

What Can We Do about Workplace Bullying?



By GREG ALLAIN

IN MY JANUARY COLUMN, I examined the extent, causes and consequences of workplace bullying. I've since received a number of e-mails attesting to the existence, and severity, of bullying on various campuses.

Unfortunately, there are very few statistics on its prevalence in the academic world as bullying often slips under the radar. What we do have is anecdotal evidence from a number of participants at various CAUT activities, such as conferences, workshops and fora, over the last several years that workplace bullying and member vs. member disputes are increasing.

Most experts, including Angelo Soares of the University of Quebec at Montreal, whom I quoted in my last column, agree bullying is a widespread problem.

Maria Isabel S. Guerrero, a New York-based lawyer who practices in the area of employment litigation and writes about the global workplace and employment law, says whether we call it mobbing, victimization, workplace bullying or psychological terror or harassment, it is "one of the most rapidly emerging workplace violence complaints."

The devastating effects bullying has on its victims, and the heavy toll it can take on colleagues, family and friends certainly warrants it being taken very seriously indeed.

So what can we do about this pathological behaviour that can poison entire workplaces? Since this is a huge area to cover, it

may be useful to start at the macro level and work down to the local (micro) level.

A macro level approach includes a growing number of national and international jurisdictions that have adopted workplace bullying or psychological harassment legislation.

I mentioned last month that French psychologist Marie-France Hirrigoyen's 1998 book on the phenomena quickly became a bestseller and triggered trade union activism, which led to workplace bullying legislation in France. But Sweden was the first European Union country to enact laws against bullying in 1994, legislation that followed the pioneering research by Dr. Heinz Leymann, who coined the term "mobbing."

According to the Canada Safety Council web site, "Over the past decade, workplace bullying has become an internationally recognized occupational health and safety issue. Prevention of bullying is one of the objectives in the European Commission's strategy for health and safety at work. Many European and Scandinavian countries, including France, Germany, Italy, Sweden, Spain, the Netherlands, and Norway, have introduced various regulatory responses to the problem. In the United Kingdom, Ireland and Australia, the courts currently address bullying under existing legislation. In the United States, workplace bullying is not yet recognized by the legal system although a few states have initiated bills."¹

There are calls for an EU-wide adoption of a law on workplace bullying. Closer to home, Quebec was the first North American jurisdiction to pass a law against "psychological harassment" in 2004, and Saskatchewan recently amended its Occupational Health and Safety Act to include abuse of power and bullying in the workplace.

What was once a school yard issue has now moved into the workplace and a patchwork of jurisdictions have passed laws to deal with it. But what can we do locally?

Bullying and harassment of any kind are in no-one's interest and as individuals, there are things we can do. If a colleague confides in us about being bullied, we should listen and encourage the person to talk to the faculty association's grievance officer, who will investigate their complaint and offer advice

on what action needs to be taken.

We can also ensure our faculty associations recognize the seriousness of bullying incidents that do come to their attention by encouraging them to investigate complaints promptly and objectively, treat all complaints seriously and negotiate appropriate collective agreement language.

When allegations of bullying or harassment are made by one colleague against another, it's often framed as a member vs. member dispute and can place a faculty association in a difficult position.

But, as CAUT assistant executive director Peter Simpson argued during his

presentation to our national senior grievance officers' forum in December, we should radically reconceive employee disputes and place them firmly "where they belong: within the domain of managerial authority and responsibility."

This shift in perspective is vital Simpson said, as "what might look like a dispute between members is in fact, and at law, a breach of the duty to maintain that open place, a breach by those in charge, and held responsible by law for its maintenance. Disputes between members are one of the things the employer is supposed to prevent, precisely to the extent that it creates a toxic environment of intimidation and harm."

Few of our collective agreements have explicit reference to bullying, but that should not be a deterrent to grieving incidents of bullying.

As Simpson also noted, "there is sufficient clarity in established case law, including Supreme Court decisions, to pursue a case through the grievance and arbitration framework even if one has only the legislation to rely on."

Soares' UQAM web pages offer more information on bullying and mobbing, www.er.uqam.ca/nobel/r13566/, and over the next few months CAUT will be working on developing additional materials on workplace bullying to assist its member associations in addressing this issue.

In my March column: another growing concern — stress in the workplace. Stay tuned! ■

1. Targeting Workplace Bullies, <http://www.safety-council.org/info/OSH/bully-law.html>

LE MOT DU PRÉSIDENT

Que pouvons-nous faire pour contrer le « mobbing » ?