



**NO ORGANIZATION
TOLERATES BULLYING.
SO WHY DO SO MANY
WORKERS CONTINUE
TO FEEL ABUSED?**

BY VADIM LIBERMAN

MIS TREATMENT



30 TO 50
PERCENT OF
U.S. WORKERS
SAY THEY'VE
BEEN *bullied*
AT SOME POINT
AT WORK

IN THE MORNING OF JUNE 30, 2010, KEVIN MORRISSEY RECEIVED AN ADMONISHING EMAIL FROM HIS BOSS, TED GENOWAYS. IT WASN'T THE FIRST SUCH MISSIVE, BUT IT WOULD BE THE LAST. HOURS LATER, MORRISSEY, 52, SHOT HIMSELF IN THE HEAD.

Morrissey had questioned accounting practices at the *Virginia Quarterly Review*, where he was managing editor; allegedly, Genoways and university officials had dismissed his concerns. Increasingly rebuked for his daily work, Morrissey slumped deeper into depression, according to friends and family.

Then Genoways sent an email contending that Morrissey had “engaged in unacceptable workplace behavior.” Without specifying the conduct, he ordered Morrissey to work from home for a week and not discuss the issue with colleagues. Ten days later, after Genoways’ final note—lambasting Morrissey for mishandling an article source—the expulsion turned tragically permanent.

Genoways, now retired, admits having dealt harshly with Morrissey but rejects blame for “bullycide.” Of course, he did not shoot Morrissey, but did he bully him?

FROM CLASSROOMS TO CUBICLES

Bosses have tormented workers ever since there were workers to torment, but only recently have we become sensitized to what studies indicate is four times more common than sexual harassment. Most workplace bullying doesn’t climax at the point of a pistol, but it can be devastating nevertheless to morale, productivity, and HR departments, strongly affecting not only the target but his whole department—and even the entire company.

Bullying goes beyond everyday rudeness and incivility—it’s repetitive, enduring, and escalating, entwined with perceived power disparities and matters of intent. It turns the most grown-up of environments, the modern workplace, into something resembling junior high, in which so many of us felt helpless to deflect the attentions of a bigger kid who had decided, seemingly randomly, to make our lives hell.

Just as in that horrific setting, someone with an eye for frailty and a mild sadistic streak can keep us off balance, distracted, and looking over our shoulder. We may seek out alternate paths to our cubicle and stay home on the flimsiest excuse. And just as we may have been reluctant to tell anyone about teenage cruelty, workplace victims often keep bullying

to ourselves, since talking about it acknowledges weakness and powerlessness, which doesn't exactly mark complainants as future leaders. Plus, in the absence of an email thread or actual violence, bullying may be hard to explain, much less prove, to a supervisor or HR rep.

It doesn't make it easier that, as in middle school, bullying isn't necessarily physical or face-to-face—just think of the reputational damage that a *Mean Girls*-style whisper campaign can inflict.

With financial pressures intensifying and business units stretched ever thinner, are rising workplace tensions leading to more bullying? It's difficult to say, and not only because one person's motivation-minded tough love is another's bullying. "We haven't had validated measures," explains Joel Neuman, a workplace-aggression consultant and director of the Center for Applied Management at the State University of New York at New Paltz. "Too many people have their own ad-hoc instruments with different scales and definitions."

Still, you know workplace bullying when you see it: persistent and unreasonable aggression that creates an unhealthy, hostile environment, impairing the well-being of targeted individuals and organizations. (Though the focus here is on bosses browbeating subordinates—since that constitutes 75 percent of workplace bullying—obviously, co-workers can also turn on each other. Rarely, a direct report may even bully a boss.) People who feel picked on withdraw from work life as much as they can, to avoid contact—not exactly conducive to open, collaborative office environments.

"People have joked that *of course* a Canadian like me studies this issue because Canadians want everything to be nice," says Loreleigh Keashly, a conflict-resolution trainer and associate professor in the communication department at Wayne State University. "But it's not about being nice—it's about treating people like they have value." That is, brushing past a co-worker in the hallway without saying hello doesn't make you a bully—unless you're also continually undermining her work and soiling her reputation.

