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Understanding Challenges of the Healthy Workplace Bill – An Interpretive Policy Analysis

Cynthia Contreras

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Understanding Challenges of the Healthy Workplace Bill – An Interpretive
Policy Analysis

by

Cynthia Contreras

A Dissertation Presented to the
College of Arts, Humanities, and Social Sciences of Nova Southeastern University
in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

Nova Southeastern University
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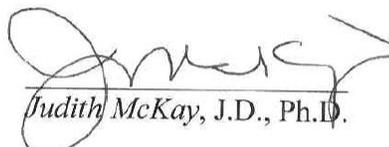
This dissertation was submitted by Cynthia Contreras under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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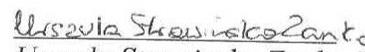
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Dedication

To my Godparents, Joseph and Miriam Torres, thank you for helping me achieve my dream to come to the United States to live and to come to college. I was able to graduate with my Bachelors, my Masters, and now my Ph.D. thanks to your generosity, selfless guidance and love.

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Abstract

The study provided an interpretive policy analysis of the Healthy Workplace Bill, which was designed to hold employers financially liable for the reported severe cases of workplace bullying suffered by their employees. In order to facilitate this interpretive policy analysis, the study used a mixed methods research design. The quantitative data was collected through a survey administered to currently employed employees and supervisors from California and Florida who were tasked with identifying which behaviors constituted workplace bullying, workplace incivilities, and personality clashes. The qualitative data came from the original Bill, California's Abusive Work Environments Bill, and Florida's Abusive Workplace Environment Act. Other sources for analysis included articles, journals, and books that identify and define workplace bullying differently, an interview with an expert in the field, and a free response section in the survey. The qualitative data subsets were analyzed using thematic analysis content analysis, referential content analysis and interpretive phenomenological methodology. The quantitative data was analyzed using descriptives and Chi-Square for Independence. The results from the qualitative and quantitative analyses were triangulated using a convergence model to identify the different points of conflict that influenced the different interpretations of workplace bullying and the resulting implications on policy formation and implementation. The analysis suggests that a lack of consistency in agreed upon terms and definitions hinders the chances of the bill to be enacted and inhibits mitigating the incidence of workplace bullying.

Chapter 1: Introduction to the Study

The following dissertation focuses on the history of the Healthy Workplace Bill and the impact on the lack of agreed upon terms and definitions that affects the chances of the bill to be enacted, and in turn inhibits the mitigation of incidents of workplace bullying.

Background

The Healthy Workplace Bill (2001) has been proposed and passed in 29 states in the U.S. The goal of the bill is to assist those who have suffered severe workplace bullying for them to receive compensation for their grievances from their employer (Yamada, 2014). The bill promises to bring assistance to bullied workplace employees. Even though the bill has passed in some states, it has not been enacted. One potential setback is the multitude of behaviors and attitudes that could constitute bullying and in particular, workplace bullying. There are multiple definitions of workplace bullying (Kaplan, 2010); the versions of the Healthy Workplace Bill passed and proposed by each state are not identical in the terminology used. Also, there are characteristics that would make workplace conflict fall under “workplace incivility” rather than “workplace bullying” (Namie, 2003). In some instances, Neall and Tuckey (2014) have noted that both terms are used interchangeably (Neall & Tuckey, 2014). There is a challenge with the terminology used to define workplace bullying; the actions/behaviors, limitations, and boundaries that would define “workplace bullying” are not seemingly explicitly clarified. Sweden, which was the first country to have an anti-bullying law in the workplace (Lueders, 2008), has not had much success due to control issues on how are employers enacting this law (Namie & Namie, 2009).

In 2017, the Workplace Bullying Institute conducted a survey and found that 19% of Americans have suffered abusive conduct at work and 19% have witnessed it, while 63% are aware that it happens in their workplace (Workplace Bullying Institute, 2017). The principal investigator of this dissertation has personal experience of bullying in the workplace, has met people who have been bullied, and has witnessed others being bullied. Sadly, it is not difficult to find people who have been subjected to, have witnessed or know someone who has been bullied in the workplace. Workplace bullying did not become a part of the social sciences research as a social concern until the 1970s. One of the first social scientists the principal investigator found to have studied workplace bullying, which he called “workplace harassment,” was Carrol Brodsky in 1976. He identified the differences between humor, teasing, and harassment, to the degree and continuation of making a person or group of people feel uncomfortable and unable to continue their daily duties (Brodsky, 1976). At the time, the behaviors that were identified as workplace harassment were “scapegoating, name-calling, physical abuse, and selective exercise of work pressure” (Brodsky, 1976, p. 24).

In 1992, Andrea Adams was the first person to name bullying in the workplace as “workplace bullying” (Adams, 1992). However, there are many other terms that have originated since. In 2011, scholars Loreleigh Keashly and Karen Jagatic brought up the issue of having too many term definitions, adding to the complexity of defining and identifying hostile behaviors in the workplace (Einarsen et al, 2011). Keasly and Jagatic (2001) identified 17 definitions of terms that refer to hostile workplace behaviors based on experience in terms of elements of time, intention, power differences, source, and

norm violation (Einarsen, et al, 2011; Hershcovis and Barling, 2008; Lutgen-Sandvik, 2006, Keashly & Jagatic, 2001).

Ellen Cobb Pinko (2017) found the following terms around the world to describe hostile behaviors in the workplace: moral harassment, logical violence, mobbing, work or employment mistreatment, emotional abuse, bossing, victimization, intimidation, psychological terrorization, harcèlement moral, harcèlement psychologique, and power harassment (Cobb Pinko, 2017). Her research also led to the finding of what each continent has been doing in terms of laws targeting workplace bullying. Sadly, there are not many that target workplace bullying unless it involves race, sex, disability discrimination, or sexual harassment. However, the Nordic countries, particularly Sweden, were the pioneers in starting the movement in the 1990s by passing anti-bullying laws and focusing on safety in the workplace, including psychosocial factors. These countries were part of the inspiration for the birth of the Healthy Workplace Bill in the United States.

David Yamada, Tenured Professor of Law and Founder of the New Workplace Institute at Suffolk University Law School in Boston, led the start of the Healthy Workplace Bill drafting in 2000 with the help of the work of Gary and Ruth Namie and their Campaign Against Workplace Bullying (Yamada, 2013). He started first by looking into the literature and anti-bullying campaigns around the world and later would become interested in the legal aspect of it, particularly the legal protections of employees. What he found was that under the intentional infliction of emotional distress (IIED) tort, unless the employee's claims were allegations under a "protected class status or retaliation for whistleblowing, there were no real repercussions through the legal system" (Yamada,

2013). Most workplace bullying instances are not protected by the law as they are status blind. Thus, in drafting the Healthy Workplace Bill, he focused on the following policy goals: prevention, self-help, relief, compensation, restoration, and punishment (Yamada, 2004).

The Healthy Workplace Bill was drafted by David Yamada; it provides a “private cause of action” for sufferers of severe workplace bullying to receive financial relief and thus creating legal incentives for employers to address these behaviors (Yamada, 2013). He wrote the bill with the intention of it being introduced at the state legislative level but acknowledged that it could be presented at any level. The bill has undergone several revisions over the years and has been submitted and passed in over 20 legislatures (Yamada, 2013). Since 2010, the anti-bullying movement has been building momentum with features in magazines such as *Parade* and *Time*, and the formation of Healthy Workplace Advocate groups in different states. The most active advocates for this movement have been labor organizations. There has been some opposition to the Healthy Workplace Bill from the private industry, primarily corporate and business industries, concerned with the actual legalities of the bill in terms of litigation and whether employees will file claims when they are unhappy with their performance appraisals.

One of the purposes of this dissertation is to focus on behaviors that encompass workplace bullying. It may or may not be clear to all employees which behaviors are and are not acceptable in the workplace. It will be important to take into consideration that all places of employment are different, but there should be at least some boundaries for what is and is not appropriate in the workplace. Also, the Healthy Workplace Bill should contain clear guidelines on such behaviors. Awareness made to the public is also

important; it should assist employees in understanding their rights and expectations while in their place of employment. There are labor organizations and unions that are already putting in place guidelines that address workplace bullying, but the message has to be made more global so that it not only targets specific sectors but workforces as a whole.

Goal of the Proposed Research

The goal of this research project is to move closer to a universal definition of workplace bullying by identifying the characteristics, attitudes, and behaviors that define it. The research associated with this project is focused on daily discourse and behaviors that could be perceived as workplace bullying. With potential laws being proposed, it is important for people to understand the foci and limitations of workplace bullying; in doing that, people can better see what behaviors constitute bullying. It can serve as a benchmark to address the differences in perceptions of certain behaviors so people become aware of their own actions and attitudes within the workplace. Also, it can be used to educate managers and leaders in order for them to relay the message which behaviors are and are not acceptable in the workplace. It will also help anti-bullying laws to have a clarified expectation on how managers and leaders can make sure that they are accurately enacted.

The following chapter provides a literature review on the topic of workplace bullying, including the Healthy Workplace Bill. It also includes a discussion on social theories that can be applied to workplace bullying.

Chapter 2: Literature Review

The following chapter focuses on the literature reviewed for this research project on the topic of workplace bullying while also exploring social theories that can be applied to this phenomenon. The chapter also includes some of the most common terms and definitions used to describe “workplace bullying” in magazines, newspapers, books and every day colloquial language. The chapter also explains the Healthy Workplace Bill as well as the importance of having such legislation in place for addressing workplace bullying. Finally, the chapter includes a summary of international anti-bullying laws that have been enacted.

Introduction

Some researchers have agreed that bullying is an act that is intended to harm individuals and must occur repeatedly; it mostly happens due to a power imbalance between the aggressor and the target (Monks et al., 2010; Farrington, 1993). Bullying in the workplace can cause severe stress and it can also damage team dynamics, productivity, and performance (Monks et al., 2010). Most of the time, bullying in the workplace can consist of psychological abuse, though it is not unusual for it to lead to possible physical aggression. Psychological abuse in the workplace can affect employees not only with regards to their performance in the job but also their mental health, symptoms of which include developing anxiety and depression (Sutton, 2007). Several countries in the world have brought forward civil and criminal laws aimed at preventing harassment and bullying. The countries actively fighting against workplace bullying include Sweden (1994), Great Britain (1997), Canada (2008-2011), France (2001), Ireland (2007), Australia (2011), and others (Healthy Workplace Bill, 2012). However,

there is a challenge in determining what constitutes workplace bullying, as there are multiple definitions, characteristics, and interpretations that define it. Also, some of these names and definitions are have been used interchangeably by scholars, researchers, and lawmakers.

Saunders, Huynh, and Goodman-Delahunty (2007) noted that despite all the variations in workplace definitions, there are five characteristics that are consistent across them: targets suffer negative behavior, there is a persistence of multiple behaviors, targets experience psychological and/or physical harm, bullying exists within a power imbalance, and targets call themselves “bullied” (Saunders, Huynh & Goodman-Delahunty, 2007). However, there could be incidents in the workplace that may not clearly contain all of these five characteristics; also, there could be those actions that are perceived to be more violent or damaging than others. With the ambiguous nature of the definition of workplace bullying, it is important to note that it would be difficult for a law, bill, or policy to prevent it; the defined behaviors must be clearly evident to do so.

Defining Workplace Bullying

The term “workplace bullying” is primarily used in Australia, the United Kingdom, and Northern Europe. In Germany and France, the word used is “mobbing;” in Finland, “harassment;” and in the United States, “emotional abuse” (Saunders, Huynh & Goodman-Delahunty, 2007). Duffy (2009) also provided a new term, “nonsexual harassment” to equate workplace bullying, but it is not all about the term used, but the cultural influences of it (Duffy, 2009). Cultural differences are factors influenced by perceptions; when it comes to workplace bullying, there are multiple actions that are not always interpreted the same way by people. Also, the word bullying has sometimes been

used for different issues and in a different frequency (Liefoghe & Mackenzie Davey, 2010). For instance, an employee could be under the supervision of a very demanding and unapproachable manager. The manager could then present the employee with an unsatisfactory performance appraisal. The employee could feel as if their work has been excellent but the appraisal itself is not representative of that. The employee starts to feel as if the performance appraisal was belittling. How the receiving person (in this case the employee) perceives the actions of others is what drives people to decide whether or not to call such actions as bullying. Thus, why it is important to have a well-defined set of characteristics that fall under bullying, where people understand how their actions could be perceived as such.

Namie (2007) presented a number of terms to define workplace bullying: psychological harassment, psychological violence, workplace aggression, emotional abuse, lateral violence, status-blind harassment, and mobbing (Namie, 2007), all of which could hold different interpretations by people. Also, some could be seemingly worse offenses than others; the intensity is a factor that should be considered, but one should not decide a bullying incident is more or less significant because of it. Scholars have also at times considered the conflicts between co-workers as not falling into the category of bullying (Lippel, 2010). However, Brodie's Law in Victoria, Australia came about due to the "bullying" between co-workers and the consequences of not doing anything about it. Power dynamics do not necessarily impact only the supervisor/employee relationship but also between co-workers due to perceived favoritism and gender or cultural biases.

Quine (1999) expressed that there is no clear definition for adult bullying but that there are different ways in which a person can be intimidated: a threat to professional

status or standing, isolation, overwork, and destabilization (Quine, 1999). Workplace bullying is not defined by the intention of the perpetrator, but by the effect of the victim. The perpetrator may not see their actions as damaging; however, the victim could report psychological or physical trauma. Thus, it is important for the culture of the organization to determine what is and is not acceptable behavior in the workplace. Duffy (2009) had noted the different terms used to define workplace bullying according to not only the culture of the organization but also with consideration to other cultural influences. Typically, those cultural differences will also influence the interpretations of workplace bullying and its characteristics. Also, those cultural differences can also influence who gets affected by workplace bullying, which is “multidirectional” (Duffy, 2009); it does not only happen between supervisors and employees.

Over the years, researchers and scholars have defined different concepts to describe hostile workplace behaviors. These definitions contain characteristics that overlap with that of workplace bullying. Below are some of the phrases and descriptions of workplace misbehaviors, starting with workplace bullying.

- **Workplace Bullying** – “Deliberate, hurtful, and repeated mistreatment of a person by a bully that is driven by the bully’s desire to control and subject such person in all types of mistreatment at work” (Einarsen, Hoel, Zapf & Cooper, 2003; Namie & Namie, 2000, p. 33).
- **Harassment** – “Repeated and persistent attempts by a person to torment, wear down, frustrate, or get a reaction from another. It is a treatment that is meant to provoke, pressure, frighten, intimidate, or somehow produce discomfort for another person” (Einarsen, Hoel, Zapf & Cooper, 2003; Brodsky, 1976, p. 33).

- ***Workplace Deviance*** – “Voluntary behavior that violates significant organizational norms, and in doing so, threatens the well-being of the organization, its members, or both” (Einarsen, Hoel, Zapf & Cooper, 2003; Robinson & Bennett, 1995, p. 33).
- ***Workplace Aggression*** – “Efforts by individuals to harm others with whom they work, or have worked, or the organization in which they are currently or were previously employed. The harm-doing is intentional and includes psychological and physical harm” (Einarsen, Hoel, Zapf & Cooper, 2003; Baron & Neuman, 1996, p. 33).
- ***Generalized Workplace Abuse*** – “Violations of workers’ physical, psychological and professional integrities in a nonsexual way that are psychologically demeaning and/or discriminatory” (Einarsen, Hoel, Zapf & Cooper, 2003; Richman et al., 1997, p. 33).
- ***Workplace Incivility*** – “Low-intensity deviant behavior with ambiguous intent to harm a person, in violation of workplace norms for mutual respect. Uncivil behaviors are characteristically rude and discourteous, displaying a lack of regard for others” (Einarsen, Hoel, Zapf & Cooper, 2003; Andersson & Pearson, 1999, p. 33).
- ***Abusive Supervision*** – “Subordinates’ perceptions of the extent to which supervisors engage in the sustained display of hostile verbal and nonverbal behaviors, excluding physical contact” (Einarsen, Hoel, Zapf & Cooper, 2003; Tepper, 2000, p. 33).

- ***Emotional Abuse at Work*** – “Interactions between organizational members that are characterized by repeatedly hostile verbal and nonverbal, often non-physical behaviors directed at a person with the intent to negatively affect him/her as a competent worker” (Einarsen, Hoel, Zapf & Cooper, 2003; Keashly, 2001, p. 33).
- ***Mobbing*** – “Hostile and unethical communication that is directed in a systematic way by one or more persons mainly toward one targeted individual” (Einarsen, 2000; Leymann, 1990, p. 382).
- ***Bullying*** – “Persistent criticism and personal abuse in public or in private, which humiliates and demeans a person” (Einarsen, 2000; Adams, 1992b, p. 382).

The definitions show that there is a need for a consistent definition of workplace bullying that can help in addressing workplace misbehaviors (Saunders, Huynh & Goodman-Delahunty, 2007). Of course, having these definitions and showing them to employees could be meaningless if there are no examples presented to describe these behaviors to avoid misinterpretations. Namie (2003) stated that bullying is more psychological than just plain rudeness, teasing, or other forms of interpersonal torment; however, if no examples are provided of what is or is not workplace bullying, it is left for interpretation and that can escalate a conflict.

Workplace Bullying as Defined in the Healthy Workplace Bill

The original Healthy Workplace Bill, drafted by David Yamada, Tenured Professor of Law and Director of the New Workplace Institute at Suffolk University Law School, defines an abusive work environment as one where a person is acting with malice and it is subjecting another to severe, hostile, offensive, and unrelated to the workplace behavior that causes psychological and/or physical harm (Lueders, 2008). In the bill, the

definition is broken down in order to provide a better explanation of the characteristics included in the definition. The interesting thing about the Healthy Workplace Bill is that it does not use the term “workplace bullying,” but rather “abusive work environment” (Yamada, 2001).

However, it does make the point that the bill is focused on those cases that are status-blind, meaning it addresses those that are not included in status-based laws (gender, race, etc.). The bill makes it clear that typically the action by the perpetrator should have happened more than just once. The reason is that the bill also reflects on psychological and physical harm, and it notes that there has to be documented evidence by psychiatrists and/or physicians. The term “abusive work environments” is used also on all of the healthy workplace bills’ versions that have been presented in different states. Each of these bills does have some variations in the wording when defining an abusive work environment.

The first state to present the Healthy Workplace Bill was California in 2003. The version California presented was called Abusive Workplace Environments and it was passed, though it has since been archived. It defined “abusive conduct” as the malicious actions of an employee against another in the workplace that would be deemed hostile, offensive, and repetitive, including threats, insults or other verbal or physical infliction of intimidation or humiliation (California Legislature, 2003). In Florida, the bill was also proposed under the name Abusive Workplace Environment Act in 2013 and it does use the term “workplace bullying.” It defines workplace bullying as an act that can inflict harm on targeted employees, including humiliation, anxiety, depression, and other health conditions consistent with post-traumatic stress disorder (Florida Senate, 2013). The bill

in Florida was also archived; but it does seem that one of the problems these bills are facing is the difficulty in proving workplace bullying cases that do not fall under civil rights or discrimination, where there would be a chance for litigation (Meglich-Sespico, Faley & Knapp, 2007).

There could also be issues with how workplace bullying is being defined; the fact that the Healthy Workplace Bill does not use the phrase “workplace bullying” and its different versions have inconsistent wording when defining workplace misbehaviors makes it even harder to associate behaviors to it. Lippel (2010) noted that the bill is focused on the “intent,” which makes it different from the laws passed in Canada and Sweden, where they take a broader approach that focuses not only on the intent but also on the health and psychological consequences of it (Lippel, 2010). Also, there is the issue with the length of time in which the hostile work environment takes place; the original definition from David Yamada does not have a specified length of time, which could help determine the intensity and consequences inflicted on the person bullied. However, Lutgen-Sandvik (2007) noted that there are psychological and physiological levels of damage to those bullied (Martin, Lopez, & LaVan, 2009). Cultural considerations should also be noted when defining workplace bullying; some cultures may see certain behaviors as acceptable while others may consider it abusive (Escartín, Zapf, Arrieta & Rodriguez-Caballeira, 2011). Also, acceptable behaviors in the workplace have evolved over the years; some of the acceptable behaviors of the past are now considered abusive.

The Healthy Workplace Bill Explained

As its primary cause of action, the Healthy Workplace Bill states that it is unlawful for an employer to subject an employee to an abusive work environment, all of

which is defined in the bill (Yamada, 2010). Yamada (2010) notes that the most important definition of the bill is “abusive work environment,” which is when an employer or one or more of its employees is acting against another with the intent to cause malice through abusive conduct, causing physical and/or emotional harm (Yamada, 2013). The “abusive work environment” is then broken further down to define abusive conduct and malice. Abusive conduct includes actions that could be hostile, intimidating, threatening, psychological or any other characteristics that impede employees from doing their job. Malice is defined as the desire of one person to cause injury, pain, or discomfort to another person (Yamada 2010). One of the specifications of abusive conduct focuses on the frequency and how far it led to an employee’s inability to conduct job duties.

The bill was presented largely in response to the tort of intentional infliction of emotional distress (IIED), which would require the harmful action to be beyond human comprehension (Yamada, 2010). Instead of only defining the parameters of hostile work environment like the Title VII jurisprudence of the Supreme Court (Equal Opportunity Employment Commission), the Healthy Workplace Bill aims to clearly illustrate the conducts that fall under abusive conduct in the workplace; thus, physical, psychological, and tangible harm are also defined in this bill (Yamada, 2013). The Healthy Workplace Bill also discusses the liability of the employer on instances of abusive workplace environment as caused by an employee. However, there are two instances in which the employer is provided with an “affirmative defense:” Whereas the (1) “employer provided reasonable care to prevent and correct the objectionable action”; and whereas (2) “the complainant employee failed to take advantage of the resources the employer offers to correct and prevent such behaviors” (Yamada, 2013).

The Healthy Workplace Bill also includes also other significant provisions for (1) damages; (2) private right to action; (3) anti-retaliation protection; (4) additional affirmative defense; and (5) election of remedies. In the damages' provisions, it covers the standard forms of compensatory and injunctive relief, as well as punitive damages and attorney's fees (Yamada, 2010). The court may also order for the removal of the offending party from the complainant's work environment, or there may be safeguards against runaway verdicts for emotional distress and punitive damages. For instance, if an employer commits unlawful practices, the employer may be motivated to stop these abusive practices before they intensify, as this could cost them punitive fees of over \$25,000 (Yamada 2013).

The private right of action means that complainants will file their claims directly in a state trial court (Yamada, 2013). The bill is designed to act almost as a statutory tort, which does not require state resources to resolve claims beyond the use of the courts (Yamada, 2013). The advantage of this is that it will discourage weak claims, but at the same time, it will make it hard to find attorneys if they believe that the damages are marginal. The anti-retaliation protection states in the bill: "It shall be an unlawful employment practice under this Chapter to retaliate in any manner against an employee who has opposed any unlawful employment practice under this Chapter, or who has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this Chapter, including, but not limited to, internal complaints and proceedings, arbitration and mediation proceedings, and legal actions" (Yamada, 2010). There is a need for this language to be added to the bill to make sure that the investigation, proceedings, and outcomes are not compromised. Its objective is also to

make sure that complainants seek in-house grievance procedures first before filing for litigation.

The additional affirmative defenses were created to make sure that the Healthy Workplace Bill would not be used as an alternative to the termination of an employee (Yamada, 2010). The reasoning behind this is to protect the employer against employees who are simply not satisfied with an evaluation or losing their job due to poor performance or for having conduct issues in the workplace. Also, in the event that the employee has not received a raise or compensation to which he or she feels entitled. And finally, in the event that the employee has documented illegal or unethical activity in the workplace (Yamada, 2013). One of the final pieces of the Healthy Workplace Bill was the election of remedies, which varied by the jurisdiction of the specific workers' compensation law (Yamada, 2010). Also, there were stipulations on the statute of limitations, which in the original bill was stated as one year from when the last incident has occurred (Yamada, 2004). Due to this bill not being enacted as of yet, there is no documentation on whether it has been successful in its mission.

International Anti-Workplace Bullying Laws

Anti-bullying laws were born in Sweden in 1993 and then in Norway in 1994, where adult bullying was met with a lot of public interest and the government allotted funding for research to study its incidence (Rayner & Hoel, 1997). Heinz Leymann (1992) is the pioneer of the anti-bullying movement in Sweden, and alongside other scholars, determined that these actions must have had occurred for at least once a week for at least 6 months, must be negative in the victim's life and must cause for him or her to socially withdraw from co-workers, friends, family, and ultimately fall ill (Rayner &

Hoel, 1997; Leymann, 1992b; Sjøtveit, 1992; Thylefors, 1987; Kihle, 1990; Einarssen & Skogstad, 1996). Scandinavians noted that workplaces that allowed for bullying had a “lack of leadership,” which was also noted by early American scholars on harassment in the workplace (Brodsky (1976) and Ashforth (1994) (Rayner & Hoel, 1997)).

Anti-bullying laws have also been put in place in other countries and regions around the world: France, Quebec, South Australia, Belgium, some states in Brazil, Spain Germany, and Chile, among others that are in progress (Lippell, 2010). In the case of Spain, France, and Belgium, mental health became the emerging interest in workplace bullying in 1989. With the help of the European Commission Council Framework Directive 89/391/EEC on Safety and Health of Workers, they introduced their ideas to the European Union, facilitating the introduction of laws protecting employees from workplace bullying. Quebec was inspired by this development and in 2002, they introduced their own law against workplace bullying (Lippell, 2010).

In 2009, with the Treaty of Lisbon entering the European Union’s bill of rights, the Charter of Fundamental Rights (2000/C 364/01) became legally binding and it states: “Human dignity is inviolable. It must be respected and protected. (Article 1) Every worker has the right to working conditions which respect his or her health, safety and dignity. (Article 31(1))” (Pinkos Cobb, 2017). The Charter is into effect even though several countries already have their own anti-bullying laws (besides France, Belgium, Sweden, Norway, and Spain; Denmark, Finland, Netherlands, Switzerland, and Serbia have their own anti-bullying legislations). Other countries in Europe within and outside the European Union have anti-discrimination and gender equality laws. The United Kingdom, for example, does not have anti-bullying laws but has anti-harassment laws

(Cobb Pinkos, 2017). The verbiage is almost reminiscent of the American laws where the actions (abused, threatened, victimized) have to be so extreme for them to be considered harassment. Another example the non-European Union country of Serbia, which has a Law on Prevention of Abuse at Work that became effective in 2010 (No. 36/10). It states that “the employer is required to organize the work in a way that as far as possible prevents the occurrence of abuse at work and provides the employees working conditions where they will not be exposed to abuse at work by an employer or employee (Article 4)” (Cobb Pinkos, 2017).

In Australia, there is an anti-bullying law and the Fair Work Commission has had the power to enforce it since 2014 under the Fair Work Amendment Act No. 73, 2013 (Cobb Pinkos, 2017). The Act assists those bullied workers who are employed in “constitutionally covered businesses” where they are suffering from repeated mistreatment (Roth & Squelch, 2015). Just like with other anti-bullying legislations, the behavior experienced must be repeated and also to the point where it is causing illness, whether mental or physical. In 2015, the law was updated to include examples of anti-bullying decisions that had gone through the Act’s process (Cobb Pinkos, 2017). The rationale behind adding this information was to make sure that those thinking of filing under this Act had a better idea of the process and what they should include and expect during the duration of it.

It is worth mentioning that in Australia, each territory also has its own anti-discrimination legislation that may also cover anti-bullying protections: Australian Capital Territory Discrimination Act 1991, New South Wales Anti-Discrimination Act 1997, Northern Territory Anti-Discrimination Act 1996, Queensland Anti-Discrimination

1991, South Australia Equal Opportunity Act 1984, Tasmania Anti-Discrimination Act 1998, Victoria Equal Opportunity Act 2010, and Western Australia Equal Opportunity Act 1984 (Cobb Pinkos, 2017).

Japan has anti-harassment laws that are aimed primarily towards persons in a job who harass others of lower status, which is called “pawahara,” or power harassment (Cobb Pinkos, 2017). These laws came about because of the high incidence of work-related suicides in Japan due to overwork, low compensation, and working conditions. There are three particular laws that have assisted employees well-being in the workplace: Industrial Safety and Health Law, which requires a mandatory annual stress check of all employees; Labor Standards Law, which ensures equal pay, equal treatment, and fair treatment between males and female employees; and the Act Promoting Measures to Prevent Death Due from Karoushi (due to overwork) (Cobb Pinkos, 2017).

Canada has a Labor Code in the Canada Occupational Health and Safety Regulations, SOR/86-304, which covers workplace violence (Paragraph 125(1) (z.16)), described as threats, actions, or gestures that cause harm, injury, or illness to an employee (Cobb Pinkos, 2017). A few of the Canadian Provinces have anti-bullying legislations. For instance, British Columbia has the Workers Compensation Act, Occupational Health and Safety Regulation, B.C. Reg. 296/97; Manitoba has the Manitoba Workplace Safety and Regulation Act; and Quebec has the Act Respecting Labor Standards, R.S.Q., C., N.I.I., 1980. The anti-bullying laws introduced in Quebec were modeled after those in Sweden, France, and Belgium, and were the first introduced and enacted in North America (Yuen, 2005).

Importance of Addressing Workplace Bullying and its Interpretations

Workplace bullying is considered a global phenomenon that is not only causing psychological and physiological damages to those impacted but consequently is causing losses in workplaces. These losses are not only financial but also cause employee turnover (Meglich-Sespico, Faley & Knapp, 2007). Other consequences of bullying include having employees not doing their job on time or correctly, taking longer breaks, taking excessive time off, wasting resources, and other counterproductive antics that can potentially bring upon issues to companies and organizations (Bartlett & Bartlett, 2011). Andrea Adams (1992) compared workplace bullying to cancer, one that is not easily detected until those affected start suffering the effects (Yamada, 2008). Employee Assistance Programs have been able to provide some relief to employees affected by bullying in terms of support but not in terms of conflict resolution (Vickers, 2004).

Social Conflict Theories Related to Workplace Bullying

The theories that can be applied to bullying in the workplace and how it is interpreted have much to do with how the world is constructed through the eyes of people. The theories selected for this study relate to the understanding of workplace bullying and fall in line with the application of interpretive policy analysis. Throughout history, interpretive philosophers have focused on the meaning of life as well as lived experiences; being able to understand one's experiences, as well as other people's experiences, which makes interpretive research "intersubjective" (Yanow, 2008). Each society functions as a system, where there are different roles and expectations from each individual that is a part of it (Besio & Pronzini, 2010). It does not mean that everyone is viewing reality through the same state of mind. Each society shares within itself certain

definitions and symbols; based on its cultural background, history, and interpretations.

Thus, in studying conflict in the workplace, one can use structural functionalism to look at society as a whole. One can also focus on the different interpretations of actions and symbols within sub-societies of larger societies through symbolic interactionism.

Constructivism will then help in learning the connections, interactions, and interpretations within and between systems. Interpretive policy analysts are ontologically constructivists but their theory can derive from other theories to further analyze their learned experiences (Yanow, 2003). The last two theories explained are the organizational culture theory, which also derives from symbolic dimensions and structure-functionalism within organizations; and systems theory in organizational theory, which focuses on understanding organizations as systems and their continuity. Below is a detailed summary of each theory as it relates to the study of workplace bullying:

Symbolic Interaction Theory. The symbolic interaction theory states that it rejects scientific methods and predetermined hypotheses because it focuses on the understanding of society and not its structure (Fontana, 2015). The theory was drafted by Herbert Mead in the 1930s (Fontana, 2015) and it is based on the idea that society is a consensual intersubjective world where with sharing of meanings among its members allows some stability where there is a constant change. However, there are topics that are a constant topic of controversy, allowing for multiple interpretations of their symbols and meanings. One of those topics is domestic violence, where the law has created some conditions that define it but there are gray areas, specifically in the way some people interpret it based on their experiences and background. Certain actions, for society, can

constitute domestic violence and abuse; also, there are levels of intensity of such, which makes interpretation more complex. The same occurs when discussing bullying, whether it is in schools or the workplace, because people will interpret it according to their experiences or that of their close friends and associates.

Like a systems theory, symbolic interactionism assumes that organizations function through a hierarchy of officers and committees that formulate policies and laws (Maines, 1977). However, it takes into consideration human behavior; it places primary values on subjective meanings rather than just on the structure, hierarchy, and processes (Visagie, Linde & Havenga, 2011). In dealing with workplace bullying, it is important to understand not only the levels of management but also the approachability and feasibility of the preventative measures against behaviors that can hamper productivity and civility among employees. Also, any preventative measures against bullying should take into consideration the reactions of employees. One of the features of symbolic interactionism is that it does consider individuals' decisions and actions, as well as any external forces that influence them (Visagie et. al, 2011). Thus, symbolic interactionism would support the notion that there are symbols (human actions) that are considered workplace bullying, but interpretations of them will not be identical or similar; sometimes they will be completely different, according to the individual's upbringing and life experiences.

Structural Functionalism Theory. The structural functionalism theory originates from the works of Emile Durkheim and Talcott Parsons and it notes that society is a system of interconnected parts that work together to maintain a state of balance and social equilibrium (Prasad Sbedi, 2014). It focuses primarily on structures and systems as a whole and what contributes to it in order to ensure its stability. Unlike symbolic

interaction theory, it focuses on the whole, how it becomes influenced, and what characteristics can do the influencing. In terms of bullying, it is applied by taking into consideration all of the characteristics that influence and define it. Of course, definitions themselves are open to interpretations and opinions, but there are some identified characteristics, what is called “social consensus” (Prasad Sbedi, 2014) on what constitutes bullying and how it can be prevented as a collaborative effort by society.

Structural functionalism recognizes that in order for a system or structure to survive, it must adapt to change in order to maintain its equilibrium (McMahon, 2009), supporting the idea that there is a social evolution in societies. Proof of such evolution is the study of workplace bullying, which became a topic of interest and concern in the 1970s and it is now an emerging issue. Parsons (1951) believed that there are four imperatives for societies: adaptation, goal attainment, integration, and latency (McMahon, 2009). Even though these are imperatives, it does not mean that every member of different societies and systems would interpret these in the same way, though they are generalized expectations. Collective members are meant to be loyal to each other and support themselves as a group (Flynn, 2009). Thus, when applying these imperatives to bullying, ideally, there should not be such incidents, though they occur. The rationale could be that workplace structures, and structures as a whole, do not all share the same ideas on adaptation, goals, integration, and latency. People do have their own upbringing, goals, and ideas and when interacting with others, their own behaviors can be misconstrued by others, even if they feel they are not doing anything wrong.

Constructivism. The constructivism theory states that people construct knowledge for themselves, constructing meanings both individually and socially (Hein,

1991). Learning is considered to be associated with the connection between people through sharing experiences, and it does not necessarily represent the real world (Kretchmar, 2008; Hein, 1991). Learning follows social interaction, language, and culture. The theory was developed through ideas of Alexander Wendt, who defined it as a Social Constructivism, giving place to understand social structures while taking into consideration emotions and cognitive beliefs (Ross, 2006). In terms of bullying, there are multiple emotions and opinions about what is and what it is not: interpretation and interrelation. It is important to remember that people construct their own reality and for people who have witnessed, endured, and survived bullying acts, the impact is such that they feel they have been scarred for life. People who have been subjected to bullying will have a different perspective on the actions, power-relations and on social systems based on their experiences. Also, they may encounter issues with trust, which is not addressed in the constructivism theory but it could impact social structures in terms of conflicts.

