

**Dealing with Workplace Harassment and Bullying:  
Some Recommendations for Employment Standards of Manitoba**  
by

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An area of employment standards that has not received much attention is how to handle and prevent psychological harassment and bullying in the workplace. The *Manitoba Human Rights Code* addresses employment discrimination against designated groups, as well as sexual harassment. It does NOT address psychological harassment and bullying despite the fact that both anecdotal and statistical evidence indicates that such behaviors are on the rise. This document defines the phenomena, summarizes some of the research on their incidence, discusses what policies and guidelines should be set forth to deal with psychological harassment and bullying, and gives specific recommendations on the role that Employment Standards of Manitoba should take in dealing with this issue.

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*Definitions and Examples*

Various definitions of psychological harassment and bullying exist. Below are some that are well-articulated and inclusive.

According to the University of Manitoba Governing Document on “Procedures: Respectful Work and Learning Environment” (June 2004, section 2.1.3):

**Personal Harassment** ... is deemed to include, but is not restricted to:

- (a) one or a series of objectionable and unwelcome comments or actions directed toward a specific person or group of persons which serve no legitimate work or academic related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment; and
- (b) physical or verbal abuse, threats or intimidation that is humiliating or demeaning.

**Examples of Personal Harassment**

The same document, in section 2.1.3.1, states that personal harassment may include, but is not limited to:

- (a) repeated or continuous incidents of yelling, screaming or name-calling;
- (b) repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance;
- (c) repeated or continuous threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance; and

(d) comments addressed to a person which have the effect of undermining a person's role in the workplace or classroom.

According to an Australian webpage, [www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html) (Dec. 2005):

**Bullying** in the workplace can be defined as, “all those repeated unreasonable and inappropriate actions and practices that are directed [at] one or more workers, which are unwanted by the victim/s, which may be done deliberately or unconsciously, but do cause humiliation, offence and distress, and that may interfere with job performance, and/or cause an unpleasant working environment” (Einarson and McCarthy).

### **Examples of Workplace Bullying**

Bullying behaviors can range from social bantering to teasing, verbal abuse, blame, humiliation, personal and professional denigration, overt threats, harassment based on some physical attribute, manipulation of job specifications, unrealistic workload, aggressive e-mails or notes, professional and personal exclusion or isolation, sabotage of career and financial status, whistleblower attack, blackmail, overt aggression/violence, physical assault and murder (Tim Field).

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### *Incidence Rate of Psychological Harassment and Bullying*

There has been much research on the prevalence of sexual harassment in the workplace over the past 25 years. In contrast, most of the documented incidents of psychological harassment and bullying have been anecdotal or case studies. However, in the past 5-6 years, some groundbreaking research in the UK, Europe, Australia, New Zealand, US and Canada, have reported summary statistics on the incidence of such behaviors in the workplace.

The incidence rate of workplace bullying varies from 4-5% in Norway, to 10-20% in the UK and the USA. Other research mentions that up to 50% of workers in certain settings were bullied ([www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html), Dec. 2005). The same webpage reports that, “In the Unison study (U.K. 1998), two thirds of workers had witnessed or experienced bullying.”

In the November, 2005 issue of the Canadian Association of University Teachers (CAUT) *Bulletin*, an article on workplace bullying reported that one UK study found that over 40% of a sample of academic staff stated in a survey that they experienced bullying at their workplace (Czernis, 2005, p. A-3).

The same CAUT *Bulletin* article reported that in Canada, a recent study funded by 3 Ontario education workers unions, found that 38% of education workers polled reported being targets of verbal abuse, physical threats, and other forms of intimidation (all are forms of personal harassment) by students. Half of the teachers of grades 7-9 stated that

they were bullied by students, and 20% of the respondents indicated that they were upset enough by the bullying that they sought professional help (Czernis, 2005, p. A-3).

Another recent study of a diverse occupational sample of 180 workers in the Canadian prairies found that 40% reported experiencing at least 1 of 45 specific acts indicative of psychological harassment or bullying on a weekly basis for at least 6 months. An additional 10% of the sample reported experiencing 5 or more such acts on a weekly basis for at least 6 months (Lee & Brotheridge, 2005).

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### *Social and Economic Impact*

Research in the UK shows that 1/3 to 1/2 of stress-related illness is due to workplace bullying. According to a report tabled in the British parliament, it is estimated that 40 million working days are lost each year because of bullying, more than 160 times the number of days lost through strikes. In addition, 25% of targets of bullying will leave that job, and 20% of witnesses will leave; 35% of those who leave do so very quietly, without any feedback ([www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html), Dec. 2005).

Most organizations do not realize the damage and costs associated with bullying. These include obvious and hidden costs. Overt damage includes healthcare costs because many victims experience physical and psychological health difficulties (76% experience some PTSD), legal costs, time lost in preparing or attending court cases, and replacement of staff. Hidden or indirect costs include costs of internal complaints, mediation, adverse publicity, brain drain, low morale amongst staff, absenteeism, and reduction in efficiency, productivity and profitability, loss of accumulated wisdom and experience, retaliation and the poor public image which attracts less capable workers ([www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html), Dec. 2005).

According to the Workplace Bullying Project Team, Griffiths University (2001), a recent assessment calculated that bullying costs Australian employers between Aust. \$6 and \$13 billion dollars every year, when hidden and lost opportunity costs are considered, using a very conservative estimate of 3.5% incidence rate (based on Leymann's 1997 study in Scandinavia). Between Aust. \$17 and 36 billion dollars per year are lost when a somewhat higher estimate of 15% incidence rate is applied (based on an average of several large-scale survey studies conducted in the USA and UK). The number of workers-as-victims is estimated at 350,000 based on the first calculation and 1.5 million based on the second.

