

Getting to the Finish Line with Workplace Bullies

THE JOB JUDGE



Trigger/
Trauma Warning





Easy Ones



A blurred office scene with two people. A man in a dark suit and glasses is leaning over a desk, looking at a computer monitor. A woman with long brown hair, wearing a dark blazer over a white top, is sitting at the desk, looking towards the man. The background shows office cubicles and a ceiling with recessed lights.

Easy to Identify

Easy to Eradicate

Definition of bullying:

Bullying is conduct that cannot be objectively justified by a reasonable code of conduct, and whose likely or actual cumulative effect is to threaten, undermine, constrain, humiliate or harm another person or their property, reputation, self-esteem, self-confidence or ability to perform.

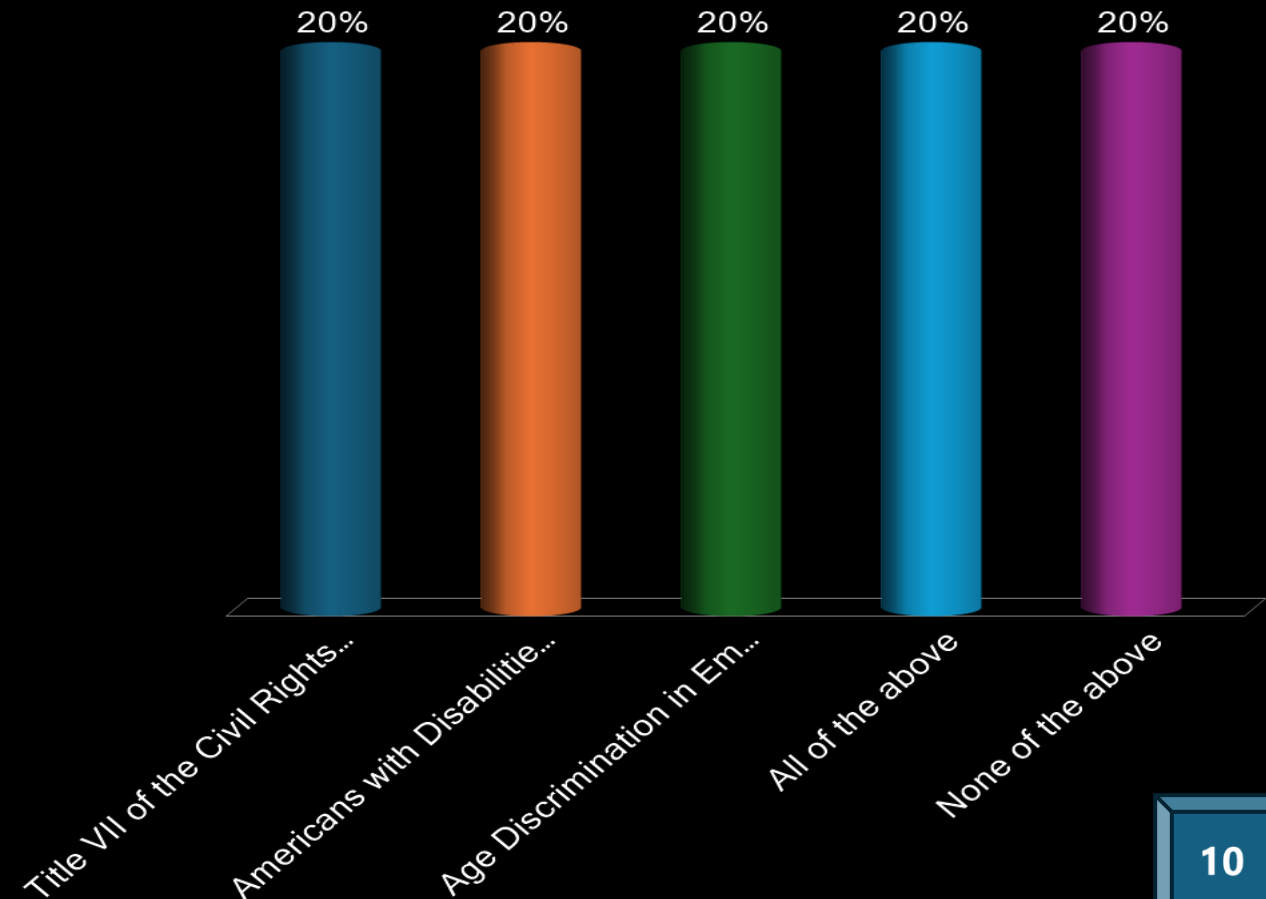
Workplace Bullying is:

- **Repeated, health-harming mistreatment by one or more employees of an employee**
- **Abusive conduct that takes the form of verbal abuse**
- **Behaviors perceived as threatening, intimidating, or humiliating**
- **Work sabotage**

Or some combination of the above

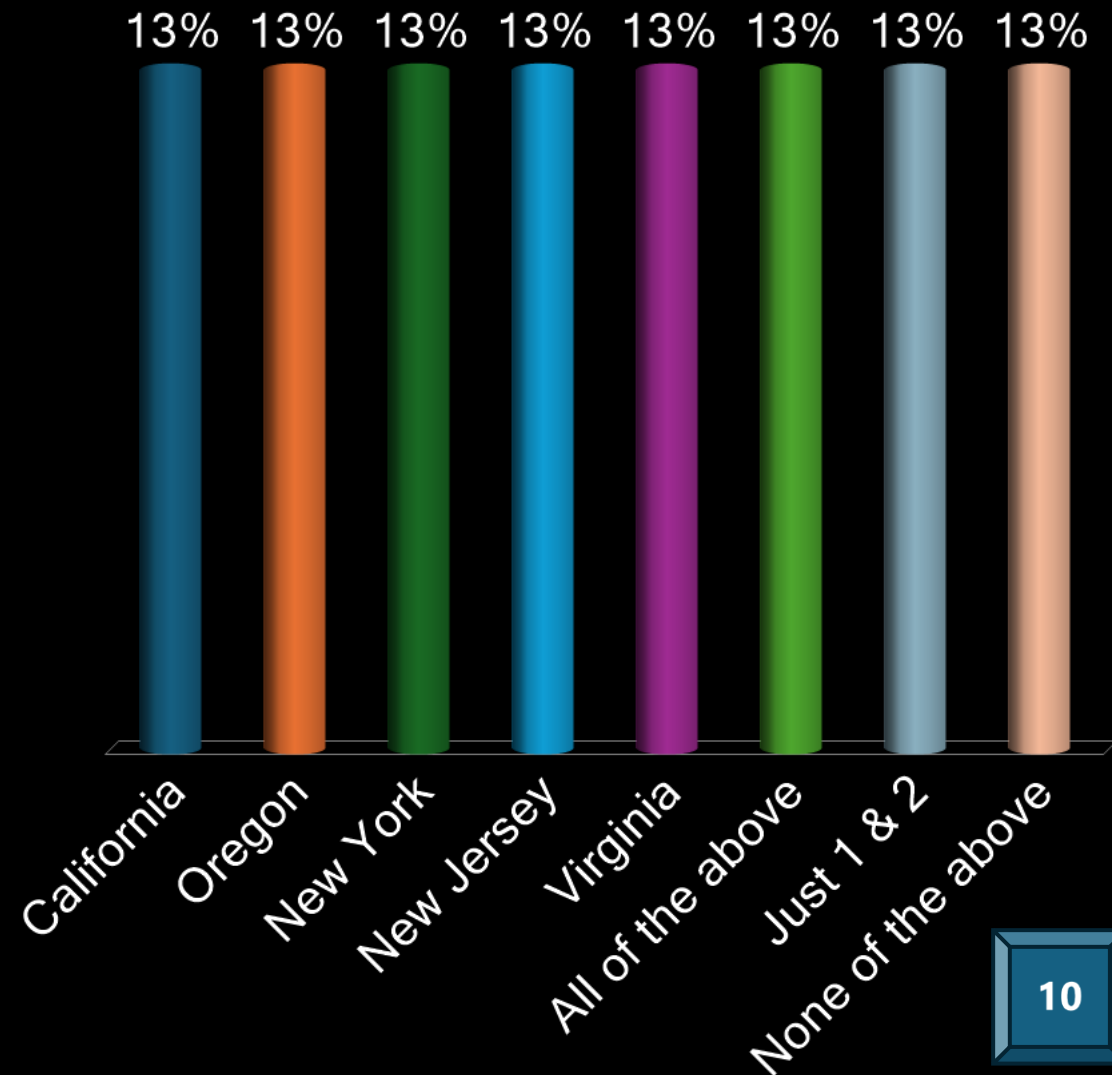
The follow federal laws protect employees against workplace bullying:

1. Title VII of the Civil Rights Act
2. Americans with Disabilities Act
3. Age Discrimination in Employment Act
4. All of the above
5. None of the above



The following states make workplace bullying illegal:

1. California
2. Oregon
3. New York
4. New Jersey
5. Virginia
6. All of the above
7. Just 1 & 2
8. None of the above



Healthy Workplace Bills

California - Requires Abusive Conduct Training



Tennessee - Encourages employers to adopt anti-bullying policies & immunize them



Utah - Must train state agencies on preventing abusive conduct

The Laws





Daniel Raess, MD, FACC, FACS  · 3rd

Medical Director Consultant at Abiomed

Greater Boston · [Contact info](#)

326 connections

[Message](#)

[+ Follow](#)

[More](#)



