Symposium Schedule

Morning Session: 9:30 a.m. - 12:30 p.m.

- Lorne Mayencourt
    Welcome and introduction
- Karen Learmonth
    Costs of workplace bullying
- Dr. Yuk Shuen Wong (Sandra)
    Workplace Bullying experiences from a multicultural perspective
- Group discussion – Facilitator: Ann Naymie
    What needs to change?
- Erica J. Pinsky
    Promoting awareness
- John F. Helliwell
    Well-being

Afternoon session: 1:30 p.m. - 4 p.m.

- Susan O'Donnell
    Human rights law & the workplace
- Colin McDougall & Ann Naymie
    Ethics in business
- Stephen Hill
    Recovery, Re-entry, Responsibility, Respect
- Marje Burdine
    Policy in development and action

Symposium Summary

Welcome and Introduction
Lorne Mayencourt, Chair and MLA for Vancouver-Burrard
- **Participants attending the symposium**
    - from a variety of occupations, backgrounds and viewpoints
    - share concern about workplace bullying and a commitment to do something about it
- **'The bully within...' project**
    - aim is to stop workplace bullying
    - create a culture of respect in BC workplaces
- **Safety: a public service career goal**
    - Safe Streets Act 2004
    - chaired provincial Task Force to study school bullying
    - led to the *Safe Schools Act* in 2006
    - logical next step was workplace bullying
- **History of the project**
    - began with a meeting at the Vancouver-Burrard constituency office in September 2007
    - invitations sent to ethics and human rights organizations, corporations, and government offices
    - formed a committee; held monthly meetings
    - aim-to end workplace bullying and the damage it does to people, business
    - initially the focus was to engage CEOs in the topic
    - make decisions and have power to change things
    - problem: What do we say to these people once we have their attention?
    - so the committee changed focus
    - message must be shared with people who support power ... administration, management, advisors, consultants
    - goal revisited – to convene a dialogue involving different professional view points on workplace bullying
    - participants to include people from as many of the relevant professions, occupations, associations as possible
    - group to discuss the problems and come up with ideas
- **Problems that need attention**
    - key decision makers often don't "get it"
    - usually the type of people with no personal experience of being bullied
    - may not see bullying as a business problem
    - or may not know how to recognize and/or deal with it
    - Note: bullies often good at hiding their behaviour in front of superiors
    - "kiss up/ kick down" behaviours
- **Bystanders**
    - aware of what is going on but do nothing – variety of reasons
    - the largest group in the situation - Key

- o   they need to be incited to action
- **Caution:**
  - o   we must be careful in crafting solutions to workplace bullying
  - o   solutions could end up creating new problems
  - o   cannot solve the problem by demonizing the bullies, even if this is tempting
  - o   everyone has a "bully within"
  - o   solutions must be holistic
  - o   everyone must be involved in creating a better workplace culture
  - o   legislation / regulations can only be part of the solution
  - o   people and individuals have to take responsibility
  - o   legislation will back up what people believe in
- **Bigger picture**
  - o   respect and responsibility in the workplace is how we build a better society overall
  - o   if people are safe at work, they can invest extra energy into jobs, careers, families, communities

The Costs of Workplace Bullying
Karen Learmonth, No Bully for Me
- Definition of workplace bullying: *"Workplace bullying is generally seen as abusive behaviour that uses vindictive and malicious attempts to undermine an individual or a group of people. These persistent negative attacks are generally unpredictable, cruel and irrational. They occur daily, weekly and monthly – or in some combination of the three. They are always repetitive, but completely baffling, because the bully makes sure the target or targets cannot predict when they will occur. Bullying is usually confined to psychological attacks in the workplace. However, it can also involve stalking or increasingly violent physical contact. Bullying is defined in repeated incidents that may seem petty or trivial to outsiders on an individual basis, but seen as a pattern, are designed to intimidate, degrade and humiliate the target."*
- Workplace bullying a difficult problem to tackle
  - o   continues to carry a stigma where people tend to blame the target
  - o   similar to spousal abuse or sexual harassment 20 years ago
  - o   a silent epidemic and covers all parts of society
- different from effective management and schoolyard bullying
  - o   not effective management
    - ▪   a good manager is decisive, inclusive, fair, sets a good example
    - ▪   accepts responsibility and builds team spirit
    - ▪   a bully is punitive, impulsive, continually critical
    - ▪   completely unwilling to give anyone a chance to change behaviour if there is an actual problem with work habits
  - o   not schoolyard bullying
    - ▪   both types share common underlying principles

