

To: The Labor and Public Employees Committee
From: Katherine Hermes, J.D., Ph.D., Volunteer Coordinator
Connecticut Healthy Workplace Advocates¹
P.O. Box 1765
Torrington, CT 06790
Date: February 17, 2010
Re: Testimony for Public Hearing
H.B. No. 5464 (COMM) AN ACT CONCERNING STATE EMPLOYEES AND
VIOLENCE AND BULLYING IN THE WORKPLACE

In 2005, one of my dearest friends whom I had known for 33 years, Marlene Braun, committed suicide. In her suicide note, she explained that her boss had made her life "utterly unbearable." Marlene was a 13-year federal employee with the Bureau of Land Management, had advanced degrees in soil science and bio-geochemistry, and was a veteran of the United States army. And she shot herself in the head because she could no longer endure the torment and abuse heaped upon her by her boss. I know some people will conclude that people who commit suicide are crazy or weak or immoral, but I know she was none of these things. Indeed, the only irrational behavior was on the part of her boss, who drove a loyal, exemplary employee to her death simply because he objected to her stance on an issue concerning the grazing of cattle.²

One cannot make sense of it, because like domestic violence, abusive conduct in the workplace *makes no sense*. It is the whim of one person, the bully, who controls when it occurs and what happens. *Nothing the target does or does not do will provoke it or prevent it.*

Workplace bullying is rampant in jobs like the one Marlene Braun held. She happened to be in federal service, but state employees often are in the same position. They have often spent years acquiring their expertise, invested years in learning their jobs and improving their work skills, put money in a pension plan, and relied on health benefits. They have a stake in their jobs and don't want to move to the private sector. It makes them easy targets for bullies, who may be their bosses or fellow employees. (Very often the most difficult bully to deal with is the person who is simply another employee of the same or nearly equal rank.)

¹ Connecticut Healthy Workplace Advocates, aka Connecticut Bullybusters, is a volunteer, non-profit organization associated with the Workplace Bullying Institute in Bellingham, Washington. <http://www.workplacebullying.org/>; Connecticut Bullybusters, <http://groups.google.com/group/connecticut-bullybusters>.

² Julie Cart and Maria La Ganga, "A Conservationist's Suicide," *The Los Angeles Times*, Aug. 25, 2005 (accessed at <http://www.workplacebullying.org/targets/impact/braun/latimes.php>); Department of Interior, Report of the Inspector General (accessed at http://www.peer.org/news/news_id.php?row_id=849)

I am a history professor at Central Connecticut State University. I am testifying here in my capacity as a volunteer for CHWA, but I cannot pretend that at my workplace bullying is non-existent. I have not been bullied at work and it doesn't happen to everyone. Yet, individual faculty, staff and administrators have reported to me, as the CHWA coordinator, that they have experienced bullying, and I have heard from a number who have left the university because of bullying. In losing these colleagues we lost valued members of our community. Many leave without ever telling anyone that they are doing so because of the bullying, but others spend years trying to get someone to listen. I don't think CCSU is unique or particularly bad compared to other places in its handling of workplace bullying; I hear also from other public employees in the various university and college systems, as well as in state service in other capacities. Yet no one is collecting data on the attrition of workers for this reason. Workplaces are not equipped to deal with abusive conduct because it is not illegal conduct. Raised HB 5285 is essential.

The Legislation's Wording

Raised Bill 5464 will study the problem of workplace bullying among state employees. It is an important step to improving our workplaces. Bullying at work reduces productivity, causes employees' health to decline resulting in sick days and personal leave, and disrupts the thing people most want to do: their jobs. Every person I have talked to or written to who has been bullied has told me how much he or she loved the job before the bully boss or colleague arrived.

The proposed bill defines abusive conduct as "conduct or a single act of a state employee in the workplace that is performed with malice and is unrelated to the state's legitimate interest that a reasonable person would find hostile or offensive considering the severity, nature and frequency of the conduct or the severity and egregiousness of the single act. Abusive conduct includes, but is not limited to, (A) repeated infliction of verbal abuse such as the use of derogatory remarks, insults and epithets; (B) verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating; or (C) sabotaging or undermining a person's work performance."

The Workplace Bullying Institute, in its definition of abusive conduct adds, "*attempts to exploit an employee's known physical or psychological vulnerabilities.*" Connecticut Healthy Workplace Advocates respectfully requests that Raised HB 5464 be amended to include that language.

Workplace bullying is very much like domestic violence. It is intimate, especially when people work closely with one another and do so for many years. If a bully, whether old or new to the workplace, enters the scene and exploits an issue that is sensitive for the employee, that is one of the most abusive acts that can occur. I will give an example:

One government employee with whom I have corresponded had a son who was murdered. Her boss, a woman in this case, repeatedly raised the issue of the employee's son's death or would remark at work that she'd read a newspaper article about someone's

murder and then say, as if she had only just remembered, “Oh, your son was murdered, wasn’t he?” This went on repeatedly and was done at least once a week for over two years until the employee transferred to another department.