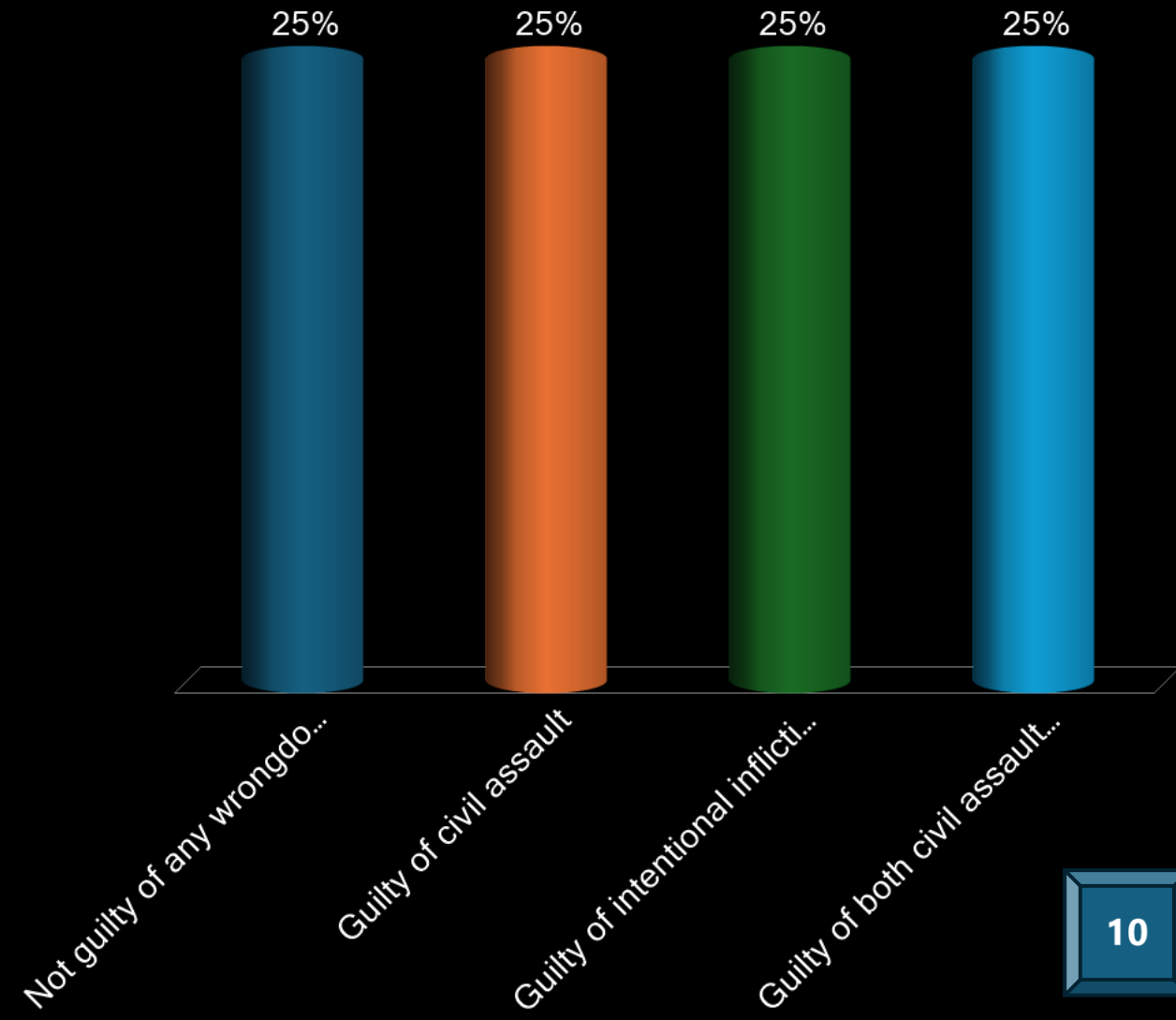
Abiomed



The Ohio State University
College of Medicine

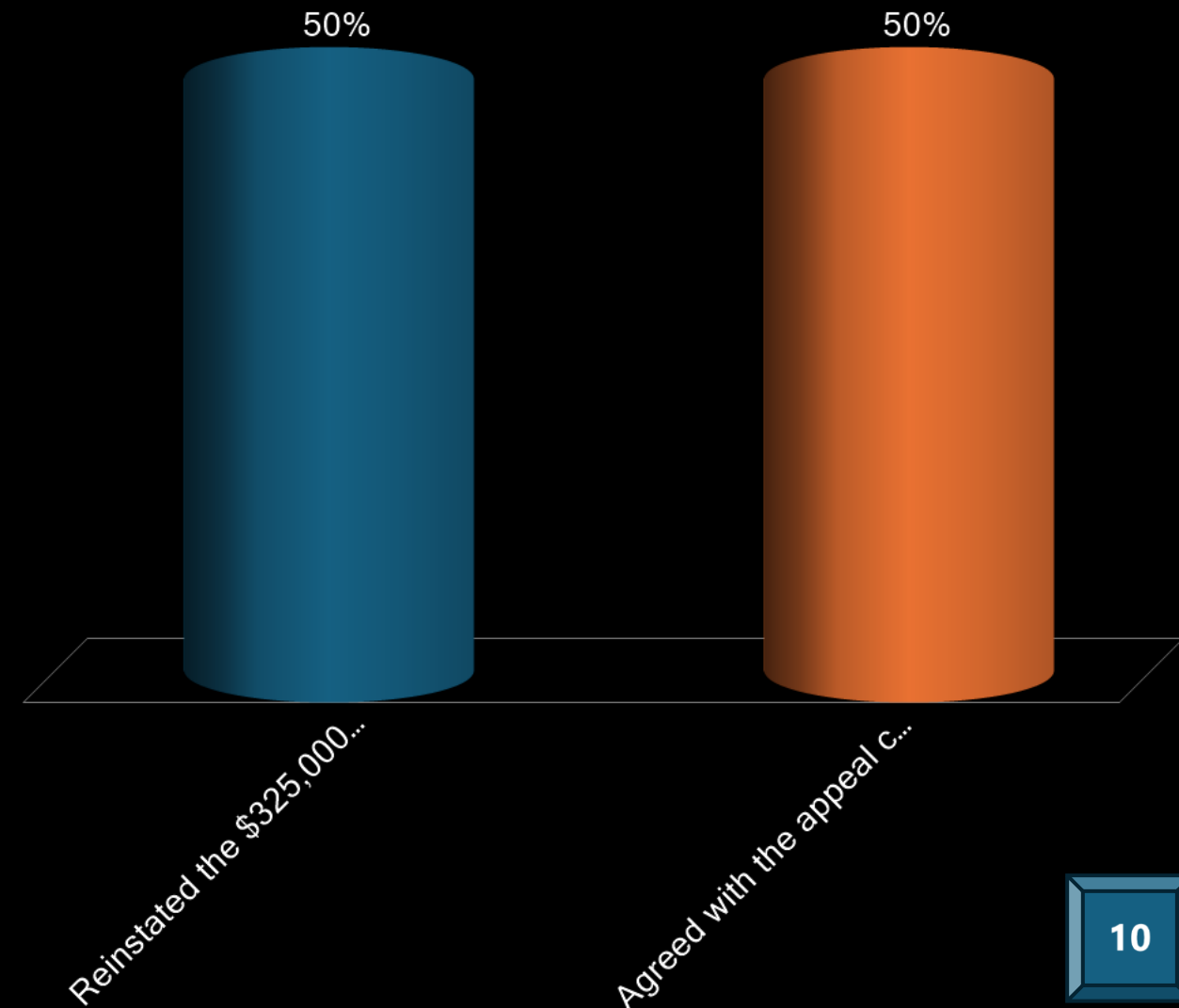
The jury concluded that Dr. Raess:

1. Not guilty of any wrongdoing
2. Guilty of civil assault
3. Guilty of intentional infliction of emotional distress
4. Guilty of both civil assault and intentional infliction of emotional distress



On appeal to the Indiana Supreme Court, the court:

1. Reinstated the \$325,000 verdict
2. Agreed with the appeal court that the verdict should be overturned due to the prejudice of the workplace bullying testimony and the refusal to give an instruction that the case was not about workplace bullying



Indiana Supreme Court Reinstates \$325,000 Jury Verdict in "Workplace Bullying" Case



By Michael W. Padgett

Jackson Lewis P.C.

Apr 25, 2008

A trial court allowing an expert to characterize a workplace incident as “an episode of workplace bullying” and refusing to instruct the jury that there is no “workplace bullying” cause of action did not require reversal of a \$325,000 jury verdict for the plaintiff, the Indiana Supreme Court concludes. *Raess v. Doescher*, 883 N.E.2d 790 (Apr. 8, 2008).



for Suicide Prevention



HOLD EMPLOYERS ACCOUNTABLE

**THE IRREVERSIBLE
CONSEQUENCES OF
WORKPLACE ABUSE**



2/11/81 • 3/9/21



#justiceforevan



Justice for EVAN

2.9K likes • 3.1K followers

[Learn more](#)

[Message](#)

[Like](#)

Lawsuit: Kroger manager drove employee to suicide



LAWSUIT: KROGER MANGER
DROVE EMPLOYEE TO SUICIDE



Find WCPO 9 on your favorite streaming device.

KENTON CO. SHERIFF'S OFFICE WARNS OF SCAM

- Calls claiming to be with the Kenton Co. Sheriff's Office
- Claims there's an active warrant for missing court
- Pre-paid credit cards or gift cards
- Call the KY Attorney General's Office

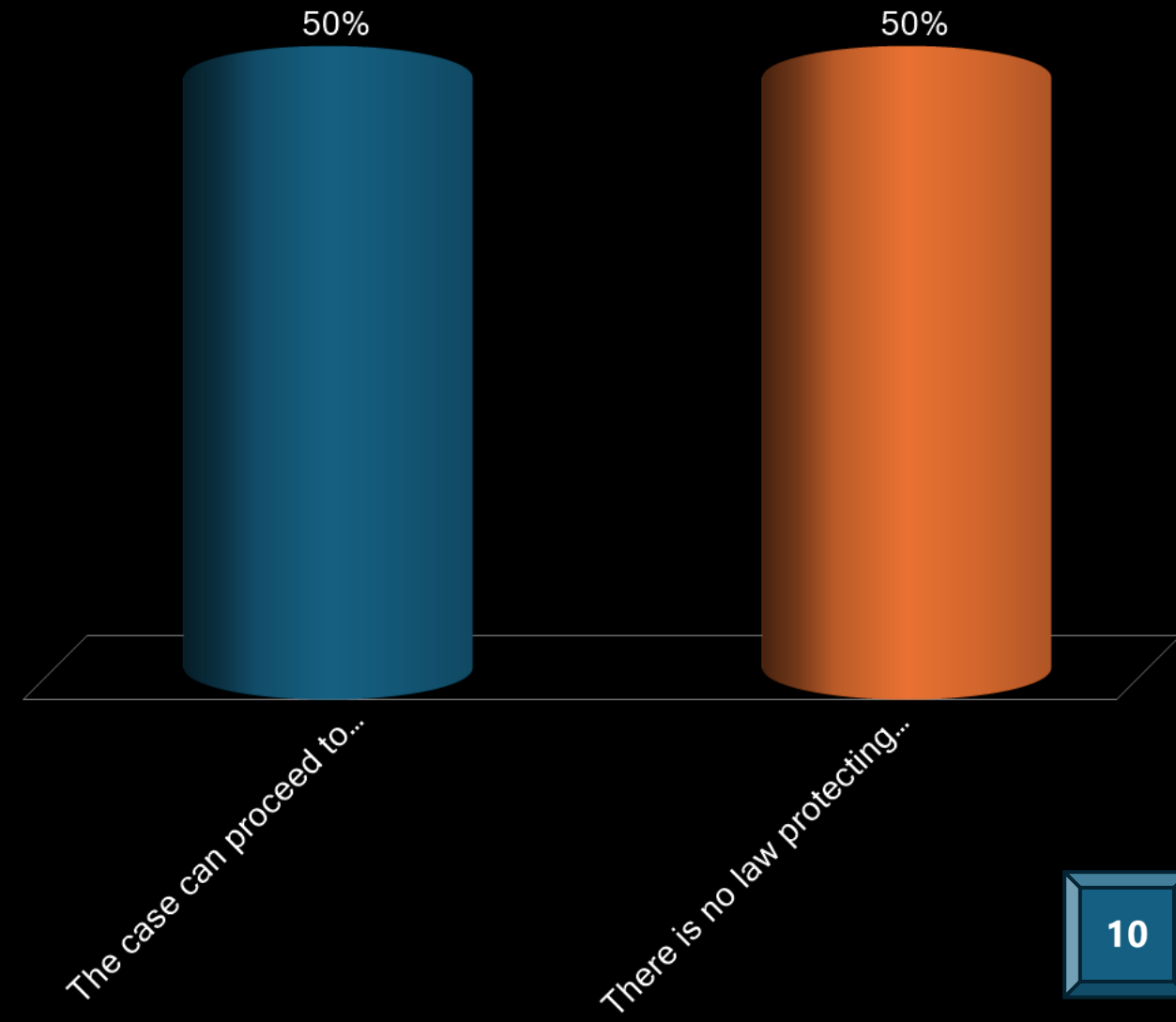


11:05
71°



The court ruled on a Motion to Dismiss:

1. The case can proceed to trial – there is a cause of action there
2. There is no law protecting against workplace bullying so the case is dismissed – no trial will take place