Constructivism recognizes that all knowledge is subjective and personal, which is relevant when considering the experiences and interpretations of bullying, including in the workplace. Like structural functionalism, constructivism recognizes that there is an evolution in social structures, as they are constantly being transformed through new identities, ideas, and interests being introduced in a society (Simpson, 2008). Bullying in the workplace is a fairly new phenomenon, and while it is starting to get more attention from societies, it has not reached the attention of the whole world primarily because there is no universal definition. People hear about it and they are constructing their own opinions and interpretations of it but it is an evolving concept.

Organizational Culture Theory. The organizational culture theory notes that social and structural components are “fully integrated” and they are in line with the ideas and symbolic dimensions of an organization (Allaire & Firsirotu, 1984, p. 199). Each organization has a set of beliefs, rituals, values, and knowledge aligned with its structure and about which each employee is aware of. Malinowski and Radcliffe-Brown developed an organizational theory through the lens of the structural-functionalist movement, adapting the theories of Parsons, Barnard, Sleznick, and Bennis. As a part of the structural-functionalism movement, organizations interact with the environment; however, they are not expected to differ from it. Parsons (1960) had noted that value systems are sub-values of higher ones; though other theorists disagree. An organization’s culture can be different from society’s culture. Also, organizational cultures differ with each other. Beckhy (2015) noted that employees in different occupations will shape the organization’s culture through their actions (Beckhy, 2015). Organizational theories would focus primarily on their characteristics as they relate to systems, whereas organizational culture relates to the interaction between all members within organizations, their rituals, beliefs, and values. Thus, it is important to focus not only in organizations themselves but also in the interactions and dynamics between employees.

Barney (1986) suggested that organizational culture has “pervasive effects” in employee relations when it comes to power, as well as how all members of an organization, both internal (managers, employees, etc.) and external (suppliers, customers, clients, investors, etc.) (Barney, 1986). Some cultures are going to be more intrusive than others; for instance, some financial companies will expect high sales, low costs, and a demanding competitive status. Thus, such companies might call for “rare

cultures” that are not easy to imitate in order to keep the competition at bay. Barney (1986) discussed that imitation among financial corporate cultures could become detrimental to their competitive advantage over others.

One element that contributes a great deal to the organization’s culture is power. Power can become the key player in manager-employee, employee-employee, and manager-manager dynamics. There does not have to be an assigned “power” to an individual; power is something that can be assumed or attributed and sometimes leaders have outside influences in their decisions (Perrow, 1973). An organizational culture where there is no clear leadership or overbearing supervision is where bullying could occur. Also, the victims of bullying are most likely to be those that do not hold much power but have the potential, in the eyes of the bully, to gain it because of their skills and knowledge (Hodgson, Roscigno & Lopez, 2006). Also, in organizations whose culture is very disorganized and chaotic, there might be a stronger feeling of powerlessness between employees because of the lack of leadership from the management. Thus, ideally, organizational culture is well-organized, has clear procedures and policies which managers oversee and make sure are implemented, and has managers who value their employees; such an ideal scenario is not always the case.

Systems Theory in Organizational Culture. The systems theory that was adapted to organizational culture was developed by Niklas Luhmann (Besio & Pronzini, 2010) and it states that society is a system of a higher order (Bechmann & Stehr, n.d.). Society, according to Luhmann (1984), is comprised of events that are interrelated with each other through physiological processes, communication, and social interactions. Luhmann (1984) also notes that society is self-sustained through communication and that

it is capable of changing itself within itself. It is important to note the origins of his theory because he later adapted them into a theory of organized systems, which can be applied to organizations. Luhmann (1973) applied it to the understanding of organizations as systems and their continuity. The difference between Talcott Parsons and Luhmann's systems theories is that the first focuses on the interrelations between subsystems, but the latter focuses more on the functionality within each system (Nassehi, 2005). Luhmann's (1995) focus on the problems and solutions created within each system is what sets apart his theory from other system theories developed. Thus, this is a theory that can be applied to the organizational cultures in workplaces, as the issues that affect them are most likely due to internal influences and not so much the external environment.

In organizations, possible problems have solutions within them and people can find ways to cope using their own resources (Nassehi, 2005). Organizations, like social systems, can experience influences from external sources but only if they are sought out. Luhmann (1973) placed importance on communication as the only mode in which a system can function, focusing on the connectivity in its events. For instance, he seeks to find how individuals can be meaningful to events but not only for the recognition of one individual, but for the event process itself. Since Luhmann (1973) is not quite looking for recognition of individuals but the process itself; it is assuming that there is a synergy in the system, which could explain the expected cohesiveness of organizational cultures in the workplace. Understanding the expected cohesiveness in organizational culture and placing high importance in communication can help analyze the functionality of systems and processes in place in the workplace.

Organizational literature has presented different types of measurements for organizational cultures, some based on behaviors, others based on language, artifacts, and norms (Lund, 2003). Cameron and Freeman (1991) came up with a framework based on four attributes: (1) dominant characteristics or values; (2) dominant leadership style; (3) bases for bonding or coupling; and (4) strategic emphasis present in the organization. Based on these, they came up with four types of organizational cultures: Clan, Adhocracy, Hierarchy, and Market (Lund, 2003). The main characteristic for each of these cultures is that they have their own shared beliefs, leadership style, and own set of values that helps its members in being effective. Below is Figure 1, which shows the differences between each organizational culture:



Figure 1. A Model of Organizational Culture Types (Lund, 2003, p. 221)

Identifying these theories will help during the discussion of the results of the research study in Chapter 5. In the meantime, Chapter 3 discusses the research methodology used for this research study in detail, including the ethical considerations taken to ensure that the data collected was properly handled.

Chapter 3: Research Method

This chapter introduces the research problem, research questions, and present the results through triangulation with the quantitative and qualitative data being used towards the interpretive policy analysis. Each step in the research methodology design explains step by step how the data was gathered and analyzed.

Mixed Methodology Research Towards an Interpretive Policy Analysis

The study aimed to provide an interpretive policy analysis of the Healthy Workplace Bill. In order to do so, there were several items that were analyzed: the original Healthy Workplace Bill and the versions of it that were passed in California and Florida, several terms and definitions of workplace bullying, an interview with an expert in the field, and a survey. The interpretive policy analysis method is used to analyze the possibilities in the multiple interpretations of a policy by focusing on the language used (Yanow, 2000, p. 21). The study focused on the language of policies in order to find out if people clearly understand what is being proposed, but most importantly, what workplace bullying constitutes. The steps of the Interpretive Policy Analysis are to identify the artifacts that carry the meaning behind interpretive communities as they relate to the given policy, the communities relevant to the policy that interprets these artifacts, the discourse within these communities by which they relate the artifact to be interpreted and the policy, and to discuss conflicting interpretations (Yanow, 2000, p. 33). The last step is to show the implications of the different meanings, the different ways they are seen by people, and the suggestions made for the reframing of policy language (Yanow, 2000, p. 33).

The interpretive policy analysis focuses on three different types of data: language, acts, and “physical objects used for these acts or written language” (Yanow, 2003). The study’s research will focus on areas where the language, acts and interactions, and physical objects or written language for these acts can be found: books, newspaper and journal articles (some from legal sources, others from experts in the field), an interview with an expert in the anti-workplace bullying movement, and employees and supervisors in California and Florida who could be impacted by the Healthy Workplace Bill if it was enacted. The study will depend entirely on written documents, reactions, experiences, and observations from others to shape the analysis of the terms, definitions, and actions that constitute workplace bullying. Even though interpretive policy analysis traditionally uses one or several qualitative research methodologies, the use of quantitative research methods as an addition in order to make this a mixed-methodology research study proves helpful in order to be able to reach more research participants.

Mixed methodology research is one that is designed with a “philosophical assumption as well as methods of inquiry” (Creswell & Plano Clark, 2007). This means that the research follows philosophical assumptions that help in the guidance of collection, analysis of the data collection, and in the mixture of quantitative and qualitative approaches to analyze it throughout the different phases of the research process. The rationale behind using a mixed methodology research design for this study is that they both may complement each other; the study can be more comprehensive and not be limited only to interpretations and content analysis but can also have a numerical data that provides additional value to the study. The study itself collected both quantitative and qualitative data during the same time frame, which would fall under the

triangulation design in order to obtain data that will complement each other on the topics of terms, definitions, and actions that constitute workplace bullying. The triangulation design's goal is to present the results into one "overall interpretation" from the quantitative results into the qualitative findings (Creswell & Plano Clark, 2007).

In order to facilitate this interpretive policy analysis, the study used a mixed research methodology of quantitative and qualitative data. The rationale behind using a mixed methodology for this study rather than just qualitative data was to also gain insight on what employed individuals from those in California and Florida considered workplace bullying and if they had any idea of what its definition might be through a quantitative survey. Morgan (2014) noted that some of the reasons one would consider doing mixed methodology research would be because qualitative research is considered induction, where theories are created from observations and lead to discovery and further exploration; and quantitative research is deductive, where theories are tested through observations and are oriented to cause and effect (Morgan, 2014). Also, a mixed methodology focus study was able to assist in focusing not only on generalized and objective data but also on detailed and subjective data to help address the problem summary and answer research questions below.

Research Problem Summary and Research Question

Workplace bullying is subject to multiple definitions and interpretations, which represents a challenge for proposed bills and laws such as the Healthy Workplace Bill. Employers and managers have a hard time implementing anti-bullying policies because they do not have a clear understanding of what constitutes bullying behaviors. The main question the study aims to answer whether the history of Healthy Workplace Bill and the

impact on the lack of agreed upon terms and definitions that affects the chances of the bill to be enacted, and in turn inhibits the mitigation of incidents of workplace bullying.

Among the specific questions to explore this research question, the following sub-questions will be explored:

Research Sub-Questions

- How do California's Abusive Work Environments Bill and Florida's Abusive Workplace Environment Act compare to the original Healthy Workplace Bill drafted by David Yamada?
- What are the similarities and differences in behaviors that define workplace bullying in the Healthy Workplace Bill identified by scholars, researchers, and employees?
- What are the similarities and differences in the interpretation and perception of workplace bullying by employees and managers? How do these compare with the definition of workplace bullying presented by scholars, researchers, policies, and bills?
- Do these similarities and differences have implications for the enactment of these bills and the effectiveness in mitigating workplace bullying?

Research Design

In order to conduct this interpretive policy analysis, the study is used quantitative and qualitative data in a mixed research methodology using a triangulation design. The triangulation design used is the convergence model, in which the researcher gathers the qualitative and quantitative data and analyzes it separately and then the results are "converged" during the interpretation (Creswell & Plano Clark, 2007). The rationale is

that this gave the principal investigator the chance to compare and contrast the results between the qualitative and quantitative findings and will allow for a more informative discussion and conclusion. One very important aspect that the principal investigator took into account was weighing the importance of the quantitative and qualitative data gathered in terms of how much time to spend on each. The original aim was to start the data gathering for both methods at once. The qualitative data needed for this study did not depend on technology for analytics or data gathering, as the quantitative data did with SurveyMonkey and SPSS. Triangulation traditionally has about an equal weighting in on importance when it comes to qualitative and quantitative data (Creswell & Plano Clark, 2007) and that was the goal of this research study.

Research Design – Qualitative

Data Collection. The qualitative data gathered for this study consisted of written documents as follows: Original Healthy Workplace Bill and those passed in California and Florida, books, newspapers, and journals (including from law journals and experts in the field). Other written sources included the transcript from an interview with an expert in the field of anti-workplace bullying and the collected responses from the free response section in the scenarios within the survey administered to respondents in California and Florida (which is further detailed in the research design – quantitative section of this chapter). The data was collected from different sources:

- Original Healthy Workplace Bill – David Yamada (2001) – Using LexisNexis Search Database Accessed through Nova Southeastern University’s Alvin Sherman Library.

- California’s AB 1582 Abusive Work Environments (2003) – Using the California Legislature’s Website called “California Legislative Information” doing a search by keyword, noting that the words used for this bill may have referred to “abusive work” rather than “workplace bullying”.
- Florida’s SB 308 Abusive Workplace Environment Act (2013) – Using the Florida Senate Website, searching by keywords, again using “abusive work” rather than “workplace bullying.
- Books: Using in the search bar “workplace bullying”, “emotional abuse”, “workplace harassment”, “adult bullying”, “incivility”, “mobbing”, “abuse in the workplace”, found through the Nova Southeastern University Alvin Sherman Library, the University of Central Florida Library (as the principal investigator of this study works for that institution and is able to use their library services) and Amazon.com. The books included 2 versions of Einarsen, Hoel, Zapf & Cooper’s *Bullying and Harassment in the Workplace*, Adam’s *Bullying at Work*, Brodsky’s *the Harassed Worker*, Keegan’s *The Psychology of Fear in Organizations*, Namie & Namie’s, *The Bully Free Workplace*, and Duffy & Yamada’s *Workplace Bullying and Mobbing in the U.S.* The oldest book used is from 1976, as that is the earliest recorded publication on this topic.
- Articles and Journals: Using in the search bar “workplace bullying”, “emotional abuse”, “workplace harassment”, “adult bullying”, “incivility”, “mobbing”, “abuse in the workplace”, exhausting the different terms used for workplace bullying and were found through the Nova Southeastern University Alvin Sherman and the University of Central Florida Libraries’ databases, such as

ProQuest, LexisNexis, Hein Online, EBSCOhost, Taylor & Francis and Sage Publications. Google Scholar was also used in finding some full articles not found through these databases, as well as the Inter-Library Loan Service. The articles range in dates from the 1990s to the 2000s. The search produced between 150-200 articles though not all were used due to the repetition of terms, definitions, and attribution to a specific scholar or scholars (as shown in Appendix A). Since the goal was to find definitions and terms that were being used; if they were repeated, as long as they were attributed to a scholar or scholars, those articles were tossed. The final list of articles is included in the reference list at the end of this study.

- Transcripts from an interview with an expert – The expert was selected when the name appeared in peer reviewed publications related to “emotional abuse”. The expert is a scholar who is very familiar with the Healthy Workplace Bill, knows David Yamada, as well as Gary and Ruth Namie from the Workplace Institute, and is familiar with many notable scholars from Sweden, Canada, and the United States who research on workplace bullying. The expert in the field has authored 49 publications and has contributed to the field of workplace bullying (starting with the term “emotional abuse”) since 1997. The interview took place at 9:00 am on September 26, 2018. The interview was conducted using Skype. The interview was transcribed by the principal investigator and it took four weeks to complete. The following questions were initially developed to be asked to the expert during the interview:
 - How did you decide on the use of the term “Emotional Abuse” to refer to workplace bullying?

- How do you define Emotional Abuse? What behaviors and characteristics are included?
- Were there any scholars that inspired you to use the term “Emotional Abuse” and/or its definition?
- I noticed that in a couple of your articles, you had several definitions of workplace bullying from different authors, starting with Brodsky’s (1976) workplace harassment. Do you think that definitions are constantly evolving in order to add behaviors or characteristics to them?
- Would a workplace bullying definition be more helpful if it is more specific or broad when it comes to it being interpreted by everyday people?
- In your opinion, what makes workplace bullying a topic that has too many synonyms and definitions?
- How would you define personality clashes and workplace incivilities?
- Could workplace incivilities or personality clashes eventually lead to workplace bullying? How so?
- Do you believe that supervisors and employees have different views on what behaviors and/or characteristics constitute workplace bullying? How so?
- In your opinion, what role does organizational culture play in workplace bullying?
- Why do you think anti-bullying laws were implemented in Sweden and other countries and not yet in the U.S.?

- What can be done to help the Healthy Workplace Bills passed in different states in the U.S., like in California and Florida, become enacted?
- Free responses from the survey's scenarios free response section – The survey that was administered to potentially 300 respondents and contained six scenarios. The survey was administered using SurveyMonkey.com and promoted using social media platforms Facebook and LinkedIn. More details on the creation, distribution, and collection of data from this survey are found in the qualitative data research design portion of this chapter. The survey contained a section in which the respondent determined if the scenario was an example of workplace bullying, workplace incivility, or personality clashes. Upon answering, the respondent was being asked to write in “why.” Those responses were collected and analyzed.

Data Analysis. The qualitative data collected was analyzed used a combination of different types of data analysis: Interpretive phenomenological analysis, the referential content analysis and thematic content analysis. Thematic analysis was used to focus on finding specific characteristics/behaviors that define workplace bullying in different texts/definitions by previous scholars. It was also used for the write in answers in the survey administered to voluntary research participants and the Florida and California survey via SurveyMonkey. The thematic analysis, even though it appears more general, assists in the identification of patterns and find the “shared meanings and experiences” (Braun & Clarke, 2015). The use of thematic analysis is an invaluable tool as it focuses on multiple data sets, as is the case in this study, where there are multiple documents

from multiple sources being read through and analyzed. The scholars referenced for the thematic analysis are Virginia Braun and Victoria Clarke (Braun & Clarke, 2015).

The referential content analysis was used to focus the comparison of the original Healthy Workplace Bill and the versions from California and Florida; focusing on its wording, similarities and differences. Krippendorff (1980:62) notes that referential content analysis is used when “the tasks is to ascertain how an existing phenomenon is portrayed” (Franzosi, 2004, p. 548). For the interpretive phenomenological analysis, the scholars referenced are Edmund Husserl and Martin Heidegger; focusing on the careful examination of human experience but at the same time, placing a hermeneutic emphasis outside of the interpretation of objects, relationships, and language; putting the everything into perspective (Smith, et. al, 2009).

Since the study is mixed methodology, it seemed appropriate to use three different types of qualitative analysis to assist. Chapter 4 describes in full which type was used for each type of data: In seeking to analyze the interpretation of “workplace bullying,” different definitions were provided by researchers, scholars, policies in existence, and the Healthy Workplace Bill; also, identifying characteristics that are often interpreted as synonyms of “workplace bullying” (including harassment, mobbing, etc.). The analysis projected to find the similarities and differences between definitions focusing on the following characteristics: (a) behaviors (b) time limitations/frequency of the actions/behaviors (c) intensity of actions/behaviors (d) consequences/impact on those impacted by such actions/behaviors, as well as any other characteristics that may stand out. Also, it anticipated to find the similarities and differences in the language of the different policies and the Healthy Workplace bill. The interview with an expert in the

field, as well as the write-in response sections of the administered survey, were analyzed with the combination of interpretive phenomenological analysis and thematic content analysis. The survey administered is described in detail in the Quantitative Research design of this dissertation.

Research Design – Quantitative

Data Collection. A survey was created and administered to different respondents from California and Florida with the goal of being able to provide a clear response to the questions below. The survey was created through the website SurveyMonkey.com. The reasoning behind looking for respondents only from those two states was for two reasons: California was the first state to propose and pass a version of the Healthy Workplace Bill, and Florida is the state where the principal investigator of this study resides and has a special interest in this area, and also to narrow the down the sample of responses given the length of time and complexity of this study. Upon the creation of the survey, the SurveyMonkey.com website creates a link; using that link, the principal investigator created the announcements to be posted on different social media platforms: Facebook and LinkedIn. Besides her personal social media platforms, the principal investigator shared the Facebook and LinkedIn pages of different interest groups she is a member of because of her occupation and educational interests (National Academic Advising Association, Student Affairs Administrators in Higher Education, American Society for Public Administration, Florida Higher Education Professionals, California Networking, Young Nonprofit Professionals Network, University of Central Florida Alumni Association, Association for Public Policy Analysis and Management, and Golden Key International). To avoid any biases towards the topic of workplace bullying in general,

the principal investigator did not post the announcement and survey link on any conflict analysis and resolution related social media pages.

The survey was designed to have 19 questions, from which 6 consisted of the scenarios. The scenarios included in the survey were created with the principal investigator based on her personal and observed experiences. The Appendices D and E contain the announcement for the study to invite participants as well as the survey. Before participants could start the study, they were prompted to provide consent to participate in the study. Participants had the choice to terminate their participation in the study at any time without consequences; however, they could not close the browser and exit the survey and then decide to go back to it. The survey was created to also disallow participants to go back to a question. The reason was for the participants to not second guess their answers and to get a more honest and raw response rather than one that they would research or overthink. The survey itself was created to take no longer than 20 minutes to complete. The original plan was to keep the survey active for 30-45 days but as seen in Chapter 4, to come near the goal goal, which was 300 participants, the survey was kept open for longer. Upon closing the survey, the data was collected through SurveyMonkey. The principal investigator paid to have the data collected from the survey as an excel file and from there created the data sets on an SPSS file. The SurveyMonkey site also does a free service in providing the general findings of the survey, so it was a great way to see when the survey was no longer generating any responses to determine when it was time to finally close it. It also generated some general descriptives from the answers from the research participants and the principal investigator was able to compare those with the answers from the SPSS data sets. It helped also in seeing where research

participants would stop and close the survey the most (for those that did not finish it). It happened quite often, which is addressed in Chapter 4.

Data Analysis. The questions below stem from the research questions and research problem but due to their nature cannot be answered simply by reading multiple journals and books. They need to be addressed by reaching out to a sample of employed people who can provide their responses to get a better picture on their thoughts of the definition of workplace bullying, the actions that comprise it, and whether they are aware or not if there are laws that have been proposed to address it. It will be interesting to see if employees and managers (those employees that have supervisory roles/duties) have different views on what workplace bullying is and if the organizational culture has any influence on it.

Thus, the questions being addressed through the quantitative research design are:

- Is there a difference in the interpretation of “workplace bullying” between managers and employees?
- Is there a difference in the interpretation of “workplace bullying” by managers and employees on relation to how it is defined in the Healthy Workplace Bill?
- Are managers aware or unaware of the healthy workplace bill or similar bills/laws being proposed in their states?
- Are employees aware or unaware of the healthy workplace bill or similar bills/laws being proposed in their states?
- Do employees and managers have similar or different views on actions that constitute workplace bullying?

- Do workplace bullying definition interpretations by employees and managers differ by the type of organizational culture of their employer?

The hypotheses for all of these questions is that the answer should be yes; however, to show if the acceptance or rejection of it; quantitative tests were administered and assisted in the data analysis. The quantitative data was analyzed by using mostly descriptives; however, there was the need to compare the data between groups; as is stated in the questions above, between managers and employees. Those types of data comparisons were accomplished by using a Chi Square of Independence test. The independent variables for the study are the organizational culture types, which the principal investigator used the ones identified by Lund (2003), the size of places of employment and whether the place of employment is private or public. The dependent variables are the perceptions of employees and managers about behaviors in the workplace.

Interpretive Policy Analysis Steps

The Interpretive Policy Analysis, according to Yanow (2000), focuses on two things: what the principal investigator hopes to find and what the principal investigator actually finds. The principal investigator hopes to understand the meaning of human action, as is the main goal of the interpretive policy analysis, combined with the consequences of would-be policies implemented, that in this case would be the Healthy Workplace Bill. Yanow (2000, p.22), noted five steps to accomplish an interpretive policy analysis. To those five steps, the principal investigator added how the mixed methodology data would contribute to formulate and show the results of such analysis.

1. Identify the artifacts (language, objects, acts) that are significant carriers of meaning for a given policy issue, as perceived by policy-relevant actors and interpretive communities (Yanow, 2000, p.22). The artifacts for the interpretive policy analysis of the Healthy Workplace Bill were the data sets identified for the qualitative and quantitative research methods (the survey responses, the original Healthy Workplace Bill and its versions, journal articles, etc.). From those data sets, there will be an opportunity to look at the actions (behaviors) and language (terms to describe workplace bullying). The quantitative data actually gathered responses from supervisors and employees which represents the actors of these “interpretive communities”. In the qualitative data, there is a reference to that too. More on the analysis is presented during the triangulation to interpretive policy analysis in chapter 4 of this study.
2. Identify communities of meaning/interpretation/speech/practice that are relevant to the policy issue under analysis (Yanow, 2000, P. 22). The communities were identified early on as individuals who hold employment and employers, to be aligned with the population identified by David Yamada when he drafted the Healthy Workplace Bill. Although there are also others that are interested in this policy: labor unions, academics, advocates, lawyers, policymakers, politicians, lobbyists, students, members of the communities of Florida and California and other states in which the proposed laws have passed or there is hope for this law to be passed. Each of these groups may or may not have a different way to identify or describe workplace bullying and its behaviors. More on these

communities of meaning/interpretation/speech/practice will be discussed in chapter 4.

3. Identify the “discourses”: the specific meanings being communicated through specific artifacts and their entailments (in thought, speech and act) (Yanow, 2000, p. 22). The different findings through the data sets in the qualitative and quantitative research methodology will assist in finding the discourses. There will be more of a discussion on this in chapter 4.
4. Identify the points of conflict that reflect different interpretations by different communities (Yanow, 2000, p. 22). The triangulation of the mixed methodology, qualitative and quantitative data will assist with identifying the points of conflict that reflect the different interpretations of workplace bullying. More on the discussion will be presented in chapter 4.
5. Show the implications of different meanings/interpretations of policy formation (Yanow, 2000, p. 22). Chapter 5 presents the analysis of the implications of the different meanings and interpretations of policy formation when it comes to the healthy workplace bill; however, based on the data analysis and results from the triangulation. The study also provides alternatives to the healthy workplace bill; after all, the bill itself has not been enacted. Chapter 5 also provides also recommendations for the healthy workplace bill, moving forward.

The research method is designed to be able to have plenty of data to conduct a comprehensive interpretive policy analysis for the Healthy Workplace Bill, which can bring forward some insight and recommendations for its future as it moves forward in other legislatures in the United States.

Ethical Aspects of this Research Study

Research ethics are important; they are standards of professionalism and conduct expected to be maintained when dealing with colleagues, research participants, and any other members of the community (Thomas & Hodges, 2013). Ethical standards are needed in order to ensure that research projects are conducted in a safe and fair manner and with integrity. In order to conduct this research study, the principal investigator had to complete a course at Nova Southeastern University online called the “Collaborative IRB Training Initiative” Program (CITI). The course walked the principal investigator through the ethical considerations along with institutional (Nova Southeastern University) and federal regulations when it comes to conducting research with human subjects. In conducting research with human subjects, as it is the case in the quantitative portion of this mixed methodology research study, there are important considerations in privacy, confidentiality, safety, conflict of interest, and most importantly honesty and truthfulness in reporting the findings.

The research participants from the survey were presented with a consent form to indicate voluntary participation before the survey began and they would either agree or not agree to continue with it. The survey and interview of the expert’s consent were both submitted for IRB review and approval to make sure that they were up to the standards of the federal and institutional policies. The IRB protocol also included a section that included a section where the principal investigator would add any possible risk to the research participants. The nature of the research included no more than minimal risk to the research participants because they were asked questions that sought out their opinions and perceptions. The questions did not go deep into their emotions or lived experiences.

However, at the end of the survey, research participants of the survey, in particular, were provided with the website links for the Workplace Bullying Institute, the National Suicide Prevention Lifeline, and the Equal Opportunity Employment Commission in case they needed so seek out help or support.

The data collected from the survey (SurveyMonkey link and responses, SPSS data) will be kept for three years starting after the conclusion and defense of this study, as noted by the IRB protocol. For the interview with the expert, the email with the original request was sent and then the consent for the interview was signed and dated by this person and also signed and dated by the principal investigator. The consent itself was reiterated once again during the interview, which was recorded using Skype and also through a recording software on a laptop. The transcription of the interview was done by listening through the interview and writing down the conversation. It was done by the principal investigator. The records (forms, transcription) will be kept for three years after the conclusion and defense of this study, as noted by the IRB protocol. The videos from the interview will be destroyed 10 days after the dissertation has been defended successfully, as presented and approved by the IRB.

Confidentiality is very important, thus the research participants for the survey did not have to provide any personally identifiable information throughout the survey. SurveyMonkey did not collect any information from their responses and they were identified as “research participant #” for each one. The research bias is an interesting case when it comes to interpretive policy analysis, especially, because it is a part of its theory. However, when it came down to presenting the data collected and findings, there are no exaggerations or overreaching in them.

The chapter introduced the research methodology design of this research study. Knowing the steps taken to collect the data, will help in understanding the complexity of the data gathered, volume, and results. Chapter 4 will present the results from the data collection and the analysis of each, qualitative and quantitative, as well as the triangulation of it.

Chapter 4: Results

The chapter introduces the mixed methodology results from the research design explained in Chapter 3. It starts off with the qualitative analysis and results and then it moves on to the quantitative analysis and results before concluding with the triangulation.

Analysis, Results and Findings

Qualitative Analysis and Results

Workplace Bullying Definitions. There were fifty-two definitions of workplace bullying or close to similar terminology found through a thorough search on academic journals using EbscoHost, ProQuest, Hein, LexisNexis, and multiple books. The field of study is fairly new, thus, the earliest definition found is from 1976 and the most recent from 2015. The compiled definitions for this study can be found in Appendix A. These do not include the one in the original Healthy Workplace Bill, and the versions of it in California and Florida, which have similar language but do not use the exact verbiage. Due to the nature of the texts (small 2-3 sentence definitions), the data analysis type used was thematic analysis. The steps for the thematic analysis are: getting familiar with the data, generating initial codes, searching for themes, reviewing potential themes, refining and naming themes, and producing the report (Braun & Clarke, 2015).

Thus, after re-reading and going through every definition and going through the first steps of the thematic analysis, the following themes were identified in each definition: (a) parties involved, (b) behaviors, (c) any exclusions, (d) time limitations (frequency), (e) perception by party(ies) at the receiving end of the behavior, and (f) effects of bullying behaviors.

- *Parties Involved:* Some of the definitions do not have a statement on who the parties involved in the bullying act are but rather on the behaviors. However, there were some definitions that did provide specific relationship dynamics between parties involved in workplace bullying. The following table shows the most notable found:

Table 1

Parties Involved in Workplace Bullying

Superior versus Subordinate
Subordinate versus Subordinate
Group of Employees versus Employee
Person versus Person
Leader versus Target
Coworker versus Employee
Group of Employees versus Group of Employees
Group of Employees versus Individual
Several People versus Person

It was interesting to note that there was no one level of employee identified by all definitions as the main bully. As noted in the table above, the definitions use different terms to identify the parties involved in workplace bullying, which means that there really is not a specific number of people that can be involved in this action. All there needs to be is two, the person who commits the act and the person at the receiving end. With regard to the language, the different definitions show that the bullying can occur

between two parties who are at the same ranking level or between parties in different ranking levels, including supervisors, subordinates, and employees of equal status. In reviewing the behavior, power dynamics certainly play a role in who becomes involved in workplace bullying, which can be observed in the behaviors noted in the definitions. Power dynamics do not have to happen in terms of different titles or pay scales; it could be perceived, where one employee perceives to have more power or influence over another.

- *Behaviors*: There were several behaviors and levels of aggression described in these definitions, from self-described low-intensity deviant behavior all the way to homicide. The definitions, when it came to behaviors, all included "intent" as a determinant of this behavior. They all focused on either "malice," "hostility," "offensive," "deliberate," "humiliate," "terrorize" or all-around "harm," whether it is verbal, non-verbal, or both. These were the most common themes found in the definitions. The list of all of the characteristics found in workplace bullying definitions by term can be found in Appendix C.

Table 2

Behaviors Found in Workplace Bullying Definitions

Humiliation, offense, distress.
Harassing, offending, socially excluding someone.
Systematic negative social acts.
Persistently snapping, finding fault.
Causing physical and/or psychological harm.

Persistently provokes and frightens.
Pressures, intimidates, discomforts.
Systematic abuse of employees.
Psychological demeaning.
Torment, wear down, frustrate, or get a reaction from another.
Ganging up on someone.
Emotional assault, intimidating
Degrading, humiliating, or creating an offensive environment.
Hostile and unethical communication.
Repeated, malicious, health-endangering mistreatment.
Persistent, negative, interpersonal behavior.
Vindictive, cruel, malicious, or humiliating attempts to undermine.
Interpersonal aggression.
Physical assault and aggression, verbal abuse.
Health-harming mistreatment.
Behavior ranging from social ostracism to overt aggression.
Rude and discourteous.

The different behaviors presented a picture of the intensity of workplace bullying and also of its escalation. It is also interesting to see how most of the definitions focus on the humiliation and psychological harm inflicted on the bullied person. The exclusions theme, presented in the following bullet, is controversial because some definitions do not

consider physical harm a part of bullying but some do. It is interesting to see the intensity of workplace bullying having limits for some of these definitions.

- *Exclusions*: Some of the definitions contained some exclusions in the definitions of what is considered workplace bullying. One of the most notable is the use of physical contact as it is not a part of bullying but of something worse. If a bullying act involves a physical act, it becomes a more serious offense. In at least one definition, the action itself, an isolated event versus it being a repeated or chronic issue, is also a determinant of it being considered bullying or not. At least one definition did not consider isolated incidents as workplace bullying. The issue of parties involved had the same position or was of equal power standing within the organization and was in conflict, but it was not considered workplace bullying.

In terms of language, it was somewhat difficult to find a strong rationale for why these exclusions were reasonable enough to include if one were writing a comprehensive definition because, for those bullied, the physical attacks might not be direct but can be causing physical pain (for example, stress, illness). And, with regards to the isolated incident, a person who is being bullied might take action early enough to not allow for a repeated bullying action occur. Needless to say, the issue of exclusions in workplace bullying definitions seems to be complex and does not appear on many of them; however, it is important to address the exclusions issue because it expands the argument around the specific behaviors and levels that constitute them.

- *Time Limitations (Frequency)*: Referring to time frame of bullying incidents: Is once enough or should they occur more than once? Time limitations on workplace

bullying incidents and actions within these definitions was an interesting find because twenty-four out of the definitions were very explicit as it having to be a repeated and persistent action. Three of the definitions were more passive and had mentioned that the incident could be isolated or the heat of the moment. The rest of the definitions did not have an explicit length of the workplace bullying incident occurrence for it to be classified as so.

- *Perception by Party/Parties Receiving the Behavior (Bullying Victims):* Most definitions agree that the actions received are unwanted and perceived as hostile and offensive. Another observation in the language of these definitions when it comes to perception by the bullied is feeling unwell and starting to fall ill. Some of the definitions focus on the emotional health, while others do take it as far as to focus on the overall health and safety of the employee that is being bullied. The definitions focus on the helplessness, fear, and anxiety caused by the actions inflicted by the bullies, leading to distrust of fellow employees, superiors, and the organization.
- *Effects of Bullying Behaviors:* There are many different effects that bullying can have on the bullied. Some of these noted in the definitions are:

Table 3

Effects of Workplace Bullying

Physical and psychological harm.
Unpleasant work environment.
Atmosphere that interferes with efficiency of work environment.
Hostile environment.
Health and Security Risk.
Keeps work from getting done.
Threatens well-being of the organization.

The effects focus mainly on two themes/codes: productivity and the health of the bullied. If there are issues between the employees of an organization, it will prevent work from getting done. It will also create a tense environment. With hostility comes the probability of issues spreading to other areas of the organization, which is one of the reasons why it is important that a definition includes the consequences and effects of workplace bullying so that managers, supervisors, and owners of work establishments and organizations remember this. Productivity is important because that is what drives a place of employment to stay in business and if there are too many interpersonal issues between employees then it could lose focus on its mission.

