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Bullying and Disability Harassment in the Workplace: What Youth Should Know

This InfoBrief is designed to help youth, including youth with disabilities, recognize signs of bullying in the workplace, and to recognize how bullying differs from disability harassment. The brief offers examples of bullying situations at work and offers strategies to help address the issue. Much is understood about the negative consequences of bullying at school, but youth should also be made aware that bullying does not end at school. It is often encountered at work as well.

Bullying affects many youth and has gained national attention due to highly publicized instances of school violence and teen suicides. In fact, most youth have experienced bullying firsthand, either by being bullied themselves or by witnessing a peer being bullied. Recent statistics suggest that the impact of bullying is widespread:

- 1 out of 3 teens are bullied;
- Youth with disabilities are 10 times more likely to be bullied than a typical student;
- 1 out of 5 youth admit to being a bully or doing some type of bullying;
- 85% of gay, lesbian, bisexual, or transgender youth experience harassment at school or online;
- 88% of teens reported seeing people being mean or cruel on a social networking site;

- 25% of teens age 11-18 report having been cyberbullied at some point in their lifetime; and
- 17% of teens admit having cyberbullied others.

What is Bullying?

The word bully brings images of tough teenagers clad in leather jackets, threatening to settle the score behind the stadium bleachers or stuffing helpless kids into school lockers. Even today, many television shows and movies aimed at youth feature a bully as a cartoonish main character. But real bullying is far from innocent. Bullies come in all genders, shapes, sizes, and even can be well dressed.

Bullying is carried out by males and females and can cause harm that lasts a lifetime. But what is bullying? If you get into a disagreement with a friend that results in a shouting

match, is that bullying? No. Those types of situations usually involve persons of equal social power, and the conflicts can be resolved with apologies. In fact, disagreements among friends, families, or co-workers are a normal part of social functioning and can help develop needed interpersonal skills.

Although definitions of bullying vary, most agree that bullying involves the following characteristics:

Bullying is intentional. The target does not knowingly provoke the bully and may have made it clear that the behavior is not welcome.

Bullying behavior is often repetitive. Although it can take place in a single incident, bullying is generally carried out repeatedly over time.

Bullying involves hurtful acts, words, or other behavior. Bullying is an oppressive or negative act

intended to hurt someone else.

Bullying involves a real or perceived imbalance of power.

A youth without power cannot bully. Power in this instance can be defined as physical strength, social status, or intimidating behavior.

It may be common to hear the person being bullied referred to as the “target” rather than as the “victim.” The reason for this is that the word victim implies that a person is powerless to change their circumstances, or that even they are somehow to blame for what is happening. Bullying prevention advocates prefer the term target because it suggests that a person who is bullied, and those around that person, have the power to change the situation.

Still, targets of bullying tend to share certain traits. In general, targets of bullying tend to be different in some way. This may mean that they belong to a non-majority culture, have unique physical characteristics, practice a different religion than others, or have a disability. Their differences do not automatically lead to bullying but do tend to be noticed by youth who are seeking targets. While anyone can be bullied, targets of bullying tend to have one or more of these common traits:

- They might give a vulnerable response to being bullied;
- They have few or no friends;
- They might not assert themselves in a bullying situation; and,

- They can have diminished self-esteem and need to build self-confidence.

Often bullying is portrayed as an act of intimidation of physical violence, but there are several types of bullying.

Physical Bullying: Involves actions like hitting, kicking, pushing, throwing objects, or damaging property. It can also involve pretending or threatening to inflict harm, making the target terribly uneasy.

Verbal Bullying: The most common form of bullying, it can include mean spirited teasing, gossiping, name calling, embarrassing jokes, and actual threats.

Emotional/Social Bullying: This form is harder to define, but generally involves the assertion of social power to cause pain or exclude the target from the social crowd. Often done in a group, social/emotional bullying can be done through gossip, insults, making fun of the target in public, or intentional exclusion from social events.

Cyber Bullying: Bullying actions that are carried out through electronic means, such as instant messaging, texting, e-mails, blogging, or social media postings.

Workplace Bullying

David is 16 years old with a severe learning disability who has been working at a local grocery store for four months. In the beginning he really enjoyed his

job, but recently things at work have been getting tough. David was assigned a new supervisor a few weeks ago. That supervisor has been teasing David and making it difficult for him to get his assigned duties done on time. A friend who works with David has told him that the supervisor is talking negatively about him to other co-workers. David has noticed that the supervisor goes out of his way to assign David the least desirable jobs in the store. David has developed anxiety about going into work and often feels physically ill after his shift. His previous supervisor gave him excellent marks on his initial performance review, but the current supervisor seems more invested in finding things David is doing wrong. David feels he is good at his job and wants to remain loyal to the store that hired him but feels the current supervisor is treating him unfairly.