BUSINESS

Judge: Lawsuit against Kroger over worker's suicide can go forward



Alexander Coolidge

Cincinnati Enquirer

Published 11:41 a.m. ET Feb. 16, 2023 | Updated 10:59 a.m. ET Feb. 17, 2023

[View Comments](#)



Digital Daily

Lincoln University VP of Student Affairs dead after suffering workplace bullying: Report

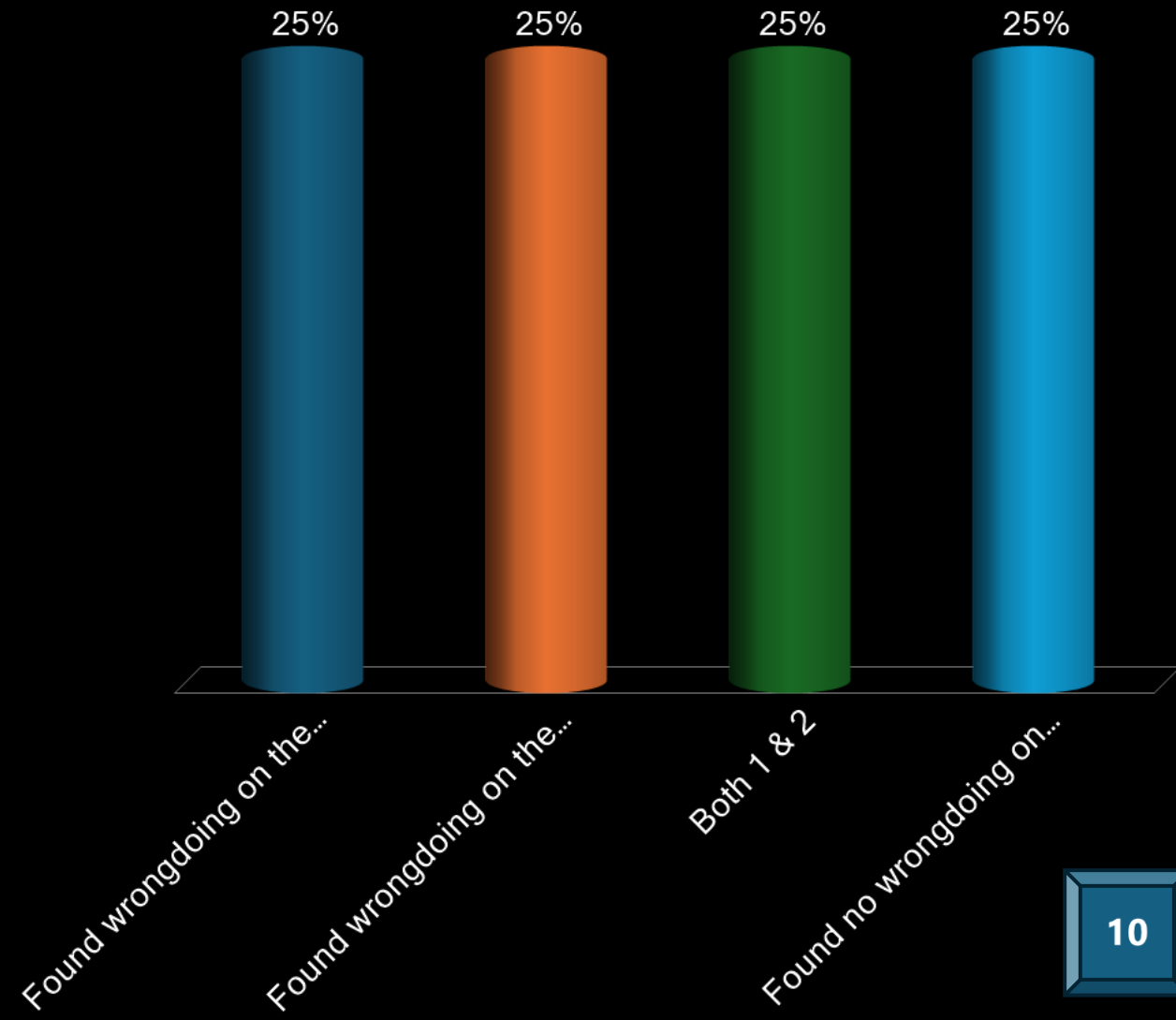
Black Information Network

January 12, 2024



An investigation:

1. Found wrongdoing on the part of the President
2. Found wrongdoing on the part of the Board
3. Both 1 & 2
4. Found no wrongdoing on the part of anyone



'Pure Evil': Investigation Clears White President of HBCU of Wrongdoing in Black Administrator's Suicide, Prompting Outrage

Story by A.L. Lee • 2w •  3 min read



Toxic Workplace Leads to Employee Suicide at LA County Department of Public Health

By Jennifer Van Laar | 2:02 AM on February 13, 2024

The opinions expressed by contributors are their own and do not necessarily represent the views of RedState.com.



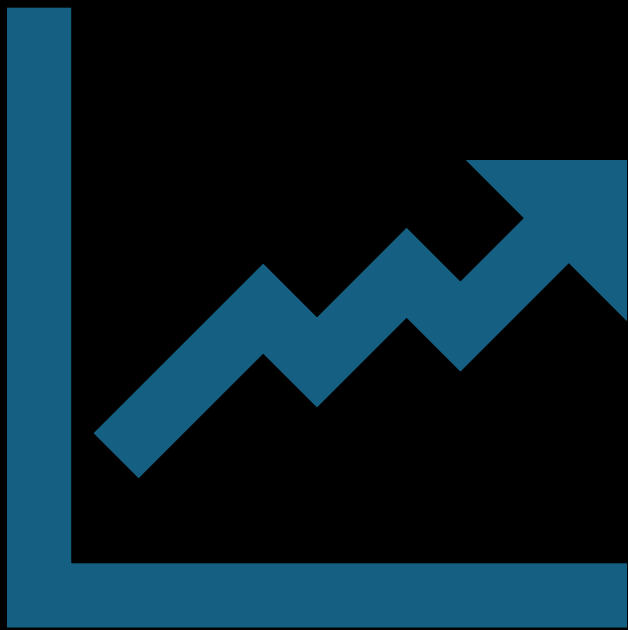
Inside the 'pressure cooker': 4 deaths in 24 hours open up conversation about suicides among police



By [Emma Tucker](#), CNN

🕒 6 minute read · Updated 5:23 PM EST, [Sun November 12, 2023](#)

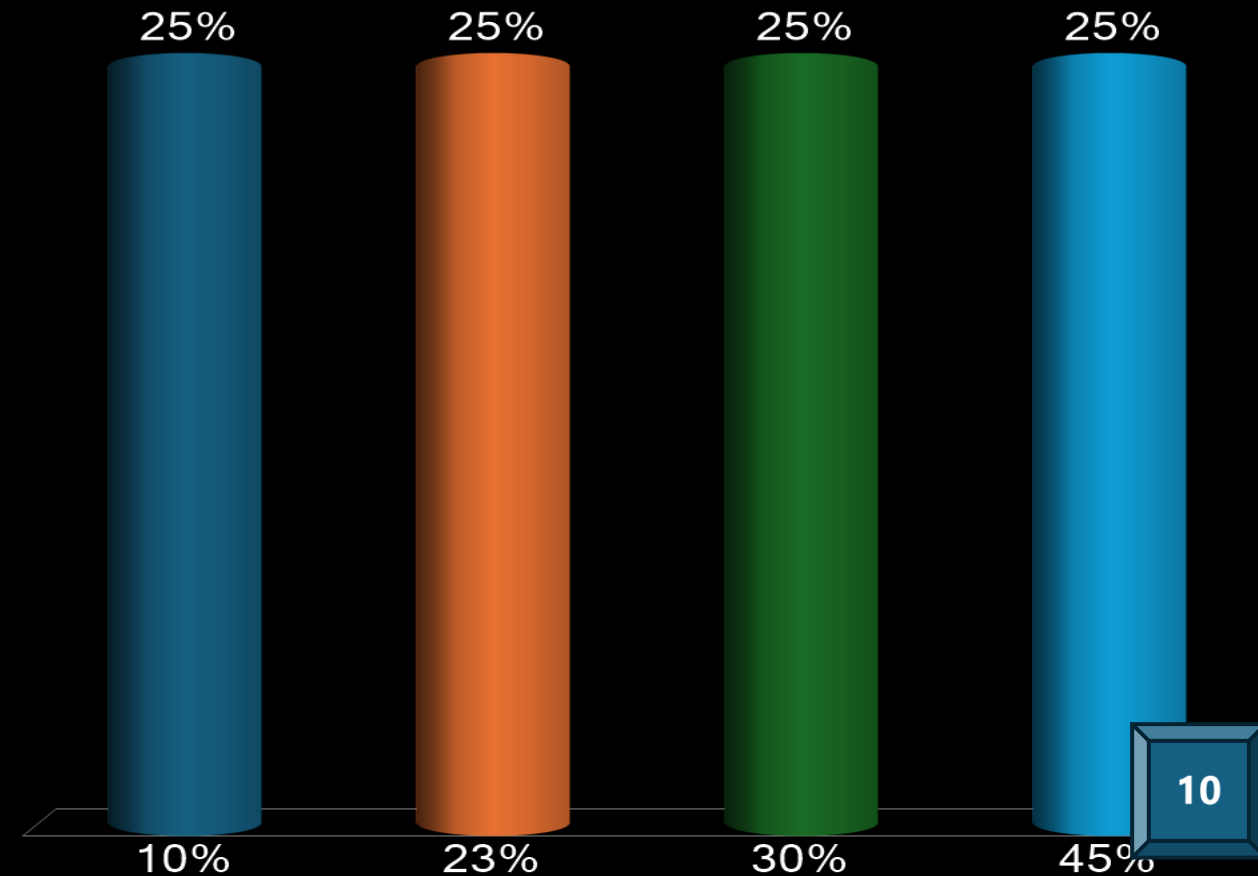




The Numbers

According to Pysch.org, this percentage of workers have experienced being bullied at work:

1. 10%
2. 23%
3. 30%
4. 45%



Home / Other Sciences / Social Sciences

Home / Other Sciences / Economics & Business



🕒 FEBRUARY 8, 2024

✓✓ Editors' notes

About a third of employees have faced bullying at work—here's how to recognize and deal with it

by Jason Walker and Deborah Circo, The Conversation





79% of working professionals
have experienced or witnessed
bullying at work.

