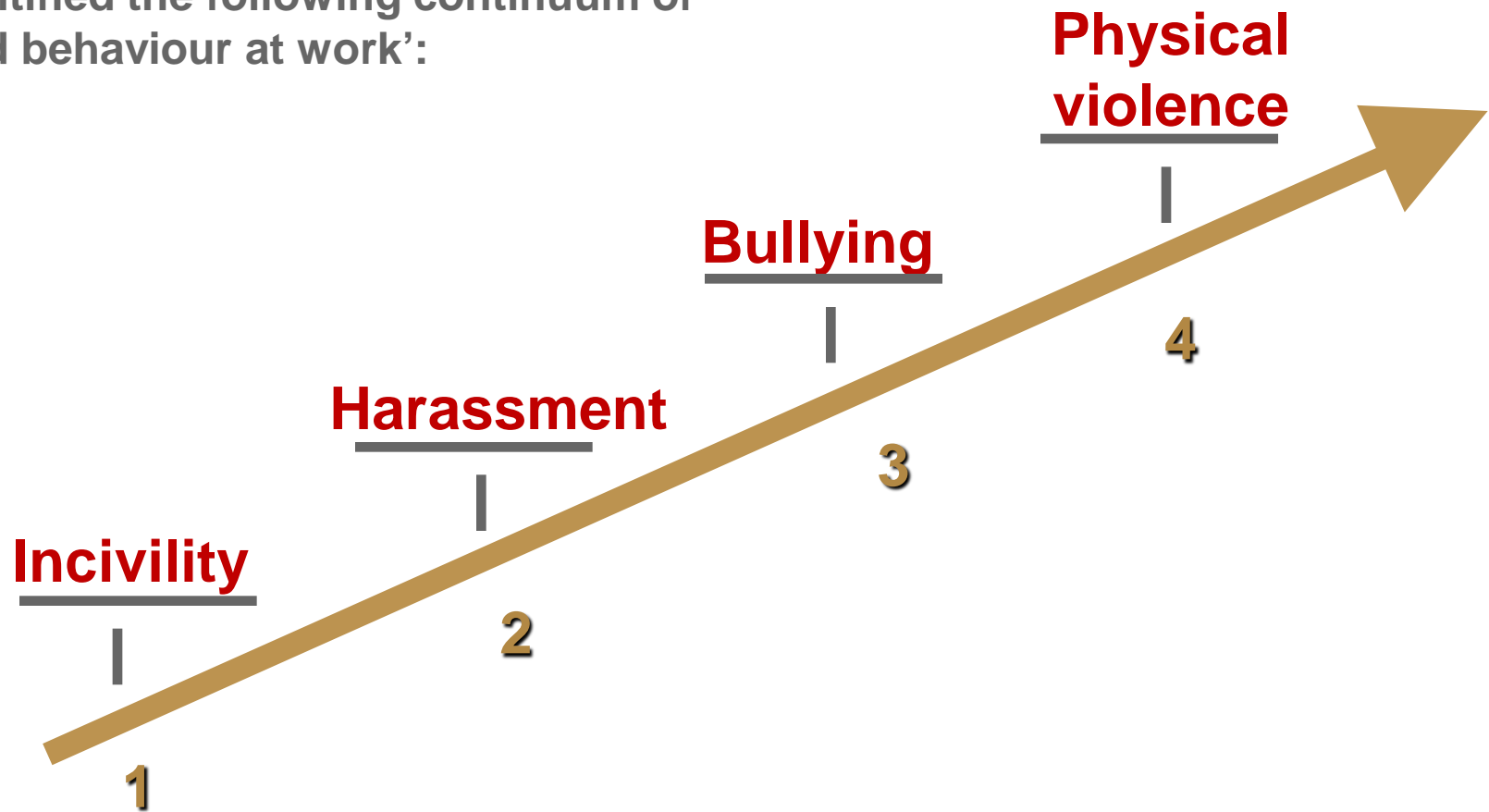




Incivility, Harassment and Bullying: The Business Case

A Severity Continuum

In the service of simplifying, we have identified the following continuum of 'bad behaviour at work':



What is Incivility?

Incivility refers to lower grade forms of bad behaviours at work which occurs regularly in many organizations. Its nature and effects on organizational outcomes is now an emerging area of study in academic circles.