Just as youth can experience bullying in school, they can also find bullying in their place of employment. Youth who bully grow up and may become bosses or co-workers who bully. According to Tom Witt of New York Healthy Workplace Advocates, 37% of workers have experienced bullying in the workplace. This adds up to approximately 54 million people nationwide. One might assume that workplace bullying takes place mainly in jobs where the pay is low and the work is difficult. The fact is that workplace bullying is found in all professions.

Workplace bullying does tend to

show some differences from traditional bullying that might take place between youth. In workplace bullying the targets are often, but not always, people who are good at their jobs, and who pose a professional threat to the bully. For example, a person may be new to a job and doing an excellent job. A workplace bully may resent the attention that person is getting and begin a campaign to smear the new worker's reputation. This is not to say that targets may not be chosen due to more traditional traits, such as having a disability or belonging to a different religious group. Though physical violence and intimidation can be found in the workplace, bullying at work tends to be more psychological or social in nature, making it difficult to prove.

The Washington State Department of Labor and Industries define workplace bullying as “*repeated, unreasonable actions of individuals (or a group) directed towards an employee (or group of employees), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health and safety of the employee(s).*” The following are some examples of workplace bullying:

- Abusive, insulting, or offensive language;
- Intentional exclusion from critical work meetings;
- Intentional exclusion from work social circles or functions;



- Unrealistic work demands, such as size of workload, unreasonable deadlines, or inconsistent work hours;
- Public criticism or being yelled at when co-workers are present;
- Physical violence or intimidation;
- Displaying of materials in the workplace that are offensive;
- Unfair denial of personal leave or training opportunities; and,
- Regular threats of being reprimanded or fired from job.

It is important for youth to recognize that being an employee means that you will have to work with all types of people, and being given work direction is part of a job. Being asked to do a task that you don't like does not constitute bullying. Nor does having to work side by side with a person you may not get along with. A helpful way for youth to recognize that something is not right is that bullying often feels disrespectful, is out of place with what co-workers seem to be going through, and appears to be targeted specifically towards an individual. Workplace

bullying can be hard to recognize, so youth should be encouraged to talk about their situation with someone they trust, such as a parent, a friendly co-worker, or another trusted adult.

The impact of workplace bullying can be felt by the target, co-workers, and the business itself. People who have been bullied at work report physical symptoms such as problems with sleeping, headaches, and stomach issues. Mental health concerns such as reduced self-esteem, increased family tension, and stress are also common, along with expected financial problems, chronic absences, and job loss. Organizations should recognize bullying as a major contributor to productivity loss, low-morale among employees, and high staff turnover.

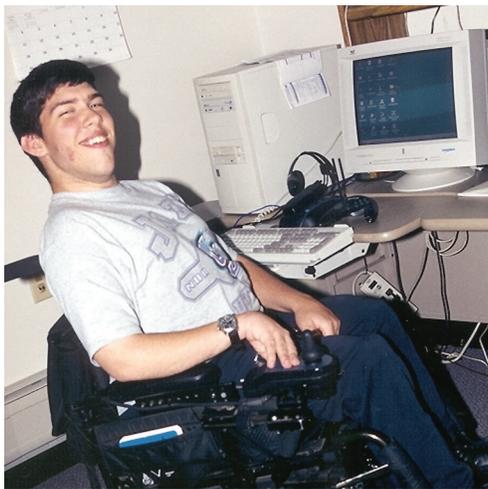
Workplace Bullying: What Can You Do?

Dealing with a workplace bully can be uncomfortable, and requires solid self-advocacy skills and self-confidence. Remember, the bullying behavior is not likely to stop unless intervention is sought. The first step toward addressing bullying behavior is not to react to it. Don't give the bully the reaction he/she is looking for. Instead, consider following these helpful tips:

1. Don't blame yourself. Bullying is about controlling another person and is not about an individual's worth as a person or how one performs on the job.