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### *Example Policies and Guidelines*

#### **Policies**

In light of the prevalence and social costs of psychological harassment and bullying, Employment Standards of Manitoba should take a leading role in setting provincial-wide

policies and guidelines. They may want to consult with their counterpart in Quebec, a province that has legislation dealing specifically with workplace bullying. They use the following criteria to assess whether psychological harassment and bullying exist:

*Hostility* - Has negative, hostile behavior taken place?

*Repeated* – Has the behavior been repeated?

*Integrity* - Have the worker's personal integrity and dignity suffered?

*Climate* - Has the behavior created a hostile working environment for the worker?

(Quebec Ministry of Labour)

Since the introduction of their legislation, numerous complaints of psychological harassment and bullying have been filed, most of which were substantiated. The major argument against introducing such a law was the fear that it would draw out a rash of frivolous complaints. Professor Angelo Soares of UQAM, who was heavily involved in the introduction of the Quebec legislation, has examined the relevant statistics and is convinced that this has not been the case.

Some firms have proactively taken measures to prevent such behaviors or set rules/procedures for handling cases of psychological harassment and bullying. An example is the University of Manitoba. Under its governance policies for promoting a "Respectful Work and Learning Environment" (2004, section 2.0), "Anyone who believes that any member of the University has subjected him or her to harassment or discrimination in the course of University-related employment, study, training or activities may discuss concerns and/or make a complaint under the Respectful Work and Learning Environment Procedures. All informal complaints must be made within a reasonable time, usually within one year from the date of the most recent alleged incident. All formal complaints must be made within one year from the date of the most recent alleged incident unless, in the discretion of the investigation officer, extenuating circumstances would warrant an extension of time." The steps for handling workplace bullying parallel those for handling sexual harassment and employment discrimination.

Recently, the Pembina Trails School Division put forth a "Good Samaritan" policy that applies to students who have witnessed classmates being harassed or bullied. The policy requires that the witnesses report the incidents immediately to the appropriate authorities (e.g., school teachers, counselors, administrators, security personnel). Perhaps a similar policy should be implemented in the employment setting.

## **Guidelines**

As for prevention, educational programs/workshops may be the most effective means. Such programs should focus on understanding the nature of the problem and some of the underlying causes, and encouraging organizations to provide resources for their members to help identify and/or cope with such behaviors.

Both the popular press and various professional/trade periodicals have called attention to the phenomena in the past few years (e.g., *CAUT Bulletin*). A number of web pages have

been devoted to summarizing research findings and making recommendations on how workers and employers should handle psychological harassment and bullying (e.g., [www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html)).

Studies have investigated the underlying reasons for psychological harassment and bullying, in the hopes of devising preventative measures that organizations can implement. Bullying is caused by many different, interacting factors. What is noteworthy is that the causes are related to the current legislation, which, in Canada, do not go far enough to protect victims, the high cost of legal representation, the impact of union support, media interest, and the legal repercussions for bullies and their employer. Hence, bullies thrive because of their belief that they can get away with such behaviors (i.e., no penalty from their organization or larger society). Worse still, employers often condone, even if inadvertently, the abuse of power and are reluctant to confront and resolve conflicts. They may understate the impact of bullying and/or believe that bullying is a cheap way to rid themselves of “weak” or “undesirable” workers ([www.bullying.com.au/pages/workbullying.html](http://www.bullying.com.au/pages/workbullying.html), Dec. 2005).

In contrast, psychological harassment and bullying are reduced when employers foster a fair and team-based work climate, provide sufficient job autonomy and resources to their workers so as to head-off unnecessary conflicts. When a supportive team environment exists, victims will feel greater sense of empowerment and control, on the one hand, and bullies will have fewer incentives to engage in dysfunctional, conflict-escalating behaviors, on the other (Brotheridge & Lee, 2005).

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### *Recommendations for Employment Standards of Manitoba*

Based on the above discussion, the following recommendations are submitted:

1. Promote awareness through public-access forums and workshops. Such programs should discuss the prevalence, causes of, and coping with psychological harassment and bullying. For example, in April, 2005, Professor Céleste Brotheridge facilitated a conference workshop for the Saskatchewan Mediation Association covering 5 key questions that apply to both victims and witnesses. These are: (a) How do I know I’m being bullied? (b) What triggers bullying (characteristics of bullies and targets)? (c) How does bullying affect its targets? (d) What should I do if I’m being bullied? and (e) What should I do if I see others being bullied?
2. Consult with other provinces, such as Quebec, and with organizations, like the University of Manitoba, to learn how best to adopt such policies and procedures for the *Manitoba Human Rights Code*.
3. Specify policies and procedures for dealing with psychological harassment and bullying, parallel to those in the *Manitoba Human Rights Code* that deal with employment discrimination and sexual harassment.

4. Collaborate with subject-matter-experts to develop guidelines for preventing such behaviors before they occur. This may involve a “blue-ribbon” commission to gather additional information as required, and solicit expert opinions on how best to implement such guidelines.

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*About the Author*

Raymond T. Lee teaches a course in human resource management at the I. H. Asper School of Business at the University of Manitoba. His course covers discrimination and harassment in the workplace. His research, with Professor Brotheridge at UQAM, examines the prevalence of workplace bullying, its underlying causes and the effects on the mental and physical wellbeing of workers in Canada. He can be reached at (204) 474-6745 (office), (204) 474-7545 (fax), or by email: [raylee@cc.umanitoba.ca](mailto:raylee@cc.umanitoba.ca).