Measuring difficulties aside, 30 to 50 percent of U.S. workers say they've been bullied at some point at work, depending on the study, while 10 to 20 percent report being bullied at any given time. Surveys also reveal that the whiter the collar, the darker the prevalence of bullying.

In other words, Ted Genowayses and Kevin Morrisseyes abound. Some may work for you. One might be you.



WHEN IT DOESN'T GET BETTER

Explicit workplace bullying entails yelling, name-calling, belittling of opinions, insults, inappropriate jokes, false accusations, verbal and nonverbal intimidation, spreading of rumors, public humiliation, discounting of accomplishments, destructive criticism. Frankly, you won't imagine anything a bully hasn't already done in a company somewhere.

Obviously, no organization tolerates this. (Well, almost no organization—see "Tony's Tale" on page 29) Besides which—screaming? Taunting? That's child's play, literally. The workplace is no sandbox, and most executives and would-be executives are too sophisticated to act overtly. Sure, tantrum-throwing tyrants are kicking sand somewhere, but if you look only for the beast who snarls the loudest, you'll miss the destructive elephant in the room. "Ninety percent of bullying is under the radar," says Lynn Taylor, a workplace consultant and author of *Tame Your Terrible Office Tyrant*. "Bullies don't want to lose their jobs, so they'll do things that are just subversive enough."

Unlike schoolyard bullies, who break rules, their office counterparts manipulate them. To conceal their aggression in plain sight, "workplace bullies use organizational tools to help them bully," explains Catherine Mattice, president of

the workplace consultancy Civility Partners. Such actions include threatening disciplinary action and job loss, giving poor performance appraisals, assigning unreasonable amounts of work, shifting deadlines and other goals, stealing credit, laying undue blame, allotting busy work, creating unrealistic demands, and micromanaging.

“I’ve seen targets forced to move their desks into remote corners where they couldn’t interact with colleagues,” says Lisa Barrow, an assistant professor at Brock University and author of *In Darkness Light Dawns: Exposing Workplace Bullying*. “That’s not only physically isolating but sends a message that co-workers shouldn’t interact with these employees.”

Often, acts of omission inflict the greatest harm: Withholding necessary information and resources, removing job responsibilities, preventing access to opportunities, holding back praise, raises, and promotions, and excluding one from meetings are among the more clandestine acts of aggression.

Hold on. What if you have legitimate reasons for giving your subordinate a negative review or excluding him from some meetings? *What if?* Bullies know that others—including their targets—will wonder. “If I complain to HR, ‘My manager told a dirty joke,’ everyone knows there are no ifs, ands, or buts about what he did,” Mattice says. “But if I say, ‘My manager took away work and rolled his eyes at me in a meeting,’ that’s hard for people to understand.”

But not hard for a bully to help people understand. The sad irony is that if you’ve got a boss who’s hammering away at you, eventually your work will suffer as a result. By the time you complain, your boss can easily point to dwindling performance to justify his actions—the adult version of “He started it!” Then, too, your boss may shrug in wide-eyed bewilderment or feign victimhood himself.

Bullies need not resort to physical violence for victims to feel knives twisting their insides. Worse is the psychological damage. “Evil demons, physical wounds, chiseling and chipping away, and broken, torn hearts” are some metaphors that victims summon to describe their experiences in a research paper by Pamela Lutgen-Sandvik, an associate professor in the University of New Mexico’s department of communication and journalism. About one in ten targets endures severe post-traumatic stress disorder, according to research by occupational psychologist Noreen Tehrani, who likens symptoms to those of returning soldiers, battered women, and child-abuse victims. Many contemplate suicide or homicide.

“I received one call from a man who was going to jump in front of a train because he couldn’t take the undue pressure to perform and was being publicly humiliated and yelled at,”

recalls Lisa Barrow.

“When someone feels mistreated, humiliated, and undermined, their confidence drops steeply,” says Charlotte Rayner, professor of HR management at England’s University of Portsmouth and president of the International Association on Workplace Bullying and Harassment. “People are frightened, nervous, and stressed to go into work. Companies have a responsibility to provide reasonably safe working environments. That includes psychological safety.”