Incivility is defined as “Seemingly inconsequential, inconsiderate words or deeds that violate conventional norms of workplace conduct. Which may or may not be intended to harm”. (Pearson and Porath)

Examples of incivility include a range of behaviours, including:

- ❖ Moodiness, ‘personality’
- ❖ No Hello-Thank-You-please
- ❖ Eye rolling
- ❖ Belittling opinions, chastising
- ❖ Cliques, gossip, social exclusion
- ❖ Rude use of technology
- ❖ Interrupting a conversation
- ❖ Withholding information

What is 'Harassment'?

Harassment refers to a broad range of unwelcome behaviours that degrade, insult, humiliate or offend. The actions may be intentional – or not. These behaviours or comments may affect a person's job performance or create a poisonous work environment. The Source may be a manager, colleague or customers.

Examples of harassment include:

- 'Off colour' jokes or comments
- Insulting or offensive language and comments
- Shouting, hostility
- Swearing
- Practical jokes
- Discriminatory practices
- Social exclusion, isolation
- Offensive graphics
- Rudeness
- Spreading rumours or gossip
- Humiliation
- Personal criticism, ridiculing or demeaning
- Sexual advances
- Removing areas of responsibility arbitrarily
- Setting unreasonable tasks or deadlines

What is Bullying?

Workplace bullying is a particularly potent form of workplace harassment.

Bullying can be defined as “the repeated mistreatment of one or more employees, sometimes by an employee in a position of influence or authority, who, intentionally or unwittingly, subjects others to behaviour that humiliates, demoralizes or otherwise undermines the victim’s credibility, effectiveness and personal wellbeing. The behaviours are unwelcome to the victim and undertaken in circumstances where the victim has difficulty in defending themselves”.

What the Law and Courts Have to Say....

The Court System Takes a Stand

“**Bullying** in the workplace is not new. It does occur in workplaces from the barnyard to the boardroom. What is new is the **expanding range of employer duties to provide a workplace conducive to employee wellbeing**, and the degree to which courts and arbitrators will sanction employers if they fail to discharge that duty.

First, the common thread in many of the cases (both in a unionized and non-unionized setting) is that heavy-handed **management by fear, anger and intimidation can readily lead to employer liability** and this liability will include not only damages for out-of-pocket losses such as lost wages, pay in lieu of notice and lost sick benefits, but also damages for torts such as intentional infliction of mental distress.

Not only will employers be liable for the actions of managers and supervisors, **employers will be held liable where a co-worker bullies another**, and the employer fails to take effective action to address the situation. What specific action will be appropriate will obviously depend upon the particular circumstances, but it is clear from the *Stamos, supra*, case that treating the bully and his or her victim in a mirror fashion is not appropriate”.

Frances R. Gallop & Robert M. Bell,
Filion Wakely Thorup Angelleti, Management Labour Lawyers

‘Constructive Dismissal’

Indeed, as part of the jurisprudential trend toward protecting individuals from the harmful effects of incivility and harassment, the courts have in several precedent-setting cases concluded that an employee who was subject to a harassing or disrespectful environment that led him/her leaving the organization would be considered to have been the subject of ‘constructive dismissal’.

“Not only is an employer obliged not to treat an employee in a manner that renders competent work performance impossible or continued employment intolerable, an employer has a broader responsibility to ensure that the work environment does not otherwise become so hostile, embarrassing or forbidding as to have the same effect...”

Stamos v. Annuity Research & Marketing Service Ltd

Can an Org Really Know What's Happening?

Often, employers, managers, and employees believe that harassment is not a problem in their particular workplace.

They may especially believe this if there are no complaints.

However, a complaint-free workplace is not a guarantee of a problem-free workplace.

Employees tend to avoid complaining for fear of embarrassment, retaliation, job loss, or loss of acceptance by colleagues. They may also fear not being believed, especially where differences in level of authority, age, sex, race, religion and the like exist.

In effect, most situations are not brought to the attention of those who can do something about it.

Often, the only time a situation comes to light is through a complaint to Human Rights or through exit interviews.