- *Final Thematic Analysis Report on Workplace Bullying Definitions*

In analyzing the definitions found, there were six themes that stood out the most: parties involved, behaviors, exclusions, time limitations, perception by the party(ies) at the receiving end of the behavior, and the effects of bullying behaviors. All of these

themes are important in the definition because they address the reasons why workplace bullying is important: who is affected, how it impacts a person or people as well as a workplace, the identification of the perpetrators, the time frame; but the most important aspect to define is the behaviors, and also the most complicated.

Even though most definitions provide either a slim or concise list of behaviors that constitute workplace bullying, there are many assumptions that could be made when one reads them. From the behaviors listed in Table 2, there are some that do not specify if the actions have to be physical or psychological, as they could be applied to both. Take for instance: humiliation, offense, distress, frightens, discomforts, systematic abuse of employees, torment, wear down, ganging up on someone, intimidating, vindictive, cruel, malicious behaviors. Yet, there are some definitions that only consider psychological aggressions as workplace bullying and if they escalate into physical aggression then it becomes a more serious offense. Thus, that could be one of the reasons why workplace bullying is a conflicting and confusing concept that is difficult to define and explain. If there are not defined parameters of behaviors of what it covers and what it does not, then there will always be misconceptions about what it means.

As the analysis continues in the next section with the Healthy Workplace Bill versions, it will be interesting to see which behaviors are and are not explicitly noted in them.

Healthy Workplace Bill Versions. The original version of the Healthy Workplace Bill, along with the ones from California and Florida, were analyzed using the referential content analysis. The reason for this is because the referential content analysis focuses more on the language and in this case, there was a comparison of three

documents that on the surface appear alike, yet do have differences between them. The referential content analysis focused on the description and ways in which the same thing is perhaps mentioned in each bill but with a different language (Franzosi, 2004). Thus, the following analysis focuses on the three versions of the Healthy Workplace Bills, focusing on the language and what may be included or excluded in the original versus the ones from California and Florida, and vice versa.

The original Healthy Workplace Bill, drafted by David Yamada, starts off by explaining that workplaces need employees who are healthy and productive; however, there are surveys and documented cases of abusive workplace behaviors that have demonstrated their effects on employees and in the workplace (Yamada, 2004). Also, those surveys and documented cases explain the rising percentages of incidents of these abusive behaviors where legal repercussions cannot be sought because that are not in sexual harassment nature or on the basis of color, sex, origin or age. In other words, it sets the premise for the reason behind the need for this bill. The California Abusive Work Environments AB 1582 does not have this introduction per se, but does explain that the current laws do not cover employees unless the abusive act is in the bases of race, religion, color, origin, ancestry, disability, mental disability, marital status, age, or sexual orientation (California Legislature, 2004). Florida's Abusive Workplace Environment Act SB 308 does not have this introduction; however, this bill was introduced almost ten years after the one in California so perhaps that was the reason.

The original Healthy Workplace Bill drafted by David Yamada included a definition that was very broad. He did not use the term "Workplace Bullying" in the bill because it is not a court-friendly term, and he wanted it to be in a plain term so he could

associate bullying and abusive conduct behaviors that were not associated directly with court-defined harassment or status-blind categories (Yamada, 2018). All three definitions for the bills used “hostility” as a way to define the behavior and its perception by the person at the receiving end. The definitions used in the bills can be found in Appendix B.

The definition for the original bill does not emphasize the parties involved but the definitions for the bills in California and Florida do, perhaps to make it more specific for their constituents. Only the definition provided in the Florida bill provided a time limitation, which is noted as a “pattern of behavior” and “frequency of the conduct.” It is interesting that in both California and the original bill, the behaviors themselves are not explicitly noted in these definitions but they are in the bills themselves. The definitions do emphasize the hostility, malice an offensive nature of these acts that constitute bullying. Neither of the definitions discusses the effects of these bullying behaviors but they do note that these actions are not related to the workplace. All three definitions also leave the interpretation open for how the person at the receiving end would find the behavior, whether it is hostile or offensive, and the severity of it.

The original bill and the bill from California are similar in their verbiage and content, which in retrospect makes sense. California was the first state to propose and pass this bill. The original, the California, and Florida bills all use the standard format of a bill to define terms, although in the California bill the terminology is slightly different, as it refers to “meanings” rather than “definitions.” All three bills contain similar terms and definitions except for one: “negative employment decision” and “Adverse Employment Action,” which both mean termination of employment, unfavorable reassignment, failure to promote employee, disciplinary action against employee or

reduction of salary of employee, all due to misconduct (Florida Senate, 2013, California Legislature, 2004).

All three definitions include the following characteristics to describe abusive conduct: “repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the gratuitous sabotage or undermining a person’s work performance” (Florida Senate, 2013; California Legislature, 2004; Yamada 2004). What is very interesting about these characteristics is that there are no examples or further explanations about what these actions and behaviors could consist of. There is a mention of physical conduct, but again, the boundaries of what is and is not included are not provided in either of the bills. It is interesting to note that if these bills would be enacted they could potentially have issues with interpretation by lawmakers, victims of workplace bullying, and employers who could note that there is much room for interpretation.

The most significant difference found in the bills is that the original and California bills are directed towards all institutions, public and private, without discrimination. In contrast, the Florida bill is targeted towards public institutions only. The difference is found in the definitions section where “employer” is defined. Whereas both California and Florida are very clear to include the depth of public entities that the bill would cover, the Florida bill does not mention anything regarding the private sector. The original bill is more general in terms of who is covered under the bill, and even though it does not state “private” sector explicitly, it does state that it includes

corporations, partnerships, associations, and any other organizations that give compensation to individuals in exchange for performing labor (Yamada, 2004).

The bills conclude with notes on remedies and reimbursements, which is perhaps one of the most interesting parts of the bill because it includes workers' compensation and its role. It basically prevents an employee who is filing a claim to be able to obtain a reimbursement twice (through worker's compensation and this bill). The employee would be able to get some kind of compensation for missed work or for other reasons but not for what the worker's compensation is already paying (if the employee has filed a claim under it as a result of the abusive work environment). Also, both bills, California and Florida, do not include a clear section on retaliation in their bills as the original does. The retaliation section was added in the original bill in the event that the employee that had filed a charge under this bill would not get any type of retaliation from the employer being investigated during the time of the investigation itself or any part of it (arbitration, proceedings, complaints, etc.). In comparing the bills it is interesting to see the language and corrections and when they were passed, but there are no notations on why they were not enacted.

The full text for the original Healthy Workplace Bill can be found in Appendix E. The full text for California's Abusive Work Environment's Bill AB 1582 can be found in Appendix F. The full text for Florida's Abusive Workplace Environment Act SB 308 can be found in Appendix G.

Interview with an Expert. On September 26, 2018, the principal investigator of this dissertation conducted an interview with an expert on the study of workplace bullying. What made this person an expert is the number of years dedicated to this topic

(since 1997), the number of authored publications (currently 49) and the person's knowledge on the Healthy Workplace Bill. The interview lasted one hour and 50 minutes and it flowed mostly as a conversation rather than a question and answer; as the expert was eager to discuss the many scholars that have left an important mark in the field of workplace bullying and emotional abuse. However, the expert touched on all of the questions planned for this interview. The transcript for the interview was transcribed by the principal investigator. The raw data from the interview was originally going to be analyzed using referential content analysis. However, after further review of the data and further readings of different styles of qualitative research analyses in existence, it made much more sense to do an interpretive phenomenological analysis.

The original reason why the principal investigator was going to use referential content analysis was to focus on the different experiences, from different points of view of the expert on workplace bullying. However, upon conducting referential content analysis, there was a flaw by the principal investigator: focusing on the different points of view did not present a groundbreaking analysis. Thus, the interpretive phenomenological analysis follows the hermeneutic principles of this study and gave the principal investigator a chance to take a closer look at the data collected and to provide a discourse narrative based on the first-person account of the expert's experiences (Smith, Flowers & Larkin, 2013). The method used follows that of Smith, et al. which was originated from psychological research but later adapted to other social sciences and it is based on the desire to "incorporate other knowledge to expand its own knowledge base" (Alase, 2017, p. 11). The interpretive phenomenological analysis focuses on examining the lived experiences of people and the impact they maybe leaving on others. Taking up

an interpretive phenomenological analysis became a more lengthy and tedious process but it produced more valuable data.

- Step 1. The first step in the interpretive phenomenological analysis involved reading and re-reading the transcript of the interview in order to get familiarized with the raw data (Smith, et. al, 2013). At the time of reading, there was already an identification of patterns and also to recall the interview flow and appreciation of the expert's knowledge.
- Step 2. The second step in the interpretive phenomenological analysis consisted of the initial noting of the semantics and language used while maintaining an open mind (Smith, et. al, 2013). The principal investigator printed the transcript and highlighted it in different colors to differentiate the data in the following categories:
 - Descriptive comments (blue): Key objects, events, experiences from the expert, as well as any personal and emotional responses (Smith, et. al, 2013).
 - Linguistic commands (pink): Language use, reflections on the ways the content and meaning were presented, the tone and fluency, as well as metaphors (Smith, et. al, 2013).
 - Conceptual comments (green): Takes an interrogative form and this is the interpretive side of the analysis; the principal investigator removes themselves from the analysis (Smith et. al, 2013). There are perceptions, understandings, and constructions of the expressions in the data. There will also be a moment a reflection on the participants' experiences on the past, present and imagined

future (Smith, et. al, 2013). Interpretation is inspired by the expert that was interviewed and not by the principal investigator.

- Deconstruction (orange): Fracture narrative flow of the narrative to get a better feel for it (Smith, et. al, 2013).

The highlighting of data into these categories assisted in creating exploratory comments, which are not the final observations for the data, but rather serve a purpose in Step 3 when finding major themes. Also, it will assist in the interpretation of the phenomenological analysis. The creation of exploratory comments was done on a hard copy as recommended by Smith et. al to facilitate the steps that come after.

- Step 3. Develop emergent themes from the larger data sets that came out from Step 2; break out the flow from the interview (Smith, et. al, 2013). The principal investigator will start looking closely at the expert's words, thoughts and expressions and then provide an interpretation; this is the hermeneutic cycle.
- Step 4. Searching for connections across emergent themes and bringing it together.

The data analysis from Steps 2 through 4 show that there are specific characteristics that contributed not only to the expert's studies in workplace bullying but also to the perceptions and opinions in this field. The first one, the expert is from Canada and had already done research and contributed to studies in the field of workplace bullying, under the term emotional abuse, before coming to the United States in the 1990s. When the expert came to the U.S. in the early 2000s, there was work already being done in the field of workplace bullying, by Drs. Gary and Ruth Namie, as well as David Yamada. The expert started networking with these groundbreakers in the field in

the U.S. and also met another academic, Joel Neumann, with whom the expert wrote a few academic journals focusing on workplace aggression. The expert had done extensive research to address workplace bullying in Canada. Thus, it also allowed for the expert to become familiar with Einarsen, Rayner, Leymann and other academics and practitioners from other parts in the world that had been studying bullying. The expert had already started making comparisons between countries on which characteristics are considered bullying and the escalation of aggressions that can lead to bullying. However, perhaps the knowledge on the multiplicity of workplace bullying terms and definitions being attributed to the U.S. more so than to other countries was an observation the expert made, backed by the studies of a couple of research scholars:

“In 2011, she (Lilia Cortina) argues that workplace bullying is a broader concept of workplace aggression as a concept and the moderators and things like frequency, resistance, who the actors are and stuff like that. I think that there’s a convergence happening in the United States. US researchers have been fascinating in that they have contributed to proliferations constructs. In the U.S. you will see that many many many terms are used where that’s not characteristic of any other countries including Canada...” (Expert Interview Transcript, 2018)

“Hershcoviz is Canadian who comes through the Julian Barling school. She writes more about workplace aggression She has written some stuff about incivility. So part of it is to think what is the function of having a multiplicity of terms. Sandvik-Lutgen I think does an interesting job. Where she argues that we shouldn’t be doing that; having multiple terms...” (Expert Interview Transcript, 2018)

The comparison of the U.S. multiplicity of terms versus how it has been handled in other countries is an observation this expert has noted and alluded to the U.S. is perhaps the only country that has “incivilities” as a term used to describe lower scale incidents that could escalate and potentially lead to workplace bullying and aggression. Also, the expert noted that while the U.S. has a focus on incivilities, other countries do have a focus on the farthest consequence of workplace bullying, aggressive behaviors, and violence. Perhaps noting that this is a difference between the U.S and other countries’ views on workplace bullying.

The second characteristic is the expert’s personal experience that led to the beginnings of the expert’s research in workplace bullying and therefore becoming one of the first to be featured in the Journal of Emotional Abuse’s inaugural issue. The expert did not experience workplace bullying, but a friend did; and when that happened, there was a realization that there was not a name in the English-speaking world to call such a phenomenon. It was the early 1990s and the only literature the expert found that could relate somewhat to what the friend was experiencing came from the literature on domestic violence and it did have a name: Emotional abuse. It described the abusive, manipulative, undermining, dismissive and gaslighting behavior that was also repetitive. In the case of the friend, it came from the supervisor and it had “honeymoon periods” when all was seemingly alright when suddenly the supervisor would then snap back into the abusive pattern; going after all subordinates. The phenomenon/behavior was disrupting not only the friend’s job but also that of all employees that worked under that supervisor.

Studying the “phenomenon” the expert’s friend was going through took time and a lot of research, but the initial study was on undergraduate students that had jobs and their experiences with emotional abuse. The results from that study led the expert to then study the experiences of research assistants with emotional abuse; which was the one that got published in the Journal of Emotional Abuse. In describing emotional abuse in the workplace, the expert focuses on the intensity of the experience, pattern of behaviors and persistence. Over time, the expert’s research led to workplace bullying and thus, moved towards the difference between terms, where workplace bullying encompasses more than emotional abuse; and emotional abuse is a component of workplace bullying. One of the reasons why the expert considers now emotional abuse as a component of workplace bullying is because physical abuse could happen in workplace bullying, not just emotional. In moving towards using workplace bullying, the expert includes the following motivators: Seeks to disable, undermine, demean and diminish confidence leading to incompetence, physical distress, inability to do the job, spillover effects to family.

The third characteristic is the expert’s multiple presentations at all levels, from college campuses as a professor, colleague and as an expert in workplace relations (presentations to employees in campuses at all levels), to presenting at unions, senior citizen communities and other interactions with different colleagues, young researchers and people in general. Thus, having that interaction with people at different levels and with different positions in the workplace and in the community has assisted the expert in understanding the impact of workplace bullying. The expert has researched

circumstances when other authors/colleagues/academics have seen when either the culture of an organization has allowed for workplace bullying to be acceptable.

For instance, “strategic bullying”, when a low performance employee is bullied in order to get them to get motivated to do better; sometimes also called “situational leadership”. In other circumstances, bullying has been seen to be a survival mechanism within families, schools, workplaces, and other settings; and why it prevails or grows has a lot to do with how much the “climate” allows for it. High achieving employees sometimes are allowed to engage in questionable behaviors because they are the best and the company may care more about their interests than those of the employees; this is what the expert called idiosyncratic credit. There are other bullying types that have been studied by other scholars that the expert mentioned: Organizational bullying, depersonalized bullying, and public bullying. On a personal anecdote, the expert shared that a superior once said that smart people are abrasive; meaning that the organization needed to create more space and tolerance for that behavior for people that represented that.

The expert mentioned that scholars Barden and Hershcovitz consider workplace aggression as a relational phenomenon, where the meaning of the behavior is influenced by who does it. The expert also mentioned Karl Aquino and Lamertz and their studies where they mention that you cannot have a bully without a victim. The expert assumed that people do not like to talk about the dynamics in the relationship between a bully and a victim; which brought the example of personality clashes and if they exist or not. According to the experts, they do exist; however, they can be a sign of mismanagement:

“[Personality clashes] I think it’s just a way of people being able to stay away from really having to really embrace the fact that you have a persistent hostile interacting going on with them.” (Expert Interview Transcript, 2018).

“So when I do trainings, I’ll say to people, what purpose is served for a manager for them to say that what’s going on between these two co-workers is a personality conflict or a personality clash? What is the purpose served for them? And what the function for the manager is if it’s a personality conflict? It’s not my problem, it’s your problem, you deal with it. It allows me to back myself out of this situation.” (Expert Interview Transcript, 2018)

The expert noted that the perspective that the researcher/academic takes when studying the views of different stakeholders on workplace bullying: As a researcher, academic, employee, manager, CEO, observer, someone who has been bullied before or perhaps as someone who knows a person who has been bullied. The reason for this mention had to do not only with the dynamics between employees and managers and what they understand to be workplace bullying; but also when it comes to researching the phenomenon as a whole. The expert noted that people who have been bullied before or know someone who has, are more likely to have a “greater sensitivity” or “confirmation bias”, which means that they will be able to notice the patterns before others and are likely to be expecting for it to happen. The sensitivity towards bullying for those exposed to it is greater and they expect to have it happen again no matter which climate or scenario they are in.

The final characteristic had to do with the expert’s knowledge on the anti-bullying laws in existence in some Canadian Provinces in comparison to the proposed Healthy

Workplace Bill. The expert called the term and definition provided in the Healthy Workplace Bill “conservative”; meant to start conversations in organizations to start caring about the workplace bullying phenomenon. The expert does recommend to look at the laws from other countries that added an anti-bullying regulation at the federal or provincial level. The countries the expert provided as an example included the United Kingdom, Canada, and all Scandinavian Countries. The expert does believe that the lack of support for the Healthy Workplace Bill could come because of the laws that are in existence already for Sexual Abuse/Harassment and Racial Abuse. Although the Healthy Workplace Bill is looking to cover for those abuses that are status blind; the expert believes that there will be those that are not convinced about the need for this. Thus, the expert used the old saying “don’t put all the eggs in one basket.”

The expert talked about two groups that could be crucial for the creation and support of anti-bullying policies in organizations. The first is for organizations and companies to have an ombudsman, who are the front line of the happenings in employee-employee, manager-employee, manager-manager relations. The expert expressed great respect for the role of ombudsmen and emphasized their importance as people bring forward to their experiences on workplace bullying. The other group of importance is labor unions as they are working hard to implement provisions to fight workplace bullying. The expert mentioned that both groups can be called to be a part of a larger advocacy and to mobilize employees to start influencing their own organizational culture, as it does not have to happen only from the top (management). The ability to respond to bullying incidents, the expert says, can occur at all levels since there are more employees than leaders in organizations.

The expert's interview provided a plethora of scholars from different fields that nonetheless contribute to the study of workplace bullying. The analysis of the interview helped in finding the characteristics in which the expert contributed to the field and to the questions that were presented. The conversation on workplace bullying and what is next for the expert does follow a path that is similar to that of the principal investigator: Higher education. The expert and principal investigator did spend time exchanging ideas on the dynamics of civility in such a complex environment. The accounts on the expert's interactions with different groups of people of all ages from different work environments did make the final suggestion from the expert that will be interesting to see how the new generations will interpret behaviors as workplace bullying. Another takeaway was the debate on having or not having a "definition" per se for workplace bullying. The expert mentioned that it could be handled differently; as a behavioral checklist, although for some it could trigger memories and perhaps feel the need to self-identify as a "victim". Another is a definition based on experiences from those who have been bullied. No matter what, the final consensus should address the diversity and inclusion of the workplaces.

Free Response Sections of the Survey's Scenarios. There were 6 scenarios provided in the survey, described in detail in the quantitative methodology sections of this dissertation, in which the respondents were to state if they thought they represented the actions of workplace bullying, workplace incivilities, personality clashes, or if they were unsure. Prior to answering that particular section of the survey, the respondents were provided with the definition of workplace bullying as is defined in the original Healthy Workplace Bill, as well as definitions for workplace incivilities and personality

clashes. When the respondents decided what the scenario would constitute, they were then prompted to explain why they chose their response.

Below are the scenarios presented in the survey followed by a thematic analysis of the write in responses. The aim will be to find out what themes are associated with the scenarios presented and also with the terms “workplace bullying”, “workplace incivilities” and “personality clashes”. As was the case with the Workplace Bullying Definitions sections, the thematic analysis was conducted using the following steps: get familiar with the data, generate initial codes, search for themes, review potential themes, refine and name themes and produce the report. Since there are six scenarios, the thematic analysis was done for each scenario; but a comprehensive report for the whole write-in section of the survey is presented at the end of this section.

***Scenario #1.** Dr. Collins is a cardiac surgeon. After each surgery, he gets his nurses and assistants asking him questions about the next surgeries. However, after each surgery, he likes to read his text messages and personal emails. Gail, one of his nurses, starts reading the chart for the next patient. Dr. Collins cuts her out, puts his hand in front of her and says, “I don’t have time for this right now!” and walks away. Gail is left stunned, though she acknowledges this is not the first time he has ever cut her off.*

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- *Workplace Incivilities:* Rudeness was one of the themes for workplace incivilities, as well as an intention to try to control a person but not specifically to harm.

Being a discourteous, disregard for a person, lack of respect, unprofessional behavior; however, it did not reflect a pattern.

- *Personality Clashes:* The themes that came out for personality clashes were not consistent as they were for workplace incivilities, where there was almost a unanimous agreement on rudeness. The themes were: frustration, poor communication or poor articulation of ideas, desire for space, disagreements, different expectations of behaviors, clashes in what each person thinks it is important at the moment.
- *Workplace Bullying:* There was only one theme that emerged and that was a repetition of the offense, meant to demean and devalue.

The data showed a few themes that could prove helpful to understand what employees and managers think workplace bullying, personality clashes, and workplace incivilities mean. The themes that originated from each term were definitely specific for workplace incivilities, there were several responses attributed to rudeness or rude behavior and lack of respect. There is an understanding that incivility is offensive and it is not acceptable in the workplace. The themes for personality clashes were not as consistent so it was hard to pin point one that stood out; however, miscommunication was one that came up in more than one occasion. Workplace bullying was mentioned only once and had one theme that was the repetition of demeaning and devaluing offense towards a person. The themes do show a difference in what is understood to be workplace bullying, workplace incivilities, and personality clashes.

Scenario #2. Jamie works as an advisor at a university. She noticed that her supervisor, Linda, has been taking many days off, does not help during peak times, and

keeps delegating her emails to others. Concerned, she decides to speak to Linda's supervisor, John. She is aware that she could be retaliated against, and pleads with John not to let Linda know that she spoke with him, because all she wants is for things to change for the better as a team. A few days after her meeting with John, she notices that Linda will not look at her or say good morning or acknowledge her presence. Then, when the annual evaluation is provided, she gets below satisfactory for an array of unexplained reasons and fabricated incidents. She tries to present a rebuttal to Linda and John but they do not retract the evaluation.

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- *Workplace Incivilities*: The themes that came up in this scenario's write in answer were not repeated offense, low intensity, unprofessional, and intentional lack of communication. The mention of lack of communication and not a repeated offense got the most mentions in this answer by the respondents that wrote in a rationale for them suggesting this is workplace incivility.
- *Workplace Bullying*: The themes that came up with this scenario's write-in answer as they relate to workplace bullying are deliberate and intentional harm, retaliation, position of authority used to punish or cause harm, hostility, and actions that can be construed as a personal attack.
- *Personality Clashes*: The only theme that came out of the write in answers for personality clashes is not being malicious just being an unintentional "jerk".

The themes that came out for the write in answers for this scenario when respondents answered workplace bullying, workplace incivilities and personality clashes offered an insight into the differences between the three terms. There is starting to be a clear line in which workplace incivilities relate more to rudeness or lack of communication, perhaps something that is not repetitive; whereas workplace bullying is intentional, deliberate and it is harmful. The interesting thing was personality clashes with the “unintentional jerk” mention; which probably does describe how a person would view another with whom he or she does not get along but does not necessarily view as someone that is mean or harmful.

***Scenario #3.** Mallory works in a library. She feels as if she has to work on eggshells around her co-worker Laura because of her outspoken, unfiltered personality. Laura, on the other hand, is of Italian descent and expresses her views, no matter how raw or brass they might be. Mallory claims that Laura is too aggressive and that people are afraid of her. Instead of going to her supervisor, Mallory talks with other co-workers about Laura’s unbashful personality, causing for Laura to feel as if she is being judged and misunderstood.*

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- *Workplace Incivilities:* The themes that came up with the write in answers in this scenario were as follows: Gossip, lack of professionalism, rudeness and personalities that clash. It was interesting to see respondents choose workplace incivilities and then write in personalities that clash, personality clashes,

personalities that do not mesh as reasons for the scenario to be describing workplace incivility; especially when the respondents had the choice to select personality clashes to describe the scenario.

- *Workplace Bullying*: The themes that came up with the write in answers in this scenario were as follows: fear, intimidation, creating a negative work environment, continuous aggressive behavior and destructive gossip. It was interesting to see gossip come up as a theme under workplace bullying in the write in answers for this scenario; however, there was an emphasis on the level of intensity of such action.
- *Personality Clashes*: The themes that came up with the write in answers in this scenario that came up under personality clashes were as follows: different communication styles, natural reaction to a different personality but not quite wanting to affect someone in a negative way, no intent to cause harm, cultural differences, they just simply do not like each other and differences in opinions. The different communication styles were the most prevalent theme in this scenario write-in under personality clashes, followed by cultural differences and upbringing. It does give some perspective on having people that come from different places that are set in one workspace.

The write-in answers from this scenario for each term were interesting when placed in themes because this was the first time there was a mention of differing cultures as a reason for personality clashes. There was also a mention gossip under two terms, but there was a level of intensity: gossip and destructive gossip; one under workplace incivilities and another under workplace bullying. It could signify that gossip could

escalate to a more concerning behavior if it is causing employee harm in different ways, whether personal or professional.

***Scenario #4.** James recently started working at an accounting firm in an entry-level position. James took on the tasks that belonged to one of his coworkers who had left the firm. His co-workers in higher ranks noticed that he was getting more tasks and then heard through the gossip mill that he had gotten a raise. He started getting more tasks delegated from his co-workers to the point where he was unable to keep up. His co-workers did not show any empathy as they feel he needs to step up if he wants to be at the same level as them.*

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- *Workplace Incivilities:* The themes that came under the write-in answers under the term workplace incivilities are: ambiguous intent to harm, unfair treatment, no mutual respect, unprofessional, rudeness, work overload and discourteous.
- *Workplace Bullying:* The themes that came under the write-in answers under the term workplace bullying are: Repetition of an ill behavior, hazing, deliberate and malicious behavior, isolating, intent to hurt or harm, power and position used to harm a person, being singled out, work overload, abuse, threats, behaviors driven by jealousy, actions and intentions made to cause misery, harassment, intimidation, intentional harm and cruelty and attempt to sabotage someone's work.

- *Personality Clashes*: The themes that came under the write in answers under the term personality clashes are: Rumors.

The themes found in the write in answers are interesting in this scenario because there was a mention of work overload twice, under workplace incivilities and workplace bullying. It is possible that the work overload could have started as incivility, perhaps as a part of the unfair treatment mentioned and then if becoming repetitive, then it escalated to workplace bullying. There was definitely a lot of thought put together to describe workplace bullying in this scenario a lot more. The themes escalated from repetitive behavior that is psychological to one that could cause physical harm (i.e. cruelty), and then the consequences of those behaviors (i.e. sabotaging a worker's job).

Scenario #5. Louise got back to work after going on maternity leave. She noticed that Tracy, a new-hire, had taken over her tasks. She went to speak with their supervisor, Keith, who told her that Tracy had done an outstanding job in covering for her so he decided that she would do her tasks, while she would just focus on other, smaller tasks for the time being until he figures out what to do with her position. She tries to dispute her case, but Keith just tells her that a business is a business and she should know that he can easily replace her if she does not like the job.

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- *Workplace Incivilities*: The themes that came up from the write in answers under this scenario for the term workplace incivilities are: Disregard for someone's

feelings, disrespect, rudeness, unethical behavior, uncivil, poor management and lack of courtesy.

- **Workplace Bullying:** The themes that came up from the write in answers under this scenario for the term workplace bullying are: Threatening remarks, deliberate disrespect, intimidation, harassment, beyond incivility, discrimination directed towards pregnant women, the threat of termination of employment and desire to control.
- **Personality Clashes:** There were no write-in answers entered for this scenario under personality clashes thus generating no themes.

Scenario #6 was probably one of the most difficult ones for the survey respondents to determine what term to call it: Workplace bullying, workplace incivility or personality clash. It dealt with a situation that some could have considered illegal. However, because of the controversy of the scenario, the themes generated for workplace bullying were some of the most intense; this was the first time where harassment and discrimination were mentioned, as well as the threat of termination of employment.

***Scenario #6.** Caroline has been working for a nonprofit for a year. She has meetings every Monday with different supervisors. She noticed that one of her supervisors, Lonnie, has taken a special interest in her daily activities. Every morning, Caroline finds emails forwarded from Lonnie asking her to take care of them. She also has to copy Lonnie in all of the emails she sends. Every time she wants to present a new idea for a project, she gets shut down by Lonnie claiming excessive time commitments. Instead, she gives her more menial work, such as filing, replying to emails, ordering food for meetings, and answering phones.*

After reading the write-in answers that the respondents wrote to explain why they chose if the scenario above is an example of workplace bullying, workplace incivility or a personality clash, there were several initial themes were identified for each term:

- **Workplace Incivilities:** The themes that came up from the write in answers from this scenario under the workplace incivilities term are: Micromanagement, mistreatment and not giving credit to an employee for work done.
- **Workplace Bullying:** The themes that came up from the write in answers from this scenario under the workplace bullying term are: Cause harm, desire to control, repeated, deliberate, malicious intent, targeted, demeaning, direct attempt to make an employee feel uncomfortable in the workplace, intent to hamper the work performance of an employee, belittling, stealing ideas from a subordinate, similar to hazing, abuse of power, repeated mistreatment, pattern designed to frustrate and not allowing an employee/subordinate to move up the ranks.
- **Personality Clashes:** The themes that came up from the write in answers from this scenario under the personality clashes term are: Micromanagement, different communication styles, and unclear boundaries.

The themes that came from scenario #6 under workplace bullying were attributed mostly to what happens when a superior is not allowing a subordinate to do his or her job as a way to stop him or her to get a promotion or move up the ranks. Micromanagement did come up as a part of the themes of personality clashes and workplace incivilities. The escalation of micromanagement by a supervisor could go from it just being a management style to incivility and it could even become bullying if it is accompanied by other themes described throughout this analysis.

In looking at the themes across the scenarios for each term, there are those that definitely stand out for having been repeated the most and for giving shape for the terms: Workplace bullying and workplace incivilities. Personality seems to be the one that got terms that got the most mixed responses and themes that sometimes overlapped with workplace incivilities. The only time that it did not seem to mix with workplace incivilities was when referring to different communication styles as a reason for personality clashes to occur. Another had to do with cultural differences. Although both could escalate to the point of incivility because of the consequence or outcome of the exchange between those involved; it could lead to a conflict or it could be a bickering moment that can be resolved easily.

Workplace incivilities received two themes that were emerging in all six scenarios: rudeness and lack of respect. Those are two behaviors that can definitely escalate into something more if added repetition or intensity. Workplace bullying had an array of themes but there were two huge themes that can be classified into: The intent of the actions and then the abuse of power to cause something on an employee. For example, in the intent of actions: repetitive, deliberate, intentional and malicious. For the abuse of power to cause something on an employee: harm, hostility, fear, intimidation, single out, overload work, abuse, threat, discriminate, threat to terminate employment and hamper the work people are doing. There is definitely a consensus that the actions in workplace bullying are intentional and that there is a power difference, whether it is because of different positions or perhaps it is a perceived one (nepotism).

Quantitative Analysis and Findings

The survey was created and opened on July 24, 2017, using SurveyMonkey. A copy of the survey created can be found in Appendix D. There were 293 responses up to the date it closed on December 31st, 2017. The survey was posted in several Facebook and LinkedIn interest groups that would have ties to Florida and California but not directly related to workplace bullying (for example, National Academic Advising Association, Student Affairs Administrators in Higher Education, American Society for Public Administration, Florida Higher Education Professionals, California Networking, Young, Nonprofit Professionals Network, University of Central Florida Alumni Association, Association for Public Policy Analysis and Management, among others). The invitation to participate in the survey for social media platforms can be found in Appendix E. The survey invited people to participate who fell in the following characteristics: (1) Supervisors or Employees (no limitation for when they started their employment), (2) employed in either California or Florida, (3) over 18 years of age, and (4) have access to the internet. The survey invitation included a hyperlink to the survey on SurveyMonkey. The survey was kept open for a while because of the slow response, but overall there was a good turnout, although it was 7 responses shy of the targeted 300. The response rate of the current place of employment as Florida vs. California was almost ideal because there were almost as many from Florida as there were from California: 53.51% of respondents were from Florida while 46.49% were from California. One can say it shows that interest in this topic is not only regional but nationwide.

One interesting fact about the demographics of the survey is the role in the workplace; 37.84% of the respondents noted they are supervisors (directly oversees/supervises at least 1 employee) and 62.16% of the respondents identified themselves as employees (not a direct supervisor to other employees, through may oversee completion of tasks). Most of the employees who participated in this survey noted that they work in places of employment that have 101 employees or more. The percentage was 69.73%, which was higher than those of size 50 or fewer employees (20.00%) and 51-100 employees (8.11%). The source of respondents by sector were as follows: 63.23% of the respondents work in the public sector, while 31.69% work for the private sector (4.86% responded unsure). It can almost be deduced that there are probably very few independent contractors or entrepreneurs that participated in this survey. Other demographics showing the age and gender of the respondents are shown below:

Table 4

Survey Respondents' Age

Age	Percentage
18-35	44.86%
36-49	30.27%
50 or above	24.86%
Prefer not to disclose	0.00%

Table 5

Survey Respondents' Gender

Gender	Percentage
Male	42.70%
Female	56.22%
Prefer not to disclose	1.08%

In reviewing the questions that followed the questionnaire for the respondents, there were 4 questions that were added to find out the awareness of supervisors and employees of Florida and/or California anti-workplace bullying bills, their opinion on whether or not laws could prevent workplace bullying, and if bullying behaviors are easily identifiable to supervisors and employees. In order to analyze their responses, frequencies and cross-tabulations were run on SPSS to determine the responses between supervisors and employees and their percentages differences. An interesting observation is that both supervisors and employees had a high percentage of being unfamiliar with the Abusive Work Environments Bill from California and the Abusive Workplace Environment Act in Florida. The percentages also reflect the lack of knowledge of supervisors and employees survey respondents' awareness of other anti-bullying laws being proposed in other states. The summary of the responses to these two questions can be viewed below:

Table 6

Familiarity with Healthy Workplace Bill Versions in California and/or Florida?

			Are you familiar with the Abusive Work Environments Bill (California) or the Abusive Workplace Environment Act (Florida)?	
			Yes	No
Role in the workplace?	Supervisor	Count	17	58
		% within Role in the workplace?	22.7%	77.3%
		% of Total	5.8%	19.8%
	Employee	Count	17	201
		% within Role in the workplace?	7.8%	92.2%
		% of Total	5.8%	68.6%
Total		Count	34	259
		% within Role in the workplace?	11.6%	88.4%
		% of Total	11.6%	88.4%

Table 7

Awareness of Anti-Bullying Laws Being Proposed?