Addressing workplace bullying isn’t just a moral imperative—which it is—but a financial one. Bullying plagues businesses with increased compensation costs, higher medical expenses, reduced productivity, and absenteeism. And that’s assuming that abused workers stay. Most do not. The Workplace Bullying Institute, a victims’ advocacy group, estimates that 66 percent of aggrieved employees quit to end the bullying. By contrast, companies terminate only 1 to 2 percent of bullies.

WHY SO CRUEL?

What’s the typical victim profile? There isn’t one. “There are no significant differences regarding age, gender, or other large demographic characteristics for victims,” reveals Rayner. Sure, some managers prey on employees based on a Title VII characteristic. For them, there’s Gloria Allred. For the rest, a therapist may provide more help than an attorney. (See “This Can’t Be Legal, Right?,” page 34.) The Workplace Bullying Institute paints typical victims as competent, experienced, skilled, honest, cooperative, popular, and nonconfrontational; academic experts are skeptical of this portrayal, citing an absence of confirming research.

Bullies appear equally hard to classify. Some displace anger with the organization onto subordinates when they think the company has treated them unfairly, perhaps denying pay or a promotion. Also, “we tend to see more aggressive behavior once norms at the organization have been weakened,” Keashly points out. For instance, recessions, corporate restructurings, downsizings, and other pressures can incite others to whip out the whip.

A more general consensus is that managers mistreat workers due to their own personal or professional insecurities. Threatened by others, they lash out to divert attention from self-perceived inadequacies. While this seems to legitimize that bullies target exceptional performers, it fails to describe why everyone with insecurities—in other words, everyone—doesn’t engage in bullying when given the opportunity. The best explication may be the simplest: We come from different backgrounds, so—

So what? Explanations are not justifications. Someone may have a hundred inclinations to bully, but there’s only one

relevant reason why he actually does: *because the organization allows him to*. “Inaction is not neutral. It supports the bully,” says Rayner. “If your environment expects you to treat people decently, you will. We can all be bullies or angelic managers. Every so often, we get sloppy or tired or get into bad habits, and if the organization doesn’t act, we just carry on, because it’s so easy to. We end up doing what we can get away with.”

Adds Keashly: “Research shows that even if you have someone with a high proclivity to sexually harass, he won’t do it if the organization won’t tolerate it. That says the company has a profound influence on an employee’s behavior. Once you permit, you promote.”

Of course, you could fire the person (assuming you could expose him). End of story. But that only treats a symptom. If the corporate culture is diseased, the bully was never the true ailment. Now, the real story begins.

THE “GOOD” BULLY?

You’ve probably been conjuring images of malicious managers best characterized with four-letter words. They lurk, but the bulk of bullies don’t dream of inducing nightmares for underlings. They don’t have bad intentions at all. Some actually have good ones.

That might sound strange. We don’t typically relate anything good with bullying—because we picture the archetypal bully as an oversized seventh-grader who *purposefully* harms and intimidates. Office bullies, though, are not in middle school; they’re (probably) not after your lunch money, and they’ve (probably) grown out of that cruel-adolescent phase. So we must ask: If you don’t mean to be mean, you may still be mean, but are you a bully?



WHEN SOMEONE FEELS MISTREATED, HUMILIATED, AND UNDERMINED, THEIR CONFIDENCE DROPS STEEPLY.

PRIDE

TONY’S TALE

Tony (because he’s still scared to use his real name), a former (because victims rarely stay) publicist at a major book publisher, recalls constant harangues by his boss. “I was always anxious about the next time he’d yell at me in front of others—about my work, my clothes, my personality,” he remembers. And there would always be a next time.

Worse, Tony says, when he would step away from his desk, his manager repeatedly sat at his desk and browsed his computer. When confronted, Tony’s boss smirked, explaining, “I wanted to see what you actually do all day. I don’t know what you do. *What do you do here?*”

“I work,” replied Tony, who later discovered unseemly emails from his own account that his boss had sent to colleagues.

Enduring months of abuse and dreading going into work on many days, Tony finally consulted an HR staffer, who suggested—get ready for it—that he not write out his complaint because “it will only make things worse. Try to work it out with your boss.”

Shortly after, in what Tony says felt like retaliation for the HR meeting, his boss put him on probation before firing him. He informed Tony that “it’s just not working out,” also citing an author who’d complained about Tony’s work.

