

Workplace Bullying: Its Costs and Prevention



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For years, employers in the United States have become familiar and worked with federal, state, and local laws that prohibit harassment and discrimination based on certain specific characteristics, such as those set forth in **Title VII of the Civil Rights Act**. Increasingly, employers are having to deal with sometimes more subtle actions by employees and supervisors that are not directly related to any particular characteristic but may be just as, or more, destructive in the workplace. This activity is called bullying, and employers need to be aware of its high costs and the steps to prevent this activity in their workplaces.



Workplace bullying can take many forms, including:

- Swearing and shouting at an employee or other verbal abuse
- Singling out of an employee with different policies or standards
- Ignoring or dismissing an employee's work or contributions
- Offensive conduct or behavior that embarrasses, humiliates, or threatens
- Constant targeted criticism or gossip involving a targeted employee
- Work interference that sabotages work product

According to current statistics, between 35-50% of American workers may be the victims or observers of abuse by workplace bullies and about 20% of this bullying crosses the line into workplace harassment. This amounts to approximately 65 million affected workers. Interestingly, about 60% of bullies in the workplace are men who bully men and women equally, while the remaining 40%, consisting of female bullies, tend to bully women more.

This bullying activity takes a large emotional toll on employees, leading to increased stress, low productivity, absenteeism, depression, anxiety, insomnia, high blood pressure, and post traumatic stress disorder. It also costs companies large economic losses based on high turnover, retraining of employees, low productivity, sick time due to stress related illnesses, increasing health care costs, and difficulty in hiring. In some studies, these costs are estimated to be over \$250 million annually in expenditures related to health care, litigation, employee turnover, and retraining.

Until recently, some employers did not take workplace bullying seriously and failed to address the problem. Now, with much more media attention, lawsuits, and the devastating effects and costs to remedy being acknowledged, many employers need to and are instituting zero-tolerance, standards of conduct, or standards of professionalism policies. As a best practice, these policies should contain boundaries of appropriate behavior, strong reporting mechanisms similar to those used for harassment claims (including direct reporting to senior management), and disciplinary measures for those engaging in such conduct. Again, as is done for harassment claims, companies should also educate and train their employees and

supervisors about workplace bullying, how to report it, and the progressive discipline associated with it.

Because of the increased awareness of this problem, several states, including Pennsylvania, have recently introduced healthy workplace or anti-bullying legislation. On April 21, 2015, **Pennsylvania House Bill 1041** – the “**Healthy Workplace Act**” – was introduced and referred to committee for consideration. The defined purpose of the proposed Act is to provide legal redress for employees who have been harmed psychologically, physically, or economically by exposure to abusive work environments and to provide legal incentives for employers to prevent and respond to abusive treatment of employees at work.

The proposed Act defines, among other things, “abusive conduct,” “abusive work environment,” and “adverse employment action.” Under the proposed Act, retaliation is prohibited, and the employer may be held liable for a violation committed by an employee, as well as the employee held individually liable. Affirmative defenses for the employer are outlined in the proposed Act, and remedies available to the harmed employee include rehire, reinstatement, removal of the offending party, back pay, front pay, medical expenses, pain and suffering damages, emotional distress damages, punitive damages, and reasonable attorney’s fees. Other states are following suit and introducing similar measures to address bullying in the workplace and to limit its effects.

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