- school-age bullies can grow up to be bullies in the workplace
- but the behaviour of schoolyard bullies is easier to change
- in the workplace a target is the only one with an interest in protecting his/her career
- generally understood that children need help learning how to behave
- but workplace bullying leads to a wider fear that society is falling apart

- costs of workplace bullying
  - physical toll on target
    - disturbed sleep and chronic/unexplained muscle pain
    - thyroid problems and heart pain
    - headaches, migraines, inability to digest, unhealthy eating patterns and unusual conditions (skin allergies, vision and hair loss)
    - compromised immune system leading to the development of related diseases (cancer, chronic fatigue)
  - emotional/psychological toll on target
    - (note: not the event itself that determines whether something is traumatic, but the individual's experience of said event)
    - confusion leading to anxiety
    - despair, hopelessness, frustration
    - feeling overwhelmed at inability to change situation leads to depression
    - numbness leading to inability to feel joy
    - eventual chemical conditions and brain changes due to long-term stress and pain
  - cognitive toll on target
    - loss of ability to concentrate and growing inability to make decisions
    - shell shocked feeling, distraction and fear
    - ADHD symptoms/other mental issues leading to long term brain disorders/dysfunctions
  - social toll on target, family and friends
    - loss of trust making social interaction difficult
    - desire to cocoon self to protect energy and feelings
    - loss of work, outside friends and family members due to withdrawal and others getting compassion fatigue
  - values toll on target
    - fear of living life itself leading to suicide or complete restructuring of core personality
    - loss of faith in self, higher power or community at large
  - financial toll on target
    - loss of job/career for 87% leading to loss of wages and future earning potential
    - consequential costs (medical, trauma healing, counselling, retraining, education, legal)

- o cost of doing business for employer
    - ▪ estimated at \$6-\$13 billion per year in Australia
    - ▪ tangible
        - • increased sickness and absenteeism 26% higher
        - • reduced performance/productivity including damage to equipment, people and production from accidents and mistakes
        - • more premature retirements and higher turnover requiring more recruitment, training and advertising
        - • increased payments for workers' compensation, disability benefits and health care benefits
        - • more expensive grievance, litigation, compensation and liability insurance
    - ▪ intangible
        - • loss of morale, talent and creativity
        - • loss of reputation and service due to poor public relations
        - • increased sabotage and theft by employees
        - • higher staff resistance to management initiatives
- o toll on bystanders
    - ▪ fear of being bully's next target
    - ▪ internal confusion and anger at being forced dehumanize others and to chose between self and others
    - ▪ altered mentality (justifying situations that create hostility and violence, copying behaviour of the bully)
    - ▪ decreased job satisfaction and commitment
    - ▪ possible loss of life if target resorts to violence
- o cost to community/society
    - ▪ (note: people have multiple roles as employees, customers, patients, taxpayers, etc. so impact of bullying can have multiple costs to society)
    - ▪ increased health care and social welfare costs
    - ▪ reduced GDP and general productivity levels

Workplace Bullying Experiences From a Multicultural Perspective
Dr. Yuk Shuen "Sandra" Wong, registered psychologist
- • Definition of workplace bullying: *"Unwanted comment, conduct, or gesture, which may include expressed, implied or perceived promises and/or threats, that is directed toward an individual or a group, is humiliating, intimidating, malicious, degrading or offensive, and is harmful, or has the potential to be harmful to the individual or the individual's environment."*

- • Psychological effects of bullying
    - o anger, resentment, frustration and depression leading to physical tension and inability to relax/sleep
    - o deep-seated uncertainties about self and confidence

