

WORKPLACE BULLYING

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Workplace bullying is a pervasive issue in organizations all over the country, which negatively affects innumerable people and organizations. Work-induced stress and anxiety skyrocket in victims who suffer from workplace bullying while their productivity and motivation plummet. The large organizations often consider harassment as an intolerable offence, and activities that can be deemed as harassment legally allow the victim to claim damages. Nevertheless, federal legislation does not view the subtler forms of workplace bullying as harassment, causing bullies to face no consequences while victims suffer in silence. This essay aims to discuss the impact of workplace bullying and why it warrants legal action.

Workplace bullying can have a drastic impact on a person's psychology, which affects their performance and behavior at work while paving the way for mental illnesses and overall lower quality of life. According to Einarsen, Hoel, Zapf, and Cooper (2003), workplace bullying in the American culture has several names and can be of various forms. Phrases such as workplace incivility, workplace aggression, workplace harassment, generalized workplace abuse, and emotional abuse can be used to describe workplace bullying. Workplace bullying, in general, can be defined as a non-physical form of aggression, which does not involve sexual harassment as its literal and legal definition. Workplace bullying consists of actions that occur between organizational insiders such as between supervisors and subordinates and can cause harm of different sorts (individual, psychological, physical, or organizational (Einarsen et al. 2003).

Giorgi, Perminiene, Montani, Perezm Mucci, and Arcangeli (2016) further opine that stressful and abusive workplace relationships can have a detrimental effect on one's not only psychological and physical health. Still, they can hinder people's ability to develop emotional competence. Studies show that people who are subjected to workplace bullying tend to be more

frequently absent from work and report to have low job satisfaction and high job-induced stress. Additionally, not only is workplace bullying harmful to the individual being bullied, but also for the organizations. Employees being absent due to bullying, high employee turnover, low productivity, and low motivation and commitment cost the company excessively (Giorgi et al. 2016). Lowering emotional intelligence, isolation, and stress can fester and manifest as mental illnesses, which can cause the victim to harm themselves or others. All the above-mentioned themselves can result in physical problems such as fatigue, sleep deprivation, loss of appetite, headaches, and so forth.

When construing workplace bullying in the modern workplace context, departments such as human resources (HR) ensure that strict corrective action is taken in case of physical violence, sexual harassment, and hate speech. For example, acts involving unwelcome sexual advances or asking for sexual favors, teasing someone because of a disability, or being discriminatory towards someone (for example, homophobic) come under harassment. In the case of harassment, claim for constructive dismissal or damages for harassment under the Equality Act (Landau 2017). However, in such situations, HR or another supervisor can intervene and resolve the issue that satisfies the victim and prevents the harasser from repeating his or her behavior.

Nevertheless, bullying, although some may argue, is considerably milder than harassment, can have an equally damaging psychological and physical impact. Moreover, bullying can be insidious, making it harder to prove. For example, overbearing supervision, blocking promotion, being overworked, exclusion, making threats about job security, and constant criticism are forms of bullying. Bullying is not defined in the Equality Act 2010, unlike harassment, making it more legally ambiguous and difficult for the victim to assess whether legal action can be taken (Landau 2017).

Off-hand remarks, sarcasm, condescension, and similar behavior is not considered legally actionable in most workplaces. However, numerous states have considered legislation that allows severely bullied individuals to claim damages give they can drive that they have suffered through physical or mental harm due to bullying. Recent years have witnessed the introduction of workplace anti-bullying bills in 29 states, which prohibits abusive conduct irrespective of whether it is based on the victim's protected characteristics or not (Piazza 2018).

Another method a victim can opt for if his or her claims of workplace bullying are not being taken seriously is to hold the employer accountable. According to Rick Birdsall, a former attorney, employers are legally obliged to protect their employees, and failing to do so means that they have breached their duty (Thompson 2016). Although several states do not have bills against abusive conduct and bullying, employers must set forth their policies and practices to prevent such behavior. It is imperative that organizations make bullying an intolerable offence and promote inclusion. Training such as bystander intervention and civility training can help foster a culture based on respect. Furthermore, precise procedures on how incidents can be reported to the HR or managers are also vital (Piazza 2018). Legal action is justified in cases involving bullying; nonetheless, preventative initiatives taken by employers can help mitigate substantial damage to not only the employees but also the organization.

Albeit workplace bullying is a genuine issue that affects a large number of people and organizations, certain arguments against it warranting legal action exist. According to Lucas (2011), the more protection is given to employees, the more restrictive the hiring process becomes. Companies would avoid hiring unless necessary to avoid potential charges of workplace bullying. Criticism from the boss may be deemed as bullying and incur legal costs. Moreover, opponents argue that legislations are ineffective. For example, in schools, bullying is

illegal, yet it is prevalent. A more prominent argument is that managers need to put forth harsh consequences in case an employee is not able to meet certain goals. They should be able to manage without having to worry about whether they will be charged for bullying or not. Opponents opine that the line around bullying is blurry, and a small remark and even a compliment may be deemed as inappropriate conduct (Lucas 2011).

The outcomes of workplace bullying are profound, not only for the victim but also for the organization and its culture. Stating that similar to schools, legislations against bullying will not be effective in workplaces is ignorant since workplaces, and people operating in them are far different from children and teenagers in schools. A professional setting consisting of educated and skilled individuals calls for professional conduct. Eventually, if someone fails to do so, his or her victims should have legal protection to save themselves from the psychological and physical distress caused by bullying. As for potential baseless claims of bullying, employers and policy-makers must ensure that a thorough procedure calling for a comprehensive investigation is set forth to prevent wrongful convictions. Of course, prevention is better than cure; therefore, employers must adopt and implement practices that foster anti-bullying culture and respect amongst employees. The stress and trauma caused by workplace bullying can impact people lastingly and affect other avenues of their lives. Reduced emotional intelligence and overall low morale can lead to mental illnesses such as depression and anxiety. Considering the intensity of the effect of workplace bullying, legal action against bullies is justified.

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