“Strange,” says Tony. “I never got that sense from any authors I’d worked with. In fact, I’d always received praise from them. I decided to apologize directly to this author and ask him why he was unhappy with my work, so I could learn for future jobs. Turns out, the author said he never made any of the remarks my boss claimed he did. And if I had to bet on who was lying . . .” —V.L.





40 PERCENT OF VICTIMS
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“The popular belief is that these leaders have blood dripping from their fangs,” says Sharone Bar-David, a Toronto-based workplace consultant, “but most don’t perceive themselves to be engaging in unacceptable conduct. They aren’t aware they are doing any harm. They’re just extremely passionate about their jobs and perceive the workplace as a dog-eat-dog environment. It’s not personal.”

It is, though, if you’re the hapless dog being eaten. Once again, an inability to deal with stress, coupled with a lack of emotional intelligence, sensitivity, empathy, and social and communications skills, may explain behavior. But it does not vindicate it.

Still, *you* know you don’t have bad intentions. You’re just trying to get work done and, sure, maybe you’ve raised your voice here and there, dumped extra work on your assistant, failed to give him credit sometimes, could’ve been kinder at other instances, but come on. That doesn’t make you a bully. Right?

In fact, many apparent bullies would be surprised to be tagged as such. Neuman remembers a mid-level manager at the Minneapolis VA who’d taken a workplace-bullying survey. “I don’t think any of this stuff goes on,” he said,” Neuman recalls. “The next day, he came up to me and said he was thinking about the questionnaire all night. He told me, ‘I haven’t witnessed the behaviors, but I think I’ve engaged in them myself.’” Just because people don’t self-identify as bullies, Neuman points out, doesn’t mean they aren’t. Still, we shouldn’t infer bad intent. As Mark Twain suggested: “Never attribute to malice that which is adequately explained with stupidity.” Or thoughtlessness.

On the other hand, maybe you *do* know that you come off aggressively—because you intend to. Still, you’re not bullying. You’re *managing*. And this isn’t just euphemizing. If you’re someone who shouts, intimidates, micromanages, ostracizes, eliminates job duties, or withholds resources, it’s not to humiliate—it’s for the organization’s good. Maybe you lack patience to deal with your direct report. Perhaps you’re merely re-purposing military training from earlier in life. Regardless, your use of negative reinforcement is nothing more than a motivational strategy. Laura Crawshaw, author of *Taming the Abrasive Manager*, recalls one executive’s rationale: “My dad kicked my ass, and look where I am today—vice president!”

THE STEVE JOBS QUESTION

The line between bullying and managing leads directly to “the last great tyrant.” *The New York Times* certainly overstated its anointment of Steve Jobs—definitely with “last,” probably not with “great,” but the endmost part? Was Apple’s CEO a bully?

To the extent that Jobs bears responsibility for placing iGadgets in millions of homes, is it due to or despite his reputation for terrorizing and humiliating staffers? The latter would suggest that ends may not justify means. The former, however, doesn’t necessarily license Jobs’s management style. “Often, people are successful in spite of bullying behavior,” Neuman explains.

Fair enough. Maybe Apple didn’t *need* a bad apple, and perhaps Jobs didn’t aim to be one. Conceivably, his devotion to the company unleashed his forked tongue when he perceived incompetence. Nevertheless, that his behavior didn’t necessarily *help* Apple doesn’t imply that it *hurt* the company. It may have made no difference. If so, from the organization’s perspective, there seems no reason to condemn his actions, or care at all.

“My sense of Steve Jobs is that he was a brilliant jerk,” Neuman says, “but to use him as an iconic question mark is

STUDIES SHOW THAT 11 PERCENT OF BULLIES EXHIBIT SIMILAR BEHAVIORS WITH CLIENTS.



misleading because most abusive supervisors aren't brilliant. He's the rare exception."

Is he? If not brilliant, many are successful—or at least successful enough for organizations to strap on blinders. If you win big, you can bully hard. After all, if a colleague is reeling in the cash, boo-hoo if a few minions pop Xanax to cope. "It's scary to confront someone who may leave with his skills and Rolodex," says Bar-David. "Unfortunately, it's easier for companies to do nothing."

