

No One Likes a Bully

By Reg P. Wydeven
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On April 1, I was on the phone with a client. I grabbed a pen to take some notes, but it didn't work so I grabbed another. Then another. Then another. None of my pens worked, so I dug out a tiny, dull pencil from the bottom of my desk drawer. It turns out that some of my coworkers dipped all my pens in clear nail polish, rendering them useless.

I fell for the April Fool's Day prank hook, line and sinker. My friends got me good, so now I've got about 11 months to plan my revenge.

I'm very lucky to be at a great office where we work very hard for our clients, but still are able to have fun and occasionally play a good-natured practical joke on one another. Unfortunately, not everyone is as lucky as me. Some people don't know when they've gone too far.

There has been a huge upsurge in America to quell bullying in our schools. My kids come home and teach me about what bullying is, how to recognize it and how to help stop it. Bullying doesn't end at graduation, however.

In a 2007 Zogby poll, 37% of American adults claimed they had been bullied at work. According to a 2010 Workplace Bullying Institute survey, another 15% witnessed others being bullied. The survey also showed that most bullies are bosses and are men, while most victims are women. Interestingly, women bullies target women in 80% of cases, while men bullies target men in only 55% of cases.

Most of the time, a supervisor bullies a subordinate, who rarely retaliates out of fear of being fired. The WBI estimates that only 4% of bullying victims complained to state or federal agencies and only 3% sued their employer or bully. Coworkers stay quiet, too, for even if they are aware of the abuse, they keep mum so as not to draw the bully's attention to themselves.

To add insult to injury, targets of bullies have little legal recourse to combat bullying. There are a myriad of laws designed to prevent sexual harassment or the persecution of a member of a protected class, such as one based on gender, race, ethnicity, sexual orientation or disability, and the harasser is not a member of that class. No laws currently exist, however, that simply outlaw bullying.

That may change, however. Since 2003, twenty states have introduced workplace bills to protect workers from bullying, but so far none have been passed. Wisconsin was the 17th state to introduce such a bill.

Commonly referred to as the Healthy Workplace Bill, the proposed law allows workers to sue individual harassers for physical, psychological or economic harm due to abusive treatment on the job. To be successful, employees that can show that they were subjected to hostile conduct, including verbal abuse, threats or work sabotage, could be awarded lost wages, medical expenses, compensation for emotional distress and punitive damages.

In addition, the bill requires that wrongful conduct be repeated and be done with "malice." Employers can assert an affirmative defense if they investigate incidents promptly and address them in good faith.

Even though they have an affirmative defense, employers tend to oppose the bill. They claim the law would lead to frivolous lawsuits and punish them for having high expectations for their employees.

I guess I better spring my revenge prank before the law passes.