

Hostile Work Environment and Workplace Bullying

What exactly is workplace bullying? How is it different from a “hostile work environment”? Let’s define some terms.

Hostile Work Environment

To qualify as a “hostile work environment” as that phrase is defined under federal and Colorado law, the behavior at issue must be so **severe or pervasive** that it alters the conditions of the employee’s employment or interferes with the employee’s ability to perform his or her job. Plus, the hostile conduct must be directed at the victim because he or she is a member of a legally protected class, such as race, sex, or religion.

Federal employment laws prohibit discrimination based on race, color, religion, sex, national origin, age, disability, pregnancy. In Colorado, the Colorado Anti-Discrimination Act protects all those characteristics, plus sexual orientation, creed, ancestry, and childbirth. Other states may offer legal protection to additional characteristics, as well.

Workplace Bullying

There is no universal or legal definition of “workplace bullying.” One commonly used definition from the Workplace Bullying Institute (WBI) states that workplace bullying is repeated, health-harming mistreatment of an employee—abusive conduct that is verbally abusive; threatening, humiliating, or intimidating; or interference that prevents work from getting done (i.e., work sabotage).¹

Workplace bullying also has a dynamic and subjective component. According to the WBI, abusive acts are not bullying unless the recipient is negatively impacted. In other words: no harm, no foul. Some employees are thick-skinned and unflappable, while others are more sensitive. One employee’s demanding boss may be another’s workplace bully. Therefore, individual differences in the recipient’s sensitivity or perception can change the analysis.

Key Differences

There are several differences between “hostile work environment” and workplace bullying. Perhaps the most notable difference is that in a hostile work environment claim, the conduct at issue must be discriminatory. That is, it must be directed at the employee because of his or her membership or status in a protected class. Workplace bullying, however, is “status blind.” Meaning, the abusive conduct can be directed at the employee for any reason.

Consider the following examples:

- Scenario 1: Bobby Boss regularly berates Esperanza Employee in front of colleagues and customers because she is Hispanic. Esperanza could be the victim of a hostile work

¹ [*Workplace Bullying Institute.*](#)

environment because Bobby’s conduct is directed at her because of a legally-protected characteristic—her national origin.

- Scenario 2: Mikey Manager regularly berates Susie Subordinate in front of colleagues and customers because she is a Red Sox fan.² Susie is likely not the victim of a hostile work environment because Mikey’s conduct is directed at her because she is a Red Sox fan, which is not a protected class. However, Susie could be the recipient of workplace bullying.

Another significant difference between hostile work environment and workplace bullying is that creating a hostile work environment is illegal. Bullying is not. There are no federal or Colorado laws currently on the books that make workplace bullying against the law for private sector employers.³ So, humiliating a coworker without regard for his or her protected class may not be very nice, it’s not illegal. In the examples above, Esperanza may have a legal claim against Bobby and the company. Susie would not.

However, just because bullying behavior may not meet the legal definition for a hostile work environment, it can still wreak havoc in the workplace for employers and employees. More on that in minute.

A quick note on terminology: Experts who study workplace bullying use the terms “perpetrator” and “target” to indicate the bully and the person getting bullied, respectively. Although those labels may sound a little harsh to the layperson, I’ve chosen to use those terms in this article because they are the generally accepted terms in this field.

A Picture of Workplace Bullying

Examples of Bullying Behavior

So, what does workplace bullying look like in the real world? Here are some examples of conduct that could constitute workplace bullying:

- Intentionally sabotaging or undermining a coworker’s performance
- Willfully excluding or ignoring a colleague
- Shouting, cursing, insulting, berating, or threatening a colleague
- Criticizing or humiliating someone in front of others
- Stealing credit for successes
- Blaming others for mistakes or failures

² I used male managers and female employees in these examples because statistics show that most bullies are men and most targets are women.