In other cases employees have told me that personal issues such as their miscarriages, cancer and other illnesses, former spouses, and so on have been raised regularly by bosses or fellow employees even when they have asked the person to stop talking about the subject. This type of behavior is not merely anecdotal. The psychological toll has been documented in a study by Tracy, Lutgen-Sandvik, and Alberts, in 2006. Some employees who have spoken to me have had cancer or other debilitating diseases such as multiple sclerosis or rheumatoid arthritis and have been bullied through verbal references to their condition, the unnecessary publicizing of their condition, or belittling. This type of conduct is not outright discrimination, and it is therefore not illegal.

We further ask that the bill be amended to include a statement of purpose that explains the harm workplace bullying or abusive conduct in the workplace is known to cause.

The following amendment is recommended as a preamble:

“The legislature finds that

(1) the social and economic well-being of the state is dependent upon the healthy and productive employees;

(2) Abusive work environments can have serious consequences for the state as an employer including reduced employee productivity and morale, higher turnover and absenteeism rates, and increases in medical and workers compensation claims;

“It is the purpose of this chapter to attempt to establish whether Connecticut’s state employees are experiencing abusive conduct and if so, what the impact is on the state with respect to its services and its costs.”

Data.³

A 2010 national survey conducted by the Workplace Bullying Institute and Zogby International pollsters found that:

- 35% of workers have experienced bullying firsthand (37% in 2007, given the MOE, essentially equivalent)
- 62% of bullies are men; 58% of targets are women
- Women bullies target women in 80% of cases
- Bullying is 4X more prevalent than illegal harassment (2007)
- The majority (68%) of bullying is same-gender harassment

³ Used with permission. Compiled by David Yamada, J.D., Professor of Law at Suffolk University School of Law.

Organizational and Productivity Costs

Workplace bullying is very costly to organizations:

According to human resources expert Emily Bassman, abusive work environments result in “fear and mistrust, resentment, hostility, feelings of humiliation, withdrawal, play-it-safe strategies, and hiding mistakes” (Bassman, 1992).

According to a study of 775 targets of workplace incivility & aggression (Pearson, et al., 1998):

- “28 percent lost work time avoiding the instigator”
- “22 percent decreased their effort at work”
- “12 percent actually changed jobs to avoid the instigator”

According to Joseph Kinney of the National Safe Workplace Institute, “there have been numerous instances where abusive supervisors have baited angry and frustrated employees, pushing these individuals to unacceptable levels of violence and aggression” (Kinney, 1995).

Sometimes these supervisors are not the “boss” in the sense that they head the state agency. They may be colleagues in charge of a project, or just co-workers who have been at the institution longer. It is even possible to be bullied by someone who is lower in rank. Instigators of bullying can come from any rank in the organization. Targets often fear reporting such bullying or abusive conduct to those higher up, because there is a tendency to view to these matters as “personality conflicts” that need mediation. A mandate as in HR 5285 to report instances of abusive conduct means that Human Resources will need to set criteria to distinguish between “personality conflicts” and abusive conduct, which will in turn help HRs deal with the problem more effectively.

Human Costs

Workplace bullying, as studied by Drs. Gary and Ruth Namie, 2009, was found to inflict health-impairing physical and psychological harm on targeted employees:

- stress disorders of all types
- clinical depression
- high blood pressure
- cardiovascular disease
- impaired immune systems
- symptoms consistent with Post Traumatic Stress Disorder
- severe residual effects on family and personal relationships
- life-altering decisions about whether to stay in or leave a job.

Conclusion:

The State of Connecticut has an interest in providing the best services possible for the people of Connecticut. It cannot do that if its employees are experiencing abusive conduct at work, and there is national evidence to suggest that this is a growing problem. Connecticut gather data for itself. Workplace bullying, like domestic violence, is likely to rise with more difficult economic situations and increased stresses. It is dangerous for targets and can have severe effects, including increasing suicide rates. This bill will have little if any impact fiscally on the state, and any impact it does have is offset by the good it will do to make workplaces in the state healthier.

Main References

EMILY S. BASSMAN, ABUSE IN THE WORKPLACE: MANAGEMENT REMEDIES AND BOTTOM LINE IMPACT (1992).

JOSEPH A. KINNEY, VIOLENCE AT WORK (1995).

GARY NAMIE & RUTH NAMIE, THE BULLY AT WORK (rev. ed. 2009).

Christine M. Pearson, *Incivility and Aggression at Work: Executive Summary* (July 1998)

Sarah J. Tracy, Pamela Lutgen-Sandvik, & Jess K. Alberts, "Nightmares, Demons, and Slaves: Exploring the Painful Metaphors of Workplace Bullying," 20 MANAGEMENT COMMUNICATION QUARTERLY, No. 2 (2006).

Workplace Bullying Institute & Zogby International, U.S. Workplace Bullying Survey (2010).

David C. Yamada, "Crafting a Legislative Response to Workplace Bullying," 8 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 475 (2004).

David C. Yamada, "The Phenomenon of the 'Workplace Bullying' and the Need for Status-Blind Hostile Work Environment Protection," 88 GEORGETOWN LAW JOURNAL 475 (2000).