			Are you aware of any anti-bullying in the workplace laws and bills being proposed in different states, including Florida and California?	
			Yes	No
Role in the workplace?	Supervisor	Count	21	54
		% within Role in the workplace?	28.0%	72.0%
		% of Total	7.2%	18.4%
	Employee	Count	22	196
		% within Role in the workplace?	10.1%	89.9%
		% of Total	7.5%	66.9%
Total		Count	43	250
		% within Role in the workplace?	14.7%	85.3%
		% of Total	14.7%	85.3%

Two of the questions that this study hoped to answer are:

- Are managers aware or unaware of the healthy workplace bill or similar bills/laws being proposed in their states?
- Are employees aware or unaware of the healthy workplace bill or similar bills/laws being proposed in their states?

According to the results from the survey, 88.4% of the respondents (77.3% supervisors/92.2% employees) are not familiar with the Abusive Work Environments Bill from California or the Abusive Workplace Environment Act from Florida. Likewise, 85.3% of the respondents (72.0% supervisors/ 89.9% employees) are unaware of anti-bullying policies or bills in different states across the United States. There are small numbers of employees and supervisors who are aware of these anti-bullying bills specific to California or Florida, and perhaps those that have been proposed to other states. In answering these two questions it is important to note that yes there is awareness, but it is lower compared to the unawareness of anti-bullying policies that exist. Perhaps this is because these two policies that were proposed and passed have never been enacted.

There is also not an optimistic view on whether or not anti-bullying laws would prevent workplace bullying, according to the responses on the survey. Even though the overall percentage was “no” (65.5%), of the supervisors who responded to the survey, there were more “yes” responses; they believe that anti-bullying laws would prevent workplace bullying (57.3%). Employees who responded to the survey had a more pessimistic view on proposing anti-bullying laws to prevent workplace bullying as 65.5% responded “no.” Perhaps there needed to be some follow up questions on a qualitative

layer to find out why there is a low amount of belief that laws could prevent workplace bullying.

The responses in the survey for the questions regarding the interpretations of behaviors by supervisors and employees, the organizational culture, and the scenarios all help with the quantitative analysis relating to the difference in interpretation of workplace bullying between managers and employees, including how it is defined in the Healthy Workplace Bill. Also, it helps with the analysis of the interpretation of workplace bullying in relation to the different organizational cultures of their organizations. In total, there were eleven behaviors that stood out from the survey as having been identified by managers and employees as workplace bullying:

- To torment a person repeatedly, to intimidate a person
- To pressure or coerce a person, to threaten the well-being of a person or an organization
- Intentional psychological and/or physical harm
- Hostile verbal and nonverbal behaviors towards others
- Repeated mistreatment of a person
- To produce discomfort on another person
- Unethical communication targeted towards an individual
- Ambiguous intent to harm a person
- Deliberate and hurtful treatment of a person

The survey results varied when it came to supervisors versus employees, mainly because there were fewer supervisors who participated in the survey and also because there were a total of 144/145 missing cases, or blank responses, to these questions. The

data collected is still of value as there were some differences in the responses between supervisors and employees.

- Is there a difference in the interpretation of “workplace bullying” between managers and employees?

There were similar responses in some of the behaviors listed in the survey when it came to supervisors and employees determining which constituted workplace bullying, workplace incivilities, or personality clashes. Since there were more employees who participated in the survey and who did not leave this section blank (missing cases), the percentage of employees agreeing a case was workplace bullying or not was much larger, however, supervisors within their smaller numbers would also make a significant statement in how they classified a behavior; interesting enough, they were almost equally distributed by percentage when it came to classifying behaviors, whereas employees were more assertive in their percentages in determining which was workplace bullying, workplace incivility, and personality clash.

Some of the more significant behaviors with high percentages of both supervisors and employees agreeing on workplace bullying were as follows: to torment a person repeatedly (Supervisors 38.5%; Employees 58.8%), to intimidate a person (Supervisors 36.2%; Employees 55%), to pressure or coerce a person (Supervisors 36.9%; Employees 48.3%), to threaten the well-being of a person or an organization (Supervisors 36.7%; Employees 59.1%), intentional psychological and/or physical harm (Supervisors 36.2%; Employees 60.4%), hostile verbal and nonverbal behaviors towards others (Supervisors 30.2%; Employees 47.4%), repeated mistreatment of a person (Supervisors 34.2%; Employees 53.7%), to produce discomfort on another person (Supervisors 17.4%;

Employees 29.5%), unethical communication targeted towards an individual (Supervisors 27.5%; Employees 38.9%), ambiguous intent to harm a person (Supervisors 24.2%; Employees 33.6%), and deliberate and hurtful treatment of a person (Supervisors 34.2%; Employees 53.7%). In one way or another, different interpretations of these behaviors have been added to the multiple literature sources that define the synonyms of workplace bullying. Thus, there is an openness to interpretation reflected in the percentages of the responses by supervisors and employees. It is interesting, however, to see the big differences between supervisors who responded to the survey and employees who responded to the survey and the percentages. There seems to be a clearer understanding of behaviors by employees in asserting what is workplace bullying; whereas employees are likely to classify those behaviors as workplace incivilities and/or personality clashes. Perhaps it has to do with the lived experiences of employees or maybe it is because of the level of responsibility of a supervisor who is not expected to jump to conclusions without considering all of the facts if there is a conflict within his/her unit. It could also be a lack of training for supervisors to be able to recognize these behaviors or their inability to address conflicts (lack of conflict resolution skills).

- Do employees and managers have similar or different views on actions that constitute workplace bullying?

Based on the responses on the previous question, it seems they do have similar views; however, there were two behaviors in which employees and managers did have different views as reflected in their responses. The first was in the behavior: to get a reaction from another. Supervisors were split in their responses, as there was a tie in percentages, 8.7% classified this behavior as workplace incivility and also as a

personality clash. Since the behavior itself is ambiguous, it could be that there is conflict in defining it as one or the other. In contrast, more of the employees' responses classified this behavior as workplace incivility (35.3%). The second difference of opinion was in the behavior: low intensity deviant behavior towards a person. Supervisors' responses classified this behavior as workplace bullying (18.1%), whereas employees' responses classified this behavior as workplace incivility (30.9%). The word "deviant" is used to defined negative, unusual behaviors; thus, it is not unusual for it to be classified as workplace bullying or workplace incivilities even though it is accompanied by the words "low intensity." Even though a level of intensity has been defined, for some people, deviant behavior is still offensive or hostile and may constitute bullying. Since these behaviors were not accompanied by any examples, they do provide a pure sense of interpretation of what comes to mind first as the person reads them.

- Is there a difference in the interpretation of "workplace bullying" by managers and employees in relation to how it is defined in the Healthy Workplace Bill?

Aside from looking at the behavioral responses in the survey, there were also 6 scenarios provided in which the respondents were to state if they thought they represented the actions of workplace bullying, workplace incivilities, personality clashes, or if they were unsure. Prior to answering that particular section of the survey, the respondents were provided with the definition of workplace bullying as is defined in the original Healthy Workplace Bill. When the respondents would decide what the scenario would constitute, they would also decide on why they thought it was that particular term. The answers to the scenarios were a bit disproportionate, as the majority of the respondents selected "unsure" as their answer even if their free response section

mentioned workplace bullying, workplace incivility, or personality clash. Ignoring a large number of unsure responses for each scenario, the two that became clear cases of workplace bullying were scenario #2 and scenario #6. The following were the scenarios survey participants read and determined if they were describing instances of workplace bullying, workplace incivilities, personality clashes, or if they were unsure and why:

Table 8

Scenarios Provided in the Survey

Scenario #1: Dr. Collins is a cardiac surgeon. After each surgery, he gets his nurses and assistants asking him questions about the next surgeries. However, after each surgery, he likes to read his text messages and personal emails. Gail, one of his nurses, starts reading the chart for the next patient, Dr. Collins cuts her out, puts his hand in front of her and says “I don’t have time for this right now!” and walks away. Gail is left stunned, though she acknowledges this is not the first time he has ever cut her off.

Scenario #2: Jamie works as an advisor at a university. She noticed that her supervisor, Linda, has been taking many days off, does not help during peak times, and keeps delegating her emails to others. Concerned, she decides to speak to Linda’s supervisor, John. She is aware that she could be retaliated against, and pleads with John not to let Linda know that she spoke with him, because all she wants is for things to change for the better as a team. A few days after her meeting with John, she notices that Linda will not look at her or say good morning or acknowledge her presence. Then, when the annual evaluation is provided, she gets below satisfactory for an array of unexplained

reasons and fabricated incidents. She tries to present a rebuttal to Linda and John but they do not retract the evaluation.

Scenario #3: Mallory works in a library. She feels as if she has to work on eggshells around her co-worker Laura because of her outspoken, unfiltered personality. Laura, on the other hand, is of Italian descent and expresses her views, no matter how raw or brass they might be. Mallory claims that Laura is too aggressive and that people are afraid of her. Instead of going to her supervisor, Mallory talks with other co-workers about Laura's unbashful personality, causing for Laura to feel as if she is being judged and misunderstood.

Scenario #4: James recently started working at an accounting firm in an entry-level position. James took on the tasks that belonged to one of his coworkers that had left the firm. His co-workers in higher ranks noticed that he was getting more tasks and then heard through the gossip mill that he had gotten a raise. He started getting more tasks delegated from his co-workers to the point where he was unable to keep up. His co-workers did not show any empathy as they feel he needs to step up if he wants to be at the same level as them.

Scenario #5: Louise got back to work after going on maternity leave. She noticed that Tracy, a new-hire, had taken over her tasks. She went to speak with their supervisor, Keith, who told her that Tracy had done an outstanding job in covering for her so he decided that she would do her tasks, while she would just focus on other, smaller tasks for the time being until he figures out what to do with her position. She tries to dispute

her case, but Keith just tells her that a business is a business and she should know that he can easily replace her if she does not like the job.

Scenario #6: Caroline has been working for a nonprofit for a year. She has meetings every Monday with different supervisors. She noticed that one of her supervisors, Lonnie, has taken a special interest on her daily activities. Every morning, Caroline finds emails forwarded from Lonnie asking her to take care of them. She also has to copy Lonnie in all of the emails she sends. Every time she wants to present a new idea for a project, she gets shut down by Lonnie claiming excessive time commitments. Instead, she gives her more menial work, such as filing, replying to emails, ordering food for meetings and answering phones.

For scenario #2, 10.6% (31) of supervisors who answered the survey classified it as workplace bullying, while 16.4% (48) of employees did so too. Overall, there were 18.6% (34) of supervisors and 50.9% (149) of employees who classified this scenario as unsure. The majority of employees classifying this scenario as unsure could mean that perhaps they are not as familiar with dealing with real life cases where they have to mediate or intervene in workplace bullying or other conflicts in the workplace, whether they escalate or not. Also, as this is an interpretive analysis, it is hard for people to interpret from a scenario that may or may not be applicable to their field of work. Scenario #1 takes place in a higher education environment, and it could be adapted to any office environment, but if there were respondents who work in a more independent nature, they may have not connected with this example if they only work from home, for

example, or if they see their co-workers virtually, maybe not constantly or are not all in the same office environment.

For scenario #6, 5.1% (25) of supervisor respondents classified it as workplace bullying, while 10.6% (29) of employees did so too. Overall, there were 14.7% of supervisors and 77.4% (147) of employees that classified this scenario as unsure. This scenario was harder to classify, as was scenario #2, and it shows in the responses, as many more unsure responses came about. Also, this is an office-interaction scenario that some respondents may have not connected with. In terms of interpretation, it shows how different life experiences make it difficult to categorize behaviors to a term.

- Do workplace bullying definition interpretations by employees and managers differ by the type of organizational culture of their employer?

The differences in which managers and employees, based on their organizational culture, classified the different types of behaviors and the scenarios showed a variety of results. When it came to classifying the behaviors: to torment a person repeatedly (27.7%), to intimidate a person (25.5%), to pressure and coerce a person (24.8%), to threaten the well-being of a person or an organization (28.2%), intentional psychological and/or physical harm (27.5%), hostile verbal and nonverbal behaviors towards others (26.2%), unethical communication targeted towards an individual (18.8%), repeated mistreatment of a person (26.2%), deliberate and hurtful treatment of a person (28.2%), low intensity deviant behavior towards a person and rude (10.7%), ambiguous intent to harm a person (14.8%), and discourteous display towards an individual (6.7%) were all classified as workplace bullying by employees and supervisors with “hierarchical” organizational cultures. Since hierarchical organizational cultures were noted earlier as

being structured and procedural, there might be behaviors interpreted as workplace bullying when they do not conform with the expectation placed in the rules of the workplace.

The results from the survey also showed that there were not many employees and supervisors who have an adhocracy or market organizational culture noting these behaviors as workplace bullying. Adhocracy is based on entrepreneurship and market is based on production and has little to no interaction with co-workers. There were several behaviors in which clan and none of the above answers also agreed with hierarchy on behaviors as being classified as workplace bullying; particularly with intent to intimidate a person, to pressure and coerce a person, unethical communication targeted towards an individual, and ambiguous intent to harm a person. Clan, out of all of the organizational cultures presented in the survey, has the most interpersonal interaction, thus it was interesting to see how behaviors were interpreted as workplace bullying.

Results Comparing Responses Between Employees and Managers

In order to further compare the results between employees and managers and the results from questions for the questions of the survey, the principal investigator used the chi-square test of independence. The test is used when wanting to compare the observed data collected with the frequencies that one would expect to get; the variables sets would need to be nominal. The chi-square would allow the researcher to find out if the observed frequencies are significantly different from the expected frequencies (Urdan, 2016). The calculation itself was done using SPSS and each result is shown below.

- Are you familiar with the Abusive Work Environments Bill (California) or the Abusive Workplace Environment Act (Florida)?

Table 9

Familiarity with Abusive Work Environment Bills

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2- sided)	Exact Sig. (1- sided)
Pearson Chi-Square	2.988 ^a	1	.084		
Continuity Correction ^b	2.343	1	.126		
Likelihood Ratio	2.914	1	.088		
Fisher's Exact Test				.113	.064
Linear-by-Linear Association	2.971	1	.085		
N of Valid Cases	175				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 12.63.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and being familiar with either the Abusive Work Environments Bill (California) or the Abusive Workplace Environment Act (Florida) was observed $X^2(1)=2.988$, $p=0.084$. The result shows that there is no statistically significant association between the role in the workplace and being familiar with either the Abusive Work Environments Bill (California) or the Abusive Workplace Environment Act (Florida).

- Are you aware of anti-bullying in the workplace laws and bills being proposed in different states, including Florida and California?

Table 10

Awareness of Proposed Anti-Bullying in the Workplace Laws and Bills

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	2.598 ^a	1	.107		
Continuity Correction ^b	2.041	1	.153		
Likelihood Ratio	2.548	1	.110		
Fisher's Exact Test				.142	.077
Linear-by-Linear Association	2.583	1	.108		
N of Valid Cases	175				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 15.60.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and being aware of anti-bullying in the workplace laws being proposed in different states, including Florida and California, was observed $X^2(1)=2.598$, $p=0.107$. The result shows that there is no statistically significant association between the role in the workplace and being aware of any anti-bullying in the workplace laws being proposed in different states, including Florida and California.

Table 11

Would Anti-Bullying Laws Prevent Workplace Bullying

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	5.095 ^a	1	.024		
Continuity Correction ^b	4.404	1	.036		
Likelihood Ratio	5.185	1	.023		
Fisher's Exact Test				.027	.017
Linear-by-Linear Association	5.066	1	.024		
N of Valid Cases	175				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 27.11.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and the thought of whether or not anti-bullying laws would help prevent workplace bullying was observed $X^2(1)=5.095$, $p=0.024$. The result shows that there is a statistically significant association between the role in the workplace and the thought of whether or not anti-bullying laws would help prevent workplace bullying because $p \leq 0.05$.

Table 12

Are Workplace Bullying Behaviors Easily Identified by Managers

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.132 ^a	1	.716		
Continuity Correction ^b	.037	1	.848		
Likelihood Ratio	.132	1	.716		
Fisher's Exact Test				.733	.422
Linear-by-Linear Association	.132	1	.717		
N of Valid Cases	175				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 18.94.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and the thought that behaviors that constitute workplace bullying being easily identifiable by managers was observed $X^2(1)=0.132$, $p=0.716$. The result shows that there is no statistically significant association between the role in the workplace and the thought that behaviors that constitute workplace bullying being easily identifiable by managers.

Table 13

Are Workplace Bullying Behaviors Easily Identified by Employees

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.005 ^a	1	.942		
Continuity Correction ^b	.000	1	1.000		
Likelihood Ratio	.005	1	.942		
Fisher's Exact Test				1.000	.535
Linear-by-Linear Association	.005	1	.943		
N of Valid Cases	175				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 28.23.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and the thought that behaviors that constitute workplace bullying being easily identifiable by employees was observed $X^2(1)=0.005$, $p=0.942$. The result shows that there is no statistically significant association between the role in the workplace and the thought that behaviors that constitute workplace bullying being easily identifiable by employees.

- Responses to behaviors and scenarios presented in the survey:

In the cases below, since the chi-square of independence is being calculated between the role in the workplace and three to four choices from which the research participants could have chosen their responses, instead of looking for “p,” which is the probability at lower than or equal to 0.05 to accept the null hypothesis, then the principal investigator will focus on the “asymptotic significance,” which also should be lower than or equal to 0.05 to accept the null hypothesis than the association between cases is statistically significant.

Table 14

*Tormenting a Person Repeatedly***Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	3.477 ^a	2	.176
Likelihood Ratio	4.804	2	.091
Linear-by-Linear Association	.007	1	.932
N of Valid Cases	148		

a. 4 cells (66.7%) have expected count less than 5. The minimum expected count is .38.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to torment a person repeatedly” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=3.477$, Asymptotic Significance=0.176. The result shows that there is no statistically significant association between the role in the workplace and whether they classified “to torment a person repeatedly” as workplace bullying, workplace incivilities, or personality clashes.

Table 15

*Frustrating a Person Repeatedly***Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.487 ^a	2	.288
Likelihood Ratio	2.476	2	.290
Linear-by-Linear Association	.582	1	.445
N of Valid Cases	148		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 15.14.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to frustrate a person repeatedly” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=2.487$, Asymptotic Significance=0.288. The result shows that there is no statistically significant association between the role in the workplace and whether they classified “to frustrate a person repeatedly” as workplace bullying, workplace incivilities, or personality clashes.

Table 16

Getting a Reaction from Another Person

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.232 ^a	2	.328
Likelihood Ratio	2.247	2	.325
Linear-by-Linear Association	.064	1	.800
N of Valid Cases	148		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 14.38.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “get a reaction from another person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=2.232$, Asymptotic Significance=0.328. The result shows that there is no statistically significant association between the role in the workplace and whether they classified “get a reaction from another person” as workplace bullying, workplace incivilities, or personality clashes.

Table 17

Intimidate a Person

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.334 ^a	2	.846
Likelihood Ratio	.345	2	.842
Linear-by-Linear Association	.209	1	.647
N of Valid Cases	148		

a. 4 cells (66.7%) have expected count less than 5. The minimum expected count is 2.27.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to intimidate a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=0.334$, Asymptotic Significance=0.846. The result shows that there is no statistically significant association between the role in the workplace and whether they classified “to intimidate a person” as workplace bullying, workplace incivilities, or personality clashes.

Table 18

Produce Discomfort in Another Person

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	4.771 ^a	2	.092
Likelihood Ratio	4.912	2	.086
Linear-by-Linear Association	.707	1	.400
N of Valid Cases	148		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 11.35.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to produce discomfort in another person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=4.771$, Asymptotic Significance=0.092. The result shows that there is no statistically significant association between the role in the workplace and whether they classified “to produce discomfort on another person” as workplace bullying, workplace incivilities, or personality clashes.

Table 19

Pressure and Coerce a Person

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	7.008 ^a	2	.030
Likelihood Ratio	8.235	2	.016
Linear-by-Linear Association	4.700	1	.030
N of Valid Cases	148		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 1.14.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to pressure and coerce a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=7.008$, Asymptotic Significance=0.030. The result shows that there is a statistically significant association between the role in the workplace and whether they classified “to produce discomfort on another person” as workplace bullying, workplace incivilities, or personality clashes.

Table 20

Threaten the Wellbeing of a Person or an Organization

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2- sided)	Exact Sig. (1- sided)
Pearson Chi-Square	.010 ^a	1	.919		
Continuity Correction ^b	.000	1	1.000		
Likelihood Ratio	.010	1	.919		
Fisher's Exact Test				1.000	.628
Linear-by-Linear Association	.010	1	.919		
N of Valid Cases	148				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 1.89.

b. Computed only for a 2x2 table

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “to threaten the wellbeing of a person or an organization” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(1)=0.010$, $p=0.919$. Even though this case was calculated as a 2x3, the results were given as a 2x2 because none of the research participants selected “personality clashes” as a possible response. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “to threaten the wellbeing of a person or an organization” as workplace bullying, workplace incivilities, or personality clashes.

Table 21

Intentional Psychological and/or Physical Harm

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	4.478 ^a	2	.107
Likelihood Ratio	5.039	2	.080
Linear-by-Linear Association	2.751	1	.097
N of Valid Cases	148		

a. 4 cells (66.7%) have expected count less than 5. The minimum expected count is .76.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “intentional psychological and/or physical harm” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=4.478$, Asymptotic Significance=0.107. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “intentional psychological and/or physical harm” as workplace bullying, workplace incivilities, or personality clashes.

Table 22

Hostile Verbal and Nonverbal Behaviors Towards Others

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.654 ^a	2	.437
Likelihood Ratio	1.792	2	.408
Linear-by-Linear Association	.059	1	.807
N of Valid Cases	148		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 2.27.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “hostile verbal and nonverbal behaviors towards others” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=1.654$, Asymptotic Significance=0.437. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “hostile verbal and nonverbal behaviors towards others” as workplace bullying, workplace incivilities, or personality clashes.

Table 23

Unethical Communication Targeted Towards an Individual

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.282 ^a	2	.868
Likelihood Ratio	.279	2	.870
Linear-by-Linear Association	.051	1	.821
N of Valid Cases	148		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is .76.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “unethical communication targeted towards an individual” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=0.282$, Asymptotic Significance=0.868. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “unethical behavior targeted towards an individual” as workplace bullying, workplace incivilities, or personality clashes.

Table 24

Repeated Mistreatment of a Person

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.191 ^a	2	.551
Likelihood Ratio	1.152	2	.562
Linear-by-Linear Association	.195	1	.659
N of Valid Cases	148		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 1.14.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “repeated mistreatment of a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=1.191$, Asymptotic Significance=0.551. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “repeated mistreatment of a person” as workplace bullying, workplace incivilities, or personality clashes.

Table 25

Deliberate and Hurtful Treatment of a Person

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.747 ^a	2	.418
Likelihood Ratio	2.046	2	.359
Linear-by-Linear Association	1.027	1	.311
N of Valid Cases	148		

a. 4 cells (66.7%) have expected count less than 5. The minimum expected count is .38.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “deliberate and hurtful treatment of a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=1.747$, Asymptotic Significance=0.418. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “deliberate and hurtful treatment of a person” as workplace bullying, workplace incivilities, or personality clashes.

Table 26

Low Intensity Deviant Behavior Towards a Person

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.412 ^a	2	.814
Likelihood Ratio	.412	2	.814
Linear-by-Linear Association	.065	1	.799
N of Valid Cases	148		

a. 1 cells (16.7%) have expected count less than 5. The minimum expected count is 4.54.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “low intensity deviant behavior towards a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=0.412$, Asymptotic Significance=0.814. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “low intensity deviant behavior towards a person” as workplace bullying, workplace incivilities, or personality clashes.

Table 27

Ambiguous Intent to Harm a Person

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.335 ^a	2	.513
Likelihood Ratio	1.353	2	.508
Linear-by-Linear Association	.201	1	.654
N of Valid Cases	148		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.30.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “ambiguous intent to harm a person” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=1.335$, Asymptotic Significance=0.513. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “ambiguous intent to harm a person” as workplace bullying, workplace incivilities, or personality clashes.

Table 28

Rude and Discourteous Display Towards an Individual

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	3.351 ^a	2	.187
Likelihood Ratio	3.519	2	.172
Linear-by-Linear Association	.823	1	.364
N of Valid Cases	148		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 9.84.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether they classified “rude and discourteous display towards an individual” as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(2)=1.335$, Asymptotic Significance=0.513. The result shows that there is not a statistically significant association between the role in the workplace and whether they classified “rude and discourteous display towards an individual” as workplace bullying, workplace incivilities, or personality clashes.

- Organizational Culture – Research participants were asked, based on the scenarios below, to choose the one that best describes their place of employment.
 - My place of employment feels like an extended family. My co-workers and I share a lot about ourselves. My supervisor is like a mentor to me and promotes loyalty and tradition as shared values that are important to the company. Human resources play an important part in keeping and boosting the morale of all employees.
 - My place of employment is dynamic and promotes entrepreneurship and working individually. My co-workers and I have to be able to make quick decisions and take high risks. My supervisor is an entrepreneur and takes many risks. My co-workers and I see each other as innovators and developers, which are the most important values to the company. We are also encouraged to seek new challenges.
 - My place of employment is structured and formal; there is a procedure and a chain of command for all tasks. My supervisor is an

administrator; rules and policies are highly enforced. My co-workers and I are encouraged to be risk-averse and stick by the rules in order to maintain stability and efficiency.

- My place of employment is focused on what is produced and delivered and there is not much time to have interaction with my co-workers. My supervisor is considered a producer who promotes objectives and goals for all employees and details the specific tasks to accomplish them. Goals are measurable and therefore the work environment feels competitive and high achievers get rewarded.
- My place of employment does not fall under those described above.

Table 29

Role in Workplace and the Description of Place of Employment

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	.783 ^a	4	.941
Likelihood Ratio	.803	4	.938
Linear-by-Linear Association	.003	1	.957
N of Valid Cases	147		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.33.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and the description of the place of employment was observed $X^2(4)=0.783$, Asymptotic Significance=0.941. The result shows that there is not a statistically significant association between the role in the workplace and the description of the place of employment.

- Scenarios – Research participants were presented with four scenarios. For each of them, they needed to note the actions and behaviors and determine if they constituted workplace bullying, workplace incivilities or personality clashes. The definitions for these were provided prior to scenario #1. The narration for each scenario was presented earlier in this chapter.

Table 30

Role in Workplace and Scenario #1

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	9.666 ^a	3	.022
Likelihood Ratio	10.536	3	.015
Linear-by-Linear Association	3.946	1	.047
N of Valid Cases	128		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is 1.59.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #1 is classified as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=9.666$, Asymptotic Significance=0.022. The result shows that there is a statistically significant association between the role in the workplace and scenario #1 being classified workplace bullying, workplace incivilities, or personality clashes.

Table 31

Role in Workplace and Scenario #2

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	7.198 ^a	3	.066
Likelihood Ratio	7.155	3	.067
Linear-by-Linear Association	3.953	1	.047
N of Valid Cases	128		

a. 2 cells (25.0%) have expected count less than 5. The minimum expected count is 1.99.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #2 is classified as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=7.198$, Asymptotic Significance=0.066. The result shows that there is not a statistically significant association between the role in the workplace and scenario #2 being classified workplace bullying, workplace incivilities, or personality clashes.

Table 32

Role in Workplace and Scenario #3

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.914 ^a	3	.590
Likelihood Ratio	1.980	3	.577
Linear-by-Linear Association	1.358	1	.244
N of Valid Cases	128		

a. 3 cells (37.5%) have expected count less than 5. The minimum expected count is 1.99.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #3 is classified as

workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=1.914$, Asymptotic Significance= 0.590 . The result shows that there is not a statistically significant association between the role in the workplace and scenario #3 being classified workplace bullying, workplace incivilities, or personality clashes.

Table 33

Role in Workplace and Scenario #4

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	8.742 ^a	3	.033
Likelihood Ratio	8.692	3	.034
Linear-by-Linear Association	3.633	1	.057
N of Valid Cases	128		

a. 2 cells (25.0%) have expected count less than 5. The minimum expected count is 2.39.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #4 is classified as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=8.742$, Asymptotic Significance= 0.033 . The result shows that there is a statistically significant association between the role in the workplace and scenario #4 being classified workplace bullying, workplace incivilities, or personality clashes.

Table 34

Role in Workplace and Scenario #5

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	5.200 ^a	3	.158
Likelihood Ratio	6.954	3	.073
Linear-by-Linear Association	.018	1	.894
N of Valid Cases	128		

a. 2 cells (25.0%) have expected count less than 5. The minimum expected count is 1.99.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #5 is classified as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=5.200$, Asymptotic Significance=0.158. The result shows that there is not a statistically significant association between the role in the workplace and scenario #5 being classified workplace bullying, workplace incivilities, or personality clashes.

Table 35

Role in Workplace and Scenario #6

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	21.712 ^a	3	.000
Likelihood Ratio	22.016	3	.000
Linear-by-Linear Association	14.623	1	.000
N of Valid Cases	128		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.18.

The chi-square of independence test was calculated and it showed that an association between the role in the workplace and whether scenario #6 is classified as workplace bullying, workplace incivilities, or personality clashes was observed $X^2(3)=21.712$, Asymptotic Significance=0.000. The result shows that there is a statistically significant association between the role in the workplace and scenario #6 being classified workplace bullying, workplace incivilities, or personality clashes.

Mixed Methodology Triangulation

The qualitative and quantitative data gathered helped in understanding the complexity in trying to define and find common ground in setting up a universal term that encompasses “workplace bullying” as well as the behaviors and actions that constitute it. In comparing the qualitative data compiled, which discussed the different definitions, behaviors, and the language of the bills, it almost became a clear reflection of the complexity of the write-in answers of the survey; certain behaviors stand out but there is not a consensus of what is and what is not workplace bullying. Even in taking into consideration the first part of the qualitative analysis, where the terms and definitions were analyzed, there was no consensus on the behaviors; the only consensus that exists across the board is that whether it is “workplace bullying,” “mobbing,” “emotional abuse,” or any behaviors associated with any of the terms found in this research, they have consequences not only to the health of the person or people targeted but also to the organization. In the interview with the expert, it was noted that the organization’s culture has much to do with this; if the culture allows for workplace bullying to occur or to go on without being addressed then there will be high turnover and an overall unhappy and unproductive environment. Employees do not want to go to work where they feel

undervalued or belittled for their efforts. Likewise, managers want to have a team they can work with and have mutual respect and support for. Microaggressions could lead to workplace incivilities, then those can lead to workplace bullying, which can consequently lead to violence.

In terms of the bills themselves, when the bill was introduced in California and in Florida, it was almost as there was very little awareness of their existence. Even though there is a website that has documented the progress of the Healthy Workplace Bill since its birth up until now, it was not a shock to see from the sample that the majority of supervisors and employees had not heard of either bill from California and/or Florida and there was no statistical significance about their role in the workplace based on the quantitative data. Perhaps the bills themselves have not had as much exposure in the media as other bills do, such as gun legislations, maybe it is in the name itself of the bill, or maybe the fact that the term “workplace bullying” is called “emotional abuse” in the bills. It could be that is time to determine if it is one or the other; although, behavior-wise, the actions go beyond emotional abuse, “physical conduct” is included in all three bills. Or maybe it is time to combine both names for the sake of having the general public and legislators make consensus of a name that comprises all behaviors and call it “workplace bullying and emotional abuse.”

The most surprising positive responses from the quantitative data came from the question regarding if anti-bullying laws would help prevent workplace bullying. There was a statistically significance in the chi-square test of independence, which goes hand in hand with the overall results from the sample, where managers had more “yes” responses than employees. It would be interesting to replicate this study with a sample with other

states that have also passed their Healthy Workplace Bills to see if that is the overall sentiment and then further examine the rationale behind it. From the behaviors presented, the only one that was statistically significant where there was a relationship between the role in the workplace and whether it was classified as workplace bullying, workplace incivility, or personality clashes was “to pressure or coerce a person.” It was perhaps a behavior that had a higher response in the sample by managers as workplace bullying than employees. The behavior might be worth studying further to see if it truly is a part of the workplace bullying literature or perhaps it goes further; maybe managers see this as a firing offense.

The bills do not have a consensus on the sectors they cover, which may have been an issue if the sample respondents would have known, for example, that Florida’s bill only protects employees in public entities. Below there is a chi-square test of independence and also a crosstabulation indicating the sample results of the relationship between the work sector (public, private or unsure) and if whether or not research participants believe that anti-bullying laws would help prevent workplace bullying (combining both Florida/California respondents):

Table 36

Employment Sector and Anti Bullying Laws Crosstabulation

Which sector does your place of employment fall under? * Do you think anti-bullying laws would help prevent workplace bullying? Crosstabulation

			Do you think anti-bullying laws would help prevent workplace bullying?		Total
			Yes	No	
Which sector does your place of employment fall under?	Public	Count	70	41	111
		Expected Count	64.7	46.3	111.0
		% within Which sector does your place of employment fall under?	63.1%	36.9%	100.0%
		% within Do you think anti-bullying laws would help prevent workplace bullying?	68.6%	56.2%	63.4%
		% of Total	40.0%	23.4%	63.4%
	Private	Count	27	28	55
		Expected Count	32.1	22.9	55.0
		% within Which sector does your place of employment fall under?	49.1%	50.9%	100.0%
		% within Do you think anti-bullying laws would help prevent workplace bullying?	26.5%	38.4%	31.4%
		% of Total	15.4%	16.0%	31.4%
	Unsure	Count	5	4	9
		Expected Count	5.2	3.8	9.0
		% within Which sector does your place of employment fall under?	55.6%	44.4%	100.0%
		% within Do you think anti-bullying laws would help prevent workplace bullying?	4.9%	5.5%	5.1%
		% of Total	2.9%	2.3%	5.1%
Total	Count	102	73	175	
	Expected Count	102.0	73.0	175.0	
	% within Which sector does your place of employment fall under?	58.3%	41.7%	100.0%	
	% within Do you think anti-bullying laws would help prevent workplace bullying?	100.0%	100.0%	100.0%	
	% of Total	58.3%	41.7%	100.0%	

Table 37

*Association Between Work Sector and Anti Bullying Laws***Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.982 ^a	2	.225
Likelihood Ratio	2.967	2	.227
Linear-by-Linear Association	2.079	1	.149
N of Valid Cases	175		

a. 1 cells (16.7%) have expected count less than 5. The minimum expected count is 3.75.

The chi-square of independence test was calculated and it showed that an association between the work sector and whether or not anti-bullying laws would help prevent workplace bullying was observed $X^2(2)=2.982$, asymptotic significance= 0.225. The result shows that there is not a statistically significant association between the work sector and whether or not anti-bullying laws would help prevent workplace bullying. Even though in this sample there was not a statistical significance or relationship between these, it could be interesting to further study the approaches to conflict resolution when workplace bullying occurs in the private sector and their views on the versions of the Healthy Workplace Bill.