Source: MyPerfectResume 2021
Survey

RANK

BOSSES

65%



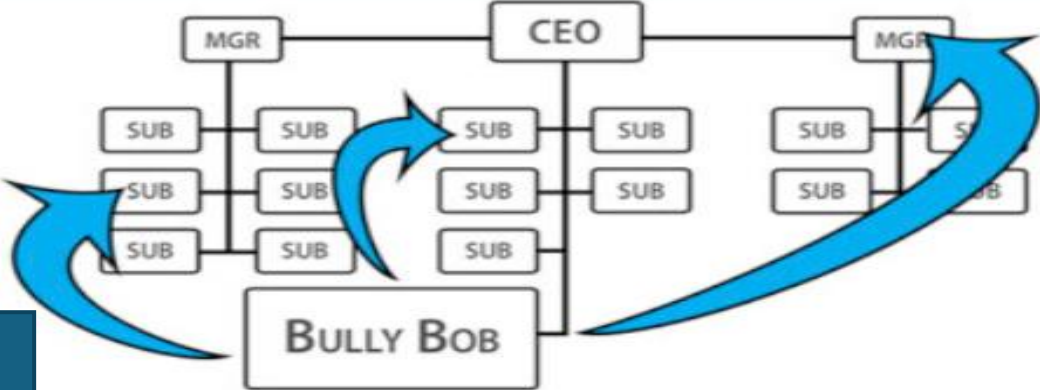
COWORKERS

21%



BOTTOM UP

14%



Source:
Workplacebullying.org

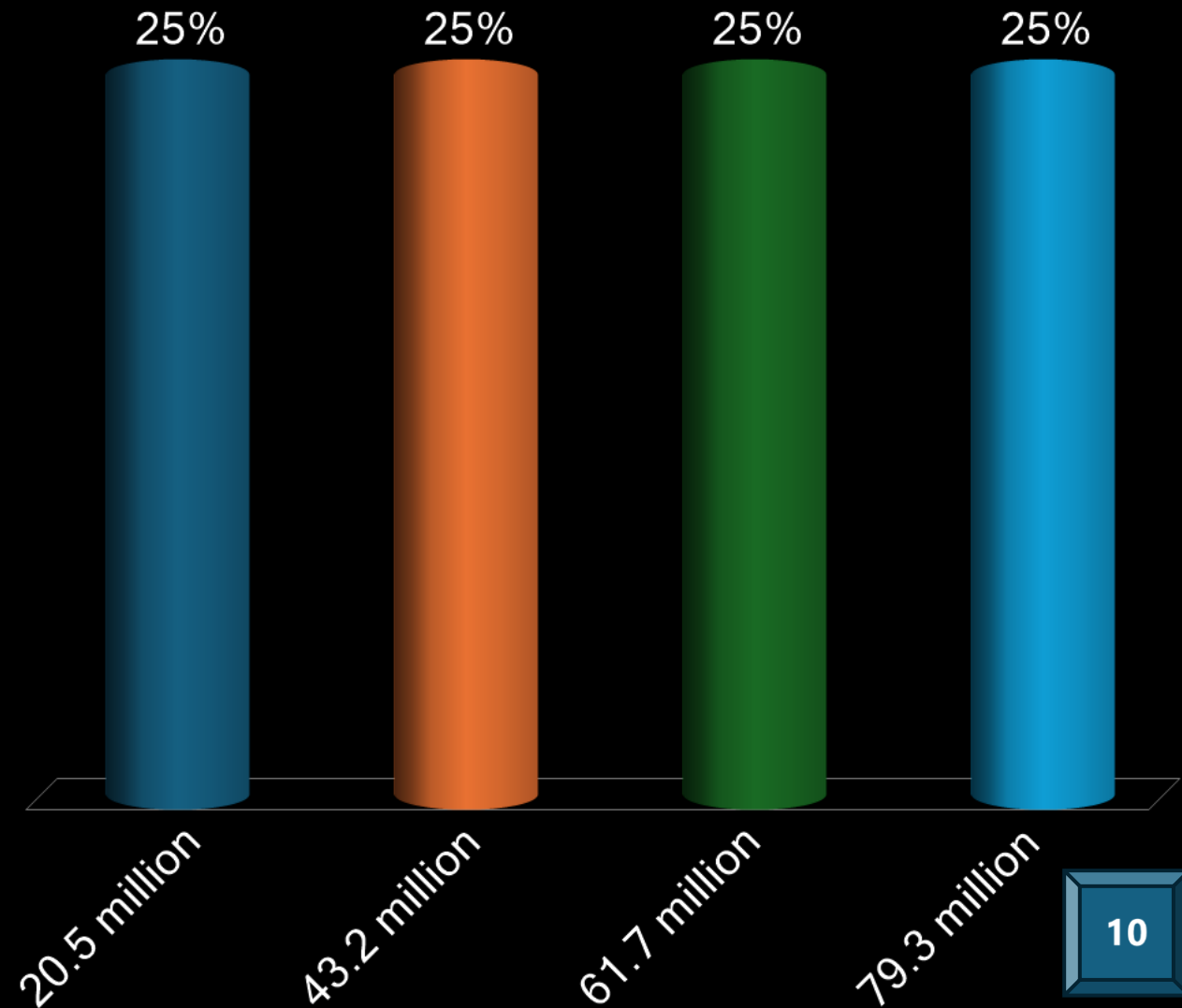
Who is likely to become a bully?



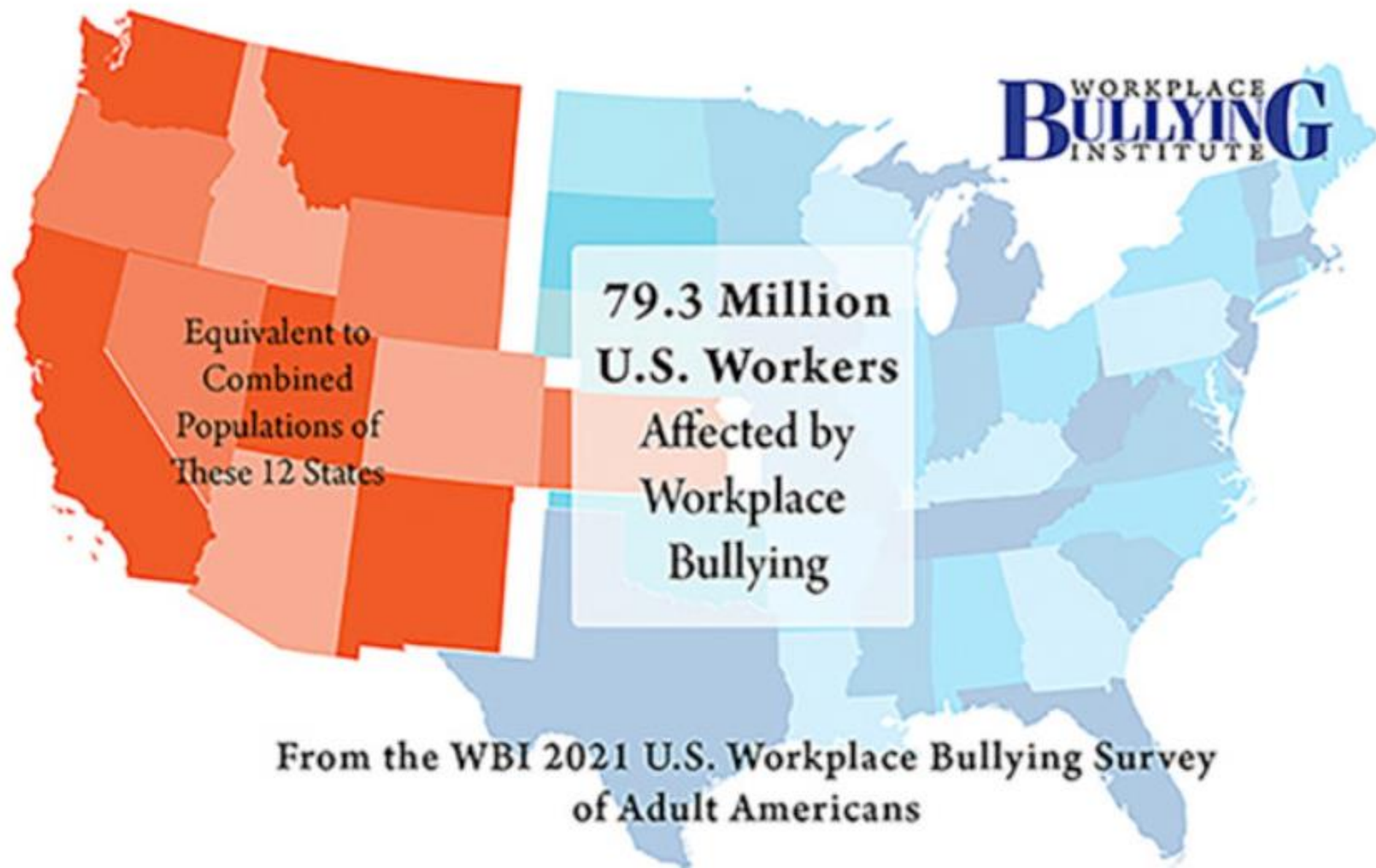
Source:
MyPerfectResume 2021
Survey

The Workplace Bullying Institute estimates this many Americans have been affected by workplace bullying:

1. 20.5 million
2. 43.2 million
3. 61.7 million
4. 79.3 million

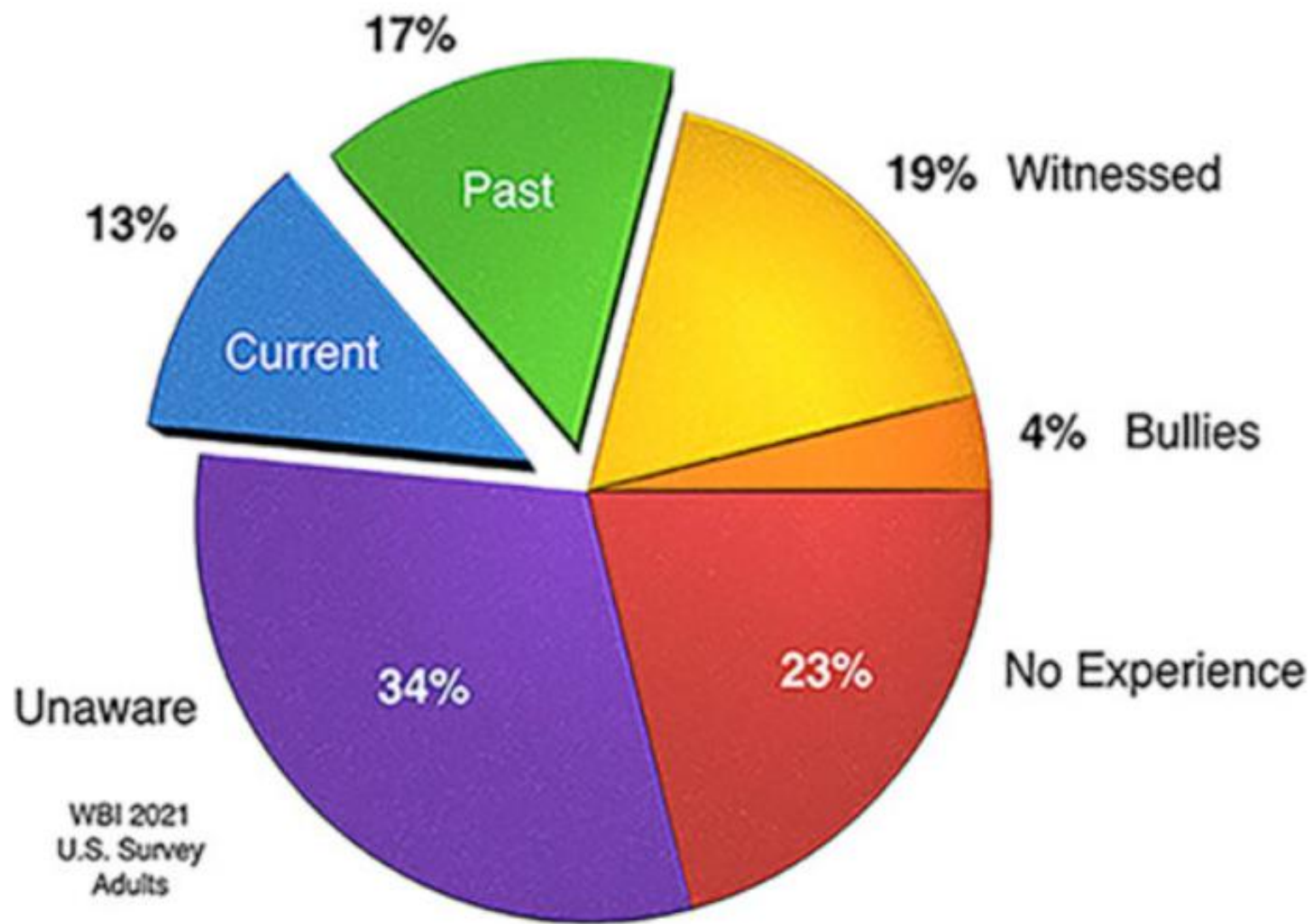


2021 WBI U.S. WORKPLACE BULLYING SURVEY



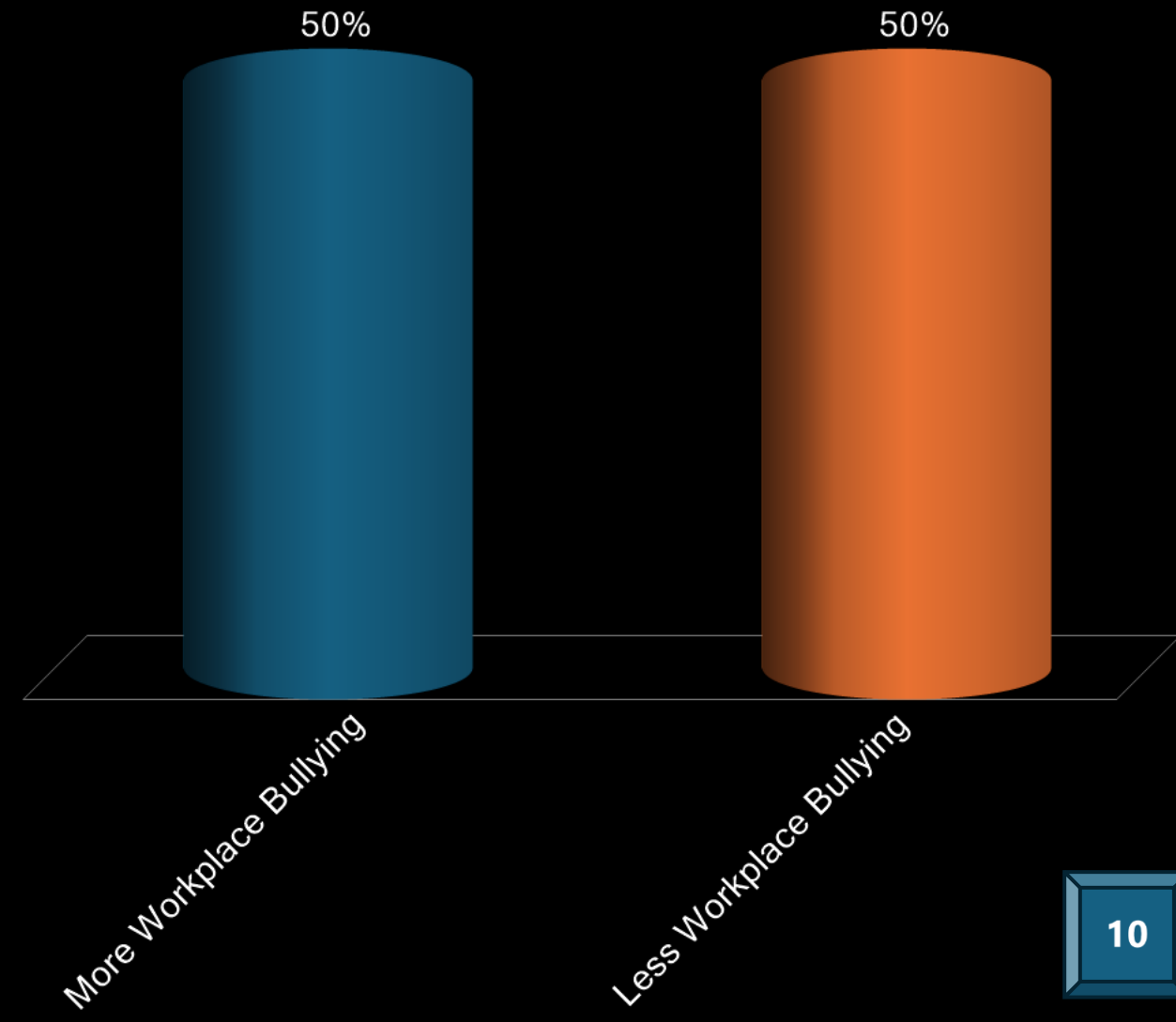
From the WBI 2021 U.S. Workplace Bullying Survey
of Adult Americans

U.S. PREVALENCE



According to Fortune Magazine, remote work has led to:

1. More Workplace Bullying
2. Less Workplace Bullying





SEARCH

FORTUNE

SIGN IN

Home

News

Tech

Finance

Leadership

Well

Recommends

Fortune 500

NEWSLETTERS · CHRO DAILY

Workplace bullying has skyrocketed, and remote work might be partially to blame

BY **AMBER BURTON**

January 17, 2023 at 8:07 AM EST



WORKING REMOTELY

REMOTE WORKER BULLYING RATE ~ 43%

SOURCES
OF
BULLYING

50% in
Meetings

9% Email



Source: Workplace Bullying Institute



Tough & Demanding Bosses

Mobbing



A group of coworkers
targeting another worker

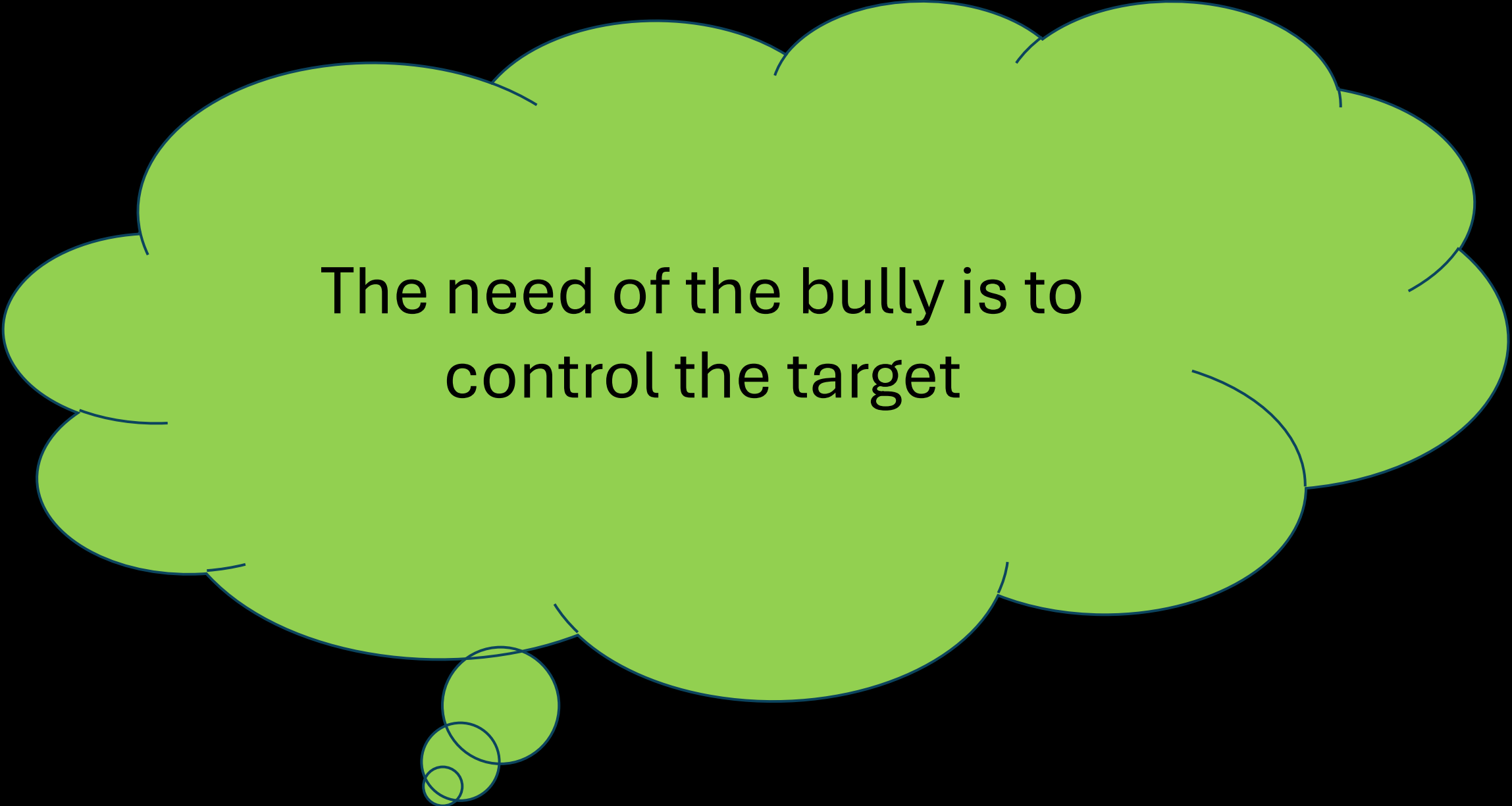
Corporate/Institutional Bullying

Bullying is
entrenched in the
organization

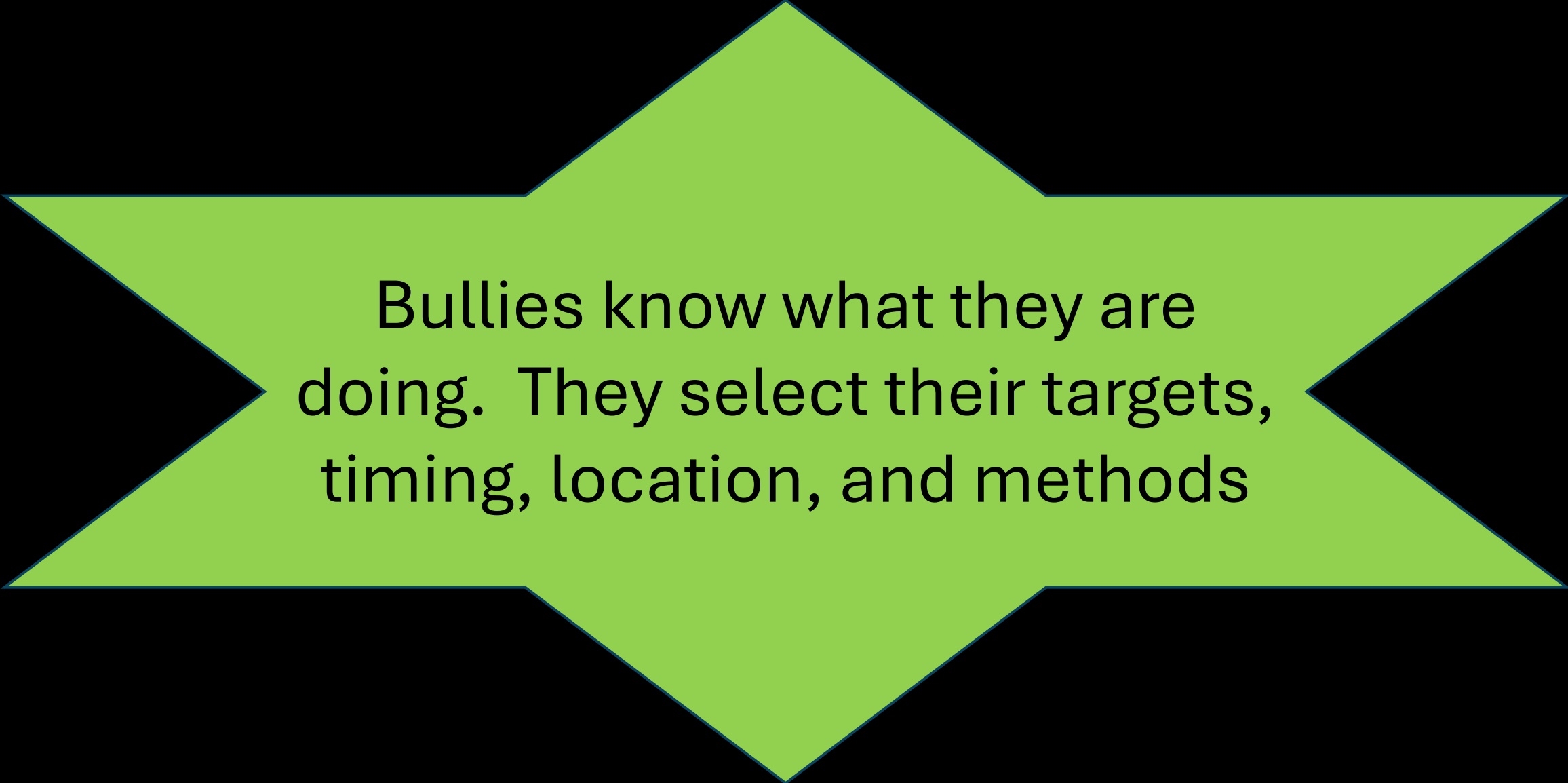
Becomes
accepted as part
of the workplace
culture

