BEYOND BULLYING:
Let's elevate the conversation from labels, laws, and litigation and restore respect in the workplace — even for the bully

by
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About the Author

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In workplaces everywhere, we can imagine the following conversation taking place:

> Bill, step into my office. Your direct reports say that you're a bully.

It's a short, and usually unproductive, conversation, full of ambiguity and defensiveness, blame and shame; unlikely to engage the person labeled as "bully" in dialogue, insight, or change; certain to cause frustration, and possibly escalation, with the person making the claim — the person usually labeled as "victim."

Organizational conflict resolution professionals have the ability — and, I contend, the responsibility – to change the conversation around workplace bullying. As workplace mediators, ombuds, coaches, conflict consultants and all shapes of practitioners, we harness the power of language and listening, reframing and responsiveness, clarity in communication. Questions are our tools to guide individual and organizational change when interpersonal interactions interfere with the mission or bottom line.

We can use all of these capabilities and shift the shape of the conversation about workplace bullying, by adding a few more questions to our implementarium. When we structure these questions as *behavioral inquiry, situational inquiry,* and *motivational inquiry* we swing the focus from labeling and objectifying *[bully, victim]* to a more objective and humanistic behavioral context. We elevate and illuminate the conversation and create an encouraging milieu that supports steps toward self-awareness, individual responsibility, and change. We contribute to a sustainable work environment of respect — and where respect exists, bullying cannot.

Before we explore this process of inquiry as the alternative to the current model of fumbling and frustration, please indulge me with a moment on my soapbox — or shall I say "bully pulpit"? When interpersonal interactions interfere with productivity or purpose, the business imperative is to address the conflict efficiently and effectively. Here are three reasons that the existing paradigm of workplace bullying works against this obligation.

First: organizations typically spend more time and resources in trying to determine if the claim of "bullying" fits the applicable definition or policy than in addressing and resolving the underlying behaviors and issues. The effort expended to fit problem workplace behaviors into a policy definition of "bullying" distracts, delays, and distorts prompt action, and may leave employees who believe they've been targeted with a frustrated need to be heard — sometimes through an EEO claim or litigation.

Many anti-bullying laws and policies include language like "intentional" "malicious," "harm," and "power imbalance." Who gets to determine if the harm is sufficient to meet a policy or legal requirement? Are expert witnesses needed? And while that determination is being made, whether by a human resource manager, hearing officer, or state commission, what becomes of the folks impacted by the behavior? Defined as bullying or not, the behaviors are disruptive to the workplace and the impact extends far beyond bully and victim. If determined to be outside of the administrative definition, a long list of stressful, hurtful, potentially damaging behaviors go without intervention or consequence — or worse, appear to have been vindicated or endorsed.

Second: labels limit the potential for intervention, insight, and resolution. Language around workplace bullying immediately vilifies the individual identified as the perpetrator. How likely is the "bully" to hear anything beyond that label? S/he's already been written off as a villain, and usually irredeemable, at that – just take a look at the prevailing popular literature, and the demonization of the offender with terms like "snakes in suits," or "jerk-at-work."

And what of the person we call the "victim"? Powerlessness is in that word. Is s/he inclined to take a look at any behaviors or communication which may contribute to and perpetuate, or challenge and change, the bullying dynamic?

In fact, the very notion that there can be effective interventions into bullying behavior is anathema in much of the popular press — a narrow view that is challenged with the paradigm shift proposed here.

Third: "bullying" has become a "waste-basket term to define unresolved workplace disputes." That's the experience of Dr. Doron Samuell, CEO of Corporate Health Services in Australia, who calls bullying "the default label for preventable workplace conflict." The seriousness of the bullying experience is diluted by those who consider every disagreement or conflict, every case of innocuous bantering or managerial directive, as bullying. The very serious abusive behaviors experienced by numerous employees are trivialized with a term so ubiquitous as to be nearly meaningless.

We can learn a lot from Australia, whose workplace anti-bullying law implemented on January 1, 2014 contains both clear language and an enviable expedited process. In its first quarter of operation the Fair Work Commission, the body charged with assessing and addressing claims of workplace bullying, received 151 claims. Of these, one single order to cease bullying was issued. The commission dismissed seven claims, 32 were withdrawn, and 16 situations were resolved in the course of the process; presumably there has been no final disposition of the remaining cases.

The Fair Work Commission understandably focused on clarifying the jurisdiction, parameters, and language of the law, including the meaning of "reasonable management action" which helps define what bullying is not. It's important for workers to know the difference between tough supervision or incivility and bullying. But that still leaves lots of people experiencing loads of pain, and plenty of businesses losing lots of productivity.