Easier, perhaps, but not necessarily better. "Look, intimidation can work," Neuman says, "but there's always a price to pay. What about the ideas that never came about from people who might've left the organization because they were bullied?" You can't gauge what you can't see, but when an employee vomits at the thought of coming to work, he's purging creativity, motivation, and productivity. In fact, working up to expectations—but only up to expectations—is common among victims. And what firm strives for satisfactory?

Targets are also likelier to hide mistakes rather than fix or report them. And there will be errors. Employees stressed by bullying score 50 percent worse on cognitive tests, according to research by John Medina. Plus, if that weren't bad enough, studies show that 11 percent of bullies exhibit similar behaviors with clients.

Some targets adopt an OK-you-asked-for-it approach. Lutgen-Sandvik writes about one employee whose boss instructed her to notify her of all her activities at work after she didn't answer her phone once. So every time she went to the bathroom and left her office, she'd inform her manager's secretary. When the office becomes *The Office*, guess whom the joke is on. Furthermore, any laughter turns silent when targets retaliate in more hostile ways. Now who's bullying whom?

PERCEPTION VS. REALITY

"I loved being at work," recalls Mattice about her time at a

start-up. "The CEO supercharged me. Then one day, the guy next to me said, 'He's a bully.'"

Suppose you treat two subordinates relatively identically. Only one feels bullied. Are you a bully? Do subjective interpretations place the issue in the eye of the beholder?

"Companies too often use that term to diminish someone's experience," says Keashly, so an HR rep might try to convince

MEAN WORKING GIRLS

You know the cliché: Women prefer male bosses. Not that many females will publicly proclaim what they usually confide to friends. After all, everybody knows the "right" answer when asked about the topic: *Of course it doesn't matter.*

Of course it does.

A recent Gallup poll of American workers reveals that both genders prefer a male over a female boss—men by 26 to 16 percent, and women by 39 to 27 percent. Granted, we've come a long way, baby, since 1953, when Gallup first started tracking such preferences and reported that a scant 5 percent of Americans would opt for a double-X boss. Nevertheless, women continue to spurn their own kind in large proportions.

One explanation: because they also prefer to bully their own kind. According to the Workplace Bullying Institute, an advocacy organization, 62 percent of bullies are men, unsurprising given that more males hang out at higher rungs and most bullies kick at those under them. But hey, at least they don't discriminate based on their target's sex. When the boss is female, however, so is the victim 80 percent of the time.

Sometimes, that's due to workplace demographics. With few men at a fashion magazine, whom else would a devil in Prada pick on? Other reasons skew psychographic: "Women tend to be more catty and feel threatened by other women more than men," says Catherine Mattice, a workplace trainer and consultant. Some deem other women less confrontational. Others may be modeling their more aggressive male counterparts. With limited opportunities for women to advance, "it's either her or me, and I'm going to make sure it's me."

There's another angle. According to David Yamada, director of the New Workplace Institute, a nonprofit research and education organization, "research indicates that women are more sensitive—and I mean that in a positive way—at picking up emotional cues." Thus, females may be likelier to report bullying because they can better recognize it, especially by other women whom they can read more easily than men.

Perhaps what everyone should be reading is *Ms.* —V.L.

a target that he's paranoid or "crazy" or a troublemaker—and let's be honest, sometimes that's true.

Except it does not matter. If your subordinate complains about you, regardless of who's perceiving things rightly, things have clearly gone wrong. "When someone describes an experience, it may not fit into some definition of bullying you may have," Keashly continues, "but that person is still experiencing a hostile and demeaning work environment."

Additionally, when a colleague tells a dirty joke at work, we don't dismiss a sexual-harassment charge just because Jane was offended while Sally laughed. Likewise, businesses can review the behavior rather than query an entire org chart.

All this assumes that someone actually complains. Usually, no one does. Targets fear retribution or that the company will disregard concerns or, worse, side with the bully. According to the Workplace Bullying Institute, 40 percent of victims never report their experience. Of those that have, 62 percent say their employer ignored their pleas. That's too bad, says Bar-David: "Organizations should thank the person complaining because that is the canary in the mine."

