, she mumbles, "Try aisle five." You go to aisle five: no filters. You return to "I'm Here to Help You Kelly," and tell her there were no filters in aisle five. "It's near aisle five," she mutters, still captivated by her phone. "You'll find it." As your blood pressure rises you look for a supervisor and find a young man whose badge reads, "Jeff. Assistant Manager." You ask about HVAC filters and mention that Kelly sent you to aisle five and wasn't helpful. "What?" Jeff exclaims, storming off. Jeff confronts Kelly and, in a loud voice, says, "I don't know what's wrong with you. You know HVAC filters are in 7B. Why didn't you say so?" He tears into her, calling her "stupid," "ugly," "useless" and finally: "You don't deserve to work here. You're lucky the owner likes you. If it was up to me I'd toss your ugly ass out. Do you understand?" Kelly, sobbing uncontrollably, nods her head. Jeff gives you an "I guess I told her!" look. You decide you can live with your current filter and start to leave. You pass an older employee with the weary look of a workplace sage and ask, "Did you see how Jeff treated that employee? How does he get away with that?" "I saw it," she replies and shrugs. "He's the owner's son-in-law. Untouchable." You make an unplanned stop at a liquor store and, when you get home, you are still annoyed at Kelly but feel sorry for her. You are troubled by the way Jeff treated her and discouraged by the conversation with the sage. You feel sick to your stomach. Then you realize:

You have entered a new dimension ... as vast as retail and as timeless as anger. It is the middle ground between light and shadow, between science and superstition, and it lies between the pit of man's fears and the summit of his ambition. This is the dimension of abusive conduct. It is an area which we call the Workplace Bullying Zone. (Homage to [Rod Serling](#))

While Kelly's unprofessional conduct is unacceptable, she is clearly a victim of workplace bullying. One quarter of all workplace bullying victims admit taking out their frustration on customers, according to the [Harvard Business Review](#) (HBR). The study also found that nearly half decreased their work effort and the time spent at work. Two-thirds said their performance declined. One in 12 simply quit. A [more recent study](#) by the HBR found "Workplace stress has been linked to health problems ranging from metabolic syndrome to cardiovascular disease and mortality."

Workplace bullying translates into a lot of disgruntled workers, a lot of sick leave, a lot of expensive recruitment and training and a lot of angry customers walking out the door. A recent study from Korea estimated that country's economy [loses \\$4.4 billion annually](#) because of

workplace bullying. A [study](#) from Great Britain puts the annual loss at 18 billion pounds (more than \$22.6 billion). The Gallup organization says approximately 22 million “actively disengaged” American workers – many of them likely victims of workplace abuse – cost the economy [\\$350 billion annually](#). Not all costs are borne by employers. All of us lose and all of us pay. Workers’ Compensation, Unemployment Insurance, lost tax revenues, bankruptcies, food stamps, foreclosures, and higher insurance premiums impact society at large. Workplace bullying victimizes between 27% and 37% of workers, according to three studies conducted by the [Workplace Bullying Institute](#) (WBI). More than 152 million American civilian workers [had jobs](#) by the end of 2016. That adds up to more than 41 million victims, using the most conservative results from the WBI.

This column focuses primarily on the “Kellys” of the workplace, employees who are victimized by workplace bullying. But the “Jeffs” of the world contribute to the problem. Voluntary workplace bullying policies are becoming increasingly common in both the private and public sectors. Unfortunately, the lack of a legal standard makes enforcement arbitrary. Bullies like Jeff frequently escape responsibility because of personal, financial, or political connections. A recent case in Pima County illustrates how the lack of public accountability can neutralize an otherwise strong and effective workplace bullying policy. That will be the subject of next week’s column.