TEN SIGNS YOU HAVE A WORKPLACE BULLY





The need of the bully is to
control the target



Bullies know what they are doing. They select their targets, timing, location, and methods

There is an “in” crowd and “out” crowd
with the bully

People describe it as an abusive
relationship

Based on a survey by the Workplace Bullying Institute, this many Americans are estimated to have experienced bullying at work:

1. 53.5 million
2. 5.3 million
3. 535 million
4. 530,0000



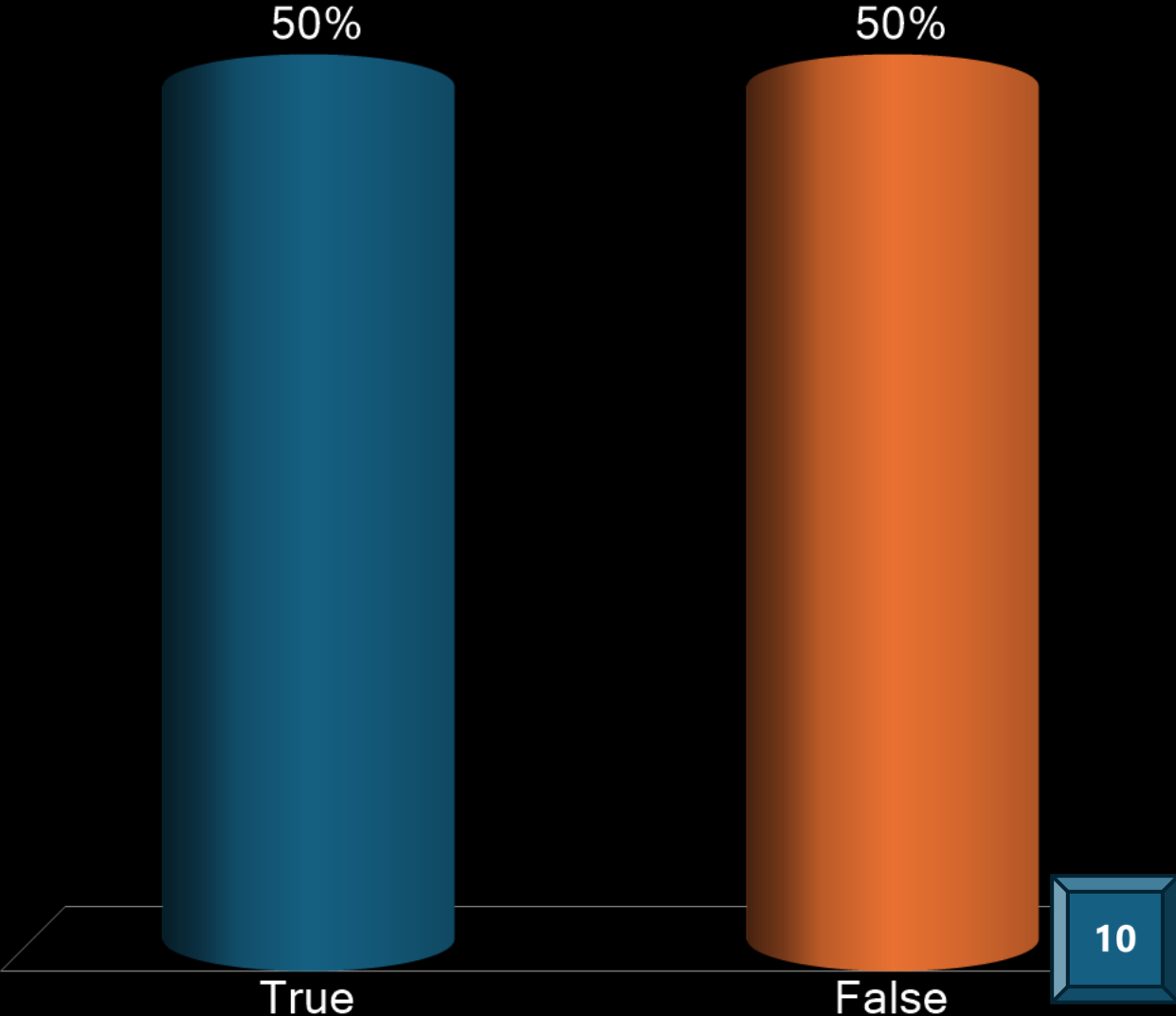
In this same survey, this percentage of people said they were not bullied personally, but witnessed it?

1. 10%
2. 15%
3. 25%
4. 30%



Workplace bullying typically involves some form of physical abuse.

- 1. True
- 2. False





1. Work Means Misery - Health Issues & Impact on the employee's personal life

- Feeling agitated & a sense of doom
- Suddenly the employee needs time off for mental health issues & medical issues
- The employee's family and friends are concerned

2. Constant Criticism

- The criticism from the boss or co-worker never seems to stop
- The employee attempts the impossible task of doing a new job without training or time to learn new skills
- Everything the tormenter does is arbitrary and capricious, working a personal agenda that undermines the employer's legitimate business interests



3. Yelling, Shouting & Finger Pointing

- Yelling
- Insults
- Berating
- Humiliation
- Embarrassing someone in front of others
- Aggressive behavior such as hand in the face, finger-pointing, staring, glaring, communications



4. Micromanagement & Suffocation

- Employee never left alone
- There is a file of “mistakes”
- Falsely accused of errors



5. Gossip & Lies

- The bully spreads destructive gossip, rumors and lies about an employee and his or her performance
- Bully builds trust with gossip
- Pitting people against each other



6. Isolation

- The employee is singled out and/or isolated
- Others have been told to stop working, talking, or socializing with the target
- Excluding the person





7. Chaos & Changing & Unreasonable Expectations

- Employee set up to fail
- Changes rules on the fly
- The bully will refuse to perform tasks critical to the employee's success
- The bully withholds important information
- Unreasonable expectations





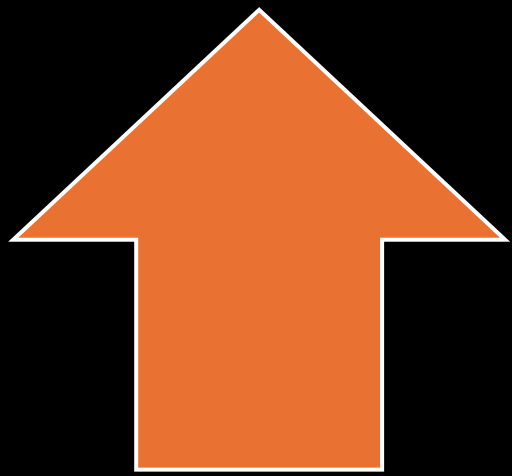
8. Dismissive

- Dismissing someone's effort
- Ignoring their contributions
- Refusing to accept their ideas
- Minimizing concerns

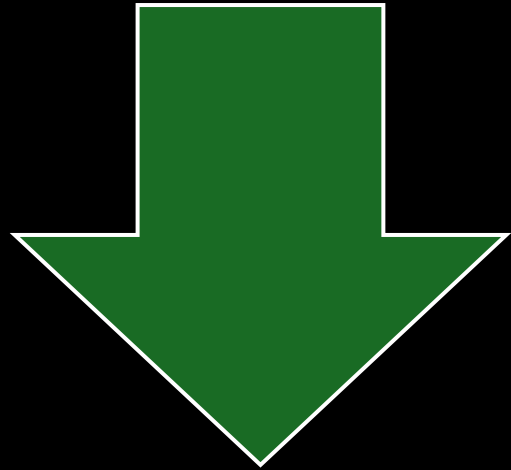


9. Set up to Fail

- Work Sabotage
- Taking Credit for Someone's Work
- Concealing or distorting information
- Undermining the work or withholding information
- Setting a person up to fail



Vile, Vicious &
Vindictive in
private



Innocent &
Charming in Front
of Others



10. DR. JEKYLL & MR. HYDE PERSONALITY

Most common types of bullying:



What is workplace bullying?