³ Four states have enacted some type of law related to workplace abusive conduct, but none prohibit status-blind abusive behavior in the workplace for private employers. Some states have introduced a [Healthy Workplace Bill](#) that would recognize a legal claim for workplace bullying. To date, none have been enacted.

- Spreading gossip or rumors about a person
- Unnecessarily making an employee to work late or on weekends
- Suggesting a coworker quit or transfer to a different department in the company
- Taking away responsibility from someone or replacing it with more unpleasant tasks
- Assigning excessive workloads
- Putting a coworker's tasks at the bottom of the list
- Ignoring someone's opinions
- Unreasonable demands
- Persistently criticizing someone's work
- Needlessly making an employee miss family and personal events for work
- Giving a coworker constant and unwarranted criticism

Some of these examples may seem like merely bad management or incivility, but it's important to remember that bullying requires **repeated** mistreatment and a **negative impact** felt by the target.

A Snapshot of Bullying in the United States?

Recent statistics paint a picture of bullying across the country:

- 19% of Americans are bullied at work (approx. 60.3 million employees)
- 70% of bullies are men
- 66% of targets are women
- Both men and women bullies tend to choose women targets, which means:
 - Female bullies choose female targets 67% of the time
 - On average, 51% of bullying is same-gender harassment
- 40% of LGBT workers report being bullied at work
- All races and ethnicities are the targets of bullying, but Hispanics and African Americans are targeted at higher rates
- 61% of bullies are bosses, 33% are peers, 6% are subordinates
- 40% of targets are believed to suffer adverse health effects
- 29% of targets remain silent about their experiences
- 65% of targets lose their original jobs to get away from bullying behavior
- Bullying is 4 times more prevalent than illegal harassment^{4,5}

Why Do Bullies Bully?

Bullies don't bully simply because they're mean. Academic research suggests that three factors contribute to bullying at work: the bully, the target, and the environment.

⁴ [2017 Workplace Bullying Institute U.S. Workplace Bullying Survey](#) and [Infographic](#).

⁵ [Harris Poll on behalf of CareerBuilder](#).

Although personalities play a part, there's more to it. “[B]ullying does not occur in a social vacuum. Rather, it occurs in the context of an organizational environment that may aggravate or mitigate the incidence of workplace bullying.”⁶

Bullies. There is evidence to support the popular notion that bullies often have low self-esteem and were (or are) targets of bullying themselves. Some other common personality traits associated with those who commit workplace bullying include: narcissism, anger, vengefulness, and anxiety.⁷

Targets. Interestingly, a lot of research shows that targets of bullying behavior exhibit many of the same traits as those who commit it. Targets tend to exhibit higher levels of anger, anxiety, low self-esteem, and are often more disagreeable.⁸

Environment. Unsurprisingly, environment is also a factor. Stressful work environments foster conditions—such as job insecurity, low job autonomy, high workload—that make workplace bullying more likely to occur. While certain negative personality traits make some people more reactive, workplace bullying seems to “flourish in workplaces that are characterized by high demands, low resources, and ineffectual leaders.”⁹

Understanding these factors can help employers mitigate the likelihood of bullying occurring in their offices by, for example, pairing managers with employees based on compatible temperaments, or paying closer attention to interpersonal tensions in high-stress work environments.

The Impact of Workplace Bullying

The toll of workplace bullying is real. Employees and employers can suffer physical, psychological, social, and economic effects.

Bullies often have control or influence over the target's livelihood, either directly as manager or indirectly as a peer. Many targets of workplace bullying report experiencing negative effects on their physical and mental health, such as stress, anxiety, panic attacks, loss of appetite, trouble sleeping, ulcers, and increased blood pressure. These lead to decreased job satisfaction, disengagement, inability to concentrate, and lower productivity.

Beyond the personal effect, workplace bullying also has a wide-reaching economic impact. It can affect the target's pocketbook. If an hourly employee misses work to avoid his or her bully,

⁶ Hershcovis, Reich, Niven, [*Workplace Bullying: Causes, Consequences, and Intervention Strategies. White paper for the Society of Industrial and Organizational Psychology*](#), 2015.

