



Workplace bullying remains in the shadows



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By [Beth Teitell](#) | GLOBE STAFF DECEMBER 30, 2017

As workplaces of every imaginable kind are rocked in the national reckoning over

abuses of sex and power, some say another, related issue waits in the shadows.

Experts say it can be more common and as damaging to its victims as sexual harassment, but with no clear definition in the law or widespread social recognition, it remains largely out of the public eye.

It's called workplace bullying, although victims say the term doesn't fully capture its power.

"It's emotional torture," said a state employee who alleges that her immediate supervisor and a colleague have told her she walks like a "damn elephant," left trash on her desk, and called her "stupid and incompetent" in meetings — hostility that she says was triggered by resentment of her corporate background and professional approach. The employee, like others interviewed for this story, spoke on the condition of anonymity for fear of retaliation.

Severe bullying has been associated with clinical depression and suicidal thoughts. It is so common, studies say, that nearly one-third of the American workforce will experience bullying behavior during their working lives. Yet in many cases, victims have no legal recourse.

A bill before the Legislature aims to change that by creating a civil claim for damages for employees who can prove they were subjected to an abusive work environment that causes physical or psychological harm.

The Healthy Workplace bill — filed for the fourth time in as many sessions — has 48 cosponsors but is opposed by employers who say it could open the door for a deluge of unfounded claims.

“Employers condemn bullying and incivility as much as anyone,” the Associated Industries of Massachusetts, which represents some 4,000 employers, testified at an April hearing. But bullying is “a hopelessly subjective term that makes the legalistic approach untenable.”

The association said training, leadership development, and communication are better tools for combating the problem.

The worst cases of bullying can be overt, such as a constantly yelling boss. But bullying can be covert, too — a behind-the-back campaign to sabotage someone’s reputation and work performance.

The proposed Massachusetts law would allow the award of monetary damages and permit judicial orders to correct or stop the bullying behaviors. It would not cover everyday workplace flare-ups, emphasized its author, Suffolk University Law School professor David Yamada.

The particulars of some alleged bullying cases can sound so juvenile it’s almost impossible to imagine an adult behaving in such a manner: A former public school instructor who spoke to the Globe says she was denied the opportunity to sign group birthday and condolence cards after she challenged an administrator. Another person, a high-level state administrative assistant, said she was reassigned to reorganize a storage room, endlessly, according to an attorney she contacted.

In yet another case, a longtime state employee with peanut and tree allergies alleges her supervisor or one of two co-workers smeared peanut butter on a folder sitting on her desk. “They just thought it was a joke,” she said. “One day they stood outside my office door and sang a stupid song they made up about how much they love Almond

Joys.”

“It’s death by 1,000 cuts,” said Beth Myers, vice president of the Massachusetts Employment Lawyers Association.

The impact can be so traumatic that victims consider suicide at twice the rate of those who were never bullied, according to a study published in 2015 by the [American Journal of Public Health](#).

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Therapists who treat victims of workplace bullying say their patients show signs of post-traumatic stress disorder, including panic attacks, headaches, gastrointestinal problems, and insomnia.

“I had one person who was so anxious that she became psychotic,” said Eunice Aviles, a psychotherapist in Amherst. The patient eventually took short-term disability leave.

A 2014 survey sponsored by the Workplace Bullying Institute found that 27 percent of respondents had experienced workplace bullying and that 56 percent of bullying is committed by supervisors, 33 percent by co-workers, and 11 percent by subordinates.

The majority of hostile workplace complaints filed at the Massachusetts Commission Against Discrimination allege at least an element of bullying, according to chairwoman Sunila Thomas George.

But unless a victim is being bullied because of race, color, religious creed, national origin, sex, sexual orientation, age, or ancestry, or has protected whistleblower status, the law typically offers no protection.

“What I tell people is that you can’t sue your employer just for being mean to you,” said Boston employment lawyer Rebecca Pontikes. “You can’t sue because your supervisor so badly mismanaged you that you ended up on a therapist’s couch.”

Yamada, the bill’s author, compares the public perception of bullying to sexual harassment 30 years ago. Without widespread societal understanding, victims not only feel alone, but often don’t understand what’s happening to them, he said.

Although many aren’t currently able to identify bullying for what it is, that could change as a growing number of high-profile accusations of sexual harassment or misconduct also allege bullying behavior, such as the complaints against WBUR host Tom Ashbrook, in the most high-profile local example.

Although private workers typically lack protection from bullying under the law, bullied state workers who are members of SEIU/NAGE Local 282 can file a union grievance thanks to a clause in the contract (added in 2009) that says “behaviors that contribute to a hostile, humiliating or intimidating work environment are unacceptable and will not be tolerated.”

The union’s president, Gregory Sorozan, calls bullying “a significant problem” for his nearly 3,000 members.

He said he helped fight for the new clause after he was bullied while working for the Department of Social Services (now the Department of Children and Families).

Sorozan’s team is investigating a boss who allegedly controls employees by selectively granting vacation and sick time.

The man has allegedly bullied 20 people over the years, Sorozan said, and is currently

targeting an employee undergoing cancer treatments.

What will happen to that particular boss remains to be seen, but the odds aren't in the victim's favor. The most common outcome, reports the Workplace Bullying Institute, is that the target leaves the job.

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