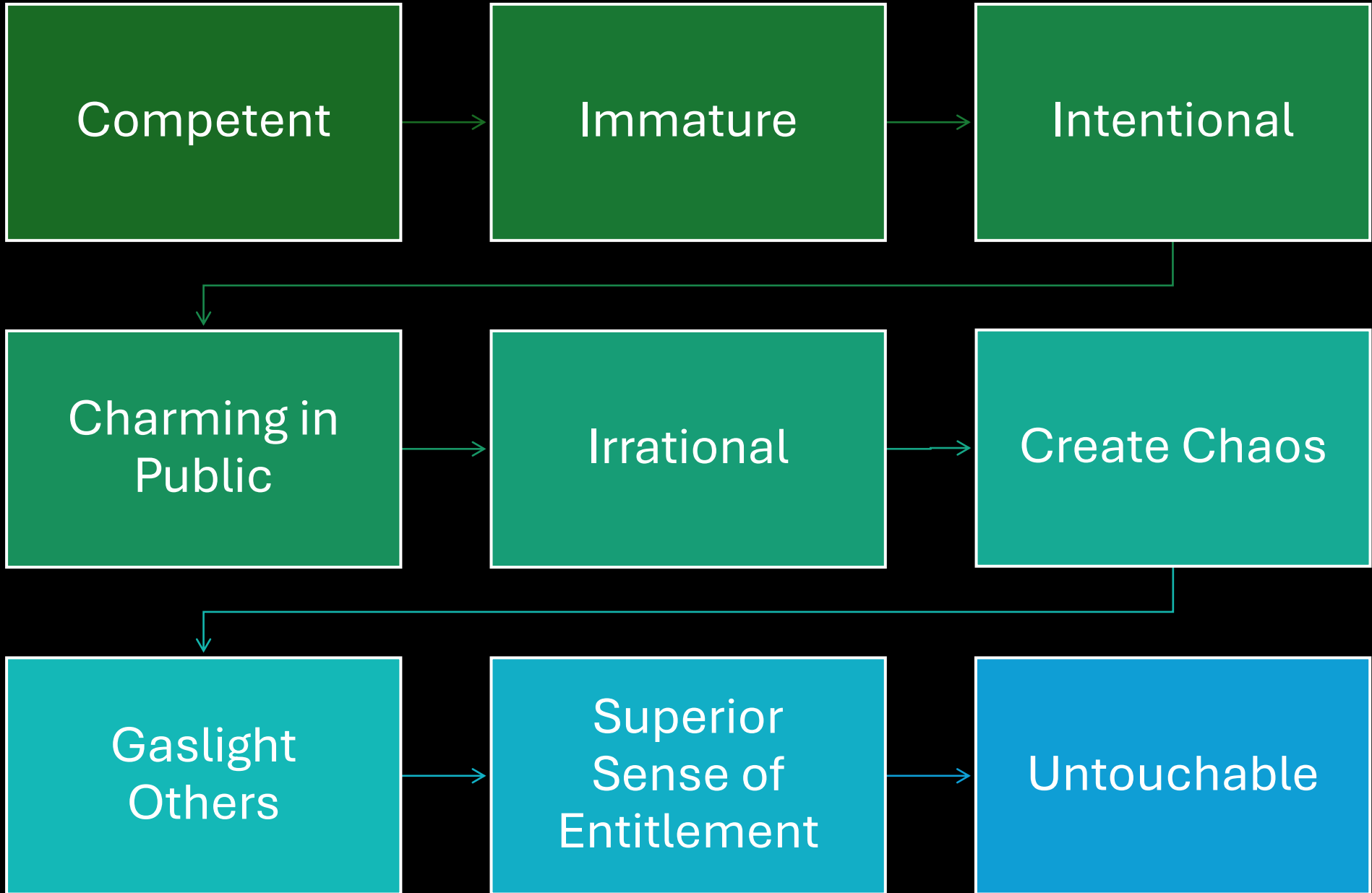
Workplace bullying is harmful, targeted behavior that happens at work. It might be spiteful, offensive, mocking, or intimidating. It forms a pattern, and it tends to be directed at one person or a few people.

A few examples of bullying include:

- targeted practical jokes
- being purposely misled about work duties, like incorrect deadlines or unclear directions
- continued denial of requests for time off without an appropriate or valid reason
- threats, humiliation, and other verbal abuse
- excessive performance monitoring

The Bully is:





Humiliates &
Berates Others

Constantly
Criticizes

Hyper Focus on
Small Details

People are
Constantly
Terrified &
Miserable

Undermine &
Destroys
Threats

Control Freak

Enjoys Seeing
People be
Denied What
they Deserve

Highly
Manipulative

Environment
described as
"Toxic"



FINALLY, THE BULLY.....

AND A.....




EMPLOYER RESPONSE



TO DO LIST

- NOTHING 25%
- DO "SHAM" INVESTIGATION 46%
- HELP TARGET 23%
- PUNISH PERPETRATOR 6%

A man in a dark suit and white shirt is shown from the chest up. He has a serious expression and is holding his right index finger to his lips in a 'shh' gesture. The background is dark and out of focus.

That's Just How They Are-
They're Harmless

Turnover

Sick leave

Low moral

Low
productivity


Stress

Depression

Physical
Health
Problems

Helplessness

Low Self-
Esteem



In the News –
Employers are
Taking Notice

Citigroup probes senior IPO banker over bullying claims

March 15, 2024 at 10:45 am EDT

 Share

NEW YORK, March 14 (Reuters) - Citigroup is investigating workplace harassment allegations made by at least one employee against a senior U.S. banker who works on initial public offerings, four people with direct knowledge of the matter said.

Edward Ruff, a managing director in Citi's equity capital markets group in New York, has been on leave since January, according to the people, who requested anonymity to speak freely.

The bank is probing at least two instances of alleged abusive behavior by Ruff against several subordinates on the industrials, energy and power team he runs, they added.



Edward Ruff · 2nd

Managing Director - Equity Capital Markets

New York, New York, United States · [Contact info](#)

500+ connections



James C. Coghlan is a mutual connection

 **Connect**

Message

More

 Citi



Vanderbilt University - Owen
Graduate School of
Management

Activity

1,255 followers

Life is Strange studio Deck Nine accused of toxic workplace culture in new report

Where hate speech, crunch, bullying, and abusive leadership allowed to fester.



Image credit: Deck Nine Games/Square Enix



News by [Matt Wales](#) | News Reporter

Published on 5 Apr 2024

96 comments

+ Follow Life is Strange Before the Storm

Investigating to Determine if You Have a Workplace Bully





"All this talk about civility is interfering with my constitutional right to yell at my co-workers."

How You Receive Complaints

Exit Interviews
or Resignation
Letter

Anonymous

Formal / Hotline

During an Audit
or some other
Event

Lawyer Letter/
Charge, etc.

Law vs. Policy



Code of Conduct

Workplace Violence

Harassment

Preliminary

- Organizational Chart – key!
- Purpose – Workplace Satisfaction Audit
- Try to interview all employees or percentage
- Employees need to know their identities will be confidential unless there is a legal reason to disclose
- Explain the need for truthful, thorough & complete information
- Explain no retaliation



Interview Discussion for Workplace Audit

Initial Opening

- General Discussion: Provide employee with "Interview Disclosure" document, ask length of employment, job title and background. Put employee at ease.

General Workplace Satisfaction

- First I want you to put your finger on the pulse of the morale in your department and rate the morale in the department on a scale of 1 (worst) to 10 (best). This question focuses not necessarily on how you feel about your job, but how you perceive others feel about the work environment. Give me a number and then tell me how you came up with that number.
- Now rate your personal overall job satisfaction with 1 being the worst and 10 the best. Give me a number and then tell me what you like most/least about your job and/or working here.

Management

- Describe your direct manager and his/her management style.
- Do you feel you know what your manager expects of you?
- How would you rate your manager from 1 (worst) to 10 (best) in how well he/she does in meeting your expectations of a manager and then tell me what he/she does well and what he/she could improve on with respect to managing you, your department and co-workers?
- Do you have any additional specific comments positive or negative about your direct manager?

Senior Leadership (those above your direct manager)

- How do you feel X is doing as the leader of the organization (or department) and rate him/her on a scale of 1 to 10, and then tell me what you think he/she does well and what he/she can improve on.

Management & Leadership Self-Assessment (only when interviewing management)

- How do you feel you are doing as the leader/manager?
- Rate yourself on a scale of 1-10 on your leadership and/or management skills with 1 being the worst and 10 being the best.
- Tell me what you think you do well and what you can improve on as a leader/manager.

Fair Employment Practices

- Are you familiar with the company's policies against harassment and discrimination and in favor of fair employment practices?
- Has anyone at the company ever treated you in a manner that you believe violated any policies against harassment and discrimination and/or in favor of fair employment practices? (If yes, discuss details and whether the person complained, etc.)
- Have you ever observed any behavior against others? Have you been told of such behavior in violation of the policies? (If yes, discuss details and whether the person complained, etc.)

WORK LAW / TRAINING / INVESTIGATIONS

- If you had a concern about any of these things, would you feel comfortable telling someone? If so, what process would you use?
- Did you know that the company has a policy against retaliation?
- Despite this policy, would you fear retaliation if you made a complaint?
- Have you ever sought a request for a reasonable accommodation for a disability or for religion? If so, discuss. If not, would you feel comfortable seeking an accommodation? What do you understand the process to be?
- How do you feel about the company's commitment and practice as it relates to achieving a diverse workforce?
- Do you feel that there are perceptions, concerns and/or behaviors that exist by you (or others you have talked with) relative to fair employment practices, diversity, harassment or discrimination that needs to be addressed?

Performance Management Process

- Do you know what is expected of you in your job and what you need to do to be successful in your job and at this organization?
- Do you feel the disciplinary process is fairly and consistently applied? Why or why not?
- Do you feel the annual performance review is fairly and consistently applied? Why or why not?
- Is there anything else you'd like to tell me about your feelings regarding performance management and/or the annual performance review?

Communication

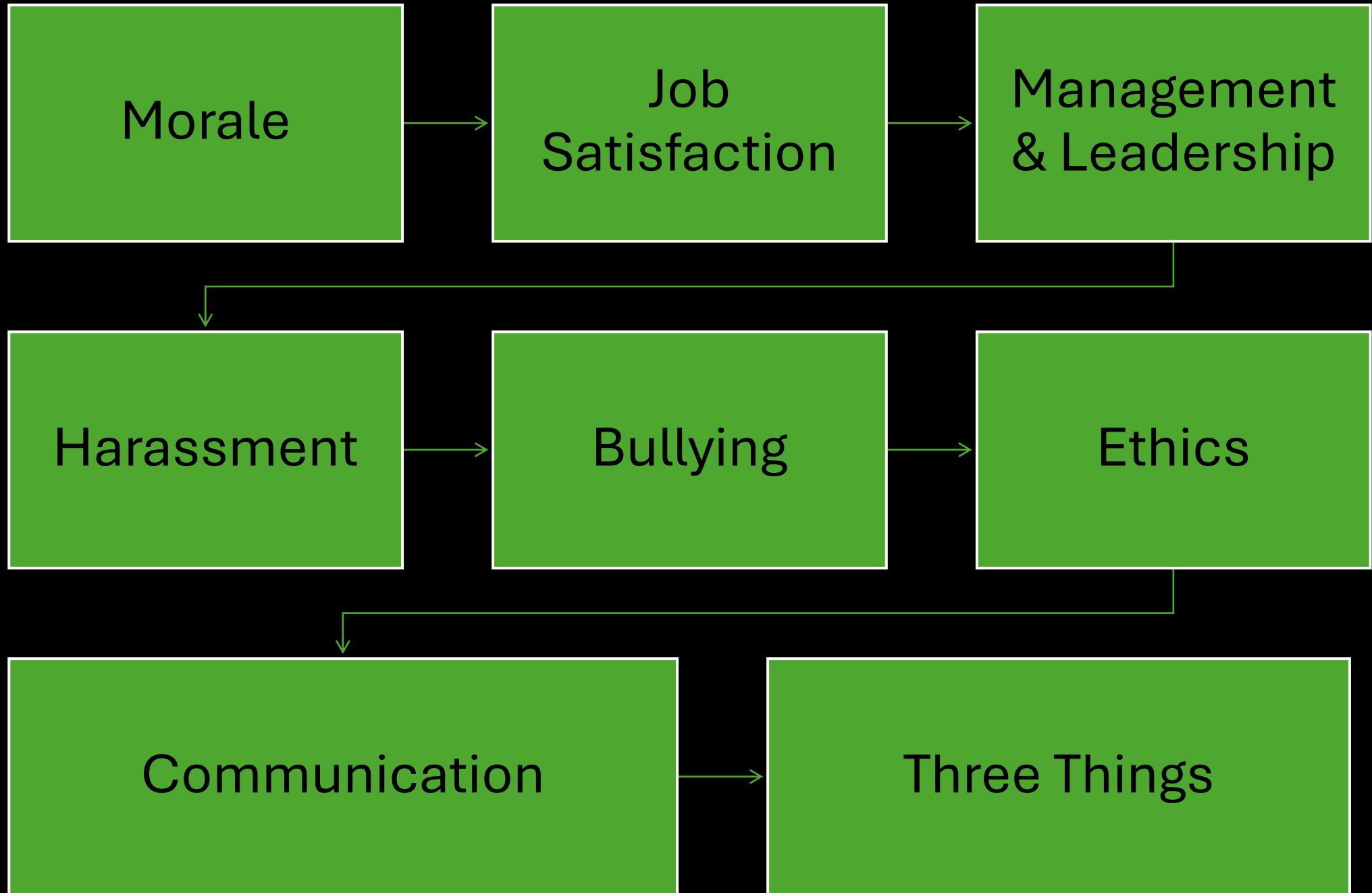
- Do you feel that there is open & adequate communication between the employees & management/leadership?
- What could the company and/or your department do to improve communication with employees?
- Rate the overall communication within the department from 1 (worst) to 10 (best).