Meanwhile, back in the USA, Tennessee enacted the nation's first workplace anti-bullying law on May 22, 2014 in a version that was significantly watered down from the original. This Pyrrhic victory was promptly followed by the governors of New Hampshire and Puerto Rico vetoing similar legislation. Governor Maggie Hassan of New Hampshire cited the bill's "poorly defined and unworkable provisions" with potentially actionable conduct including vague and subjective complaints of "unreasonable workload" or "constant and unreasonable criticism." Hassan also criticized the bill's elimination of mediation as an intervention to resolve any workplace complaints termed "bullying."

Perhaps legislation is appropriate on the upper end of a continuum of options to address abusive behaviors in the workplace when internal interventions are ignored or ineffective. And perhaps policies can be a useful tool for clarification and process. But I trust that by now you, too, are alert to the limitations imposed on taking action when attention is elsewhere. Could you imagine the potential productive outcomes if the considerable time and energy expended on legislation, litigation and language were focused on resources to support early identification and effective intervention, resolution and prevention of interpersonal behaviors that workers of all levels find problematic, misunderstood, inappropriate, or hurtful?

To introduce the antidote, I'll ask you to suspend your use of the words "bullying," "bully," and "victim." Let's listen to how this conversation may evolve.

> **Bill, step into my office. Let's discuss a concern one of your direct reports shared with me.**
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> **Do you remember last week's project presentation with our execs? I'd like you to recall what you can about the session. Do you have an idea of who might have a concern about this meeting, and why? Right, it was Vicki. OK for me to report her concern?**
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> **She said that you took credit for the work project without mentioning her contribution, which she believed was considerable. Does anything about her version of events ring true? She said she was upset and from her perspective this was not the first time she felt acknowledgment was lacking – she shared a couple of other recent incidents with me that I'd like to review with you as well. Is this a realistic perception on her part?**
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> **Before these incidents, how was your relationship? She says her work is always high quality and on time and that she often seeks additional assignments but lately she's feeling unappreciated. From where you sit, is there any issue we need to address regarding work performance or attitude? If not, and I'm asking you to search your soul here, what might have precipitated your comments?**
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> **Oh, you're feeling pressured because your performance review is coming up and your team's productivity is down? That's an important insight. Understanding that burden, what do you feel you could have done differently with Vicki?**
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> **Are you open to hearing her point of view? What support do you need to take next steps with Vicki? How can we help you cope with the pressure you're under?**

This scenario touches the three inquiries — *behavioral, situational,* and *motivational* – that will forever change

4 CATEGORIES OF PROBLEMATIC WORKPLACE BEHAVIORS:

1 VERBAL: shouting or swearing at an individual in public or private; slandering or ridiculing a person or his/her family; name calling, insulting, or offensive nicknames or remarks.

2 GESTURAL: threatening or offensive non-verbal signals; making faces; getting in one's face or space.

3 SOCIAL: socially or physically excluding an individual from or during work-related activities; stopping conversation or giggling when a person walks by; not allowing someone to speak or express him/herself; spreading rumors or gossip; invasion of privacy.

4 PROFESSIONAL: public humiliation or reprimands in any venue, including e-mails; interfering with mail or other communications; encouraging others to disregard the employee's input, request, or information, or supervisor's instructions; manipulating, interfering with, or sabotaging employee's ability to do his/her work, such as overloading or withholding information; setting and changing goals, tasks, deadlines; under-loading; removing high-status tasks; taking credit for another person's ideas.

the bullying conversation in your workplace. Our imaginary ideal manager describes the specific behaviors complained about, without pejorative or judgmental language. The factors surrounding the concern, such as frequency and intensity, are relevant. Bill is invited to understand his own motivation, or the function of his behavior, in a non-confrontational manner that feasibly opens into discussion regarding potential interventions. Let's explore each inquiry in more depth.

Behavioral inquiry turns our attention from the label of bullying to identifying interactional behaviors that are inappropriate or causing distress or concern in the workplace. In the ideal workplace the group and its leadership will establish behavioral norms that are consistent with the organizational culture. In one team, for example, interrupting during meetings may be construed as rude, or even as exclusionary; in another, interruptions may be an acceptable form of lively debate, brainstorming, or even a mode of collaboration.

As valuable as group process is for clarifying and preventing unacceptable behaviors and creating a culture of respect in the workplace, we live in the real world of work, where all is well until it isn't — and that's when we conflict resolution professionals are called in. Behavioral inquiry can be, for us, a viable entry point. When the stated issue is bullying, we can assist parties to articulate their experience in behavioral terms, and thus begin the shift: it's both subtle and seismic.

Behavioral checklists often divide potentially problematic workplace behaviors into five categories: *verbal, gestural, social, professional,* and *psychological*. We dig down into a claim of bullying and tweak out the contributing behaviors. Because offensive behavior is subjective, and because the perception of the folks we encounter is their reality, we partner with the parties to excavate and extract further meaning from their experiences and perceptions. The sidebar on this page gives a few brief examples of the first four categories.

Behaviors with potentially psychological impact can be the most challenging to prove, or even to articulate. These "micro-aggressions" (often passive-aggressions) are the

subtle or indirect actions or omissions unrelated to business or performance necessity that may leave an employee questioning his or her perceptions and competence. The employee feels really bad about him/herself, and not just because s/he's received some rough, but justifiable, feedback.