Working with a business with forty thousand employees, Rayner recalls: "The HR director told me there were only five

informal complaints that year. 'Isn't that great?' he asked. I smiled and said it didn't seem like enough. Turns out, the organization had a formal complaint system, but they got such massively well-paid and brilliantly aggressive lawyers working at internal-complaint hearings—and the whole workforce knew this—that no one bothered to complain. Employees knew it wasn't going to get them anywhere. This director had made low complaint numbers an HR target, so they ensured low complaint numbers."

Other times, a victim doesn't speak out because he may not consider himself a victim. Different employees possess varying self-esteems and resiliencies, and not just to the extent that some better tolerate what they consider inappropriate behavior. They may not view the acts as unacceptable to begin with. In which case, is such a worker a victim? And by default, is the bully—can we still call him that?—behaving improperly? It's one thing to argue that even if a bully doesn't deem himself one, as long as *someone* feels abused, the behavior may be unsuitable. However, if no one sincerely suffers, then, well, who cares?

For starters, if you're getting bullied, you don't necessarily recognize what's going on initially. Especially when actions

THIS CAN'T BE LEGAL, RIGHT?

Four years ago, the Indiana Supreme Court upheld a \$325,000 verdict against a cardiovascular surgeon accused by a medical technician of intentionally inflicting emotional distress and assault. The case is unique because: (1) The court stated that the "phrase 'workplace bullying' . . . is an entirely appropriate consideration in determining the issues before the jury," cracking open the door for bullying victims to pursue justice. (2) The crevice has remained just that.

Under harassment statutes, a colleague has no legal right to continually intimidate and humiliate you . . . if you're black, disabled, or female *and* you can prove it's because you're black, disabled, or female—or a member of another lawfully protected class (or a whistleblower). Otherwise, about 80 percent of bullying is entirely legal. Current laws may punish bullies for punching workers in the head but not for messing with their heads.

David Yamada wants to change that. In 2001, Yamada, a law professor at Boston's Suffolk University and founder of the New Workplace Institute, which promotes socially responsible office environments, drafted the Healthy Workplace Bill. The proposed measure

sets conduct standards and would allow victims—regardless of race, gender, religion, etc.—to sue a company and the bully, personally, for intentionally creating an abusive environment, assuming targets can supply medical records to prove physical or psychological harm. First introduced in California in 2003, a version of the bill has since been put forward in twenty more states. So far, not one has passed it.

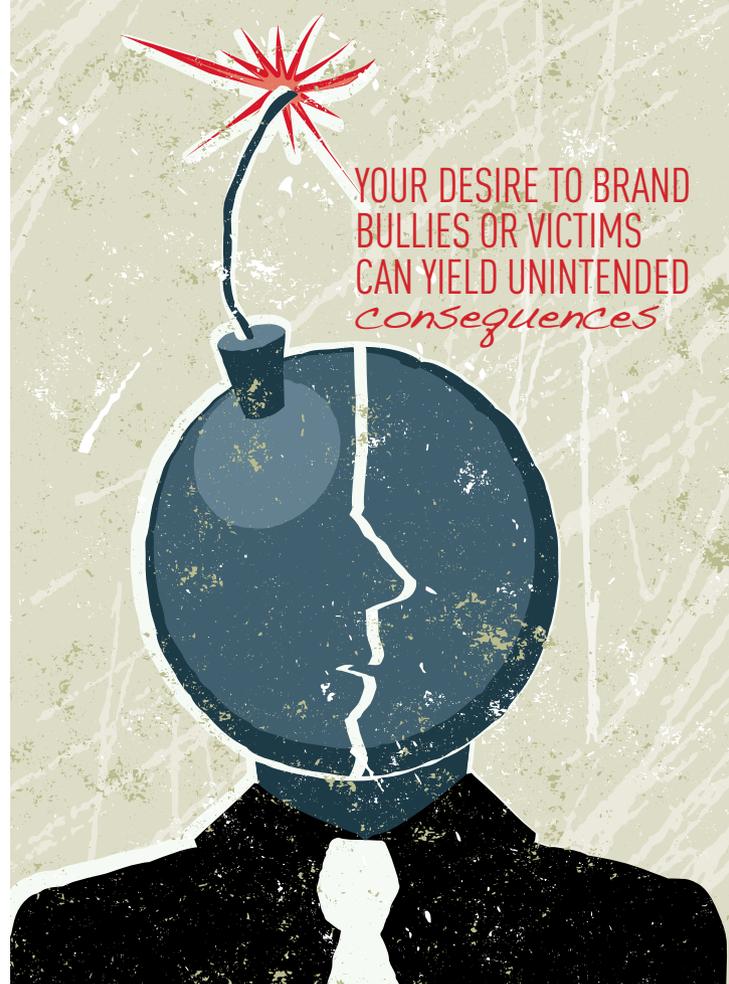
"This started as a pipe dream," Yamada explains. "Ten years ago, people would've laughed at the idea of workplace-bullying legislation, but in the past few years, we've started to see more progress within state legislatures. It takes a long time for ideas to take hold in the legal system, but I'm quite optimistic that we'll see progress."