Person Accused (Ask the following & then the Qs)

- Is there anyone in the organization who would have a reason to make false allegations against you?
- Is there any employee currently under disciplinary action or who is underperforming?
- If I talked to your employees, what do you think they would tell me about your management/leadership style?

Closing

- What else would you want me to know about the workplace or working environment? Is there anything else?



Person Accused (Ask the following & then the Qs)

- Is there anyone in the organization who would have a reason to make false allegations against you?
- Is there any employee currently under disciplinary action or who is underperforming?
- If I talked to your employees, what do you think they would tell me about your management/leadership style?



Where's the
Video?



This Photo by Unknown Author is licensed under [CC BY-SA](#)

SAMPLE RESPONSES

“Toxic; unhealthy; I heard it’s bad, but I had no idea; angry group of co-workers; she talks negatively about supervisors and subordinates; years of this behavior; personal attacks; yelling; not professional; classic abusive relationship ”

“Yes, a hostile workplace: being yelled at, having an environment where you are always fearful of what the reaction will be, a lot of stress, throwing up from fear of going to work, afraid to leave your office because you might bump into that person”

“Horrible, tense, people are scared, not willing to express opinions, denigrated/embarrassed by her, she talks inappropriately behind their backs”

“In staff meetings people are put on the spot, told you’re not doing things right; she can be charming/impressive to her peers/superiors but her staff is constantly bullied; she’s screaming in the hallway.”

“A hostile work environment. They’ve been afraid that she would slap them or become violent.”



INTERVIEW WITH ACCUSED

Morale?

“OK, tense because of a change w/ grants; jobs created under the current grant may change; the re-organization was upsetting.”

“Everyone’s trying to do the best they can, waiting to see about new leadership.”

“That’s the way it is from senior leadership; task driven; travel; constituent letter...”

9. Can you recall any instances where you have spoken to employees in a loud, harsh tone? No

a. If so, what were the circumstances?

9. Can you recall any instances where you have spoken to employees in a loud, harsh tone? No

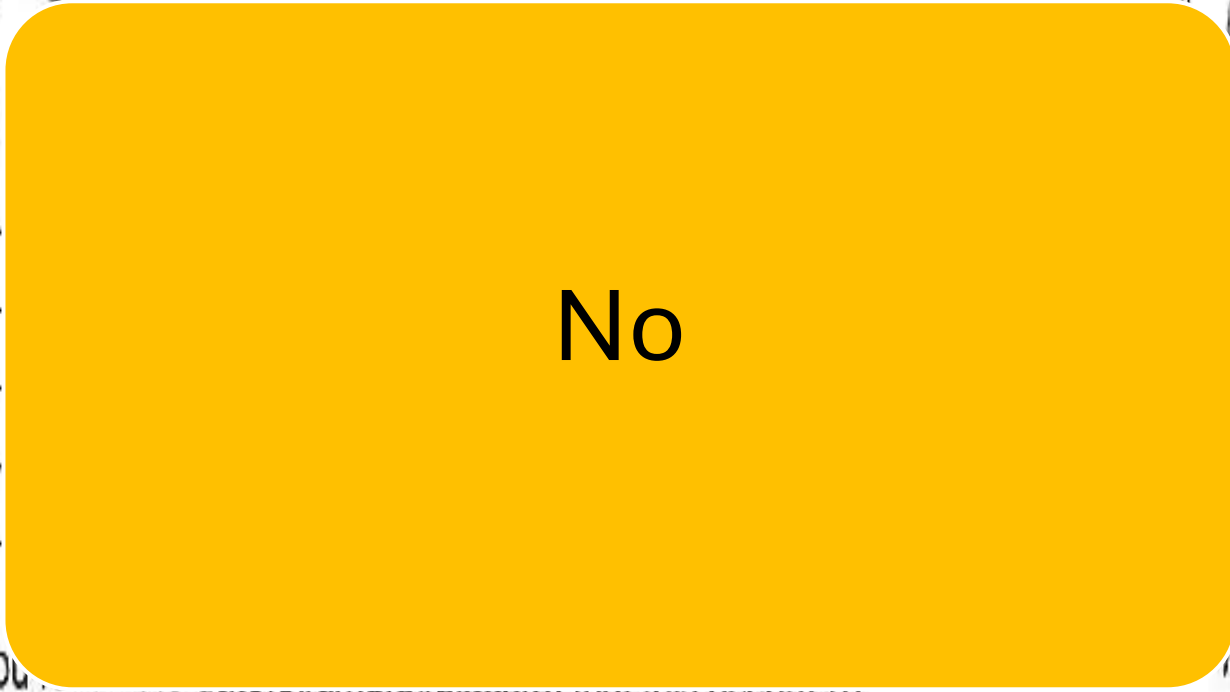
“No.” “Just a direct person, clear/ straightforward.”

b. Do you recall the date(s)/time(s)/place(s) that this occurred? _____

10. Can you recall any instances where your behavior would have been described as "bullying"? No

a. If so,

b. Do you



No

reason
other
getting
around
I think
remembering
degrade

RENDERING CONCLUSIONS



Determine
What You
Have

Policy or Legal Violation

Bad Manager

Bully

Nothing or Something Else

Presenting Your Investigation Results



Ignore Complainant & Sidekick

Focus on WP Violence Policy or Code of Conduct

Realize that the bully has manipulated everyone from HR to the CEO

Your report should be balanced

- Compare Information
 - Identify the Target and Sidekick
- Expect a Morale of about 4.7 to 5 if you have bullying
- Expect an average job satisfaction of about 7.5
 - Target will be 0 to 2 and sidekick will be 10

- If manager is the bully, expect an average of 4.7 to 5
 - Competent manager/bully will self-rate 9.0 (because “no one is perfect”)/sidekick will rate manager a 10/target a “0”
 - Incompetent manager/bullies are 2.7 to 4.3
- Harassment information will vary depending on how people view the harassment
- If you have a bullying policy, rely on that language

7.5 or above

- Things are pretty good

4.8 to 7.4

- Scale of problems- Maybe bad manager

4.7 or below

- Category 5 hurricane

Morale

Employees rated morale in the administrative division an average of **5.57**.

Most employees rated morale low due to the conflict between the S & D, and the impact it has had on operations, as well as communications in general. Many people credit the arrival of B and his leadership for higher morale. It does seem that when B began as leader in 2018 morale was quite low, so he had a great deal of catching up to do.

Ls rated morale in the administrative division an average of **4.56**.

Ls overwhelmingly identified the conflict between S & D as the basis for low morale.

The A/D/S rated morale in the administrative division an average of **5.83**.

B rated morale in the administrative division a **7.0**.

Personal Job Satisfaction

Employees were asked to assess their job satisfaction and evaluate how they felt about coming to work. They were asked to rate it on a scale of 1 to 10, “1” being the worst and “10” being the best, and to explain what they like and what they don’t like about their jobs.

Employees rated their personal job satisfaction an average of **8.21**.

Ls rated their personal job satisfaction an average of **8.18**.

D didn’t rate his job satisfaction.

S rated his job satisfaction a **7.0**.

The A&B rated their job satisfaction a **10.0**. They are positive, motivated and love the X organization.

Employee #	Rating	Comments
------------	--------	----------

WADS

EE	B	A	D	S
1	8	8		5.5
2	4	8	9	7
3	8	6.5	2	3.5
4	8	9	8	6.5
5	8	5	10	4
6	9.5	8	6	5
7	10			3
8	8	9	8	0
9	8	8	7	7
10	8.5	8.5	4	4
11	9	9	4	8
12	8.5	8.5	4	5
13 (HR)	8	8	5	5
14	10	8.5		5
15	9	10	6	1
16	10	10	10	1.5
17	10	10	10	
18	8.5	9	4.5	7.5
19	8.5	7	8	5.5
20	8.5	8	6.5	5
21	8.75	9.5	5.5	5
	8.5	8.375	6.52	4.7
	9	7	5	4
L1	10	10	8	1
L2	10	8.5	7	3
L3	8.5	8	7	5
L4	8	6	6	5
L5	9	5.5	5	2
L6	8	8	7	3
L7	7	8	8	4
A	8.5	7	5	4
D	9.9	9.9	8	2
S	7	5	3	6.5
B	8	9	6	3

B	A	D	S
8.7	7.6	6.6	3.4
8.5	8	4.7	3

Doesn't do
anything

Rigid

Impersonable

Lack of
Communication

Never Responds

Unapproachable

Smart &
Knowledgeable

Terrible
Communicator

Pompous
As*hole

You have to do what he says

He will bully and harass you until you snap

He will fire you or you will quit

Withholds information; “knowledge is power; the more knowledge he has over you, the better it is.”

“I don’t work for him, but I wouldn’t want to.” He is “smart and capable but probably a jerk.” He could be way more likeable. Either he doesn’t care or doesn’t know. Great in front of XXX He is not well liked. Type A. He used to take notes on everything and had stacks and stacks of yellow notebooks. One day he “got me” when I said that I didn’t remember him telling me something and he said, “You did on June 2nd.” I said, “You just got me. Don’t do that to me again.” He is not likeable. He could do more work. He is not self-reflective or doesn’t care.

Focus on Violations of Policy/Mission/Values



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 2.35 CIVILITY IN THE WORKPLACE

ADMINISTRATIVE PROCEDURES

PROCEDURES


Prohibited Conduct

General Provisions	Application
Harassment, Bullying, Workplace Violence Refer to the Policy Guide on Prohibited Conduct/Behaviors for more information.	<ul style="list-style-type: none">• The Commonwealth strictly forbids harassment (including sexual harassment), bullying behaviors, and threatening or violent behaviors of employees, applicants for employment, customers, clients, contract workers, volunteers, and other third parties in the workplace.• Behaviors that undermine team cohesion, staff morale, individual self-worth, productivity, and safety are not acceptable.

The workplace bully is a dangerous reality & rarely fixable.

A large, light-colored downward-pointing arrow is positioned on the right side of the first box, pointing towards the second box.

You will have a hard time convincing senior leadership the bully is a bully. You don't have to conclude you have a bully.

A large, light-colored downward-pointing arrow is positioned on the right side of the second box, pointing towards the third box.

Don't assume someone is a bully or default to it.

Failure to Take Strong Action



Resources

www.bullyonline.org

www.healthyworkplacebill.org

www.workplacebullying.org



THE JOB JUDGE

www.KarenMichaelConsulting.com