A Widespread Problem

Anecdotal evidence suggests that incivility, harassment and bullying are more prevalent than we'd like to think:

Psychological harassment

6,850 complaints launched in Quebec since introducing 'psychological harassment' legislation in June 2004

Sexual harassment

6% of women are sexually harassed at work per year (Statistics Canada, in HR Reporter, Dec 3, 2007)

14% increase in sexual harassment lawsuits from 1992-2006 (HR Reporter, Dec 3, 2007)

Incivility

In a 2005 study of over 800 employees in the US, 10% reported witnessing incivility daily within their organization and 20% said that they, personally, were the direct target of incivility at work at least once per week (Pearson and Porath, 2005)

In a 2001 study, 75% of respondents reported experiencing incivility at work at least once in the past 5 years. (L. Cortina et al, 2001)

In another study, more than 50% of the front-line workers surveyed had experienced forms of incivility at least once in the previous three years. (Ehrlich & Larcom, 1994)

Bullying

Research in the UK shows that 1/3 to 1/2 of stress-related illness is due to workplace bullying. According to a report tabled in the British parliament, it is estimated that 40 million working days are lost each year because of bullying. In addition, 25% of targets of bullying will leave that job, and 20% of witnesses will leave, 35% of those who leave do so very quietly, without any feedback.

**Incivility, harassment and bullying
impact many aspects of individual
and organizational functioning.....**

Impact: Behavioural-Emotional Effects

Both 'targets' and 'by-standers' may experience any of the following:

- ❖ Physical symptoms such as inability to sleep, loss of appetite
- ❖ Psychosomatic symptoms such as stomach pains, headaches
- ❖ Anxiety or panic
- ❖ Feelings of frustration and/or helplessness
- ❖ Increased sense of vulnerability
- ❖ Loss of confidence
- ❖ Depression/psychological illness
- ❖ Family tension and stress
- ❖ Inability to concentrate
- ❖ Shock
- ❖ Anger

Impact: Bullying Victims Stats

In a 2003 Survey, the Workplace Bullying and Trauma Institute found that victims of bullying suffered:

- Severe anxiety (76%)
- Disrupted sleep (71%)
- Loss of concentration (71%)
- Post-traumatic stress disorder (47%)
- Clinical depression (39%)
- Panic attacks (32%)

Ivey Business Journal, Nov/Dec 2003

Impact: Effects on Work Teams

Incivility and harassment affect working teams in numerous ways, including:

- Reduced team morale
- Escalating behaviours: a minor incivility spirals into minor 'retaliation' (e.g. ignoring, withholding pertinent info, lack of cooperation etc)
- Questioning of formal leader's authority and effectiveness
- Time spent on 'water cooler' conversations
- Time spent on supporting affected colleagues
- Reduced loyalty to the organization
- Customer service lapses, safety lapses

- All the above translate into reduced productivity and engagement -

**What is the cost of Harassment,
Incivility and Bullying to an
organization?**

Hmmm

Cost to Org: Tricky to Pinpoint

It is difficult to accurately pinpoint the exact cost of harassment in Canada:

- **Definitions vary** – some behaviours can equally be labelled as ‘harassment’, ‘incivility’ or ‘bullying’
- Incivility tends to go **unreported**
- Many of the victim's and by-standers reactions **show up as general stress** symptoms and therefore get ‘lost’ in the general stress-related statistics
- Departure of affected employee often occurs long after an event took place, thus **causal connection between events and departures** is hard to establish
- The **spiralling effects** of ‘lower’ forms of harassment and incivility, such as indirect retaliation, disengagement, spending time on recruiting colleagues support etc. are extremely difficult to track
- In North America, this topic has **only recently been studied**

The Org Cost: In-Court Cases

A very **conservative** estimate of the total cost involved in dealing with a harassment case would lead to the following figures:

\$16,000+ per case

Settled without going to court

\$48,000+ per case

that goes to court

These estimates include the time lost on investigating the complaint internally (managers', HR and interviewees' time), seeking legal advice, time lost on 'water cooler' conversations

The Org Cost: Incivility

In a recent study of more than 2,400 Canadian and U.S. workers, managers and executives in a range of industries, the following was discovered: When it comes to **incivility**, targets will:

50% of incivility targets **will lose work time worrying** about future interactions with the instigator

25% will **intentionally cut back their work efforts**

50% of targets will **contemplate changing jobs** to avoid a recurrence

Some will **steal** from their instigators or their organizations or **sabotage equipment**

Most will **tell friends**, family, and colleagues about how badly they have been treated.