Others are equally eager for anti-bullying laws—just not this kind. They oppose the inclusion of malicious intent, which they argue sets an unreasonably high standard of proof. "It's important to have legislation that promotes a respectful workplace, but requiring the target prove intent is problematic because many bullies don't intend harm," says Laura Crawshaw, an executive coach. And those who do won't admit it. To avoid a law that paradoxically encourages victims to remain silent, you could set the bar lower, but then why punish managers and organizations for

are stealthy, you may well scratch your head: *Huh? Did I do something wrong? Why was that project taken away?* “Imagine the productivity loss spent wondering if your boss is being subversive,” Taylor says. It may take months before an OMG epiphany, during which time the boss becomes more emboldened, the victim feels more despondent, and the relationship devolves into irreparable dysfunction.

That’s why Neuman suggests periodic surveys to capture different types of aggression. Rather than ask, “Have you been bullied?”, he asks about sixty bullying behaviors so that “even if people don’t recognize they are being bullied, you can look at the frequency with which they experience various behaviors and detect patterns.”

It’s also worth contemplating who the “they” are. Fifty to 80 percent of employees report witnessing mistreatment of co-workers at some point. Regrettably, some bystanders feel pressure to cooperate with the bully. If you’re like most, however, you want to get involved, but hesitate for the same reasons that direct targets don’t speak up. Neil Crawford, co-author of the seminal book on the subject, *Bullying at Work*, has described it as “the organizational equivalent of watching a mugging on a daily basis.”



behavior devoid of malice?

Yet that’s precisely what laws sometimes do regarding sexual and other forms of harassment. Courts put aside intent and instead focus on impact. For example, though your goal might be to make others laugh at your penis joke, a co-worker who finds you unfunny may convince a judge to find you guilty of sexual harassment.

We can debate the logic of incorporating intent into laws another time. For now, the point is that it’s easier to win a case under current harassment laws—if you belong to a protected category—than under proposed anti-bullying bills.

It’s a point not lost on Yamada, who worries that such legislation wouldn’t pass otherwise. “I’m trying to get at the worst behaviors and separate clear cases of bullying from gray areas of lousy management,” he explains.

Ultimately, Yamada’s goal is not to punish but to prevent. If passed, even with the greater burden of proof, businesses would face a liability risk. “If employers know they can be nailed for this, they’ll be incentivized to act preventively and take bullying claims seriously,” he says.

You don’t need a law for that, other critics contend. The U.S. Chamber of Commerce and corporate attorneys are among groups that complain that businesses have enough

to worry about without adding another regulation. Translation: “Stop giving workers more opportunities to sue.”

Not all companies feel that way, Yamada claims: “Some would welcome the legislation because it would sharpen gray areas for them. There’d be some protocol to handle complaints. Right now, HR folks want to help workers but are flailing away because management doesn’t want policies that might raise liability concerns.”

“HR has not been as supportive for targets because they don’t have a legal mandate to be,” concurs Lisa Barrow, a workplace coach and consultant. If companies were going to better police themselves, they would have blared their sirens louder by now, charge critics. Countries such as Ireland, Sweden, Finland, Norway, Spain, and the United Kingdom offer significant legal redress for victims, while “it’s fair to say that American employers have been reluctant to do the right thing by workers until the law has drawn a line,” observes Yamada, citing rampant discrimination before 1964’s Civil Rights Act. Though Yamada would like more organizations to act responsibly, he adds: “I’m not holding my breath.” —V.L.