You may notice at this point the absence of a large category of behaviors — physically aggressive or abusive behaviors, including unwanted physical contact; pushing, threats of assault to employee or family, damage to work area or property. Many, if not most, definitions of workplace bullying include these behaviors. Yet such behaviors are generally already addressed in workplace non-violence or harassment or code of conduct policies, and assault is clearly illegal and actionable. In contrast, the behaviors typically encompassed in complaints of "bullying" are legal, unless related to harassment or discrimination based upon the person's protected class.

A behavioral checklist and analysis of the behavior is our first step toward transforming the prevailing bullying paradigm. While fully respecting his or her perception, experience, and feelings, the behavioral conversation assists the person expressing concern to shift their language from broad and loaded terms to descriptive ones. Exploring any potential relationship between the behavior of concern — let's say, excessive scrutiny, or removal of certain tasks, or denial of professional development requests — and job description, performance, or legitimate business need is part of the excavation, vital to discover with both parties. And thus we set the tone for our second evaluation: the *situational inquiry*.

With the complaining party first, we look at *frequency, duration, intensity, escalation.* Check into the *setting* and *power disparity*. Evaluate if there may be a reasonable relationship to the employee's job description or performance or valid business necessity. I call this the "reality check," an objective elucidation of the context of distressful behaviors within the work relationship. Explore the *history:* was the relationship ever positive, in or out of work? If so, what changed, when, why? These insights can be positively revelatory.

Our third assessment is the *motivational* or *functional inquiry*. Once we establish a common understanding about the nature and context of disquieting behaviors in a manner that limits defensiveness, let's invite introspection about the factors that may influence the behaviors. Is a supervisor feeling overwhelmed, under pressure, fearful, insecure? Does s/he have the skills and tools to encourage and motivate staff without yelling, belittling, or threatening? Is a colleague overly zealous, competitive, pursuing or demonstrating power? Is a socially awkward employee actually seeking connection, but unaware that bad jokes are offensive? Is a challenging situation at home causing stress or loss of judgment?

The motivational assessment informs our choice of interventions with individual, dyad, team, department, or organization; with offender, targeted employee, bystander, or leadership. Ours is a vast repertoire: coaching, team or leadership facilitation, mediation, and more. I'm a fan of judicious and thoughtful facilitated conversation between the participants, including clarifying of work and relationship expectations and solidification of understanding and even partnership:

> Yes, I refused your last request for out-of-town training because I didn't see train-the-trainer follow-up from your two previous workshops; yes; I see that clarifying that expectation with you beforehand would have prevented this misunderstanding; I'm open to plan together a time to try again.

Freed from the constraints of fitting a distressful behavior into the tight box of policy definition, we have the luxury to address tough supervision, micromanagement, overly zealous colleagues, "unreasonable workload" or "constant and unreasonable criticism," and any work relationship or behavior that does not contribute to a respectful work environment.

Of course we'll always have some people who gets a kick from exploiting others, whose desk plaque that says "when I say 'jump', you ask 'how high'" is no joke who are unlikely to change and whose redemption is completely outside our scope. I believe that those at the forefront of the workplace anti-bullying movement, in good faith, started out by taking on the truly abusive workplace situations, those akin to domestic abuse. Consider: if

we'd stick with "abuse" as the differentiating term, would we have fewer "wastebasket" issues? Or are we already too entrenched in diluted definitions? Here's another opportunity for conflict resolution professionals to subtly change the discourse. But as my favorite cartoon character Pogo used to say, we'd still be "confronted with insurmountable opportunities," those being the wide and gray range of interpersonal behaviors that hurt, are misunder-

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stood, or distract the organization from its mission and productivity and its people from creating a culture of respect.

Conflict resolution professionals are a courageous, creative, and optimistic bunch, never shy of a challenge. After all, we purposely put ourselves in the middle of conflict. So let us fully embrace these "insurmountable opportunities." Let's reinforce language that treats everyone with respect—even the "bully"—and vow to neither vilify, vindicate, nor mollify the targeted employee, offender, or bystander. Let's enhance awareness of those who avoid action through perseverating upon labels, laws, and legislation. Adding to our toolbox the instruments of behavioral, situational, and motivational inquiry, let's employ these powerful questions — and the power of our profession – to encourage reflection, awareness and perspective in a context that empowers responsibility, compassion, change and action. Let's guide organizations and their people to rebuild direct and respectful communication.

Because where respect exists, bullying cannot. ∎

The author invites readers to continue the conversation. For a discussion regarding the controversial issue of mediation as an intervention into workplace bullying, please see her article in the September issue of the ACR Workplace Reporter, Mediators Never Wear Red: Is mediation ever an appropriate intervention into workplace bullying, or might we just as well wave a red cape in front of a raging bull?