⁷ [*Workplace Bullying: Causes, Consequences, and Intervention Strategies*](#).

⁸ [*Id.*](#)

⁹ [*Id.*](#)

that means lost earnings. Plus, over 60% of targets leave their jobs because of bullying, which can hinder career advancement and earning potential.¹⁰

And then there's the bottom line for the company. Environments that allow bullying to thrive experience lower morale of targets and coworker witnesses, decreased productivity and team cohesion, an increased absenteeism and employee turnover. There is also a risk of reputational harm to the business. Estimates vary, but several sources say the total economic cost of workplace bullying is in the billions. Researchers from Harvard School of Public Health and Harvard Business School estimate that U.S. businesses lose as much as \$30 billion per year from lost workdays due to stress-related conditions.¹¹ One broad, longitudinal study estimated that workers who are disengaged or emotionally disconnected from their workplaces cost the U.S. between \$450 billion to \$550 billion each year in lost productivity.¹²

Not to mention the disruptive and costly litigation that can result. Workplace bullying isn't illegal, but if a court has to decide whether the conduct is illegal hostile work environment or "merely" workplace bullying, it's going to be expensive no matter how it shakes out. The best approach is to take steps to prevent bullying from happening in the first place.

How to Address Workplace Bullying

Employers can do several things to tackle workplace bullying. Preventative steps to reduce the likelihood of bullying in your business can pay dividends down the road.

Acknowledge that workplace bullying is a legitimate issue that could affect your workforce. Don't ignore abusive behavior or chalk it up management style, a competitive environment, or whiny employees. Some people are dismissive of workplace bullying, perhaps because they associate the term "bullying" as something that only occurs in the schoolyard, but the facts don't lie—over 60 million employees reported being a recipient of workplace bullying in 2017.¹³

Build strong organizational culture. Lay a solid foundation by implementing or reinforcing a workplace culture that has high behavioral expectations and awareness. Do more than simply take a zero-tolerance stance on harassing, bullying, and disrespectful behavior. Actively encourage practices around bystander empowerment, awareness, and mutual respect. And ensure that leadership demonstrates these ideals by example. Culture is set at the top.

Develop robust policies. Draft clear, written policies that reflect the culture you want to see in your workplace. Describe what behavior is prohibited and also what behavior is encouraged and expected. Explain how to report workplace bullying, what happens when a complaint is received, and the potential consequences for violating the policies.

¹⁰ G. Namie, [2017 Workplace Bullying Institute U.S. Workplace Bullying Survey](#), Workplace Bullying Institute (2017).

¹¹ [Harvard School of Public Health](#); [Harvard Business School](#).

¹² [The State of the American Workplace: Employee Engagement Insights for U.S. Business Leaders](#), Gallup Inc., 2012.

¹³ [2017 Workplace Bullying Institute U.S. Workplace Bullying Survey](#) and [Infographic](#).

Offer training about dealing with and preventing workplace aggression. Give employees the tools to create a healthy environment. Topics to cover include: bystander awareness; maintaining a civil and pleasant work environment; resolving conflict in a respectful and productive manner; identifying and responding to bullying by a coworker or supervisor; reporting bullying to management; effectively disciplining bullying by those you supervise.

Provide firm and supportive responses. If and when bullying occurs in your workplace, hold bullies accountable for their inappropriate behavior as set out in your employment policies. Also be sure to provide resources for employees who raise complaints of bullying as well as for employees accused of bullying. Offer support services for targets, coaching and counseling for bullies, and (when appropriate) mediation services to repair the relationship between targets and bullies.

For additional information about preventing and address workplace bullying, contact us at ILG or check out one of these resources:

- [Workplace Bullying Institute](#)
- [American Psychological Association \(APA\)](#)
- [APA Center for Workplace Mental Health](#)
- [American Institute of Stress](#)