- o waking life dominated by sense of dread and memories of recent distressing experiences
- Visible minorities experience bullying differently
  - o often remain silent
  - o lack of language ability/ feel they don't have the right to speak up
  - o rarely talk about personal psychological experience
- Types of minority workplace bullying
  - o undervaluation when abilities and competencies not recognized
  - o backlash from co-workers when receive an opportunity/promotion even if gained through competition
  - o racial discrimination from non-minority co-workers and management
- Ways of overcoming minority workplace bullying
  - o changing communication styles to more Western (assertive, boastful)
  - o learning to understand other peoples' cultural map (cultural conventions, role-relating, interactive skills)
    - ▪ (note: necessary because 70% of recent additions to workforce from immigration)
    - ▪ developing interactive skills and role-relating competence
    - ▪ learning conventions of other cultures

Group Discussion: What Needs to Change?
Moderated by Ann Naymie, trained facilitator for the Institute for Global Ethics Canada
- Define workplace bullying in clear language
- Link it to the notion of human dignity regardless of workplace status
- Increase awareness/education
  - o elements
    - ▪ make part of mandatory training
    - ▪ build business case for employers
  - o expected positive effects
    - ▪ employees know their rights and come forward
    - ▪ managements more willing to kick bullies out, develop better internal policies, improve hiring practices and model proper behaviour
    - ▪ unions develop better procedures to deal with complaints
- Engender a societal shift so workplace bullying no longer a taboo topic
- Provide counselling/support for both target and bully
  - o help bullies alter behaviour
  - o give targets a voice to share their experiences and a place to be heard
- Create/alter legal rules
  - o define workplace bullying in legislation
  - o create laws to force employers to be accountable
  - o enhance existing legislation and strengthen OHS regulations
  - o create outside investigators and guarantee targets' anonymity

Promoting Awareness
Erica J. Pinsky, owner and founder of Erica J. Pinsky Inc. consulting firm
- Definitions
    - difference between personality conflict and bullying
    - personality conflict is a back and forth interpersonal clash because people do things differently
    - bullying is one person targeting another
    - power imbalance
- we can create cultures where norm is to be respectful
- example case 1
    - company initially identified situation as personality conflict, but actually it was a workplace bullying problem
    - did investigation followed by debrief with management
        - management had missed red-flag behaviours
        - workplace had a cultural disconnect between executives and lower level employees
        - they worked to fix that
- example case 2
    - company identified employee as a "problem person" following recommendation of bully supervisor
    - investigation identified important management factors
        - management accepted the "problem person" label because of close relationship of trust with bully
        - when supervisor identified as a bully, management used "yes, but" defense based upon experience of bully's effectiveness and productivity
- more awareness of workplace bullying needed for all parties
    - for upper management because too often reacts defensively
    - for targets because often fail to recognize and deal with bullying until too much distress/damage already done
    - for bystanders because 'cone of silence' descends on the workplace due to fear of being the next one targeted
    - for society because bullying becoming ingrained into societal practices

Well-Being
Dr. John F. Helliwell, Professor Emeritus of Economics at the University of British Columbia and co-director of the Canadian Institute for Advanced Research's program on Social Interactions, Identity and Well-Being

- Data shows important trends/links
    - places with high/dense social capital work better and lead to higher well-being
    - workplaces where bullying occurs are not happy

- o trust in management is critical in the workplace (1 point on trust scale equivalent to $40,000 in income)
  - o trust is not a feature in workplaces that need/ rely on strong rule system
  - o environment is about rooting out certain behaviours
  - o this actually leads to lower satisfaction in the workplace
  - o control and accounting (rules, etc.) is a poor substitute for trust
  - o in fact, this erodes trust
  - o not good for anyone
  - o true that top-down power control leads to longer life and more engagement with the system
  - o but these are not happier people (e.g. no increase in life satisfaction)
  - o What does prove to make people happy? Doing things for other people.
  - o people don't realize this
  - o they don't understand the personal benefits of kindness, generosity
- This offers a different approach to take towards workplace bullying
  - o step back and away
  - o find space to establish a positive framework
  - o it's dangerous to dwell within a negative mindset, because that increases negativity
  - o this is not the way out
  - o so don't just shackle "the bully within"
  - o also unleash the "good Samaritan" within
  - o recognize that goodness is as natural to each of us as bullying
  - o with the wider viewpoint it becomes possible to have workplaces that are naturally anti-bullying – self-sustaining and resilient well-being
  - o then it would not be necessary to design policies to combat ill will
- Caution: There's also a danger that hyperawareness of the problem can become problematic itself because it can lead to disengagement rather than connecting.

