

# Employees Being Rude to Co-Workers? Make it Your Business

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Mary has a way of going on and on about things. With her high-pitched voice and never-ending questions about unimportant details, she gets on everyone's nerves. Over time, team members have marginalized her by excluding her from social activities. She is not included in chatter around the coffee machine or impromptu after-work drinks.

When Mary asks her manager for help, he says there's nothing that he can do. "I am a manager, not a social director," he says, "I can't get involved in everyone's personal lives. Just ignore it. Get a thicker skin and move on." As the months pass, Mary is increasingly distanced from the team.

Situations like this unfold in every workplace, and employers often take the do-nothing route. They classify these commonplace, seemingly insignificant rude or discourteous behaviours as 'workplace incivility.' It's perceived as a social dynamic issue, where the employer has no business or authority to intervene.

If you are that manager or employer, you may want to rethink your approach. Situations like this can expose the employer to legal liability. Employers have an obligation to provide a safe work environment, and this extends to protecting employees from harassment and bullying. Obviously, employers cannot address situations they know nothing about. However, once they are put on notice, or ought to know, then doing nothing does not satisfy their obligation.

Beyond the legal risk, the do-nothing approach has additional ramifications. First, there's productivity. Work suffers when the affected employee is distracted, worried, and prone to mistakes.

Second, there's health. Continuing exposure to persistent exclusion by a group can lead to illness, both mental and physical. Under these circumstances, a person is disposed to develop anxiety symptoms and even depression. Pre-existing mental and physical problems can get worse. The new *National Standard of Canada on Psychological Health and Safety in the Workplace* underscores the employer's role in creating a civil and respectful workplace. While this standard is voluntary, it suggests the direction in which the pendulum is swinging and the increased risk that employers face.

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Third, there's safety. Emotionally distressed and distracted, the employee is bound to make mistakes that may inadvertently result in physical harm to themselves or others. This is particularly true where the employee works in a position where safety is key.

Bullying is a form of harassment that is distinguished by its repetitiveness over time. It may or may not be consciously intended to harm, but it has a damaging effect on its recipients and therefore exposes employers to liability. Even unintentional "bullying" can lead to legal consequences. Employers cannot assume that social dynamics such as those in Mary's case are not a concern. And, while Canadian legal damages awards still pale in comparison with our neighbours to the south, they are rising. We are seeing more six- and seven-figure awards in cases where employers behave inappropriately and fail to protect their employees.

Employers should train their managers and human resource professionals to be mindful of any team dynamics that are uncivil or exclude someone consistently. Even seemingly inconsequential uncivil behaviour can lead to psychological damage to the employee, affect productivity, and potentially expose the employer to liability. As we as a society develop a deeper understanding of the impact of civility, dignity and respect on mental health, the duty to provide a safe workplace will require that employers address these issues.

## What should an employer do?

1. Implement policies that clearly identify inappropriate behaviour.
2. Train your leaders on the policies and empower them to act
3. Watch for problematic team dynamics that marginalize one or two members
4. Don't assume that bullying is intentional or targeted.
5. Remember that bullying is an "equal opportunity" problem: it can be directed from a superior to someone reporting to them, between cohorts, or from an employee toward a manager.

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6. Intervene early. Hold people accountable for belittling or ostracizing behaviours.
7. Enforce the policies and discipline offenders.



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