“.....The results are clear: incivility is costly to organizations and their members in subtle but pervasive ways that can include decline in job satisfaction, fading of organizational loyalty, and loss of leadership impact”

Pearson and Porath (2005)

The Org Cost: Stress

Being directly or indirectly exposed to incivility, harassment or bullying activates the **Fight-or-Flight Stress Response**, thereby triggering all the well-documented stress effects and associated costs . A sample of these costs includes:

- ❖ 19% of absenteeism costs
- ❖ 40% of turnover costs
- ❖ 55 % of EAP costs
- ❖ 30% of STD and LTD costs
- ❖ 10% of drug plan costs
- ❖ 60% of workplace accidents
- ❖ 100% of stress-related lawsuits (e.g., Bank of Montreal vs. Zorn-Smith, Honda, RCMP)

Chrysalis Performance Inc. Research
Source: Joan Burton, IAPA (Industrial Accident Prevention Association, 2006)

Note: research in the UK estimates that 1/3 to 1/2 of stress-related illness is due to workplace bullying!

The Org Cost: Harassment in General

In summary, harassment in its various manifestations can result in:

- Loss of **talent** – the target, by-standers or high performers who choose to go elsewhere due to poisoned environment
- Loss of **trust** in the leadership
- Lost **time** - leaders and HR professionals
- Lost **productivity**
- Injuries and **accidents**
- Short and Long term **disability** costs
- **Legal** costs
- Damage to **brand** reputation
- Retraining and **replacement** costs

What Organizations Need to Put in Place

In order to adhere to current and future compliance requirements and in order to protect engagement, productivity and health, organizations need to:

Have a strong, compliance-based **Harassment Policy**

Maintain a comprehensive workplace **violence policies** and supporting procedures

Make a **commitment** to maintaining a respectful workplace

Equip leaders at all levels with working **knowledge of the Policy**

Equip **leaders** through training with **tools for identifying and responding** to all forms of incivility, harassment and bullying

Equip **employees** with understanding of harassment and **how to stop it**

Identify **'Instigators in Power'** and hold them accountable

Ask the right questions in **post-departure interviews**

Examine disability claims through a 'harassment lenses'

Provide **ongoing support to leaders** to ensure sustainability of respectful workplace

Why Action is Needed

In addition to the various costs listed in the previous pages, here are some additional reasons why organizations need to take action on these matters, sooner than later:

Arbitrators and Courts are more lenient toward organizations that have a track record of investing in prevention of harassment and bullying

Harassment and bullying damage brand image – sooner or later

By equipping leaders and employees with tools for identifying, labelling and extinguishing disrespectful and ‘low level’ harassment behaviours, the chances of bullying dramatically declines.

It’s cheaper to invest in prevention and training than paying attorneys’ fees!

Taking Action

This is where we come into the picture....

How We Can Help

- Prevention and 'Immunization' Services -
 - **Responsive Services** -

How We Can Help: Prevention Services

Our Prevention and 'Immunization' services include:

Review your organization's existing policies and procedures

Consult on necessary policy/procedure changes to ensure legislative compliance

Provide your organization with policy updates and enhancements

Provide training and development for leaders at all levels of the organization in support aimed at eliminating workplace incivility, harassment, bullying and violence

Assist in roll-out of new policies through training and development

Implement a culture change through ongoing support and coaching for leaders at all organizational levels

Provide consultation to Human Resources on best practices for supporting managers

Our Responsive services:

When a specific problem is discovered or a complaint is launched that unearths the need for change, we can....

- Consult to Human Resources and leaders on handling the situation
- Debrief teams and leaders on the occurrence/s when appropriate
- Provide skill-building training for leaders and employees, targeting the affected units or the organization as a whole
- Help restore a healthy work environment through coaching, training and team building
- Implement a culture change through ongoing support and coaching for leaders at all organizational levels
- Review policies and procedures to ensure they are suited to deal with relevant situations as well as comply with regulatory requirements

Our Contact Information:

416.781.8132

info@sharonwbardavid.com

www.sharonebardavid.com

We look forward to working with you!