Human Rights Law
Susan O'Donnell, Executive Director of the B.C. Human Rights Coalition

- Human rights legislation very controversial in Canada
  - o sexual harassment not considered discrimination by the courts until 1985 after section 15 of the Charter proclaimed
- Will always be harassment/bullying if there is no right not to be harassed/bullied, so legal rights necessary if we are to be equal in the workplace
- 3 ways to create the right to not be harrased/bullied
  - o Workers compensation legislation
    - ▪ generally thought to be the best way to deal with bullying,
      - • but is currently just an insurance fund paid by employers
      - • only deals with conduct where there is physical violence
    - ▪ recommendations made in 2000 after fatal Toronto incident at OC Transpo (worker who killed people cited teasing as provocation)

- but by 2004 only Alberta and Quebec recognize violence as workplace hazard
  - focus is on violence and not bullying
  - shift in that harassment is recognized by Boards in Manitoba, Alberta and Saskatchewan
  - closer to the issue, but harassment is still not the same as bullying
  - Human rights legislation
    - the most appropriate form of dispute resolution for a workplace
    - remedial legislation can be win-win and framed as balancing rights against each other
    - much better than punitive and win-lose
      - however human rights legislation all flows from section 15 of the Charter
      - so it's about equality rights for historically disadvantaged groups rather than individuals
      - (it's individuals being targeted in bullying)
  - Collective agreements
    - yes, but...
      - cumbersome
      - agreements do not cover non-unionized workers
      - the provisions can encourage people to file petty personal conflict complaints
- Quebec leading the way in Canada
  - in 2004 introduced psychological harassment provisions in the Labour Code using a human rights framework
  - complaints to be filed with the existing employment standards commission
  - to date
    - system seems to be working in practice as well as on paper
    - half of complaints filed were found to have merit
- Canadian courts becoming more sympathetic to bullying cases in judgment and size of injury to dignity awards
  - British Columbians have had a direct access human rights tribunal since 2003 where most files dealt with in 6 months or litigated in 1 year
  - Keays v. Honda successful by pursuing wrongful dismissal suit
  - Sulz v. RCMP successful by arguing a torts case

Ethical Fitness
Colin McDougall, program manager for the British Columbia School Superintendents Association's Dimension of Practice program & Ann Naymie, trained facilitator for the Institute for Global Ethics Canada

- The basis for creating a respectful workplace and preventing bullying is establishing a culture of ethical behaviour; a culture of integrity
- Group exercise: You have just been appointed CEO of new organization.

- Which 5 values would you chose to be reflected in your code of ethics?
  - exercise result: <u>respect</u>, <u>responsibility</u>, <u>honesty</u>, <u>compassion</u> and <u>fairness</u>
  - other choices offered: courage, equality, freedom, generosity, honour, humility, preservation of nature, social harmony, tolerance
  - new values proposed: integrity, creativity, ethical fitness, trust and transparency
- Revealed: the five values chosen are predictable
- They are universally shared core shared values
  - so it is a false claim that we cannot talk about values at work because people have such different ones
  - in fact, we have a set of core values that we can talk about
- Things to consider when choosing values for the workplace
  - difference between values that are in operation and values to which we aspire
  - The Moral Perimeter (a structural constraint)
    - there are conditional boundaries around certain "in" individuals or people where shared values are honoured among the "in" group
    - people outside the perimeter can be compromised, violated or even endangered
    - society's ethical behaviour is generally based on the largest possible perimeter being applied
  - Right vs. Right or Right vs. Wrong
    - everyone tempted to do something unethical
    - have a choice whether or not to reflect on what they are doing
    - Right vs. Wrong? Questions to ask....
      1. Legal test: is it legal?
      2. Professional standards test: does it follow the code of behaviour/conduct or the practices of your colleagues/office culture?
      3. Gut feeling test: does it "feel right?"
      4. Front-page test: what would other people think if it became public knowledge?
      5. Role model test: what would someone I respected feel, say or do about it?
    - Right vs. Right - dilemma paradigms
      1. Truth vs. Loyalty
      2. Individual vs. Community
      3. Short term vs. Long term
      4. Justice vs. Mercy
- Different people have different principles on which they resolve ethical problems
  - Ends-based resolution, based on utilitarianism
    - looks for the greatest good for the greatest number
    - focuses on consequences
  - Rule-based resolution, based on categorical imperative
    - assumes the choice-at-hand will become a universal law for future situations