The scenarios used for the survey were probably the most difficult for the research participants to decipher because of the multiple behaviors included in each. However, when it came to providing responses and in running the chi-square of independence, it was interesting to see that Scenarios #1, #4 and #6 have a statistical significance in the relationship between the role in the workplace and determining if it

can be classified as workplace bullying, workplace incivilities, and personality clashes. Out of those three, only one, Scenario #6, was considered “workplace bullying” by the majority of the respondents. The other two were considered “workplace incivilities.” There may be some truth to what the expert said when it comes to “personality clashes” and those being just excuses managers use when they do not want to deal with employee drama. In one of the scenarios where there were more cultural associated issues (Scenario #3), it almost seemed as it was easier to just classify it as “personality clashes” because there was no option to say “culture clash” or “communication conflict.” When reading the write-in comments from the research participants, there were comments on the cultural and communication differences, as well as personality. However, not everyone in the workplace will have equal personalities or cultures or communication styles. The organization itself, along with their supervisors and managers, has to work on maintaining a sense of cohesion, an organizational culture that includes a guide on how employees communicate with each other and work together, but more importantly, how to approach conflicts and how to resolve them.

In reviewing the write in comments overall, there is a sense that personality clashes are rarely selected as a cause of conflict or friction between employees and workplace incivilities gets typically absorbed into workplace bullying. Thus, if there were a thermometer to measure the intensity of workplace incivilities as to when they reach the point of workplace bullying, it would likely make it helpful for managers and employees to clarify their views on the behaviors in the workplace. It was also evident in the responses in the behaviors listed on the survey where managers/supervisors and employees had to classify those as personality clashes, workplace incivilities and

workplace bullying. Whereas most employees would classify them, rightly so, as workplace bullying; most supervisors would classify them as workplace incivilities. Having a guide on the intensity level of these behaviors would open the conversation between these two groups: supervisors and employees, to discuss their differing views on workplace bullying. It is safe to speculate that employees, as the front line, are mostly impacted by workplace bullying and those behaviors if they occur, and if supervisors do not take action, if they view them as workplace incivilities not yet crossing that line, then they are allowing for the workplace activities to be disrupted.

The general questions for this study did not ask for responses on the views of the behaviors between the participants in California versus those in Florida. However, since the data is available, the principal investigator ran the chi-square test of independence to consider if there were any significant differences. There were two behaviors in which there were some interesting findings:

- *Hostile verbal and nonverbal behavior towards others*: 48% of Florida respondents categorized this behavior as workplace bullying; while 29.6% of California respondents categorized this behavior as workplace bullying. An association between the state where the respondents were located and whether they categorized this behavior as workplace bullying, workplace incivility or personality clashes was observed $X^2(2)=7.257$, Asymptotic Significance=0.027. The result shows that there is a statistically significance between the state where the respondents were located and whether they categorized this behavior as workplace bullying, workplace incivility or personality clash.

- Low intensity deviant behavior towards a person: 32.4% of Florida respondents classified this behavior as workplace bullying while 21.6% classified it as workplace incivilities. Meanwhile, 26.4% of California respondents classified this behavior as workplace incivilities, while 11.5% classified it as workplace bullying. An association between the state where the respondents were located and whether they categorized this behavior as workplace bullying, workplace incivility or personality clashes was observed $X^2(2)=16.530$, Asymptotic Significance=0.000. The result shows that there is a statistically significance between the state where the respondents were located and whether they categorized this behavior as workplace bullying, workplace incivility or personality clash.

Looking at the overall descriptives, the results do show that there is a difference on the views on what is workplace bullying between California and Florida, which would be interesting to further study to see if the differences go also between West Coast vs. East Coast or if this is a state by state difference in views. This is also another example as to why addressing the behaviors and clearly defining them when presenting examples of what workplace bullying is would be helpful to people, especially in corporations and organizations that employ people from different states to work together.

The Healthy Workplace Bill and its versions in Florida and California are a great start for this relational phenomenon, as the expert called it, to get some exposure and gain momentum among employees and supervisors in workplaces in the United States. However, one legislation will not change the behaviors in the workplace that have shaped many cultures in many workplaces. Thinking of the organizational cultures of each

workplace, there can be different things that can be done for approaching, handling, and mitigating workplace conflict so that it does not escalate. The original bill had a clause about retaliation, with the Florida and California ones did not. Perhaps that is something that organizations can truly re-visit in their own company policies. If employees visit Human Resources or their supervisors or managers to report an incident, there should be confidentiality but above all no retaliation. The fear for which many employees do not report incidents is retaliation. Perhaps the bills in California and Florida, if they get reviewed by the legislatures again, can include a clause on this too. Overall, the chi-square of independence test was calculated and it showed that an association between the location (Florida or California) and whether or not anti-bullying laws would help prevent workplace bullying was observed $X^2(1)=0.304$, $p=0.581$. The result shows that there is not a statistically significant association between the location and whether or not anti-bullying laws would help prevent workplace bullying. Thus, research among states should continue and be encouraged on how these versions of the Healthy Workplace Bill are being welcomed and viewed by its citizens.

Table 38

Association Between Location and Anti Bullying Laws and Prevention

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.304 ^a	1	.581		
Continuity Correction ^b	.158	1	.691		
Likelihood Ratio	.304	1	.582		
Fisher's Exact Test				.646	.345
Linear-by-Linear Association	.302	1	.583		
N of Valid Cases	175				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 34.21.

b. Computed only for a 2x2 table

Interpretive Policy Analysis Steps, Results and Findings from this Study

Dvora Yanow (2000) noted 4 steps to create an interpretive policy analysis, which were noted in Chapter 3 of this study. There was a 5th step that that brought forward, which is meant to note any recommendations, reformations or reframing of the policy so to make sure it is successful with the population it has been presented to. The steps as related to the results from the data analysis from this study are as follow:

1. Identify the artifacts (language, objects, acts) that are significant carriers of meaning for a given policy issue, as perceived by policy-relevant actors and interpretive communities (Yanow, 2000, p.22). The interview with the expert, the survey participants, the original bill drafted by David Yamada, as well as its versions in California and Florida, and the articles and books used for the thematic content analysis all helped in the identification of language, objects, and acts. The principal investigator found that the workplace bullying terms and definitions had the following commonalities; who is affected, how it impacts a person or people as well as the workplace, the identification of the perpetrators, the time frame of the behavior, and the behaviors; which can range from psychological to physical. The range of behaviors is perhaps the reason why it is difficult to easily define workplace bullying. The original Healthy Workplace Bill, the California Abusive Work Environments AB 1582 and the Florida Abusive Workplace Environment Act SB 208 were introduced due to a lack of laws that would protect people in the event of workplace bullying as this is status blind. However, the law itself does not use “workplace bullying” as it is not considered a court friendly term, opting for abusive conduct instead. These bills

would be the carriers of this policy; even if they have a different term to name workplace bullying. As shown with the referential content analysis, the behaviors used to describe workplace bullying/abusive conduct are just as they are for other definitions and they would bring forward benefits for the community if enacted. The interview with the expert also added to the complexity of the term workplace bullying; as the expert had used on publications “emotional abuse”. However, the expert did recognize that the term emotional abuse was a subset workplace bullying because the damage caused by the perpetrator does not have to only be emotional, it can also be physical. In discussing with the expert, during the interview, the behaviors and actions that constitute workplace bullying, there was a discussion regarding groups of people who have experienced or know someone who has experience workplace bullying versus those who have not. When asking people to recognize behaviors and classify them as workplace bullying, workplace incivilities or personality clashes, they may be identifying these based on their experiences; thus, if they have not yet experienced these, they may not quite know which to select. Although, it is likely if a person has not experienced personal bullying, they may know someone who has or perhaps has read the testimony of someone who has been through it. This may have been the case as well with the results from the survey too, which are further discussed in the triangulation of the mixed methodology but also demonstrate that there is definitely a need there for a consensus on a definition and understanding of what workplace bullying entails. Even though “workplace bullying” is all over social media and daily colloquial

speech, there is a need for a consensus on the definition and understanding of terms and behaviors, especially when laws and policies are proposed.

2. Identify communities of meaning/interpretation/speech/practice that are relevant to the policy issue under analysis (Yanow, 2000, p. 22). In Chapter 3 of this study, these communities were identified as individuals that hold employment and employers. However, after reviewing the California and Florida bills, there are some specific groups that also need to be addressed: Private and public sectors. The California bill was directed towards both the private and public sectors whereas the Florida bill was only directed towards the public sector. Interesting enough, the original Healthy Workplace Bill does not have a clear indication of the sector. Leaving out potential loopholes like labor unions, which the expert mentioned as a potential ally in trying to reenergize and regroup the interest in these bills to be passed or at least for alternatives or new versions to be considered for a policy against workplace bullying. Since there are many interested in assisting those going through workplace bullying, there may be room for partnerships between policymakers with ombudsmen, scholars, academics, lawyers and advocates that lead studies and research to support its activism.
3. Identify the “discourses”: the specific meanings being communicated through specific artifacts and their entailments (in thought, speech and act) (Yanow, 2000, p. 22). The third part of Yanow’s interpretive policy analysis is a tricky one for the Healthy Workplace Bill since it has not been enacted; though, as bills that were proposed in California and Florida, from where the survey participants came from, one would think they would have been familiar with it. However, that was

not really the case. Nor it was the optimism for a law to reduce the incidences of workplace bullying. Yanow (2000) described the third step as the goal to be able to say something important about the values, beliefs, and feelings, to the policy-relevant community (Yanow, 2000, p. 20). The thematic analysis of the definitions and terms of workplace bullying and the referential content analysis of the bills were a great start to get all of the artifacts on the language, but the interview with the expert and the survey helped understand the values, beliefs, and feelings on the topic. Looking through the data from the thematic analysis from the write in answers and on the interpretive phenomenological analysis from the interview with the expert, there is a better understanding of how workplace bullying is interpreted by employees and supervisors. For instance, some supervisors allowing for workplace bullying to occur in order to increase productivity or letting their high achievers get a pass at being bullies. Is that a company policy or just a management style? It would be interesting to see if there are companies that condone that type of behavior and even compensate those that turn their employees from low achieving to high by being bullied into productivity. However, would their happiness level increase or decrease? How about their health? Company turnover? There would be employees that perhaps would report higher rates of illness and leave. Another issue is the overall confusion on how to differentiate some instances of workplace bullying from workplace incivilities; and the almost invisibility of what are personality clashes. There is no point drawn where workplace incivilities become workplace bullying. Also, there is no clarity as to whether personality clashes truly exist or if they just

are issues that managers do not want to deal with. The individual values, beliefs, and feelings of each person may determine how each defines each situation.

4. Identify the points of conflict that reflect different interpretations by different communities (Yanow, 2000, p. 22). The points of conflict that reflect different interpretations start with the different definitions and terms of workplace bullying in academic journals, books, the original Healthy Workplace Bill, the versions of this bill in California and Florida, and even the interview with the expert. The most telling is the difference between what the proposed bills call workplace bullying (abusive conduct in the workplace); as everyday people may not know what this means if they were to see this on a newspaper if it uses too much legal jargon and not enough plain English. The differences and ranges on terms used to call workplace bullying, as well as the behaviors are probably the reason why during the survey there are many differences in the responses from employers and supervisors in questions that asked them to classify behaviors as such. Even though there are definitions provided in the bill, there are no examples provided that could clarify the types of behaviors that could fall into abusive conduct in the workplace. The lack of descriptive narration of it may be why there was a lack of awareness of these bills in Florida and in California. Perhaps there has to be a movement to start the awareness for these bills from the bottom; from the people that work at the lower end of the corporate/organizational hierarchies, as the expert had suggested. This way, there is an awareness already created on this issue and there is a call for people to come about and share their testimonies on

workplace bullying that can later be compiled as examples of unacceptable behaviors.

The interpretive policy analysis last step continues in Chapter 5, with the show of implications of different meanings/interpretations of policy formation (Yanow, 2000, p. 22). Overall, the results from the data analysis for the qualitative and quantitative data, as well as the triangulation, give enough to consider for Chapter 5, which will further discuss the findings and lay down a conclusion and recommendations for this research study.

Chapter 5: Discussion, Conclusions, and Recommendations

The following chapter will present the discussion of the findings of the research study, the theoretical and interpretive policy analysis framework, the contributions to the conflict analysis and resolution field, the recommendations, and final reflections.

Discussion

Review of the Theoretical Framework

The theories that can be applied to workplace bullying that were identified at the start of this dissertation were: Social interaction theory, structural functionalism theory, constructivism theory, organizational culture theory, and systems theory in organizational culture. As this research study is focusing on interpretive policy analysis, these theories were all looked at from a constructivist and hermeneutic perspective. These theories all had one thing in common: they focused on society as a social construct comprised of systems but where not every individual who is a part of it views it the same way. Also, as noted earlier in Chapter 2, these theories can be applied to the use of interpretive policy analysis. The findings of this dissertation support all five of these theories as noted below.

Social interaction theory is supported in the findings from this dissertation as different behaviors were identified as workplace bullying, workplace incivilities, and personality clashes. However, as noted in the findings, these are not behaviors where there is a consensus on which fall under a certain category; they are all subject to controversy, as was noted by this theory, where people will interpret them based on their own experiences and background. In the qualitative data, the different definitions offered several behaviors to describe workplace bullying, and there are some that were presented

in the Healthy Workplace Bill and the versions of the bills in California and Florida. However, when it comes to determining which are or are not valid or severe enough to be considered or not considered workplace bullying, it may depend on each individual who goes through their lived experience. Also, since the behaviors were not presented to the respondents of the survey in an escalation order or in a way that they could perhaps deduce that one could be more significantly serious than the other, there were comments on confusion and the need for more information, particularly in the scenarios presented. One characteristic of the social interaction theory is that external influencers can impact decisions and actions from individuals, which breaks apart from what is expected to happen in an employer's structure and hierarchy.

External influencers like retaliation could impact the decisions or actions from individuals about whether or not to report a bullying action in the workplace. The Healthy Workplace Bill, as a legal document, included a clause regarding retaliation and whistleblowing to safeguard anyone that was going through the legislative process of the bill. However, the versions from California and Florida do not. Of course, neither bill has been enacted. If they were enacted, however, not having a clause that protects from retaliation could possibly stop victimized employees from coming forward, reporting instances of workplace bullying, and deciding to move through a legislative process to seek justice. Retaliation as an issue is interrelated between the different theories, especially social interaction theory, structure functionalism theory, and constructivism theory. More on this issue is explained after connecting structural functionalism theory to the findings.

The structural functionalism theory expects society to be interconnected and maintain a balance and social equilibrium through laws and policies. Whereas the social interaction theory focuses on the influencers, the structural functionalism theory puts order and structure to these in order to maintain the equilibrium in society. In regards to the findings of this dissertation, interesting enough, there was not much optimism by supervisors and employees about whether anti-bullying laws help in stopping workplace bullying. However, perhaps, this is because the addressing of these behaviors has to start at a smaller scale, at an organizational level through better training and with the proper identification of the appropriate behaviors that are acceptable in the workplace. Perhaps, the movement at a larger scale could be more successful if all employers in all sectors had more proactive advocacy for healthy workplaces and anti-bullying practices.

Also, not surprising was the lack of knowledge from the survey respondents about being familiar with the Healthy Workplace Bill versions passed in California and/or Florida, even though all research participants came from either state. It seems that unless a person had truly read the political section of the newspaper daily, there would not be much on the media with regards to these bills at the time that they were proposed and went through the state senate and/or congress. However, it shows that for action to occur as a law to prevent workplace bullying, there is a process. The process is grueling, and there will be those in favor and those against. There is a need to invest a long time to make this happen and even then, as it happened in Florida and California, the bills can get stalled in the passing level and never get enacted. Thus, organizations and corporations that support these bills cannot count solely on these to be enacted; they have to review their own employee handbooks and policies and look from within to target any possible

incivilities or cases of workplace bullying that could be occurring, and use alternative dispute resolution methods to assist them with these so they do not escalate at the level of lawsuits.

Revisiting the topic of retaliation, if these laws do become enacted, there will have to include a clause to prevent it. Sometimes what stops an employee from speaking out against unethical or illegal activity in the workplace is that fear of losing their jobs, getting a bad reputation, or getting further bullied for making a report. The original reason why David Yamada created the Healthy Workplace Bill was to ensure the prevention, self-help, relief, compensation, and restoration of the employee who has been victimized, and the punishment of the aggressor (Yamada, 2004). Thus, the bill has to ensure that these goals are being met while maintaining a sense of safety for the employee victimized so that he/she does not end up further suffering from abuse in the workplace.

The constructivism theory is based on the creation of knowledge individually and socially based on personal experiences. In the findings in this dissertation, the experiences of those who have been bullied in the past and their importance were discussed because these individuals will identify and relate to bullying behaviors differently than someone who has never experienced it. When employees or supervisors are given check-lists or behavior lists, they are likely to report on their personal experiences. It also explains why there is a difference between responses of supervisors and employees and why there are similarities, too. For those who have not experienced being bullied, they will respond to check-lists and questionnaires based on what they have heard from others or on what they have witnessed; based on that, they would form

an opinion. The concept itself of workplace bullying, from the findings, seems to be still “under construction,” although for the most part, there is a general understanding of what behaviors could fall under it. However, since it is a newer phenomenon, it is still evolving and that may be why there are characteristics that fall under it, and levels of intensity but not necessarily a set definition and term that limits it.

In the interview with the expert, it came up about how easy or difficult it would be for a person to respond to those check-lists of behaviors for those who have been subjected to workplace bullying or know someone who has, versus someone who has never been exposed to it or does not know anyone who has. Since workplace bullying does get reflected more and more on television shows and in the media, perhaps there could be some association. There is then the need to perhaps include not just workplace bullying as the term, but also, as expressed in Chapter 4, the need to combine it with emotional abuse. The terms together do encompass the bigger picture, almost a cause, and effect. Emotional abuse alone could imply not only actions that happen in the workplace, and workplace bullying has a very broad number of behaviors associated with it. Perhaps adding the words “emotional abuse” to “workplace bullying” would amplify the seriousness of this phenomenon, what it can do to employees and subsequently to organizations.

The organizational cultural theory relates more to each organization, where they have their own set of beliefs, rituals, values, and knowledge and those are not only aligned with its structure, the employees are also aware of it. The theory makes note that within an organization there will be power differences between the employees, internally and externally, and these are more intense in some industries than others. It references

back to the constructivists and hermeneutics, as this power difference does not have to be real to be perceived. The interview with the expert touched on the issue of workplace bullying and organizational culture, particularly on how some places of employment allow for “strategic bullying” to increase productivity. Also, some workplaces may allow for their high-producing employees to bully others without repercussions. The findings support this theory because an organizational culture can give an indication of how workplace bullying cases are handled: Would they be addressed through an ombudsman or a manager? What approach would a manager take to resolve the issue? What role would Human Resources take? It would vary between organizations and ultimately through its employee handbooks, policies, and procedures in place.

The systems theory in organizational culture focuses on the functionalities of organizations as subsystems and what affects them internally, not necessarily the external factors. The findings from this dissertation also go hand in hand with this theory as the respondents of the survey came from different workplace cultures and their responses had some variations on what workplace bullying is or is not. The interview with the expert also discussed at length the role of management and what they can or would not do in the event of a bullying incident; this is a reflection of the culture of the organization as well. Communication is a big part of the systems theory in organizational culture, as this is the only way it can function. Thus, in order for workplace bullying incidents to be addressed, first, it has to be conveyed to the supervisors and employees what is and is not appropriate behavior in the workplace. Also, if there were to be a bullying incident, there has to be some kind of process where the person who is bullied can report this without fear of retaliation and with the confidence that there can be a positive resolution.

Otherwise, if there is not a communication system in place to report bullying incidents or if there is no confidence or trust that anything can be done, then it will impact productivity and it will break the ideal “cohesiveness organizational synergy” that this theory promotes.

Review of the Interpretive Policy Analysis

The purpose of interpretive policy analysis is to provide a platform for the discussion of ideas and issues that impact a particular policy that is about to be enacted or has been enacted (Yanow, 2000). The results from the mixed methodology research presented a broad discussion on the ambiguity of the term “workplace bullying.” As noted earlier, the steps of the Interpretive Policy Analysis are to identify the artifacts that carry the meaning behind interpretive communities as it relates to the given policy, the communities relevant to the policy that interprets these artifacts, identify the discourse within these communities by which they relate the artifact to be interpreted with the policy, and to discuss conflicting interpretations (Yanow, 2000, p. 33). In order to achieve these steps, the thematic analysis of workplace bullying definitions, the referential content analysis of the original Healthy Workplace Bill along with the versions from California and Florida, as well as the survey of almost 300 respondents helped in the analysis and identification of definitions and terms of workplace bullying.

Analyzing each term and definition that describes workplace bullying identified the following characteristics: (1) there has to be at least two parties involved; (2) repetitive; (3) intent to produce harm, whether it is emotional or physical; (4) behaviors ranging from blatantly excluding someone to physical violence; (5) and they are unwanted by the recipient of such behaviors. The interview with the expert provided two

very important characteristics in bullying incidents: the intent and intensity of the behavior. The consequences of bullying can lead to low productivity and high turnaround in the workplace as well as illness, stress, and burnout within the employees being bullied.

Since there is a wide range of behaviors that cover workplace bullying and some of them overlap with what is covered under harassment laws, the Health Workplace Bill uses “emotional abuse,” which the expert described as a conservative term. The differences between the bills was an interesting discovery as it may reflect on these policies intending to be more specific in terms of behaviors and characteristics of workplace bullying, as well as who are those that the bill protects: private and public employees or just one sector. The original Healthy Workplace Bill drafted by David Yamada provided a clause on retaliation where the one in Florida and California did not, this perhaps being the most crucial difference, and one that should be revisited.

The goal of this study was to come closer to a universal workplace bullying definition, and the methodology portion of this study assisted in finding the following characteristics in which the ideal workplace bullying definition should have.

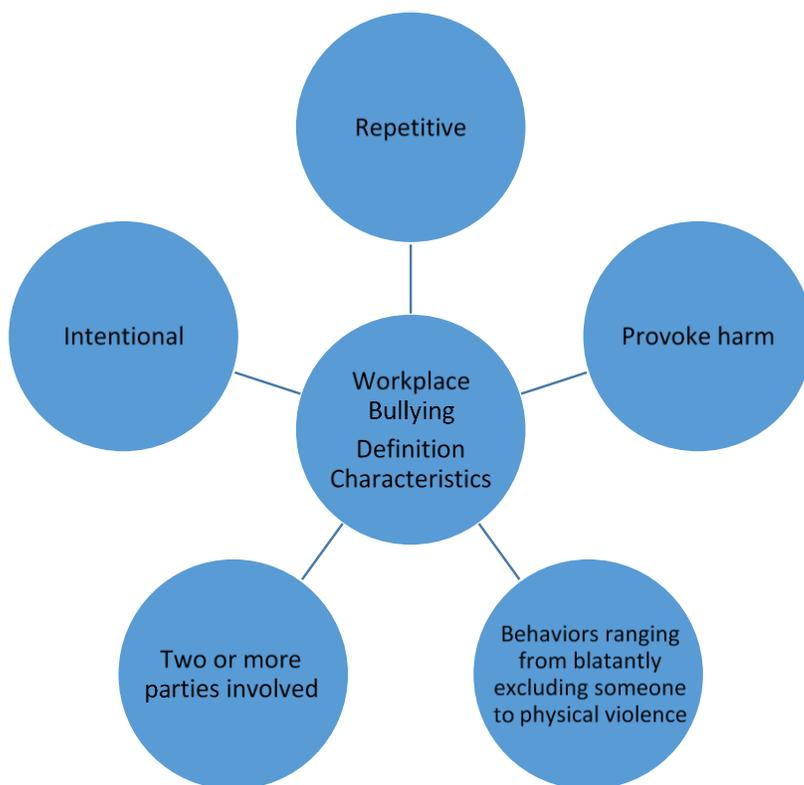


Figure 2. Workplace Bullying Definition Characteristics.

The last step of interpretive policy analysis is to show the implications of the different meanings, the different ways they are seen by people, and the suggestions made for the reframing of policy language (Yanow, 2000, p. 33). In looking at the terms and definitions and then comparing them to those provided by the interview with the expert, it seems that one can see the overlap between terms and how some are a component of others. For example, emotional abuse is a component of workplace bullying, workplace aggression, and workplace conflict. Perhaps this is the reason why there is a challenge in choosing a term or definition for a set of behaviors, as was the case in the survey. The expert in the interview stated that perhaps it was better to have people focus on the behaviors rather than on a set term and perhaps that is something organizations can focus

on when setting up their organizational codes of conduct and values. It would be best to start focusing on the behaviors, including some examples so that employees know what is expected and appropriate. Also, the principal investigator suggests to include the consequences of what would happen if there is misconduct so that employees are aware of the lines of leadership and consequences when there is a violation of the rules of conduct for workplace bullying. It is not enough, however, to have codes of conduct, if there is no follow through or training for these. Everyone in the organization should be informed on the existence of these.

However, the principal investigator, through the triangulation of the qualitative and quantitative data, noted that perhaps there should be a combination of terms, “workplace bullying and emotional abuse” to encompass the severity and importance of this phenomenon. Also, due to the large number of behaviors that fall under workplace bullying and the large number of terms used in place of workplace bullying in journals, literature, and also in the legal system, it would be more effective for the community to start getting used to the association of the use of both terms combined. This way, if the bills do get enacted, people will understand that emotional abuse in the workplace refers to bullying.

Overlapping the terms that define workplace bullying or focusing only on the behaviors may offer a temporary solution. However, there has to be better awareness from the public if these are ever to be brought back to the Senate or the House of Florida and/or California. Since these bills were never enacted, there is no data to suggest if they are effective. However, judging just from the data collected in the sample from the survey one could speculate that there was little awareness that there were even laws proposed or

that people thought that law could make a difference to combat workplace bullying. There is a need for a grassroots movement to start introducing the term used in the bills, “emotional abuse” to the public to create awareness, linked to the behaviors that define workplace bullying. And also, start educating others on conflict resolution skills, which go hand in hand with learning what are and are not acceptable behaviors in the workplace.

Conclusions

The study provided a source of discussion on the challenges of having multiple terms and definitions used to describe workplace bullying, as well as an analysis of the Healthy Workplace Bill and its versions in California and Florida. The research study is a mixed methodology, and as such, it used both qualitative and quantitative research methods. Within the qualitative research methods, it was interesting to see the differences and similarities between the original Healthy Workplace Bill and the bills proposed in California and Florida through a thematic analysis. The fact that neither bill has been enacted yet was passed also leads one to question the future of these bills. What will need to occur to resurrect the interest in the legislature to enact them? It was also interesting to do a thematic analysis of terms and definitions of workplace bullying by examining the words and behaviors used to define it. It is important to note that the field itself is still growing, and thus, most literature reviewed came from the 1990s and beyond. Earlier authors in the topics came from Scandinavian nations.

The triangulation analysis showed that the data is related to each other and, even though employees and managers did not have statistically significant relationships in most of their responses to the questions in the survey, their responses to this survey do

fall under the hermeneutic nature of the interpretive policy analysis. Though the future is uncertain for the bills in California and Florida since they passed but never got enacted, there are things employers can do for their employees to ensure that incidences of workplace bullying are being addressed properly.

Organizations and corporations should engage in conversations with their employees and supervisors, perhaps as focus groups, to find out what is happening within their place of employment in terms of civility and productivity and their interrelation. Organizations and corporations can then revisit their employee handbooks and policies and make clear notations of which behaviors are and are not acceptable in the workplace, explain what will be the consequences of such actions and about the grievance process. For the sufferers of workplace bullying, there should be a way for them to not get in trouble for reporting what occurs and to maintain their confidentiality and safety in the workplace. If the organization or corporation works with an Employee Assistance Program, to then promote it more aggressively, so all employees can take advantage of it, and make use of its workshops and services. Some of the most useful workshops the Employee Assistance Program should always have available should be on how to handle difficult situations and how to work with difficult people.

One interesting finding was that neither supervisors or employees that participated in this survey were aware of these bills being proposed in their states nor felt that laws could prevent bullying incidents. It was reminiscent of one of the ideas brought forward in the interview with the expert, mentioning that the supporters of the Healthy Workplace Bill should focus on labor unions in order to gain more momentum. Also, there should be other practical solutions or approaches to workplace bullying that could be considered.

Ury, Bret, and Goldberg (1993) noted that conflicts occur when certain needs are at stake; thus, they have identified that reconciling such interests would generate a higher level of satisfaction which in turn would result in a more satisfactory conflict resolution where the issue is likely not to occur again (Ury, Bret, Goldberg, 1993). They also noted that it was less costly than focusing on who is “right” or more “powerful” in the conflict. In those types of conflicts, it is likely that the relationship would become more strained, competitive, and expensive to resolve because it could take years to get to litigation and it could lead to extreme measures such as violence.

Needless to say, not all of the conflicts can be resolved from an interests-based point of view, but it seems that most that arise from incidences of workplace bullying could use the model below, where most disputes would be resolved, by focusing on interests, as the cost-effective way.

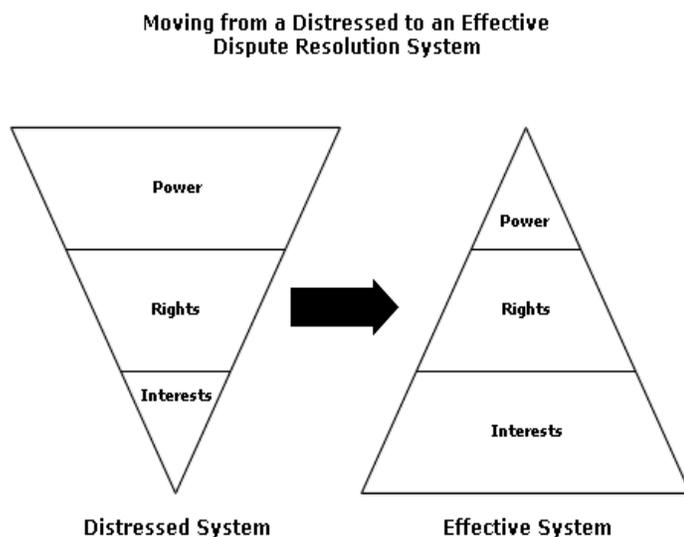


Figure 3. Moving from a Distressed to an Effective Dispute Resolution System (Ury, Bret, Goldberg, 1993)

Some forms of conflict resolution that companies and organizations can use include having an ombudsman. An ombudsman is a neutral individual in an organization who assists supervisors and employees with any work-related issues (Kolb, 1987). They are not representatives of Human Resources, but rather they help with the interpretation of policies and practices in the organization, communications, conciliation, and provide assistance with resolving any conflicts in the workplace. An ombudsman could also provide some assistance with facilitating meetings, provide conflict coaching, and explore alternative options in order for the parties involved in bullying incidents to understand each other's position.

Other forms of conflict resolution include: alternative dispute resolutions (ADR), such as mediation and arbitration, among others. It could prove to be more cost effective, confidential, and not take a long period of time for a resolution. Supporters of using ADR for workplace bullying suggested that small businesses, in particular, would support this as they already operate on minimal resources (Mao, 2013). The best motto organizations and corporations can use, though, is to not wait for incidents to happen to take action in making changes to their policies. It is best to mitigate and start thinking on ways to address potential conflicts and when employees and supervisors are interacting with each other, there has to be healthy conflict resolution trainings and procedures in place.

Also, the supporters and advocates for the Healthy Workplace Bill should not forget about the Human Resources (HR) field and their role in the workplace. HR has seen more than enough cases of employee dynamics and most cases likely land in their hands if they are reported. In this dissertation study, there were no questions regarding the role of HR, but there is literature out there on their role and how they are trying to

clarify their responses to workplace bullying. For instance, Fox and Cowan (2015) found in their study that employees were “fuzzy” in understanding the role of human resources when it came to conflicts within the organization and that there were no specific guidelines when it came to workplace bullying; also, the management roles were not clarified (Fox & Cowan, 2015). There has to be a way to make this a more collaborative effort rather than only count on legislation or policy to make a difference in maintaining a civil work environment.

Contribution to Conflict Analysis and Resolution Field

The interpretive policy analysis of the Healthy Workplace Bill contributed to the field of conflict analysis and resolution in different ways. The most important is that it showed that even though there are laws out there that are created to target conflicts and injustices, sometimes it takes time for those to get enacted. However, even though they are not yet enacted, there are still ways to combat these conflicts and injustices through alternative dispute resolution techniques, such as mediation, arbitration, facilitation, an Employee Assistance Program, or through the use of an ombudsman. The research study itself used a methodology that could be more prevalent for public policy analysis, and when new policies are presented, sometimes there are groups that are for and some that are against. Thus, the use of a study, such as interpretive policy analysis, helps understand all members of the community who would be impacted by a new policy and what their views are of it. The principal investigator noticed the use of the interpretive policy analysis for a study on cultural conflict. She thought that the study could be used towards a study that would focus on a conflict that impacts all organizations and corporations, such as workplace bullying.

Workplace Bullying and the Healthy Workplace Bill are very much prevalent in society today more than ever. The blog by David Yamada that inspired the research study by this principal investigator has posts weekly on different issues on these topics, from all industries. The topics that have been discussed are a reminder of why workplace bullying is very relevant to the field of workplace conflicts. For example, workplace bullying in hospitals can include doctors versus nurses, doctors versus residents, residents versus medical students, nurses versus volunteers, etc. It is a multilevel phenomenon that needs to continue to be studied and addressed in order to help find a resolution for each case.

Workplace bullying and the use of an interpretive policy analysis is also a good approach for any scholars who want to study the history of this bill in other states. For example, Massachusetts is undergoing the process of passing this bill at the moment. It would be interesting to study the politics of the Healthy Workplace Bill in a state that is currently going through this process. It does not have to use a mixed methodology research but it could focus on qualitative methods to uncover the lived experiences or stories of those that are hoping for this bill to pass and be enacted. It would be interesting to see who is in favor for this bill, which institutions, sectors, labor unions and other stakeholders and if any grassroots activists are participating in any information blitzes to keep the State informed in the movement of this bill.

As mentioned earlier, the interpretive policy analysis has been used before for cultural studies, thus, it would be interesting to use it for other proposed policies, such as: Gun control, immigration reform, climate change, universal healthcare, preventing animal cruelty act, to name a few.

Recommendations

The study should resume in examining the current views of citizens in Massachusetts, who are currently working on passing their version of the Healthy Workplace Bill. It would be interesting to see how knowledgeable employees and supervisors are about the bill and their views on it. The study could focus on interviews, perhaps 10 interviewees for a type of content analysis or perhaps do an ethnographic study from what is happening behind the scenes the courts' proceedings for the bill.

It would be interesting to see if increasing a social media presence by starting a campaign on a college campus would increase the interest of people to mobilize towards passing these bills. Younger generations have proven to be excellent at mobilizing and making waves when it comes to social justice causes. The use of the internet and social media makes information more accessible; thus, it would be advantageous to use those platforms to reach out to more people not only for information gathering but also to inform on the risks of workplace bullying.

The expert in the field mentioned a lack of studies on the impacts of workplace bullying in diversity and inclusion. It would be interesting to do a study focusing on diverse workplaces, perhaps employers that have U.S. nationals and international employees; or a very diverse population and conduct a study of the incidences of workplace bullying and if they perceive bullying the same way.

Final Reflection

The topic, methodology and data used for this dissertation was expansive and time consuming for the principal investigator to be able to finish this dissertation. The use of a mixed methods research with a mixed-qualitative research methodology made it

interesting but also a demanding task. Finding an expert in the field that was available was a difficult task; although when the principal investigator finally found one that was very willing to participate, she had an illuminating conversation with that expert. There were more challenges with the survey than anticipated to get the required number of participants; however, the results were worthwhile. It taught the lesson to the principal investigator that things do not happen as predicted but sometimes they occur much better than anticipated. The final result was a study that the principal investigator found to be very meaningful in that she learned to perfect different qualitative research methodologies (thematic, referential and interpretive phenomenological analyses) and utilize quantitative methodologies for the survey. The best takeaway, however, was to then put all of the analyses together to make the interpretive policy analysis. It became a project that had multiple challenges that at the end of the day made this study worthwhile, informative and compelling.