"I've said to people after witnessing certain behaviors, 'I don't like the way he talked to you. I'm stunned. Are you OK?'" says Keashly. "One person, with tears in his eyes, responded, 'Thank you for noticing.'"

What if his reply had been, "Really? I honestly didn't see a problem"?

"Then it's my problem now," retorts Keashly, who suggests that bystanders are secondary victims. Just think of the discomfort you feel when you see or know of others being abused.

Sometimes, however, there are no bystanders—even though everyone witnesses the abuse. That is, we've come to accept, and therefore expect, certain practices in various companies or fields. The screaming stockbroker. The sleep-deprived hospital resident. Similarly, what Americans may deem bullying is standard procedure at some Russian firms. Is all bullying relative to corporate, industrial, or geographical culture?

THE PROBLEM WITH LABELS

"It's all context," remarks Neuman. As a result, bullying rules won't fit neatly into your corporate handbook. Sure, you can codify your company's values, such as "treat people with respect and dignity." But don't kid yourself: (1) The statement's utility collapses under individual interpretation; (2) when was the last time anyone, including your HR director, read your manual? and (3) it means nothing if your CEO is a prick. And the most obvious: What organization would—in writing or not—claim otherwise?

At the other extreme, you'll never be able to list every behavior you deem unacceptable. Even if you could, trust your workforce to invent an unspecified abuse. "Anyone looking for an absolute guide will be waiting a long time," Crawshaw warns. So what to do?

Do what all organizations must: manage in the gray. Returning full circle to where we began, for starters, rethink the significance of labels. That "workplace bullying" has validated victims' experiences is valuable. However, your desire to brand bullies or victims can yield unintended consequences. Some observers worry that, especially given the lack of a ubiquitous definition, people will misuse or overuse the accusation. While some anecdotal evidence supports this fear, it's minor compared to the greater drawback of labeling itself. "We think if we can label something, then we'll know what to do about it," Keashly says, but in our quest to stipulate what it means to be a bully or a victim, we're losing sight of more important goals.

When you broaden your judgment of a deed to the individual committing it, you make an unnecessary moralistic leap. In tackling workplace bullying, you're better off separating

the person from the act because, ultimately, individual acts—not individuals—are good or bad. Thus, searing a scarlet "B" onto a boss's lapel is too simplistic, one-dimensional, and risks pigeonholing him. (This similarly applies to victims.) And so, because no supervisor wants to be called a bully, the label may not enlighten him so much as enrage him. "I know if I tell a manager, 'You've been perceived as a bully. Let me help you,' the chances that I can help the situation will be zero," says Bar-David. "But if I say, 'Let me help you with your management style, it gives me an opening to work with the person effectively.'"

Once categorizing bullies and victims recedes to the background, the overriding question becomes: Is the behavior in the interest of the organization?

The answer here can't be anything but relative, though curiously, "companies have standards when it comes to external contacts," Crawshaw points out. "If you're working at an airline, you *know* you can't swear or hang up on people, but internally, we lose all of our common sense."

"Here's the test I use to make the gray fade away," Bar-David says. "If you looped a video of a manager engaging in the behavior, would you be willing to proudly display that video above your establishment's entrance?" Asking that, she continues, rightly makes inconsequential whether one person feels bullied while another doesn't, or if anyone complains. "People think you need to have casualties on the ground," she adds. "You don't."

Righting wrongs shouldn't focus on who was actually right or wrong as much as correcting acts. "The quicker you can catch something and informally address it, the less chance that tension will increase," says Rayner. Solutions often involve getting subordinates to see that managers weren't trying to lacerate their souls, while explaining to bosses that passive-aggression—or just aggression—rarely motivates in the long-run. There are better, more respectful ways to convey messages.

"Executives need to understand that they're surrounded by people with different personalities, and it's their job to manage that," explains Crawshaw. That applies to bosses and subordinates. "A lot of media attention says to the targets that it's never their fault. It's entirely the boss and the organization's fault. I disagree with that," says Mattice. "You have to help aggressive managers learn empathy and communications skills, and targets can use some of that training too." (Though if a company reasonably believes a manager is acting malevolently, sensitivity training won't be as useful as a pink slip.)

"In the end," says Rayner, "everyone just wants to get back to work." ■