- focuses on precedent-setting
- Care-based resolution, based on golden rule
  - follows a "do unto others as you would have them do to you" mentality
  - focuses on compassion and fairness
- What's needed to end bullying?
  - Moral Courage: willingness to endure significant danger for the sake of principle

Recovery, Re-entry, Responsibility, Respect
Stephen Hill, No Bully for Me

- Moving forwards – requires seeing workplace bullying not as a dead end but as an incident in your life that you will get through as part of a larger journey
- After realizing their situations, targets enter a "maze" of interactions with various people/groups
  - these can include doctors, union representatives, lawyers, psychologists, workers compensation, employment insurance and welfare
  - these people often offer conflicting information
- Coming out from the maze, unemployed targets interact with government programs to find new work
  - but these programs often time limited, followed by abandonment
  - programs' implicit message is that as soon as you master the skill being taught, do not expect any further help
  - example: 'teach a man to fish...' propaganda
  - link to original: http://www.mobilizingmouse.com/mobilizingmouse/2008/04/give-a-fish-teach-to-fish-lets.html
- Re-entry to the workforce a scary moment for targets
  - employment is viewed in terms of supply and demand, so expectation is that you must become what your employer wants
  - society is scared of people who are hurting
  - decision making is important, but sometimes we only have two alternatives not multiple choices
  - we do not yet extend compassion and aid to bullies themselves so they can change their behaviour

Policy in Development and Action
Marje Burdine, workplace consultant and senior advisor for SkyTrain's Respectful Workplace Program

- Experience developing SkyTrain's Respectful Workplace Program
  - it was an organizational challenge for the employer and union to change the workplace
    - from one dealing with harassment as defined in the human rights legislations

- to one that now includes personal harassment, conflict, and bullying
  - created a respectful workplace program with external confidential advisors
    - had to raise the bar from eliminating harassment to increasing expectations that people would treat each other with respect even where there is conflict
    - have now focused on positive aspects by defining respectful behaviour and consultation and coaching through respectful workplace advisors
  - developed anti-bullying policy by creating various working and focus groups
    - included natural leaders – not necessarily model employees
    - these people made insightful contributions
    - gave employees the language necessary to talk about bullying
    - heightened awareness allowed some longstanding cases to be resolved
    - employees heard clear message from management and union
- Bullying was defined and included as a separate component of the respectful workplace policy
  - information shared and training provided for all employees
  - proved effective for the majority of cases
  - provided an informal (as well as formal) method of conflict resolution where control stays in hands of employee
- But proved to be ineffective for high risk cases where intimidation and fear is too great for targets to risk taking the complaint further
- So the employer and union are currently working on new mechanisms to deal with extreme cases of bullying with intimidation
  - the response would provide greater protection to encourage allegations to be brought forward
  - the director of human resources would investigate the allegations with assistance from respectful workplace advisors and other relevant parties
  - the focus would be on restoring a respectful workplace, recognizing that fact-finding is often impossible in cases of bullying

Closing Remarks
Lorne Mayencourt, Chair and MLA for Vancouver-Burrard

- Thank you to organizers, presenters and attendees for coming together and being committed to the issue of workplace bullying