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Appendix A: Workplace Bullying Definitions

Term	Definition	Author(s)	Year
'Abusive Conduct'	'Behavior inflicted with malice that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests.'	Yamada, David in Healthy Workplace Bill (Stone, K.L., 2009)	2007
'Abusive Supervision'	'Subordinates' perceptions of the extent to which supervisors engage in the sustained display of hostile verbal and nonverbal behaviors, excluding physical contact.'	Tepper, B.J. (Keashly, L. & Neuman, J.H., 2004)	2000
'Bullying at Work'	'Repeated actions and practices that are directed against one or more workers; that are unwanted by the victim; that may be carried out deliberately or unconsciously, but clearly cause humiliation, offense, and distress; and that may interfere with work performance and/or cause an unpleasant working environment.'	Einarsen, S. & Raknes, B.I. (Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	1997
'Bullying at Work'	'Harassing, offending or socially excluding someone or negatively affecting someone's work. In order for the label bullying (or mobbing) to be applied to a particular activity, interaction or process, the bullying behavior has to occur repeatedly and regularly and over a period of time. Bullying is an escalating process in the course of which a person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incident is an isolated even to or if two parties of approximately equal strengths are in conflict.'	Einarsen, S. & Skogstad, A., 1996, Leymann, H., 1996, Olweus, D., 1987, 1991, 1994, Zapf, D. 1999b (Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2011
'Bully in the Workplace'	'Persistently snapping and finding fault. A bully is unlikely to listen to people's opinions and ideas, considers nothing and talks over others when they are trying to raise a point.'	Adams, A.	1992

'Bullying'	'Deliberately aggressive course of conduct performed to exercise power over another person by causing that person physical or psychological harm.'	Randall, P. (Simon, C.S. & Simon, D.B., 2006)	1997
'Bullying'	'Repeated unreasonable behavior towards a worker or group of workers that creates a risk to health and safety.'	WorkCover Authority of NSW and WorkSafe Victoria (Easteal Am, P. & Hampton, J., 2011)	2009
'Disruptive Practitioner Behavior'	'A chronic pattern of contentious, threatening, intractable, litigious behavior that deviates significantly from the cultural norm of the peer group, creating an atmosphere that interferes with the efficient function of the healthcare staff and the institution.'	Cawley, P.J. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	n.d.
'Dysfunctional Behavior'	'Motivated behavior by an employee or group of employees that is intended to have negative consequences for another individual and/or group and/or organization itself.'	Griffin, R.W., & Lopez, Y.P. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2005
'Emotional Abuse'	'Repeated hostile verbal and nonverbal , often nonphysical, behaviors directed at a person (s) such that the target's sense of him/herself as a competent worker is and person is negatively affected.'	Keashly, L. & Jagatic, K. (Keashly, L. & Neuman, J.H., 2004)	1998
'Emotional Tyranny'	'Use of emotion by powerful organization members in a manner that is perceived to be destructive, controlling, unjust, and even cruel.'	Waldron, V. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2009
'Employee Mistreatment'	The interactional, distributive (lack of access to resources), procedural, or systematic abuse of employees that takes place at both interpersonal and institutional levels.'	Meares, M.N., Oetzel, J.G., Torres, A., Derkacs, D., Ginossar, T. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2004
'Generalized Workplace Abuse'	'Degrading workplace interactions not explicitly involving gender... these involve psychologically demeaning and physically aggressive modes of aggression.'	Richman, J.A. et al. (Keashly, L. & Neuman, J.H., 2004)	1999

'Harassment'	'Harassment behavior involves repeated and persistent attempts by one person to torment, wear down, frustrate, or get a reaction from another. It is treatment that persistently provokes, pressures, frightens, intimidates, or otherwise discomforts another person. Harassment implies a lack of humor, involves negative effect, and tends to be interpreted as an attack on a person, for the harassing behavior preys directly upon the felt inadequacies of the personality.'	Brodsky, C.M. (1976)	1976
'Leader Bullying'	'Strategically selected tactics of influence by leaders designed to convey a particular image and place targets in a submissive, powerless position whereby they are more easily influenced and controlled, in order to achieve personal and/or organizational objectives.'	Ferris, G.R., Zinko, R., Brouer, R.L., Buckley, M.R., Harvey, M.G. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2007
'Mobbing'	'Harassing, ganging up on someone, or psychologically terrorizing others at work.'	Leymann, H. (Keashly, L. & Neuman, J.H., 2004)	1996
'Mobbing'	'Emotional bullying in the workplace by more than one person.'	Davenport, N. (Seagriff, 2010)	1999
'Mobbing'	'Emotional assault. Individual becomes the target of disrespectful and harmful behavior. Through innuendo, rumors, and public discrediting, a hostile environment is created in which one individual gathers others to willingly or unwillingly participate in malevolent actions to force a person out of the workplace.'	Yamada, D. (Chaplin, 2009) (Lueders, 2008)Car	2000
'Mobbing'	'Mobbing occurs when superiors, coworkers, or subordinates gang up to force someone out of the workplace.'	Browne, N. & Smith, M. (Seagriff, 2010)	2008
'Moral Harassment'	'Abuses and repeated behaviors of any origin, internal or external to the enterprise, which include notably unilateral conducts, words, intimidations, acts, gestures or writings having as their purpose of	Belgium's Statute Against Violence and Moral or Sexual Harassment at Work (Collins, E.C., Mokros,	2002

	effect to negatively affect the personality, the dignity, or the physical or mental integrity of an employee during the performance of the employment; to jeopardize the employee's employment or to create an intimidating, hostile, degrading, humiliating or offensive environment.'	R.B., Simmons, B., 2003)	
'Moral Harassment'	'Recurring non-physical acts of harassment in the workplace that negatively affect the employee's physical or mental wellbeing.'	Act Respecting Labour Standards, Canada (Yuen, 2005)	2004
'Moral Harassment at the Workplace'	'Irrational repeated behavior towards an employee or group of employees, which represents a health and security risk.'	Ezer, M. (Ezer, M. & Ezer, O.F., 2012)	2012
'Psychological Harassment'	'Deterioration in working conditions that may violate the employee's rights and dignity, impair his physical or mental health or jeopardize his professional future.'	Platel, B. & Viala, T. (Graser, M., Manouil, C., Verrier, A., Doutrelot-Phillipon, C. & Jarde, O., 2003)	2002
'Social Undermining'	'Behavior intended to hinder, over time, the ability to establish and maintain positive interpersonal relationships, work related success, and favorable reputation.'	Duffy et al. (Keashly, L. & Neuman, J.H., 2004)	2002
'Subjective Harassment'	'Refers to the awareness of harassment by the target and the object harassment to a harassment situation in which actual external evidence of harassment is found.'	Brodsky, C.M.	1976
'Workplace Aggression'	'Efforts by individuals to harm others with whom they work, or have worked, or the organizations in which they are currently, or were previously employed. This harm-doing is intentional and includes psychological as well as physical injury.'	Baron, R.A. & Neuman, J.H. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	1996
'Workplace Bullying'	'Hostile and unethical communication, which is directed in a systematic way by one or a few individuals mainly towards one individual.'	Leymann, H. (Kaplan, J., 2010)	1996
'Workplace Bullying'	'Repeatedly subjected to negative acts in the workplace, so long as the	Einarsen, S. & Skogstad, A. (Kaplan, J., 2010)	1996

	victim feels unable to defend himself.'		
'Workplace Bullying'	'Perpetrated mainly by superiors, and marked by hostile verbal and nonverbal, nonphysical behaviors directed at a person (s) such that the target's sense of him/herself as a competent person and worker is negatively affected.'	Keashly, L. (Stone, K.L., 2009)	1998
'Workplace Bullying'	'Intentional infliction of a hostile work environment upon an employee by an coworker or coworkers, typically through a combination of verbal and nonverbal behaviors.'	Yamada, D. (Lueders, A., 2008; Chaplin, 2009)	2000
'Workplace Bullying'	'Repeated, malicious, health-endangering mistreatment of one employee... by one or more employees.'	Namie, G. & Namie, R. (Chaplin, 2009)	2003
'Workplace Bullying'	'Repeated interpersonal mistreatment that is sufficiently severe as to harm a targeted person's health or economic status. Further, it is driven by the perpetrator's need to control others while undermining legitimate business interests. Bullying keeps work from getting done.'	Namie, G. & Namie, R.	2004
'Workplace Bullying'	'Deliberate, hurtful and repeated mistreatment of a target that is driven by the bully's desire to control.'	Lehoczy, E. (Chu, S.J.C., 2012)	2004
'Workplace Bullying'	'Persistent negative interpersonal behavior experienced by people at work.'	Rayner, C. & Keashley, L. (Fox, S. & Spector, P.E., 2005; Fox, S. & Stallworth, L.E., 2004)	2005
'Workplace Bullying'	'Pattern of destructive and generally deliberate demeaning of coworkers or subordinates that remind us of the activities of the schoolyard bully.'	Vega, G. & Comer, D.R. (Worth, R. & Squelch, J., 2015)	2005
'Workplace Bullying'	'Repeated offensive behavior through vindictive, cruel, malicious or humiliating attempts to undermine an individual or a group of employees.'	Chappel, D. & Di Martino, V. (Chaplin, 2009)	2006
'Workplace Bullying'	'A type of interpersonal aggression at work that goes beyond simple	Lutgen-Sandvik, P., Tracy, S.J., Alberts,	2007

	incivility and is marked by the characteristic features of frequency, intensity, duration and power disparity.’	J.K. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	
‘Workplace Bullying’	‘Repeated, unreasonable actions of individuals or groups directed towards an employee or a group of employees, which is intended to intimidate and creates a risk to the health and safety of the employee (s).’	Washington Dept. of Labor (Seagriff, B., 2010)	2008
‘Workplace Bullying’	‘Physical assault and aggression, verbal abuse, intolerance of psychological, medical and personal problems, humiliating or demeaning conduct, marginalization, abuse of disciplinary process, demotion or transfer, pressure to engage in illegal activities, recommendation to resign, creation of unhealthy work environment.’	Rycroft, A. (Whitcher, 2010)	2009
‘Workplace Bullying’	‘Repeated, health-harming mistreatment of a person by one or more workers that takes the form of verbal abuse; conduct or behaviors that are threatening, intimidating, or humiliating, sabotage that prevents work from getting done; or some combination of the three.’	Namie, G. & Namie, R. (Yamada, D., 2012)	2009
‘Workplace Bullying’	‘Harassing, offending, socially excluding someone or negatively affecting someone’s work tasks... It has to occur repeatedly and regularly and over a period of time. Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incident is an isolated event or if two parties of approximately equal strength are in conflict.’	Einarsen, S., Hoel, H., Zapf, D. & Cooper, C. (Lippel, 2010)	2010
‘Workplace Bullying’	‘Repeated unethical and unfavorable treatment of one person by another in the workplace.’	Boddy, C.R. (Worth, R. & Squelch, J., 2015)	2011

‘Workplace Bullying’	‘Situation in which a person is persistently on the receiving end of negative actions from one or several others in a situation where the person exposed to the negative treatment has difficulties defending himself/herself against these actions.’	Lokke Vie, T., Glaso, L. & Einarsen, S. (Worth, R. & Squelch, J., 2015)	2011
‘Workplace Bullying’	‘Repeated, health-harming mistreatment of one or more persons, which takes one or more of the following forms: verbal abuse, offensive conduct, or threatening behavior, humiliation or intimidation or work interference that prevents work from getting done.’	Workplace Bullying Institute (Calvin, N., 2012; Chu, S.J.C., 2014)	2012
‘Workplace Bullying’	‘Repeated hostile behavior directed at employees that affects their ability to do their jobs. It is perpetrated by both co-workers and supervisors, includes behavior ranging from social ostracism to overt aggression such as spreading rumors, harsh criticism, threats, or violence, and it is often aimed at forcing the target out of his or her position.’	Moss, H., Byrd, B., Mailander, B. (Brown, 2013)	2013
‘Workplace Bullying’	‘Offensive, intimidating, malicious or insulting behavior, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.’	ACAS – Advisory, Conciliation, and Arbitration Service (Keegan, S.M., 2015)	2015
‘Workplace Deviance’	Voluntary behavior that violates significant organizational norms and, in so doing, threatens the well-being of the organizations or its members, or both.’	Robinson, S.L & Bennett, R.J. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	1995
‘Workplace Harassment’	‘Interpersonal behavior aimed at intentionally harming another employee in the workplace.’	Bowling, N.A. & Beehr, T.A. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2006
‘Workplace Incivility’	‘Low-intensity deviant behavior with ambiguous intent to harm the target, in violation of workplace norms for mutual respect. Uncivil behaviors are characteristically rude	Andersson, L.M. & Pearson, C.M. (Keashly, L. & Jagatic, K, 2011; Einarsen, S.,	1999

	and discourteous, displaying a lack of regard for others.'	Hoel, H., Zapf, D. & Cooper, C.L., 2011)	
'Workplace Victimization'	'An employee's perception of having been the target, either momentarily or over time, of emotionally, psychologically, or physical injurious actions by another organizational member with whom the target has an ongoing relationship.'	Aquino, K. & Lamertz, K. (Keashly, L. & Jagatic, K, 2011; Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L., 2011)	2004
'Workplace Violence'	'Conduct ranging from verbal threats to homicide, occurring within or away from the workplace.'	Occupational Safety and Health (Harthill, S., 2010)	2002
'Workplace Violence'	'Physical assault, including murder, rape, and robbery, and can be divided into categories depending on the relationship between the target and the worker... it can also include domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation, and other forms of conduct that create anxiety, fear, and a climate of distrust in the workplace.'	Federal Bureau of Investigations (Harthill, 2010) and Susan Harthill (Harthill, 2010).	2004 and 2010

Appendix B: Workplace Bullying Definitions Used in Bills

Term	Definition	Bill Name	State	Year Proposed
'Abusive Conduct'	'Conduct that a reasonable person would find hostile, offensive or unrelated to an employer's legitimate business interests.'	The Healthy Workplace Bill	N/A	2001
'Abusive Conduct'	'Conduct of an employer or employee in the workplace, with malice, that a reasonable person in the workplace would find hostile, offensive, and unrelated to an employer's legitimate business interests.'	Abusive Work Environments, Assembly Bill, AB 1582	California	2003
'Abusive Conduct'	'Pattern of behavior or a single act of an employer or employee in the workplace which is performed with malice and is unrelated to an employer's legitimate business and which a reasonable person would find hostile or offensive considering the severity, nature, and frequency of the conduct or the severity or egregiousness of the conduct.'	Abusive Workplace Environment Act, Florida Senate Bill SB 308	Florida	2013

Appendix C: Characteristics/Behaviors that Define Workplace Bullying

Characteristics/Actions that Define 'Workplace Bullying'	Term	Article/Publication Title	Author/Date
<ol style="list-style-type: none"> 1. 'Abusive communications and actions (i.e. screaming, berating, telephone terror, unjustified criticism, sexual harassment, and violence.' 2. 'Destruction of the employee's status at work (i.e. through insults, rumors, public humiliation, sabotage, and physical isolation).' 3. 'Degrading assignments (i.e. assigning useless tasks, no tasks or tasks for which the employee is unqualified for).' 4. 'Workplace bullying may occur between colleagues of the same organizational level or between superiors or subordinates; the harasser may be the superior or the subordinate... They may be male or female, young or old, and newly promoted or long time employees.' 	'Moral Harassment'	<i>Beyond the School yard: Workplace Bullying and Moral Harassment Law in France and Quebec</i> (Cornell International Law Journal)	Yuen, R.A., 2004
<ol style="list-style-type: none"> 1. 'Intent to cause harm or distress to an employee, subjects employee to abusive conduct that causes physical harm, psychological harm or both.' 2. 'Repeated verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal, nonverbal or physical conduct of a threatening, intimidating or humiliating nature; or the sabotage or undermining of an employee's work performance.' 3. 'A single act will normally not constitute abusive conduct, but an especially severe and egregious act might meet this standard.' 	'Workplace Bullying'	<i>Emerging American Legal Responses to Workplace Bullying</i> (Policy & Civil Rights Law)	Yamada, D.C., 2012
<ol style="list-style-type: none"> 1. 'Bullies may try to humiliate targets, spread rumors or gossip, or in extreme cases, stalk or 	'Workplace Bullying'	<i>Workplace Bullying, A Growing Threat</i>	Fishler, T., 2014

<p>threaten targets or attempt to steal or damage property or work products.’</p> <p>2. ‘Bullies may recruit secondary adults who may not want to be on the bully’s bad side and will support the bully’s efforts, thus further isolating victims.’</p>		<p><i>for Employers</i> (Legal Management)</p>	
<p>Ryocroft, A. (2009) notes that the following can, in appropriate circumstances, qualify as workplace bullying:</p> <p>1. ‘Physical assault and aggression, verbal abuse, intolerance of psychological, medical or personal problems, humiliating or demeaning conduct, marginalization, abuse of disciplinary process, demotion or transfer, pressure to engage in illegal activities, recommendation to resign, creation of an unhealthy work environment.’</p>	<p>‘Workplace Bullying’</p>	<p>Workplace Bullying Law: Is it Feasible? (Industrial Law Journal)</p>	<p>Whitcher, B., 2010</p>
<p>1. ‘Pattern of deliberate, repeated harassment over a period of time.’</p> <p>2. ‘Ongoing and continuous pattern of abusive, intimidating, and harassing behavior from his supervisor.’</p>	<p>‘Workplace Bullying’</p>	<p><i>Tackling Workplace Bullying in Tort: Emerging Extreme and Outrageous Conduct Test Averts Need for Statutory Solution</i> (Journal of Labor and Employment Law)</p>	<p>Morris, S.E. (2016)</p>
<p>1. ‘Bullying behaviors vary widely covering a variety of overt and covert and verbal and nonverbal acts that undermine a target’s ability to succeed at her job.’</p> <p>2. ‘Bullies seek out agreeable, vulnerable, and successful coworkers, often motivated by the bullies’ own feelings of inadequacy.’</p> <p>3. ‘Bullies can be cruelly innovative, varying their tactics hour to hour, day by day, by</p>	<p>‘Workplace Bullying’</p>	<p><i>From Queen Bees and Wannabes to Worker Bees: Why Gender Considerations Should Inform the Emerging Law of Workplace Bullying</i> (NYU Annual Survey of American Law)</p>	<p>Stone, K.L. (2009)</p>

<p>employing threatening and intimidating behavior, name calling, malicious sarcasm, and threats to safety, and by tarnishing reputations, giving arbitrary instructions, undermining victims' efforts, threatening job loss, using insults and put-downs, yelling and/or screaming at victims, and stealing credit.'</p>			
<ol style="list-style-type: none"> 1. 'The delivery of harmful behavior is deliberate.' 2. 'The behavior is designed to cause the other person harm.' 3. 'The behavior is aimed to reach the other person with certainty. Even though the bully's effect depends on the other person's sensitivity, it is generally accepted that the bully's conduct is more than rudeness or incivility.' 4. 'The bully's behavior is repetitive or part of an ongoing scheme, where the target's resulting behavior is predictable or a foreseeable, natural consequence.' 5. 'Bullying behaviors include: exclusion or victimization, spreading malicious rumors, insulting someone about their race, sex, sexual orientation, gender reassignment, disability, religion or belief, offensive or inappropriate remarks, jokes, innuendos, name calling, abusive threatening language/shouting/swearing, copying others into memos/emails that criticize someone, unfair treatment— e.g., singling someone out, overbearing supervision/misuse of power or position, ridiculing or demeaning someone, setting someone up to fail, unfounded threats/comments about job 	<p>'Bullying in the Workplace'</p>	<p><i>Bully For You: Full Steam Ahead: How Pennsylvania Employment Law Permits Bullying in the Workplace</i> (Widener Law Journal)</p>	<p>Simon, C.S. & Simon, D.B. (2006)</p>

<p>security, deliberately undermining a competent worker through negative feedback without supporting improvement, unwelcome physical or sexual advancements—unwanted physical contact, gestures, standing too close, violence, displaying offensive posters, leaflets, graffiti, pin-ups, magazines, papers, emails or electronic images.’</p> <p>6. ‘Falsely accusing someone of “errors” not actually made, stared, glared, was nonverbally intimidating and was clearly showing hostility, discounted the person’s thoughts or feelings in meetings, used the “silent treatment” to “ice out” and separate from others, exhibited presumably uncontrollable mood swings in front of the group, made up own rules on the fly that even he/she did not follow, disregarded satisfactory or exemplary quality of completed work despite evidence, harshly and constantly criticized having a different “standard” for the target, started or failed to stop destructive rumors or gossip about the person, encouraged people to turn against the person being tormented, singled out and isolated one person from co-workers, either socially or physically, publicly display “gross” undignified, but not illegal, behavior, yelled, screamed, threw tantrums in front of others to humiliate a person, stole credit for work done by others, abused the evaluation process by lying about the person’s performance, “insubordinate” by failing to</p>			
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<p>follow arbitrary commands, used confidential information about a person to humiliate privately or publicly, retaliated against the person after a complaint was filed, made verbal put-downs/insults based on gender, race, accent or language, disability, assigned undesirable work as a punishment, made undoable demands—workload, demands, deadlines, duties—for person singled out, launched baseless campaign to oust the person and not stopped by the employer, encouraged the person to quit or transfer rather than to face more mistreatment, sabotaged the person’s contributions to a team goal and reward, ensured failure of person’s project by not performing required tasks: signoff, taking calls, working with collaborators.’</p> <p>7. ‘Timing mistreatment to coincide with medical or psych vulnerability, interfering with paycheck or earned benefits, blocking access to equipment and resources for success, assigning person to unsafe work environment, boasting about owning and proficiency with a weapon.’</p> <p>8. “’Bullying behaviors” can be separated into verbal actions and nonverbal actions, and levels of severity. The bullying behavior has two basic styles: a “hot-headedness” or a “calculating cold-heartedness”. Whether “hot-headed” or “cold-hearted,” the bully interprets all social interactions as hostile, requiring revenge to prove otherwise unsupported superiority.’</p>			
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<ol style="list-style-type: none"> 1. 'Mobbing occurs when superiors, co-workers, or subordinates gang up to force someone out of the workplace. The bullying behavior tends to manifest through status and non-status harassment, or discrimination, innuendo, humiliation, harming another's reputation and credibility, intimidation, and malicious isolation. When clustered together, abusive behaviors are also considered workplace bullying.' 2. 'Bullying behaviors include: aggressive eye contact, either by glaring or meaningful glances; giving the silent treatment; intimidating physical gestures, including finger pointing and slamming or throwing objects; yelling, screaming, and/or cursing at the Target; angry outbursts or temper tantrums; nasty, rude, and hostile behavior toward the Target; accusations of wrongdoing, insulting or belittling the Target, often in front of other workers; excessive or harsh criticism of the Target's work performance; spreading false rumors about the Target; breaching the Target's confidentiality; making unreasonable work demands of the Target; withholding needed information; [and] taking credit for the Target's work.' 	<p>'Workplace Bullying' and 'Mobbing'</p>	<p><i>Keep Your Lunch Money: Alleviating Workplace Bullying with Mediation</i> (Ohio State Journal of Dispute Resolution)</p>	<p>Seagriff, B.L. (2010)</p>
<ol style="list-style-type: none"> 1. 'Emotional assault process.' 2. 'It begins when an individual becomes the target of disrespectful or harmful behavior.' 3. 'Through innuendo, rumors and public discrediting, a hostile environment is created in which one individual gathers others to, willingly or unwillingly, 	<p>"Workplace Bullying"</p>	<p><i>You'll Need More Than A Voltage Converter: Plugging European Workplace Bullying Laws into the American Jurisprudential Outlet</i> (Arizona</p>	<p>Lueders, A.E. (2008)</p>

<p>participate in continuous malevolent actions to force a person out of the workplace.’</p> <p>4. ‘There are three common features of employment bullying. First, bullies tend to be males and institutionally superior employees. Second, while bullying behaviors range from overt acts like screaming or public derision to covert action such as glaring or the silent treatment, these actions undermine the victim’s ability to succeed at work. Finally, victims are frequently amiable, successful workers whom bullies targets because of the bullies’ feelings of inadequacy.’</p>		<p>Journal of International and Comparative Law)</p>	
<p>1. ‘Bullying evokes memories of school-age incidents of humiliation and intimidation.’</p> <p>2. ‘Targets of workplace bullying endure an average of twenty two months of exposure. The attribute common to all targets is that they are unwilling or unable to react to unwarranted aggression with aggression. Research and anecdotal evidence show that it is the perpetrators who escalate their tyrannical misconduct when they feel threatened by, and react in response to, targets’ asserted independence, technical and social skills or ethical whistle blowing.’</p> <p>3. ‘The characteristics common to all bullies is that they are very controlling competitors who exploit their cooperative targets when the opportunity presents itself. It requires the interaction between a suitable work environment ... and a person with Machiavellian tendencies. Normal people without abnormal personalities can</p>	<p>‘Workplace Bullying’</p>	<p><i>Workplace Bullying: How to Address America’s Silent Epidemic</i> (Employee Rights and Employment Policy Journal)</p>	<p>Namie, G. & Namie, R. (2004)</p>

readily be induced to manipulate others to achieve personal goals.'			
<ol style="list-style-type: none"> 1. 'Repeated acts' 2. 'The effects or purpose of which is a deterioration in working conditions' 3. 'May violate his rights and his dignity, impair his physical or mental health or jeopardize his professional future' 	'Psychological Harassment'	<i>Legislative Recognition in France of Psychological Harassment at Work (Medical Law)</i>	Graser, M., Manaouil, C., Verrier, A., Doutrelot-Phillipon, C. & Jarde, O. (2003)
<ol style="list-style-type: none"> 1. Helen Moss... noted that workplace bullying is 'perpetrated by both co-workers and supervisors.' 2. 'includes behavior ranging from social ostracism to overt aggression such as spreading rumors, harsh criticism, threats or violence, and is often aimed at forcing the target out of his or her position.' 3. 'common bullying behaviors' include 'false accusations of mistakes, hostile and intimidating nonverbal behaviors, shouting or screaming, behind-the-back defamation and sabotage, insults, and withholding information or resources necessary to the job.' 4. 'Workplace Solutions Inc. developed a test to help identify bullying that focuses on five factors: humiliation, intimidation, defamation, isolation and sabotage.' 	'Workplace Bullying'	<i>Workplace Violence: Increase in Bullying, Lack of Protection Drive New Approaches (Labor & Employment Law Resource Center)</i>	Brown, E. (2013)
<ol style="list-style-type: none"> 1. 'Increased levels of destabilizing forces at work, excessive workloads, role ambiguity and work relationship conflict.' 2. 'The harm to secondary victims is compounded when they are forced into the bully's web as active participants.' 3. 'Targets of harassment are four times more likely to be fired than their bullying boss.' 	'workplace bullying', 'mobbing', 'incivilities'	<i>Workplace Bullying: The Problem and the Cure (U. Of Pennsylvania Journal of Business Law)</i>	Chaplin, M.E. (2009)

<p>4. 'Eventually, the bullied individual learns to accept the aggression of the bully as a normal part of his or her job.'</p> <p>5. 'Bullying includes acts of incivility and a sense of being victimized. Bullying is not, as some mistakenly assumed, merely a matter of workplace manners. Rather, incivility could include simple rudeness, either in words or action. Interpersonal conflict involves problems that lead to arguments with other coworkers.'</p> <p>6. 'Bullying involves persistent criticism, yelling, spreading gossip, insults and ignoring or excluding workers from office activities.'</p> <p>7. Bullying is 'conduct that is threatening, humiliating, or intimidating... work interference – sabotage- which prevents work from getting done.'</p> <p>8. 'Bullying is intentional.'</p> <p>9. 'The bullying activity is harmful, both personally (psychologically and/or physically) and professionally (the activity seriously hinders the target's ability to effectively carry on his or her work-related duties).'</p> <p>10. 'Defining the bullying behavior: 1. Bullying requires exposure by the target to two or more negative acts on a weekly basis for at least six months; 2. such acts must result in mental or physical harm; 3. and must occur in situations where the targets find it difficult to defend against or otherwise stop the abuse.'</p> <p>11. Intentional infliction of workplace abuse: 1. the conduct must be intentional or reckless; 2. the conduct must result in</p>			
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<p>actual bullying; 3. there must be a causal connection between emotional and/or physical harm; 4. the conduct must occur in the workplace.'</p>			
<ol style="list-style-type: none"> 1. 'The top ten bullying behaviors in the workplace include: glaring in a hostile manner; treating in a rude/disrespectful manner; interfering with work activities; giving the silent treatment; giving little or no feedback on performance; not giving praise to which a coworker feels entitled; failing to give information needed; delaying actions on matters of importance; lying; preventing a coworker from expressing self.' 2. 'Verbal bullying include: yelling, screaming and cursing at the target; angry outbursts or temper tantrums; nasty, rude, and hostile behavior toward the target; accusations of wrongdoing; insulting or belittling the target; and excessive or harsh criticism of the target's work performance, all often in front of other workers.' 3. 'Nonverbal bullying include: aggressive eye contact; giving the silent treatment; intimidating physical gestures (I.e. finger pointing); and the slamming or throwing of objects at or in close range of the target.' 4. 'Workplace bullying may also take the form of false rumors about the target, breaching the target's confidentiality, and taking undeserved credit for the target's work product.' 	<p>'Workplace bullying'</p>	<p><i>The Workplace Bullying Dilemma in Connecticut: Connecticut's Response to the Healthy Workplace Bill (Connecticut Public Interest Law Journal)</i></p>	<p>Cheng Chu, S.J. (2013)</p>
		<p><i>Labor and Employment Developments from around the</i></p>	<p>Collins, E.C., Mokros, R.B. &</p>

		<i>World (The International Lawyer)</i>	Simmons, J. (2003)
<ol style="list-style-type: none"> 1. 'False accusations of mistakes and errors; hostile glares and other intimidating non-verbal behaviors; yelling, shouting, and screaming; exclusion and the "silent treatment"; use of put-downs, insults and excessively harsh criticism; and unreasonably heavy work demands.' 2. "'Communicative generation and regeneration of employee emotional abuse", finding that when bullying is left unaddressed by the organization, targets become more motivated to engage in retaliation and the likelihood of further aggression or violence increases.' 	'Workplace Bullying'	<i>Crafting a Legislative Response to Workplace Bullying (Employee Rights and Employee Policy Journal)</i>	Yamada, D. (2004)
<ol style="list-style-type: none"> 1. 'Can be broken up into the following elements: systematic and repeated, negative behavior towards another worker or workers, which is unreasonable, and which poses a risk of injury to the victim. Note though that whilst bullying is ordinarily repetitive, it could be a one-off incident.' 2. 'Bullying may involve both overt and/or covert behaviors, which are unreasonable in the circumstances...Overt behaviors include abusive behavior or language, inappropriate comments, teasing, pranking or playing jokes, tampering with a worker's belongings or working equipment, isolation and exclusion of the victim, and threats of and/or actual physical assault.' 3. 'Covert bullying behaviors may include: making it difficult or impossible to achieve working 	'Bullying at work'	<i>Who is the 'Good' Bullying Victim/Corpse? (Canberra Law Review)</i>	Eastel Am, P. & Hampton, J. (2011)

<p>goals or deadlines, overworking or underworking, setting tasks above or below the person's ability ignoring the victim, denying access to information or resources, and unfair treatment in relation to workers' entitlements.</p> <p>4. 'Bullying is often subtle and therefore difficult to prove.'</p>			
<p>1. 'Verbally abused or intimidated, when work is sabotaged, or when humiliation is used is a tactic.'</p> <p>2. 'Employer or one or more of its employees, acting with intent to cause pain or distress to an employee, subjects an employee to abusive conduct that cause physical harm, psychological harm or both.'</p> <p>3. 'A single act will not normally be sufficient to establish the threshold for abusive conduct except for instances of an "especially severe and egregious act."'</p>	'Workplace Bullying'	<i>Understanding Workplace Bullying – Bullying Legislation (Employment & Labor Legislations Law)</i>	Melnick, R. (2014)
<p>1. 'Tangible harm is defined as psychological or physical harm. Psychological harm is the material impairment of a person's mental health, as documented by a competent psychologist, psychiatrist, or psychotherapist, or supported by competent expert evidence at trial. Physical harm is the material impairment of a person's physical health or bodily integrity, as documented by a competent physician or supported by competent expert evidence at trial.'</p>	'Workplace Bullying'	<i>Crafting a Legislative Response to Workplace Bullying (Employee Rights and Employment Policy Journal)</i>	Yamada, D. (2004)
<p>1. 'Irrational behavior is to be intended as a behavior that a rational person, taking into account all the circumstances, considers that it victimizes,</p>	'Moral Harassment'	<i>Workplace Harassment, Mobbing Phenomenon (Perspectives of</i>	Ezer, M. & Ezer, O.F. (2012)

<p>humiliates, discredits or threatens.'</p> <ol style="list-style-type: none"> 2. 'Bad performance of duties or abuse of office, against which the persons in question may encounter difficulties in defending themselves.' 3. 'May imply both verbal and physical aggressions, as well as more subtle actions, such as the discreditation of a work colleague's activity of his/her social isolation.' 4. 'The intentional deterioration of the working conditions, by the functional or physical change of the workplace into an inferior one, the repeated and unjustified contestation of the work performed, the hierarchical abuse of power, the incitement of some of the employees against others, the assignment of exorbitant tasks in relation to the time given, to the professional training and means at the employee's disposal, the damage of the victim's working autonomy, his/her drive to making mistakes, etc.' 5. 'Isolation and refusal to communicate, whenever the management repeatedly refuses the requested meetings or doesn't answer to greetings or answers offensively/pejoratively, ignorance of the victim's physical or verbal presence and address exclusively to the others, ignorance of the necessity to explain precisely the uncertainties that a new employee justly advances, etc.' 6. 'Harming of dignity, by despising gestures, discreditations, rumors, criticism against the employee's 		<p><i>Business Law Journal)</i></p>	
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private life, insults, calumnies, obscene words, threats.'			
<ol style="list-style-type: none"> 1. 'Repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance.' 2. 'Bullying behaviors vary widely, covering a variety of overt and covert and verbal and nonverbal acts that undermine a target's ability to succeed at her job, and that bullies seek out agreeable, vulnerable and successful co-workers, often motivated by the bullies' own feelings of inadequacy.' 	'Workplace Bullying', 'Abusive Conduct'	<i>Floor to Ceiling: How Setbacks and Challenges to the Anti-Bullying Movement Pose Challenges to Employers Who Wish to Ban Bullying (Temple Political & Civil Rights Law Review)</i>	Stone, K.L. (2013)
<ol style="list-style-type: none"> 1. 'Seven defining features of emotionally abusive behaviors that also fall within the rubric of workplace bullying, include: verbal and nonverbal (excluding physical contact), repetitive or patterned, unwelcome and unsolicited by the target, violations of a standard of appropriate conduct toward others, harmful or cause psychological or physical injury to the target, intended to harm or controllable by the actor, and exploiting position power of the actor over target.' 	'Workplace Bullying'	<i>Employee Perceptions of Internal Conflict Management Programs and Processes for Preventing and Resolving Incidents of Workplace Bullying: Ethical Challenges for Decision-Makers in Organizations (Employee Rights & Employment Policy Journal)</i>	Fox, S. & Stallworth, L.E. (2004)
<ol style="list-style-type: none"> 1. 'The most common bullying behavior is to assign unreasonable or impossible targets or deadlines. Other common types of bullying behavior may include constant criticism, removing responsibilities and replacing them with trivial tasks shouting and verbal abuse, persistently 	'Workplace Bullying'	<i>The Need for a Revitalized Regulatory Scheme to Address Workplace Bullying in the United States: Harassing the Federal Occupational</i>	Harthill, S. (2010)

picking on people, withholding information, and blocking promotions.'		<i>Safety and Health Act (University of Cincinnati Law Review)</i>	
1. 'The behaviors associated with workplace bullying can vary greatly, depending on the relative statuses of the bully and the victim. Supervisors bully subordinates in different ways than coworkers bully each other or subordinates bully supervisors. Samples of bullying behaviors include giving the silent treatment, being rude or disrespectful, interfering with work activities, lying and excluding the targeted person from group activities.'	'Workplace Bullying'	<i>Help is on the Way: A Recent Case Sheds Light on Workplace Bullying (Houston Law Review)</i>	Kaplan, J.F. (2010)
1. 'Common bullying behaviors [include] false accusations of mistakes, hostile and intimidating nonverbal behaviors, shouting or screaming, behind-the-back defamation and sabotage, insults and withholding information or resources necessary to the job.'	'Workplace Bullying'	<i>Workplace Violence: Increase in Bullying, Lack of Protection Drive New Approaches (Labor & Employment Law Resource Center)</i>	Brown, E. (2013)
<p>1. 'Buss (1961) argued that aggressive behavior could be conceptualized along three dimensions: physical-verbal, active-passive and direct-indirect. When fully crossed, there are eight categories of behavior. We have used this framework to categorize types of behavior that have been investigated in the literature that we reviewed.'</p> <p>2. 'Verbal/Active/Direct - Name calling, use of derogatory terms, subject to insulting jokes, belittled intellectually, talked down to, criticized harshly, attacked verbally in private or in public, put down in front of others, sworn at, lied to,</p>	'Workplace Bullying'	<i>By Any Other Name: American Perspectives on Workplace Bullying (Bullying and Emotional Abuse in the Workplace: International Perspectives in Research and Practice)</i>	Keashly, L. & Jagatic, K. (2003)

<p>deceived, yelled at, shouted at, interrupted when speaking or working, pressured to change personal life, beliefs or opinions, flaunting status.</p> <ol style="list-style-type: none"> 3. 'Verbal/Active/Indirect - Treated unfairly, subject to false accusations and rumors, attempts to turn others against the target.' 4. 'Verbal/Passive/Direct - You or your contributions ignored, silent treatment.' 5. 'Verbal/Passive/Indirect - Had memos and/or phone calls ignored, been given little or no feedback or guidance, deliberately excluded, failing to pass on information needed by the target.' 6. 'Physical/Active/Direct - Glared at, physically assaulted (e.g. kicked, bitten, hit), subject to sexual harassment, subject to racial harassment. 7. 'Physical/Active/Indirect - Theft or destruction of property, deliberately assigned work overload, deliberately consuming resources needed by target.' 8. 'Physical/Passive/Indirect - Expected to work with unreasonable deadlines, lack of resources, causing others to delay action on matters of importance to target.' 9. 'Discussion of escalation have implicit in them assumption of dynamic interaction between an actor(s) and a target, mutuality of these actions and increasing severity of behavior. Andersson and Pearson (1999) describe an uncivility spiral in which parties start out with a retaliatory exchange of uncivil behaviors (tit for tat) until one party receives that the other's 			
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behavior directly threatens his or her identity (I.e. the tipping point).'			
1. 'Based on empirical and theoretical evidence, Zapf (1999a) categorized five main types of bullying behavior: work related bullying, which may include changing the victim's work tasks in some negative way or making them difficult to perform; social isolation by not communicating with somebody or excluding someone from social events; personal attacks or attacks on someone's private life by ridicule or insulting remarks or the like; verbal threats in which somebody is criticized, yelled at or humiliated in public; and spreading rumors.'	'Workplace Bullying'	<i>The Concept of Bullying at Work: The European Tradition (Bullying and Emotional Abuse in the Workplace: International Perspectives in Research and Practice)</i>	Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L. (2003)
1. 'Bullying as an emotional assault process.' 2. 'Individual becomes the target of disrespectful and harmful behavior.' 3. 'Through innuendo, rumors, and public discrediting, a hostile environment is created in which one individual gathers others to willingly, or unwillingly participate in continuous malevolent actions to force a person out of the workplace.'	'Workplace Bullying'	<i>You'll Need More Than Voltage Converter: Plugging European Workplace Bullying Laws into the American Jurisprudential Outlet (Arizona Journal of International & Comparative Law)</i>	Lueders, A.E. (2008)
1. 'Dignitary harm on the victim by humiliating, intimidating, tormenting, pressuring, or mocking.'	'Workplace Bullying'	<i>Chaos and the Abuse of Power: Workplace Bullying in Organizational and Interactional Context (Work and Occupations)</i>	Hodson, R., Roscigno, V.J. & Lopez, S.H. (2006)
1. 'Four specific features: intensity, repetition, duration and power disparity.' 2. 'Bullying involves a pattern of negative acts and the majority	'Workplace Bullying'	<i>Burned by Bullying in the American Workplace: Prevalence, Perception,</i>	Lutgen-Sandvik, P., Tracy S.J. & Alberts, S.J. (2007)

<p>of targets report being subjected to numerous forms of abuse.'</p> <ol style="list-style-type: none"> 3. 'Intensity to specify the number of different negative acts targets report.' 4. 'These acts must occur frequently, usually weekly or more often.' 5. 'Not only must two or more negative acts occur weekly, they must occur over a duration or period of time.' 6. 'Power disparity between perpetrator and target is central to the definition of bullying.' 		<p><i>Degree and Impact (Journal of Management Studies)</i></p>	
<ol style="list-style-type: none"> 1. 'Silent treatment, withholding of necessary information, aggressive eye contact, negative rumors, explosive outbursts of anger, and ridiculing someone in front of others.' 2. 'Seven dimensions or qualities were identified that appeared to be incorporated to varying degrees in the definitions workplace abuse researchers provided as the context for their studies. I. "Behavior" can include verbal and nonverbal modes of expression. II. Constitutes a pattern (vs. A single event). III. Includes behavior that is unwelcomed, unwanted or unsolicited by the target. IV. Involves a violation of standard of conduct towards or treatment of others of a persons' rights. V. Results in harm to the target. VI. There is intent or controllability of the action. VII. Involves power differences.' 3. 'Nonverbal: Aggressive eye contact – glared at, meaningful glances; ignore, silent treatment; intimidating physical gestures – finger pointing, slamming things down, throwing objects; inappropriate 	<p>'Emotional Abuse'</p>	<p><i>Emotional Abuse in the Workplace: Conceptual and Empirical Issues (Journal of Emotional Abuse)</i></p>	<p>Keashly, L. (1998)</p>

<p>or excessive use of memos, emails.</p> <p>4. 'Verbal: Yelling, screaming; cursing at person; angry outbursts, tantrums, being nasty, rude or hostile, accusations of wrongdoing, blame for errors; putdowns, insults, belittling comments, name-calling – often in front of other; threat of job loss or change; discount or dismiss thoughts or feelings; personal criticism of features irrelevant to job – appearance, family, friends; excessive or harsh criticism of work or abilities.</p> <p>5. 'Verbal (indirect): Untrue rumors or gossip; breach confidentiality – shared private info about person or other workers; assigned meaningless or dirty tasks as punishment; unreasonable demands for work; withholding or denial of opportunities or resources; credit for work taken.'</p>			
<p>1. 'The most common tactics, listed from the most to least frequent: blame for "errors", unreasonable job demands, criticism of ability, inconsistent compliance with rules, threats of job loss, insults and put-downs, discounting/denial of accomplishments, exclusion or "icing out", yelling and/or screaming, and stealing credit.'</p> <p>1. 'Management professors Joel Neuman and Robert Baron have constructed a model that places each type of aggressive or abusive behavior into one of three categories -- "Expressions of Hostility", "Obstructionism," or "Overt Aggression." "Expressions of Hostility" may</p>	<p>'Workplace Bullying'</p>	<p><i>The Phenomenon of "Workplace Bullying" and the Need for Status-Blind Hostile Work Environment Protection (Georgetown Law Journal)</i></p>	<p>Yamada, D. (2000)</p>

<p>include "interrupting others when they are speaking/talking, flaunting status/acting in a condescending manner and leaving the work area when the target enters." "Obstructionism" includes behaviors such as "failure to return phone calls ore respond to memos, showing up late for meetings run by target, and failing to defend target's plans to others." "Overt Aggression" covers acts or threats of physical violence, as well as destruction, theft, or sabotage of the target's work materials.</p>			
<p>1. 'The workplace bullying definition is conceptually consistent with other definitions found in the literature. This definition includes three important elements: (1) frequency; (2) impact on health; and (3) treating others in a less than preferred fashion according to some benchmark.'</p>	'Workplace Bullying'	<i>Workplace Bullying: A Review of Litigated Cases (Employee Responsibilities and Rights Journal)</i>	Martin, W. & LaVan, H. (2010)
<p>No information related to behaviors</p>	'Workplace Harassment'	<i>A Methodological Review of Research on the Antecedents and Consequences of Workplace Harassment (Journal of Occupational and Organizational Psychology)</i>	Neill, A. M. & Tuckey, M. R. (2014)
<p>1. 'In order for the label of bullying (or mobbing) to be applied to a particular activity, interaction or process it has to occur repeatedly and regularly (e.g., weekly) and over a period of time (e.g., about six months).'</p>	'Bullying', 'Mobbing'	<i>Workers' Perception of Workplace Bullying: A Cross-Cultural Study (European Journal of Work and</i>	Escartin, J., Zapf, D., Arrieta, C. & Rodriguez-Carballeira, A. (2011)

<p>2. 'Bullying is not limited to vertical aggression from supervisors toward subordinates, as co-workers can derive power from informal networks or interdependency of job tasks, whereas subordinates' power may derive from group-based support such as unions.'</p>		<p><i>Organizational Psychology</i>)</p>	
<p>1. 'Brodsky (1976) isolated five forms of harassment, namely scapegoating, namecalling, physical abuse, work pressure, and sexual harassment.'</p> <p>2. 'Leymann (1990) divided the actions involved in bullying and psychological terror at work into five different forms which include the manipulation of: (1) the victim's reputation, (2) his or her responsibilities of performing the work tasks, (3) the victim's possibilities of communicating with co-workers, and (4) his or her social circumstances. The fifth cluster of behaviors included physical coercion or assaults, or the threat of such.'</p> <p>3. 'In a study of destructive leadership, Ashforth (1994) distinguished six forms of tyrant behavior in leaders and managers: arbitrariness and self-aggrandizement, belittling subordinates, lack of consideration, a forcing style of conflict resolution, discouraging initiative, and non-contingent punishment.'</p>	<p>'Mobbing', 'Bullying', 'Harassment'</p>	<p><i>Harassment and Bullying at Work: A Review of the Scandinavian Approach (Aggression and Violent Behavior)</i></p>	<p>Einarsen, S. (2000)</p>
<p>No information related to behaviors</p>	<p>'Bullying'</p>	<p><i>"Scientists" and "Amateurs": Mapping the Bullying Domain (International Journal of Manpower)</i></p>	<p>Liefooghe, A.P.D. & Olafsson, R. (1999)</p>

No information related to behaviors	'Bullying'	<i>Conundrums and Confusion in Organizations: The Etymology of the Word 'Bully'</i> (International Journal of Manpower)	Crawford, N. (1999)
<ol style="list-style-type: none"> 1. 'Zapf (in press) categorizes five types of bullying behavior: They are: (1) work-related bullying in which may include changing your work tasks or making them difficult to perform; (2) social isolation; (3) personal attacks or attacks on your private life by ridicule, insulting remarks, gossip or the like; (4) verbal threats where you are criticized, yelled at or humiliated in public; and (5) physical violence or threats of such violence.' 2. 'Niedl (1995) claims that a target will perceive repeated aggressive or unwanted behavior as bullying if the behavior is perceived as hostile, directed towards oneself and conducted in an inescapable situation where the target is unable to defend himself.' 3. 'During the early phases of the bullying, victims are typically subjected to aggressive behavior that is difficult to pinpoint by being very indirect and discreet (Bjorqvist, 1992). Later on more direct aggressive acts appear. The victims are clearly isolated and avoided, humiliated in public by being made a laughing-stock of the department, and so on.' 4. 'Bullying seems to contain at least four phases: aggressive behavior, bullying, stigmatization and severe trauma (Einarsen et al., 1994).' 	'Bullying at Work'	<i>The Nature and Causes of Bullying at Work</i> (International Journal of Manpower)	Einarsen, S. (1999)

No information related to behaviors	'Workplace Bullying', 'Abusive Behavior'	<i>Emerging American Legal Responses to Workplace Bullying (Temple Political & Civil Rights Law Review)</i>	Yamada, D. (2013)
1. 'Type of behavior: Claim of unfair treatment, discrimination, retaliation, unfair labor practice, exposure to hazard, unfair labor practice, unionization, harassment, discipline, suspension, banned access, intimidation, interference, unfair pay, failure to reinstate.'	'Workplace Bullying'	<i>What Legal Protections do Victims of Bullies in the Workplace Have? (J. Workplace Rights)</i>	Martin, W.M., Lopez, Y.P. & LaVan, H.N. (2009)
1. 'Bullying can be direct and visible, such as physical assaults or verbal attacks. It can also be indirect and secretive, such as spreading rumors, and more recently, using electronic media to cause harm and humiliation.'	'Bullying'	<i>Perceptions of Collective Efficacy and Bullying Perpetration in Schools (Social Problems)</i>	Williams, K.R. & Guerra, N.G. (2011)
1. 'Behaviors must be frequent, persistent, reflect power disparities (not necessarily hierarchical), and be systematic to be labeled bullying.' 2. 'Workplace bullying ranges behaviors that are fairly subtle (e.g. excessive workloads, persistent monitoring of work, personal jokes, gossip) to those that are explicit and identifiable (e.g. violence, aggression, insults, threats)... These subtle forms of workplace bullying are often difficult to recognize as bullying for both targets and witnesses. Essentially, the perpetrator can bully through behaviors that (1) are difficult to recognize and (2) can be justified and rationalized to others (e.g. attempting to increase the target's productivity through higher workloads of monitoring).'	'Workplace Bullying'	<i>The Early Stages of Workplace Bullying and How It Becomes Prolonged: The Role of Culture in Predicting Target Responses (J. Business Ethics)</i>	Sammani, A.K. (2013)

<p>3. 'While negative behaviors must persist over at least 6 months to be labeled bullying, prolonged bullying simply refers to negative behaviors that continue beyond the early stages (e.g. first six months to 1 year) to persist over the longer term (e.g. perhaps for several years). To date, the measurement of bullying as a process has received little to no attention. More specifically, the differentiation of bullying between the early stages and later stages has been examined.'</p>			
<p>1. 'The preponderance of bullying behavior is the result of non-physical assault (Salin, 2003), such as verbal and psychological assault. These assaults can include shouting, mobbing (the infliction of abuse from a group directed toward a single individual), insults delivered in an audience setting, ostracism, blowing things out of proportion, wielding power in a manner designed to put people in their place (e.g. officiousness), misplaced blame, disrespectful discourse, and using propositional power to leverage work-related credit.'</p>	'Workplace Bullying'	<i>Gender, Conflict, and Workplace Bullying: Is Civility Policy the Silver Bullet?</i> (<i>Journal of Managerial Issues</i>)	Gilbert, J.A., Raffo, D.M., Sutarso, T. (2013)
<p>1. 'While debate regarding some elements of the criteria for bullying persists, it is widely accepted that for behaviors to be categorized as bullying they must be repeated and unreasonable (Einarsen et al. 2003; Branch et al. 2007).'</p> <p>2. 'Researchers have abandoned creating comprehensive lists of bullying behavior (Rayner 2007), however, the behaviors can include social and physical isolation; withholding of information or resources;</p>	'Workplace Bullying'	<i>'Psychopaths' At Work? Implications of Lay Persons' Use of Labels and Behavioral Criteria for Psychopathy</i> (<i>Journal of Business Ethics</i>)	Caponecchia, C., Sun, A.Y.Z. & Wyatt, A. (2012)

<p>undermining behavior; undue public criticism; malicious gossip; assigning unreasonable workloads or deadlines; and excessive monitoring of work (Rayner and Hoel 1997; Irish Health and Safety Authority 2001; Worksafe Victoria 2003).</p>			
<ol style="list-style-type: none"> 1. 'It may come in the form of the yelling and screaming boss who regularly inflicts high-decibel tirades upon a subordinate. It may be in the way of workers who deliberately sabotage the reputation of a co-worker by spreading lies and rumors about her performance and character.' 2. 'Among the most frequently reported behaviors are yelling, shouting, and screaming; false accusations of mistakes and errors; hostile glares and other intimidating non-verbal behaviors; covert criticism, sabotage, and undermining of one's reputation; social exclusion and the "silent treatment"; use of put-downs, insults, and excessively harsh criticism; and unreasonably heavy work demands (Namie & Namie, P. 18; Keashly & Jagatic, 2003, pp. 36-37).' 3. 'Workplace bullying does not concern every day disagreements at work, the occasional loud argument, or simply having a bad day. Furthermore, it does not involve interpersonally difficult aspects of work, such as giving a fair and honest evaluation to an underperforming employee. It also is not about a gruff vis-a-vis easygoing bosses, as bullying often transcends management styles. Rather, bullying encompasses a power relationship, whether vested in 	<p>'Workplace Bullying'</p>	<p><i>Workplace Bullying and Ethical Leadership (Legal Studies and Research Paper Series)</i></p>	<p>Yamada, D. (2008)</p>

organizational hierarchies, interpersonal dynamics, or both, that has crossed a line and become abusive.'			
No information related to behaviors	'Workplace Harassment'	<i>Relationships Between Moral Disengagement, Work Characteristics and Workplace Harassment (Journal of Business Ethics)</i>	Claybourn, C. (2011)
<ol style="list-style-type: none"> 1. 'This includes behavior designed to belittle others via humiliation, sarcasm, rudeness, overworking an employee, threats, and violence (Dierickx, 2004; Djurkovic et al., 2004). Bullying can take the form of name calling, sexual harassment, making the victim a scapegoat, and applying undue work pressure (Harvey et al., 2007). Bullying is reportedly undertaken to maintain the power and control of the person doing the bullying (Derickx, 2004).' 2. 'Bullying is often characterized by superiors harming their subordinates within an organization, and links between unfair supervision and bullying have already been made (Vanderkerckhove and Commers, 2003).' 	'Bullying'	<i>Corporate Psychopaths, Bullying and Unfair Supervision in the Workplace (Journal of Business Ethics)</i>	Boddy, C.R. (2011)
<ol style="list-style-type: none"> 1. 'An equally wide variety of negative behaviors constitutes bullying: social isolation or silent treatment, rumors, attacking the victim's private life or attitudes, excessive criticism or monitoring of work, withholding information or depriving responsibility and verbal aggression (Einarsen, 1996; Keashly, 1998; O'Moore et al., 1998; Zapf et al.; 1996). 	'Workplace Bullying'	<i>Bullying in the US. Workplace: Normative and Process-Oriented Ethical Approaches (Journal of Business Ethics)</i>	LaVan, H. & Martin M.W. (2008)

<p>Compared to forms of workplace violence, physical violence tends to be rather rare in bullying. However, bullying is interpersonal by nature, and is thus a narrower concept than anti-social or deviant workplace behavior, the latter of which may also involve acts directed toward the organization (Giacalone and Greenberg, 1997; Robinson and Bennett, 1995). Bullying typically takes place between members of the organization, in contrast to other forms of interpersonal violence and aggression, which may involve outsiders. Einarsen and Skogstad (1996) and Vartia (1996) stress that bullying is repeated, persistent and continuous behavior. Typical, single negative acts are not considered bullying.'</p> <p>2. 'Bullying is typically targeted toward one or a few selected victims, rather than being a form of more generalized workplace incivility.'</p> <p>3. 'Bullying has been seen as involving a power imbalance or a "victim-perpetrator" dimension, i.e., the target is subjected to negative behavior on such a scale that he or she feels inferiority in defending himself or herself in the actual situation (Einarsen and Skogstad, 1996; Keashly, 1998).</p>			
<p>1. 'This process may take place deliberately or unconsciously on behalf of the perpetrators, but it has as its core the persistent exposure to increasingly harsh, aggressive or undermining behaviors of a primarily psychological nature leading to stigmatization and victimization</p>	<p>'Workplace Bullying'</p>	<p><i>The Relationship Between Supervisor Personality, Supervisors' Perceived Stress and Workplace Bullying (Journal of Business Ethics)</i></p>	<p>Mathisen, G.E., Einarsen, S. & Mykletun, R. (2011)</p>

<p>of the focal person(s) (Bjorkqvist et al., 1994; Einarsen et al., 2010). The frequency and duration of the experience are key dimensions of bullying, it is considered to be present when behavior is directed against a target repeatedly for a long period of time (Bjorkqvist et al., 1004; Niedl, 1995). Yet, the very nature of the behaviors may be quite diverse, as may be the composition of the perpetrators, because bullying seems to involve both work-related and person-related behaviors, as well as single and multiple perpetrators (Einarsen et al., 2010).</p> <p>2. 'Such bullying may have multiple origins. It may result from the exploitation of power, taking advantage of a power deficit on the part of the target as revenge for perceived unwanted behavior or characteristics observed in the target, or as a tactic in highly escalated interpersonal conflict (Einarsen et al., 2010).</p>			
<p>1. 'One feature common to all definitions of workplace bullying is the experience of negative verbal or nonverbal behavior. Using gvictim accounts as a basis, a diverse array of negative workplace behaviors, ranging from the covert and subtle, such as a dirty look or a snide comment, to the overtly aggressive, such as an item being thrown or a physical threat, have been cited by researchers and practitioners as examples of workplace bullying conduct (Ayoko et al., 2003; Baron & Neuman, 1998; Bjorkqvist et al., 1994). When</p>	<p>'Workplace Bullying'</p>	<p><i>Defining Workplace Bullying Behavior Professional Lay Definitions of Workplace Bullying (International Journal of Law and Psychiatry)</i></p>	<p>Saunders, P., Huynh, A. & Goodman-Delahunty, J. (2007)</p>

<p>asked to indicate what the types of behaviors they have experienced in the workplace, employees report that they are subjected to subtle and less obvious bullying behaviors much more frequently than they are subjected to more overt forms of bullying (Baron & Neuman, 1998).'</p> <p>2. 'Persistent conduct is deemed an important defining component of workplace bullying interactions by many researchers and practitioners as it effectively distinguishes the severe and negative impact that bullying can have on targets from less severe consequences associated with one-off clashes and ordinary or mundane workplace incivilities and conflicts (Leymann, 1996).'</p> <p>3. 'In order for targets to feel bullied, they must perceive that they are unable to defend themselves against the perpetrator, to cope with the behavior perpetrated against them or to change the situation.'</p>			
<p>1. 'Bullying is nearly invisible. It is non-physical, and nearly always sub-lethal workplace violence.'</p> <p>2. 'Bullying is psychological violence, mostly covert and sometimes overt. It is psychological violence, both in its nature and impact. Regardless of how bullying is manifested – either verbal assaults or strategic moves to render the target unproductive and unsuccessful – it is the aggressor's desire to control the target that motivates the action.'</p>	'Workplace Bullying'	<i>Workplace Bullying: Escalated Incivility (Ivey Business Journal: Improving the Practice of Management)</i>	Namie, G. (2003)
<p>1. 'Wide range of intimidating tactics.'</p>	'Workplace Bullying'	<i>Workplace Bullying in NHS Community Trust:</i>	Quine, L. (1999)

<p>2. 'Five categories of bullying behavior: threat to professional status (for example, belittling opinion, public professional humiliation, accusation of lack of effort); threat to personal standing (for example name calling, insults, teasing); isolation (for example, preventing access to opportunities such as training, withholding information); overwork (for example, undue pressure to produce work, impossible deadlines, unnecessary disruptions); and destabilization (for example, failure to give credit when due, meaningless tasks, removal of responsibility, shifting of goal posts).'</p>		<p><i>Staff Questionnaire Trust (The BMJ – British Medical Journal)</i></p>	
<p>1. 'Examples of Mobbing/Bullying behaviors: ... a. Spreading false information about a worker, b. Failing to correct information known to be false about a worker, c. Spreading malicious gossip, d. Discrediting a person's work performance, e. Making personal character attacks and invoking a person's private life to discredit the person, f. Minimizing job-related competencies and exaggerating job-related limitations, g. Isolating a worker physically by separating them from coworkers or isolating a worker occupationally by not including them in communication loops required to do their job, h. Belittling, i. Name calling, in particular, using psychiatric or psychological labels to discredit and therefore isolate a worker from others, j. Participating in rumor or gossip campaigns, k. Abusive supervision that</p>	<p>'Workplace Mobbing', 'Workplace Bullying'</p>	<p><i>Preventing Workplace Mobbing and Bullying with Effective Organizational Consultation Policies, and Legislation (Consulting Psychology Journal: Practice and Research)</i></p>	<p>Duffy, N. (2009)</p>

includes making unsubstantiated negative comments about supervisees verbally to others and/or writing in personnel evaluations.'			
1. 'Behaviors such as social isolation, attacks on the target's private life, ridiculing and humiliating, verbal threats, interfering with work tasks, and assigning demeaning work tasks are typical. Incidental acts committed unintentionally do not rise to the level of bullying.'	'Workplace Bullying'	<i>Relief and Redress for Targets of Workplace Bullying (Employee Responsibilities and Rights Journal)</i>	Meglich-Sespico, P., Faley, R.H. & Erdos Knapp, D. (2007)
1. 'Work related bullying types: Workload (Work overload, removing responsibility, delegation of menial tasks, refusing leave, unrealistic goals, setting up to fail), work process (Shifting opinions, overruling decisions, flaunting status/power, professional status attack, controlling resources, withholding information), evaluation and advancement (Excessive monitoring, judging work wrongly, unfair criticism, blocking promotion).' 2. 'Indirect personal bullying behaviors: isolation, ignoring, excluding, not returning communications, gossip, lies, false accusations, undermining.' 3. 'Direct personal bullying behaviors: verbal attack/harassment, belittling remarks, yelling, interrupting others, persistent criticism, intentionally demeaning, humiliation, personal jokes, negative eye contact/staring, intimidation, manipulation, threats.'	'Workplace Bullying'	<i>Workplace Bullying: AN Integrative Literature Review (Advanced in Developing Human Resources)</i>	Bartlett, J.E. & Bartlett, M.E. (2011)
1. 'Bullying is a combination of verbal abuse and behaviors that are humiliating, threatening, or intimidating.'	'Workplace Bullying'	<i>The Challenge of Workplace Bullying (Employment Relations Today)</i>	Namie, G. (2007)

plicable	'Workplace Bullying'	<i>The Law of Workplace Bullying: An International Overview (Comparative Labor Law and Policy Journal)</i>	Lippel, K. (2010)
<ol style="list-style-type: none"> 1. 'Work related bullying includes such behaviors as giving unreasonable deadlines or unmanageable workloads, excessive monitoring of work, or assigning meaningless tasks or even no tasks.' 2. 'Person related bullying behaviors have repeatedly been defined on a scale ranging from passive and indirect to active and direct. Social isolation and gossiping and spreading rumors are on the passive and indirect end of this dimension. In the middle are such behaviors as belittling, making insulting remarks, making jokes, or engaging in other forms of humiliation. At the active and direct end of the dimension are verbal threats and verbal aggression.' 3. 'Aggressive acts related to person related bullying are clearly psychological in nature.' 	'Workplace Bullying'	<i>The Concept of Bullying and Harassment at Work: The European Tradition (Bullying and Harassment in the Workplace: Developments in Theory, Research and Practice – 2nd edition)</i>	Einarsen, S., Hoel, H., Zapf, D. & Cooper, C.L. (2011)
<ol style="list-style-type: none"> 1. 'In 2003, WBI conducted an online survey of 1,300 website visitors. This nonscientific sample provided a glimpse of the work world through a bullied individual's eyes. Bullies most commonly adopted 15 tactics... a. Falsely accuse someone of "errors" not actually made, b. Stare, glare, be nonverbally intimidating and show clear signs of hostility, c. Discount the person's thoughts or feelings in meetings, d. Use the "silent treatment" to "ice 	'Workplace Bullying'	<i>Workplace Bullying Defined (The Bully-Free Workplace: Stop Jerks, Weasels and Snakes from Killing Your Organization)</i>	Namie, G. & Namie, R. (2011)

<p>out" and ostracize others, e. Exhibit presumably uncontrollable mood swings in front of the group, f. Make up his or her own rules on the fly that even the bully did not follow, g. Disregard satisfactory or exemplary quality of completed work despite evidence, h. Harshly and constantly criticize having a different "standard" for the target, I. Start, or fail to stop, destructive rumors or gossip about the person, j. Encourage others to turn against the person being tormented, k. Single out and isolate one person from coworkers, either socially or physically, l. Publicly display "gross", undignified (but not illegal) behavior, m. Yell, scream, or throw tantrums in front of others to humiliate a person, n. Steal credit for work done by others, o. Abuse the evaluation process by lying about the target's performance.'</p>			
<p>1. 'Bullying and harassment can be one-off or ongoing and they take many forms, such as: a. Spreading malicious rumors or insulting someone; b. racial, gender, age or disability slurs; c. undermining a competent worker by overloading them with work or constantly criticizing them; d. ridiculing or demeaning someone – picking on them or setting them up to fail; e. copying memos that are critical about someone to others who do not need to know; f. exclusion or victimization; g. overbearing supervision or other misuse of power or position; h. Preventing individuals from progressing by intentionally blocking promotion or training.'</p>	<p>'Bullying', 'Harassment'</p>	<p><i>Feeling Fear at Work (The Psychology of Fear in Organizations: How to Transform Anxiety into Well-Being, Productivity and Innovation)</i></p>	<p>Keegan, S.M. (2015)</p>

<p>2. 'Bullying and aggression are often broken down into two types: direct, where the bully attacks the target face to face, and indirect, where the bully spreads slanderous comments or stories. Both of these approaches have negative effects on the victims, the perpetrators of bullying and the organizations for which they work. Regardless of whether the bullying and victimization last a month or many years, the consequences can be catastrophic.'</p>			
<p>1. 'Harassment implies a lack of humor, involves negative affect, and tends to be interpreted as an attack on a person, for the harassing behavior preys directly upon the felt inadequacies of the personality.'</p> <p>2. "'Subjective harassment" refers to the awareness of harassment by the target and "objective harassment" to a harassment situation in which actual external evidence of harassment is found.'</p> <p>3. 'Harassment itself is untempered, systematic teasing, the selection of a target for aggressive, hostile, assaultive treatment. Differences between humor and teasing and outright harassment often are only differences in degree.'</p> <p>4. 'The harassment process takes many forms, we have isolated four which are represented in the cases: scapegoating, name-calling, physical abuse and the selective exercise of work pressure, or the "hurry-up" tactic.'</p> <p>5. 'Harassment by a person occurs when one person willfully makes another individual</p>	<p>'Harassment'</p>	<p><i>The Harassed Worker</i></p>	<p>Brodsky, C. (1976)</p>

<p>uncomfortable. Although the teasing, the goading, or the abuse may be willful, the teaser is not necessarily conscious of the reason for his action.'</p> <p>6. 'Superiors and workers alike recognize that the intimidation inherent in the harassment process is an efficacious way of controlling workers.'</p>			
<p>1. 'One of the reasons why the problem occurs at all is envy, usually a quality that the bully does not possess.'</p> <p>2. 'A bully is persistently snapping and finding fault.'</p> <p>3. 'A bully is unlikely to listen to people's opinions and ideas, considers nothing and talks over others when they are trying to raise a point.'</p> <p>4. 'The bullying boss will not possess the social skills which equip a person with the art of compromise.'</p> <p>5. 'Most bullies, however, are wildly self-orientated. The way in which they see themselves will rarely tally with the view of those who are placed under attack.'</p>	'Bullying at Work'	<i>Bullying at Work: How to Confront It and Overcome It</i>	Adams, A. (1992)

Appendix D: Survey

I. Demographics

1. Age?
 - a. 18-35
 - b. 36-49
 - c. 50 or above
 - d. Prefer not to disclose
2. Gender?
 - a. Male
 - b. Female
 - c. Prefer not to disclose
3. Size of current place of employment?
 - a. 50 or less employees
 - b. 51 - 100 employees
 - c. 101 or more employees
 - d. Unsure
4. Location of current workplace?
 - a. California
 - b. Florida
5. Role in the workplace?
 - a. Supervisor (directly oversees/supervises at least 1 employee)
 - b. Employee (not a direct supervisor to other employees though may oversee completion of tasks)

6. Which sector does your place of employment fall under?
 - a. Public
 - b. Private
 - c. Unsure

I. Anti-Bullying Policies in the Workplace

7. Are you familiar with the Abusive Work Environments Bill (California) or the Abusive Workplace Environment Act (Florida).
 - a. Yes
 - b. No
8. Are you aware of anti-bullying in the workplace laws and bills being proposed in different states, including Florida and California?
 - a. Yes
 - b. No
9. Do you think that anti-bullying laws would help prevent workplace bullying?
 - a. Yes
 - b. No
10. Do you think that behaviors that constitute workplace bullying are easily identifiable by managers?
 - a. Yes
 - b. No
11. Do you think that behaviors that constitute workplace bullying are easily identifiable by employees?
 - a. Yes

- b. No

II. Definitions

12. The following is a list of behaviors. Think of these behaviors in a workplace context. Please classify each behavior as either workplace bullying, workplace incivility or personality clashes. Next to each behavior, please write “WB” (Workplace Bullying), WI (Workplace Incivility) or PC (Personality Clashes).

- a. To torment a person repeatedly _____
- b. To frustrate a person repeatedly _____
- c. Get a reaction from another person _____
- d. To intimidate a person _____
- e. To produce discomfort on another person _____
- f. To pressure and coerce a person _____
- g. To threaten the wellbeing of a person or an organization _____
- h. Intentional psychological and/or physical harm _____
- i. Hostile verbal and nonverbal behaviors towards others _____
- j. Unethical communication targeted towards an individual _____
- k. Repeated mistreatment of a person _____
- l. Deliberate and hurtful treatment of a person _____
- m. Low intensity deviant behavior towards a person _____
- n. Ambiguous intent to harm a person _____
- o. Rude and discourteous display towards an individual _____

III. Organizational Culture

13. Please select from the scenarios below the ones that best describe your place of employment.
- a. My place of employment feels like an extended family. My co-workers and I share a lot about ourselves. My supervisor is like a mentor to me and promotes loyalty and tradition as shared values that are important to the company. Human resources play an important part in keeping and boosting the morale of all employees.
 - b. My place of employment is dynamic and promotes entrepreneurship and working individually. My co-workers and I have to be able to make quick decisions and take high risks. My supervisor is an entrepreneur and takes many risks. My co-workers and I see each other as innovators and developers, which are the most important values to the company. We are also encouraged to seek new challenges.
 - c. My place of employment is structured and formal; there is a procedure and a chain of command for all tasks. My supervisor is an administrator; rules and policies are highly enforced. My co-workers and I are encouraged to be risk-averse and stick by the rules in order to maintain stability and efficiency.
 - d. My place of employment is focused on what is produced and delivered and there is not much time to have interaction with my co-workers. My supervisor is considered a producer who promotes objectives and goals for all employees and details the specific tasks to accomplish them. Goals are

measurable and therefore the work environment feels competitive and high achievers get rewarded.

- e. My place of employment does not fall under those described above.

IV. Scenarios

You will be presented with different scenarios. For each of them, please note if the actions/behaviors constitute workplace bullying, workplace incivility or personality clashes. The goal is to note the difference in interpretations of different workplace conflict situations. These scenarios have been adapted from the *Minding the Workplace* Blog and real life situations. To understand what workplace bullying, workplace incivility or personality clashes mean, I've provided the following definitions:

Workplace bullying: Deliberate, hurtful and repeated mistreatment of a person by a bully that is driven by the bully's desire to control and subject such person in all types of mistreatment at work.

Workplace Incivilities: Low intensity deviant behavior with ambiguous intent to harm a person, in violation of workplace norms for mutual respect. Uncivil behaviors are characteristically rude and discourteous, displaying a lack of regard for others.

Personality Clashes: Situations in which two employees have disagreements or simply do not like each other; though, their differences can be resolved without allowing them to escalate into an abusive situation.

14. (Scenario #1) Dr. Collins is a cardiac surgeon. After each surgery, he gets his nurses and assistants asking him questions about the next surgeries. However, after each surgery, he likes to read his text messages and personal emails.

Gail, one of his nurses, starts reading the chart for the next patient, Dr. Collins cuts her out, puts his hand in front of her and says “I don’t have time for this right now!” and walks away. Gail is left stunned, though she acknowledges this is not the first time he has ever cut her off. Would you categorize this as:

- a. Workplace Bullying
- b. Workplace Incivilities
- c. Personality Clashes
- d. Unsure

14.d.i. Why?

15. (Scenario #2) Jamie works as an advisor at a university. She noticed that her supervisor, Linda, has been taking many days off, does not help during peak times, and keeps delegating her emails to others. Concerned, she decides to speak to Linda’s supervisor, John. She is aware that she could be retaliated against, and pleads with John not to let Linda know that she spoke with him, because all she wants is for things to change for the for the better as a team. A few days after her meeting with John, she notices that Linda will not look at her or say good morning or acknowledge her presence. Then, when the annual evaluation is provided, she gets below satisfactory for an array of unexplained reasons and fabricated incidents. She tries to present a rebuttal to Linda and John but they do not retract the evaluation. Would you categorize this as:

- a. Workplace Bullying
- b. Workplace Incivilities

c. Personality Clashes

d. Unsure

15.d.i. Why?

16. (Scenario #3) Mallory works in a library. She feels as if she has to work on eggshells around her co-worker Laura because of her outspoken, unfiltered personality. Laura, on the other hand, is of Italian descent and expresses her views, no matter how raw or brass they might be. Mallory claims that Laura is too aggressive and that people are afraid of her. Instead of going to her supervisor, Mallory talks with other co-workers about Laura's unbashful personality, causing for Laura to feel as if she is being judged and misunderstood. Would you categorize this as:

a. Workplace Bullying

b. Workplace Incivilities

c. Personality Clashes

d. Unsure

16.d.i. Why?

17. (Scenario #4) James recently started working at an accounting firm in an entry-level position. James took on the tasks that belonged to one of his coworkers that had left the firm. His co-workers in higher ranks noticed that he was getting more tasks and then heard through the gossip mill that he had gotten a raise. He started getting more tasks delegated from his co-workers to

the point where he was unable to keep up. His co-workers did not show any empathy as they feel he needs to step up if he wants to be at the same level as them. Would you categorize this as:

- a. Workplace Bullying
- b. Workplace Incivilities
- c. Personality Clashes
- d. Unsure

17.d.i. Why?

18. (Scenario #5) Louise got back to work after going on maternity leave. She noticed that Tracy, a new-hire, had taken over her tasks. She went to speak with their supervisor, Keith, who told her that Tracy had done an outstanding job in covering for her so he decided that she would do her tasks, while she would just focus on other, smaller tasks for the time being until he figures out what to do with her position. She tries to dispute her case, but Keith just tells her that a business is a business and she should know that he can easily replace her if she does not like the job. Would you categorize this as:

- a. Workplace Bullying
- b. Workplace Incivilities
- c. Personality Clashes
- d. Unsure

18.d.i. Why?

19. (Scenario #6) Caroline has been working for a nonprofit for a year. She has meetings every Monday with different supervisors. She noticed that one of her supervisors, Lonnie, has taken a special interest on her daily activities. Every morning, Caroline finds emails forwarded from Lonnie asking her to take care of them. She also has to copy Lonnie in all of the emails she sends. Every time she wants to present a new idea for a project, she gets shut down by Lonnie claiming excessive time commitments. Instead, she gives her more menial work, such as filing, replying to emails, ordering food for meetings and answering phones. Would you categorize this as:

- a. Workplace Bullying
- b. Workplace Incivilities
- c. Personality Clashes
- d. Unsure

19.d.i. Why?

Appendix E: Social Media Invitation to Participate in Survey



Study Title: Healthy Workplace Bill: An Interpretive Policy Analysis

The purpose of this study is to come closer to a universal definition of workplace bullying by identifying the characteristics, attitudes and behaviors that define it. With potential laws being proposed, it is important for people to understand what are the foci and limitations of workplace bullying; understanding what behaviors constitute it.

My name is Cynthia Contreras and I am a doctoral candidate in the Conflict Analysis and Resolution program at Nova Southeastern University. My study is entitled Healthy Workplace Bill: An Interpretive Policy Analysis. I am hoping that you will consider taking part in my research, consisting of one survey.

If you agree to participate, the study consists of completing an anonymous online survey. This survey will take no more than 20 minutes to complete. To maintain the anonymity please do not provide any identifiable information.

In order to participate, you must be (1) an employee or supervisor who (2) is 18 years or older, (3) is employed in either Florida or California, and (3) has access to the Internet.

If you are interested in participating, please follow the link below to the survey:

<https://www.surveymonkey.com/r/W5SRRVC>

Thank you for your time,

Cynthia Contreras

DCAR Ph.D. Candidate

cc1971@nova.edu

Appendix F: Original Healthy Workplace Bill – Drafted by David Yamada

THE HEALTHY WORKPLACE BILL

SECTION I - FINDINGS AND PURPOSES

A. LEGISLATIVE FINDINGS

The Legislature finds that:

1. the social and economic well-being of the State is dependent upon healthy and productive employees;
2. surveys and studies have documented between 16 and 21 percent of employees directly experience health-endangering workplace bullying, abuse, and harassment, and that this behavior is four times more prevalent than sexual harassment alone;
3. surveys and studies have documented that abusive work environments can have serious and even devastating effects on targeted employees, including feelings of shame and humiliation, stress, loss of sleep, severe anxiety, depression, post-traumatic stress disorder, suicidal tendencies, reduced immunity to infection, stress-related gastrointestinal disorders, hypertension, and pathophysiologic changes that increase the risk of cardiovascular disease.
4. surveys and studies have documented that abusive work environments can have serious consequences for employers, including reduced employee productivity and morale, higher turnover and absenteeism rates, and significant increases in medical and workers' compensation claims;

5. unless mistreated employees have been subjected to abusive treatment at work on the basis of race, color, sex, national origin, or age, they are unlikely to have legal recourse to redress such treatment;
6. legal protection from abusive work environments should not be limited to behavior grounded in protected class status as that provided for under employment discrimination statutes; and,
7. existing workers' compensation plans and common-law tort actions are inadequate to discourage this behavior or to provide adequate redress to employees who have been harmed by abusive work environments.

B. LEGISLATIVE PURPOSE

It is the purpose of this Chapter:

1. to provide legal redress for employees who have been harmed, psychologically, physically, or economically, by being deliberately subjected to abusive work environments;
2. to provide legal incentive for employers to prevent and respond to mistreatment of employees at work.

SECTION 2 - DEFINITIONS

1. Employee. An employee is an individual employed by an employer, whereby the individual's labor is either controlled by the employer and/or the individual is economically dependent upon the employer in return for labor rendered.
2. Employer. An employer includes individuals, governments, governmental agencies, corporations, partnerships, associations, and unincorporated organizations that compensate individuals in return for performing labor.

3. Abusive work environment. An abusive work environment exists when the defendant, acting with malice, subjects the complainant to abusive conduct so severe that it causes tangible harm to the complainant.
 - a. Conduct. Conduct is defined as all forms of behavior, including acts and omissions of acts.
 - b. Malice. For purposes of this Chapter, malice is defined as the desire to see another person suffer psychological, physical, or economic harm, without legitimate cause or justification. Malice can be inferred from the presence of factors such as: outward expressions of hostility; harmful conduct inconsistent with an employer's legitimate business interests; a continuation of harmful, illegitimate conduct after the complainant requests that it cease or demonstrates outward signs of emotional or physical distress in the face of the conduct; or attempts to exploit the complainant's known psychological or physical vulnerability.
 - c. Abusive conduct. Abusive conduct is conduct that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. In considering whether abusive conduct is present, a trier of fact should weigh the severity, nature, and frequency of the defendant's conduct. Abusive conduct may include, but is not limited to: repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a

person's work performance. A single act normally will not constitute abusive conduct, but an especially severe and egregious act may meet this standard.

- d. Tangible harm. Tangible harm is defined as psychological harm or physical harm.
 - i. Psychological harm. Psychological harm is the material impairment of a person's mental health, as documented by a competent psychologist, psychiatrist, or psychotherapist, or supported by competent expert evidence at trial.
 - ii. Physical harm. Physical harm is the material impairment of a person's physical health or bodily integrity, as documented by a competent physician or supported by competent expert evidence at trial.
4. Negative employment decision. A negative employment decision is a termination, demotion, unfavorable reassignment, refusal to promote, or disciplinary action.
5. Constructive discharge. A constructive discharge shall be considered a termination, and, therefore, a negative employment decision within the meaning of this Chapter. For purposes of this Chapter, a showing of constructive discharge requires that the complainant establish the following three elements: (a) abusive conduct existed; (b) the employee resigned because of that abusive conduct; and, (c) prior to resigning, the employee brought to the employer's attention the existence of the abusive conduct and the employer failed to take reasonable steps to correct the situation.

SECTION 3 - UNLAWFUL EMPLOYMENT PRACTICE

It shall be an unlawful employment practice under this Chapter to subject an employee to an abusive work environment as defined by this Chapter.

SECTION 4 - EMPLOYER LIABILITY

An employer shall be vicariously liable for an unlawful employment practice, as defined by this Chapter, committed by its employee.

SECTION 5 - DEFENSES

A. It shall be an affirmative defense for an employer only that:

1. the employer exercised reasonable care to prevent and correct promptly any actionable behavior; and,
2. the complainant employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer.

This defense is not available when the actionable behavior culminates in a negative employment decision.

B. It shall be an affirmative defense that:

1. the complaint is grounded primarily upon a negative employment decision made consistent with an employer's legitimate business interests, such as a termination or demotion based on an employee's poor performance; or,
3. the complaint is grounded primarily upon a defendant's reasonable investigation about potentially illegal or unethical activity.

SECTION 6 - RETALIATION

It shall be an unlawful employment practice under this Chapter to retaliate in any manner against an employee because she has opposed any unlawful employment practice under this Chapter, or because she has made a charge, testified, assisted, or participated in any

manner in an investigation or proceeding under this Chapter, including, but not limited to, internal complaints and proceedings, arbitration and mediation proceedings, and legal actions.

SECTION 7 - RELIEF

1. Relief generally. Where a defendant has been found to have committed an unlawful employment practice under this Chapter, the court may enjoin the defendant from engaging in the unlawful employment practice and may order any other relief that is deemed appropriate, including, but not limited to, reinstatement, removal of the offending party from the complainant's work environment, back pay, front pay, medical expenses, compensation for emotional distress, punitive damages, and attorney's fees.
2. Employer liability. Where an employer has been found to have committed an unlawful employment practice under this Chapter that did not culminate in a negative employment decision, its liability for damages for emotional distress shall not exceed \$ 25,000, and it shall not be subject to punitive damages. This provision does not apply to individually named co-employee defendants.

SECTION 8 - PROCEDURES

1. Private right of action. This Chapter shall be enforced solely by a private right of action.
2. Time limitations. An action commenced under this Chapter must be commenced no later than one year after the last act that comprises the alleged unlawful employment practice.

SECTION 9 - EFFECT ON OTHER STATE LAWS

1. Other state laws. Nothing in this Chapter shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any law of the State.
2. Workers' compensation and election of remedies. This Chapter supersedes any previous statutory provision or judicial ruling that limits a person's legal remedies for the underlying behavior addressed here to workers' compensation. However, a person who believes that s/he has been subjected to an unlawful employment practice under this Chapter may elect to accept workers' compensation benefits in connection with the underlying behavior in lieu of bringing an action under this Chapter. A person who elects to accept workers' compensation may not bring an action under this Chapter for the same underlying behavior.

Appendix G: California - Abusive Work Environments, Assembly Bill, AB 1582

AB 1582, as introduced, Koretz. Abusive work environments.

Existing law makes it an unlawful employment practice for an employer, including any person acting directly or indirectly as an agent of the employer, to harass any employee because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

This bill would make it an unlawful employment practice to subject an employee to an abusive work environment, as defined, and would specify that an employer, as defined, is vicariously liable for a violation committed by its employee, but would prescribe certain affirmative defenses. The bill would also make it an unlawful employment practice to retaliate against an employee because the employee has opposed an unlawful employment practice under the bill or has made a charge, testified, assisted, or participated in an investigation or proceeding under the bill. The bill would specify that it is enforceable solely by a private right of action, would authorize injunctive relief and would limit an employer's liability for emotional distress to \$25,000 where the unlawful employment practice does not result in a negative employment decision, as defined. The bill would provide that an aggrieved employee may elect to seek compensation under the bill or the employee's workers' compensation remedy, but may not accept workers' compensation and bring an action under the bill for the same underlying behavior.

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

(a)The Legislature finds and declares all of the following:

- (1) The social and economic well-being of the state is dependent upon healthy and productive employees.
- (2) Surveys and studies have documented that between 16 percent and 21 percent of employees directly experience health-endangering workplace bullying, abuse, and harassment, and that this behavior is three times more prevalent than sexual harassment alone.
- (3) Surveys and studies have documented that abusive work environments can have serious effects on targeted employees, including feelings of shame and humiliation, stress, loss of sleep, severe anxiety, depression, post-traumatic stress disorder, reduced immunity to infection, stress-related gastrointestinal disorders, hypertension, and pathophysiological changes that increase the risk of cardiovascular diseases.
- (4) Surveys and studies have documented that abusive work environments can have serious consequences for employers, including reduced employee productivity and morale, higher turnover and absenteeism rates, and significant increases in medical and workers' compensation claims.
- (5) Unless mistreated employees have been subjected to abusive treatment at work on the basis of race, color, sex, national origin, or age, they are unlikely to have legal recourse to redress such treatment.
- (6) Legal protection from abusive work environments should not be limited to behavior grounded in protected class status, such as is provided under employment discrimination statutes.

(7) Existing workers' compensation plans and common-law tort actions are inadequate to discourage this behavior or provide adequate redress to employees who have been harmed by abusive work environments.

(b) It is therefore the intent of the Legislature in enacting this act:

(1) To provide legal redress for employees who have been harmed psychologically, physically, or economically by being deliberately subjected to abusive work environments.

(2) To provide a legal incentive for employers to prevent and respond to mistreatment of employees at work.

SEC. 2.

Part 12 (commencing with Section 9200) is added to Division 5 of the Labor Code, to read:

PART 12. ABUSIVE WORK ENVIRONMENTS

9200.

As used in this part, the following terms have the following meanings:

(a) "Abusive conduct" is conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. In considering whether abusive conduct is present, a trier of fact should weigh the severity, nature, and frequency of the conduct. Abusive conduct may include, but is not limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the

gratuitous sabotage or undermining of a person's work performance. A single act normally will not constitute abusive conduct, unless especially severe and egregious.

(b) "Abusive work environment" is a workplace where an employee is subjected to abusive conduct that is so severe that it causes physical or psychological harm to the employee.

(c) "Conduct" is all forms of behavior, including acts and omissions of acts.

(d) "Constructive discharge" is (1) abusive conduct, (2) which causes the employee to resign, and (3) where, prior to resigning, the employee brings to the employer's attention the existence of the abusive conduct, and (4) the employer fails to take reasonable steps to eliminate the abusive conduct.

(e) "Employee" is an individual employed by an employer, whereby the individual's labor is either controlled by the employer or the individual is economically dependent upon the employer in return for labor rendered.

(f) "Employer" includes all individuals and private corporations, partnerships, associations, and unincorporated organizations that compensate individuals in return for performing labor. "Employer" also includes the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, the California State University and the University of California.

(g) "Malice" is the desire to see another person suffer psychological, physical, or economic harm, without legitimate cause or justification. Malice may be inferred from the presence of one or more factors such as outward expressions of hostility, harmful conduct inconsistent with an employer's legitimate business interests, a continuation of

harmful, illegitimate conduct after the complainant requests that it cease or demonstrates outward signs of emotional or physical distress in the face of the conduct, or attempts to exploit the complainant's known psychological or physical vulnerability.

(h) "Negative employment decision" is a termination, constructive discharge, demotion, unfavorable reassignment, refusal to promote, or disciplinary action.

(i) "Physical harm" is the material impairment of a person's physical health or bodily integrity, as documented by a competent physician or supported by competent expert evidence at trial.

(j) "Psychological harm" is the material impairment of a person's mental health, as documented by a competent psychologist, psychiatrist, or psychotherapist, or supported by competent expert evidence at trial.

9201.

It is an unlawful employment practice under this part to subject an employee to an abusive work environment.

9202.

An employer is vicariously liable for an unlawful employment practice in violation of this part committed by its employee.

9203.

It is an affirmative defense to an action for an abusive work environment that the employer exercised reasonable care to prevent and promptly correct the abusive conduct and the aggrieved employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer. This defense is not available when abusive conduct culminates in a negative employment decision.

9204.

It is an affirmative defense to an action for an abusive work environment that the complaint is grounded primarily upon a negative employment decision made consistent with an employer's legitimate business interests, such as a termination or demotion based on an employee's poor performance, or the complaint is grounded primarily upon an employer's reasonable investigation of potentially illegal or unethical activity.

9205.

It is an unlawful employment practice under this part to retaliate in any manner against an employee because he or she has opposed any unlawful employment practice under this part or because he or she has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this part, including, but not limited to, internal proceedings, arbitration or mediation proceedings, and legal actions.

9206.

Where a defendant has been found to have committed an unlawful employment practice under this part, the court may enjoin the defendant from engaging in the unlawful employment practice and may order any other relief that is deemed appropriate, including, but not limited to, reinstatement, removal of the offending party from the complainant's work environment, back pay, front pay, medical expenses, compensation for emotional distress, punitive damages, and attorney's fees.

9207.

Where an employer has been found to have committed an unlawful employment practice under this part that did not result in a negative employment decision, the employer's liability for damages for emotional distress may not exceed twenty-five thousand dollars

(\$25,000) and the employer may not be liable for punitive damages. This section does not apply to individually named co-employee defendants.

9208.

This part may be enforced solely by a private right of action.

9209.

An action commenced under this part may be commenced no later than one year after the last act that comprises the alleged unlawful employment practice.

9210.

Nothing in this part may be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any other law of this state.

9211.

The remedies in this part are in addition to remedies under the workers' compensation laws. However, a person who believes that he or she has been subjected to an unlawful employment practice under this part may elect to accept workers' compensation benefits in connection with the underlying behavior in lieu of bringing an action under this part. A person who elects to accept workers' compensation may not bring an action under this part for the same underlying behavior.

Appendix H: Florida - Abusive Workplace Environment Act

Florida Senate Bill SB 30836-00604-132013308__

1 A bill to be entitled

2 An act relating to abusive workplace environments;

3 creating the “Abusive Workplace Environment Act”;

4 providing legislative findings and purposes for the

5 act; defining terms; prohibiting a public employer

6 from subjecting his or her employee to an abusive

7 workplace environment; declaring that an employer

8 violates the act if he or she subjects an employee to

9 an abusive workplace environment or has knowledge that

10 any person has subjected an employee of the employer

11 to an abusive workplace environment and has failed to

12 exercise reasonable care to prevent and promptly

13 correct the abusive conduct; prohibiting an employer

14 from retaliating in any manner against an employee

15 because the employee has opposed an unlawful

16 employment practice or has made a charge, testified,

17 assisted, or participated in any manner in an

18 investigation or proceeding; providing that an

19 employer may assert an affirmative defense against the

20 employee under certain circumstances; providing that

21 an employee may be individually liable if he or she

22 commits an unlawful employment practice; providing
23 that an employee may assert an affirmative defense
24 against an employee or employer under certain
25 circumstances; providing that a violation of the act
26 may be enforced solely by a private right of action;
27 requiring that a civil action filed under the act must
28 be commenced no later than 1 year after the date of
29 the last incident that is part of the alleged unlawful
30 employment practice; providing that if a person is
31 found to have committed an unlawful employment
32 practice that culminated in an adverse employment
33 action, the court may enjoin the person from engaging
34 in the unlawful employment practice and may order any
35 other relief that it deems appropriate, including
36 punitive damages and attorney fees; providing that if
37 an employer has been found to have committed an
38 unlawful employment practice, but the act did not
39 culminate in an adverse employment action, the
40 employer is liable for damages for emotional distress
41 but is not subject to punitive damages; providing that
42 the remedies provided by the act are cumulative to
43 other laws; providing for an exception for workers'
44 compensation awards; providing an effective date.

45

46 Be It Enacted by the Legislature of the State of Florida:

47

48 Section 1. Abusive workplace environment.—

49 (1) SHORT TITLE.—This section may be cited as the “Abusive
50 Workplace Environment Act.”

51 (2) LEGISLATIVE FINDINGS AND PURPOSE.—

52 (a) The Legislature finds that:

53 1. The social and economic well-being of the state is
54 dependent upon healthy and productive employees.

55 2. Approximately one-half of all employees directly
56 experience health-endangering workplace bullying, abuse, and
57 harassment, and this mistreatment is approximately four times
58 more prevalent than sexual harassment.

59 3. Workplace bullying and harassment can inflict serious
60 harm upon targeted employees, including feelings of shame and
61 humiliation, severe anxiety, depression, suicidal tendencies,
62 impaired immune systems, hypertension, increased risk of
63 cardiovascular disease, and symptoms consistent with
64 post-traumatic stress disorder.

65 4. An abusive workplace environment can have serious
66 consequences for employers, including reduced employee
67 productivity and morale, higher turnover and absenteeism rates,

68 and increases in medical and workers' compensation claims.

69 5. If a mistreated employee who has been subjected to
70 abusive treatment at work cannot establish that the abusive
71 behavior was motivated by race, color, sex, national origin, or
72 age, he or she is unlikely to be protected by the law against
73 such mistreatment.

74 6. Unlike employment discrimination statutes, legal
75 protection from abusive workplace environments should not be
76 limited to behavior grounded in protected-class status.

77 7. Existing workers' compensation provisions and common law
78 tort actions fall short of those necessary to eliminate abusive
79 behavior or to provide adequate relief to employees who have
80 been harmed by an abusive workplace environment.

81 (b) The purpose of this section is to provide:

82 1. Legal relief to employees who have been harmed,
83 psychologically, physically, or economically, by being
84 deliberately subjected to an abusive workplace environment; and

85 2. Incentives for employers to prevent and respond to
86 abusive mistreatment of employees at work.

87 (3) DEFINITIONS.—As used in this section, the term:

88 (a) "Abusive conduct" means a pattern of behavior or a
89 single act of an employer or employee in the workplace which is
90 performed with malice and is unrelated to an employer's

91 legitimate business and which a reasonable person would find
92 hostile or offensive considering the severity, nature, and
93 frequency of the conduct or the severity and egregiousness of
94 the conduct. Abusive conduct includes, but is not limited to:

95 1. Repeated infliction of verbal abuse, such as the use of
96 derogatory remarks, insults, and epithets;

97 2. Verbal or physical conduct that a reasonable person
98 would find threatening, intimidating, or humiliating;

99 3. Sabotaging or undermining a person's work performance;

100 or

101 4. Attempting to exploit an employee's known psychological
102 or physical vulnerability.

103 (b) "Abusive workplace environment" means an environment in
104 which an employee is subjected to abusive conduct that is so
105 severe that it causes physical or psychological harm to the
106 employee.

107 (c) "Adverse employment action" means an employment action,
108 including, but not limited to, termination of the employee,
109 demotion or unfavorable reassignment of the employee, failure to
110 promote the employee, disciplinary action against the employee,
111 or a reduction in the compensation of the employee.

112 (d) "Conduct" means all forms of behavior, including acts
113 and omission of acts.

114 (e) “Employee” means an individual who is employed by an
115 employer.

116 (f) “Employer” means a state agency or any county,
117 municipality, political subdivision, school district, community
118 college, or state university.

119 (g) “Malice” means the desire to see another person suffer
120 psychological, physical, or economic harm, without legitimate
121 cause or justification, which is demonstrated by the presence of
122 factors such as outward expressions of hostility, harmful
123 conduct inconsistent with an employer’s legitimate business
124 interest, a continuation of harmful, illegitimate conduct after
125 a person requests that it cease or demonstrates outward signs of
126 emotional or physical distress as a result of the conduct, or
127 attempts to exploit a person’s known psychological or physical
128 vulnerability.

129 (h) “Physical harm” means the material impairment of a
130 person’s physical health or bodily integrity, as established by
131 competent evidence.

132 (i) “Psychological harm” means the material impairment of a
133 person’s mental health, as established by competent evidence.

134 (4) UNLAWFUL EMPLOYMENT PRACTICES.—

135 (a) An employer may not subject an employee to an abusive
136 workplace environment.

137 (b) An employer may not retaliate in any manner against an
138 employee because the employee has opposed an unlawful employment
139 practice under this section, or has made a charge, testified,
140 assisted, or participated in any manner in an investigation or
141 proceeding under this section, including, but not limited to,
142 internal complaints and proceedings, arbitration and mediation
143 proceedings, or legal actions.

144 (5) EMPLOYER LIABILITY AND DEFENSE.—

145 (a) An employer violates this section if the employer
146 subjects an employee to an abusive workplace environment or has
147 knowledge that any person has subjected an employee to an
148 abusive workplace environment and has failed to exercise
149 reasonable care to prevent and promptly correct the abusive
150 conduct.

151 (b) If the alleged unlawful employment practice does not
152 include an adverse employment action, the employer may assert an
153 affirmative defense that:

154 1. The employer exercised reasonable care to prevent or
155 promptly correct any actionable behavior; and

156 2. The complainant employee unreasonably failed to take
157 advantage of appropriate preventive or corrective opportunities
158 provided by the employer.

159 (6) EMPLOYEE LIABILITY AND DEFENSE.—

160 (a) An employee may be individually liable for an unlawful
161 employment practice against another employee.

162 (b) The employee may assert an affirmative defense that:

163 1. The employee committed the unlawful employment practice
164 at the direction of the employer, under threat of an adverse
165 employment action;

166 2. The complaint is based on an adverse employment action
167 reasonably made for poor performance, misconduct, or economic
168 necessity;

169 3. The complaint is based on a reasonable performance
170 evaluation; or

171 4. The complaint is based on a defendant's reasonable
172 investigation into potentially illegal or unethical activity.

173 (7) PROCEDURES.—

174 (a) This section may be enforced solely by a private right
175 of action.

176 (b) A civil action filed under this section must be
177 commenced no later than 1 year after the date of the last
178 incident that is part of the alleged adverse employment action.

179 (8) RELIEF FOR THE EMPLOYEE.—

180 (a) If a person or employer has been found to have
181 committed an unlawful employment practice under this section
182 which culminated in an adverse employment action, the court may

183 enjoin the person from engaging in the unlawful employment
184 practice and may order any other relief the court deems
185 appropriate, including, but not limited to, reinstatement of the
186 employee, removal of the offending party from the complainant's
187 work environment, back pay, front pay, medical expenses,
188 compensation for emotional distress, punitive damages, and
189 attorney fees.

190 (b) If a person or employer has been found to have
191 committed an unlawful employment practice under this section
192 which did not culminate in an adverse employment action, the
193 employer is liable for damages not to exceed \$25,000 for
194 emotional distress and may not be held liable for punitive
195 damages. This paragraph does not apply to individually named
196 employee defendants.

197 (9) CUMULATIVE REMEDIES; REIMBURSEMENT REQUIRED.—

198 (a) The remedies provided in this section are in addition
199 to any other remedy provided under law.

200 (b) This section does not relieve any person from any other
201 statutory liability, duty, penalty, or punishment.

202 (c) If an employee receives workers' compensation for
203 medical costs for the same injury or illness pursuant to both
204 this section and the Workers' Compensation Act, or compensation
205 in cash payments under both this section and the Workers'

206 Compensation Act for the same period of time the employee is not
207 working as a result of the compensable injury or illness or the
208 unlawful employment practice, the payments of workers'
209 compensation shall be reimbursed from compensation paid under
210 this section.

211 Section 2. This act shall take effect July 1, 2013.

Curriculum Vitae

Cynthia María Contreras

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Education

- **Doctor of Philosophy in Conflict Analysis and Resolution**, (ABD), Nova Southeastern University, Davie, FL
 - *Concentration: Organizational Conflict*
- **Masters in Nonprofit Management**, Fall 2008; University of Central Florida, Orlando, FL
- **Bachelor of Science in Business Administration, Hospitality Management**, Spring 2002; University of Central Florida, Orlando, FL
 - *Minor: International Business*
- **Associate of Arts with an Honors Certificate**, Summer 1999; Valencia Community College, Orlando, FL

Graduate Certifications

- **Graduate Certificate in Emergency Management and Homeland Security**, Summer 2010; University of Central Florida, Orlando, FL
- **Graduate Certificate in Career Counseling**, Summer 2007; University of Central Florida, Orlando, FL
- **Graduate Certificate in Professional Writing**, Summer 2004; University of Central Florida, Orlando, FL

Research Interests

- Organizational conflicts within and between governmental/nongovernmental/nonprofit organizations
- The influence of cultural and gender conflicts in organizations, including higher education
- Incidence of bullying in medical residencies: Newly graduated medical students interaction with senior residents
- Anti-bullying policies in the United States and around the world

Teaching Experience

- **CARD 7100 Quantitative Research: Analysis and Statistics II**, *Graduate Teaching Assistant*, Winter 2014.
- **Guest Lecturer**
 - Co-lecturer at Student Symposium of Health Professions, College of Medicine, University of Central Florida, Spring 2013
 - Topic: “High School Preparation for Careers in Biomedical Sciences”
 - Co-lecturer at Summer Academy for Rising High School Juniors, College of Medicine, University of Central Florida, Summer 2013, Summer 2014, Summer 2015, Summer 2016, Summer 2017, Summer 2018.

- Topic: “High School Preparation for Careers in Biomedical Sciences”

Quantitative and Qualitative Skills

- Proficient in MS Excel, SPSS, PeopleSoft and RDS (Relational Database Service) Queries for data analysis, interpretation, and forecasting.

Dissertation

- Dissertation Topic: *Understanding the Challenges of the Healthy Workplace Bill - An Interpretive Policy Analysis*

Work Experience in Higher Education

- **Academic Advisor IV**, Burnett School of Biomedical Sciences (BSBS), College of Medicine, University of Central Florida; *March 2007 – Present*
 - Assist students in creating their plans of study for their majors aligned with their career goals.
 - Aid students with the University and BSBS academic policies and procedures.
 - Provide program and career advising for biomedical sciences and biotechnology students.
 - Train and supervise 8 part-time outreach coordinators (junior academic advisors).
 - Assist in the management of academic support in the areas of training, troubleshooting, mentoring, policies and procedures.
 - Assists in developing and implementing advising goals and strategies for the BSBS.
 - Create and implement programming geared towards the promotion of diversity and inclusion within the undergraduate student body of the BSBS.
 - Present and participate in new student orientation sessions.
 - Participate in university-wide sponsored events, such as Open House, Majors Fairs, and Welcome Expo.
 - Assist students with registration, degree audits, course substitutions, waivers and degree updates.
 - Create and updates degree audits and Pegasus Path for students within the BSBS.
 - Serve as the primary liaison between academic advisors, central academic departments and college program offices.
 - Create promotional materials for BSBS, including brochures and flyers.
 - Responsible for communication activities with the university community, community colleges, students, parents, faculty in the recommendations or policies and procedures while maintaining FERPA and university rules and regulations of student privacy.

- Perform collection and data mining of information on students, the university community, community colleges or any external areas.
- **Sr. Admissions Specialist**, Department of Molecular Biology and Microbiology, University of Central Florida; *November 2004-March 2007*
- **Office Assistant**, Department of Molecular Biology and Microbiology, University of Central Florida; *April 2003-October 2004*
- **Clerical Aide**, Department of Molecular Biology and Microbiology, University of Central Florida, *June 2001-March 2003*

Honors and Awards

- ***Nominated for the Judy Boyte Innovative Academic Advising Award in 2009*** for the creation of the departmental brochures and publications to promote the undergraduate majors for the Burnett School of Biomedical Sciences, College of Medicine, University of Central Florida.
- ***Recipient of the Harris Rosen Scholarship in 2000*** awarded to high achieving Hospitality Management undergraduate students at the University of Central Florida.

Skills

- **Computer Skills:** MS Office (Word, Excel, Access, PowerPoint, Publisher, Outlook), Corel's Word Perfect, Mac Applications, GroupWise, PeopleSoft, MyAudit, DARS, DARwin, Google Chrome, Safari, Firefox and Internet Explorer, multiple student advising/tracking software systems, Twitter, Facebook, Instagram, LinkedIn.
- **Languages:** Proficient in English and Spanish

Voluntary Involvement

- Peer Mentor for New Conflict Analysis and Resolution Ph.D. Students, Nova Southeastern University, *2013-2015*
- Student Conduct Review Board Member, UCF, *2005-2017*
- World Pulse, My Stories, Listener (Reviewer), *Fall 2011-Spring 2015*
- World Pulse Voices of Our Future, Listener (Reviewer), *Fall 2010-Spring 2015*
- Member, UCF Collegiate Chapter of the Association of Fundraising Professionals, *2008*
- Volunteer (Grant Writer), Community Service Center of Central Florida, *Fall 2007*
- Secretary, UCF Collegiate Chapter of the Association of Fundraising Professionals, *2006*
- Volunteer (Writer), Katrina's Angels, *2006*

Professional Memberships

- International Association of Conflict Management (IACM)
- Peace and Collaborative Development Network (PCDN)
- National Academic Advising Association (NACADA)