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- The blame lies on the bully; it's that simple.
2. Notify your supervisor right away after the bullying incident. If the supervisor is the bully, then go to his or her supervisor, or higher up the administrative chain until you find someone willing to address the issue.
 3. The impact of bullying is lessened when there are bystanders willing to step into the situation. Seek an ally at work, such as a co-worker that is trusted or another supervisor you respect. Tell them what is happening and ask their opinion about your options to address the issue.
 4. Check to see if your employer has a policy against bullying behavior.
 5. Document all bullying incidents, including dates, times, places, what was said or done, and who witnessed.
 6. Keep copies of all documents that help you counter claims the bully may make. These may include time sheets, performance reports, work samples, and e-mails that support your work performance.
 7. Consider contacting your company's Employee Assistance Program, union representative, or, if necessary, an attorney who specializes in labor law or your state's Department of Human Rights.
 8. Do your job to the best of your
- ability. Don't let the bullying affect your job performance, therefore giving the bully justification for his/her claims.
9. Most people want to do a good job for their employer and maintain a certain amount of loyalty. People work because they need the money, and finding jobs can be difficult. That being said, **if the bullying**



gets too bad, or if addressing the issue hasn't seemed to work, targets should consider leaving the job. Some situations you can't salvage. Some work places are too toxic. There is no shame in cutting your losses and finding a better place to work. You may find you are much happier and healthier for making that decision.

Disability Harassment

Tasha has a severe physical impairment. She graduated near the top of her high school class and earned a college degree in finance. She was excited to get her first job in a bank, but

soon began running into some uncomfortable situations with her co-workers. Tasha, who uses a power wheelchair, was horrified when certain co-workers began harassing her, calling her names such as "ironsides" and "the gimp in the mortgage department". One day she arrived at work to find a piece of paper taped over the sign on an accessible parking spot that read "Parking for Tasha Only". Tasha checked the bank's employee handbook and found very specific rules against any harassing behavior. She brought the incidents to the attention of her supervisor who swiftly reprimanded those responsible. Tasha's work has been praised, and she quickly worked her way to a promotion.

Bullying is not acceptable and harms many people, but there are inconsistencies nationwide as to whether it is against the law. However, actual harassment based on disability, or any other protected trait (age, gender, etc.) is, and you are afforded protections against it. The American's with Disabilities Act (ADA) and individual state human rights laws all offer protection against disability harassment and discrimination. The U.S. Equal Employment Opportunity Commission is charged with enforcing federal nondiscrimination laws. Youth should be aware that being denied what other workers are given because a disability is present is illegal. Teasing, social exclusion, or violence against a person because that person has a disability may not reach the level of discrimination but certainly is harassment.

Jerome Holzbauer, Ph.D., defines disability harassment in the workplace as, “work-related harassment on the basis of disability consisting of verbal, gesturing, or aggressive conduct that conveys denigration, hostility, or aversion toward a person because of that person’s disability. Such conduct results in (a) creating an offensive, intimidating, or hostile work situation; (b) unreasonably interfering with work performance; or (c) adversely affecting employment opportunities of a person with a disability.”

Some examples of disability harassment might include:

- An employee with cerebral palsy being made fun of due to the way they speak;
- An employee with an intellectual disability having lunches stolen from them;
- Co-workers calling a person with a disability “retard” or “cripple;”
- Co-workers tampering with a person’s wheelchair or intentionally putting up barriers, making movement around the work space difficult; and,
- Intentionally bumping into a person with a visual impairment.

It should be noted that disability harassment differs from discrimination based on disability. Discrimination examples include being denied a job, not making the same wages, or being denied a

promotion based solely on the fact that you have a disability. If you feel you have been discriminated against on the job due to a disability, you can contact your local Equal Employment Opportunity Commission office (www.eeoc.gov) or your state’s Department of Human Rights.

Conclusion

Bullying is being recognized as a significant problem in schools, but youth should also be aware that it is also an issue in the world of work. Workplace bullies target those who they see as a threat, which means you can work hard and do a good job and still be a target. There are several strategies to address workplace bullying which were outlined in this brief. Youth should also be aware that when bullying turns into harassment and discrimination based on disability, it is clearly illegal. Youth are encouraged to talk their families, a trusted co-worker, or a friend if they run into situations at work that they think might be bullying or harassment. The impact of workplace bullying can be very harmful, and knowing the steps to take to address the issue will help youth find a positive and fulfilling job experience.

Resources

StopBullying.gov

StopBullying.gov provides information from government agencies on how children, youth, parents, educators, and others in the community

can prevent or stop bullying.

www.stopbullying.gov

Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal laws that make it illegal to discriminate against a job applicant or employee because of race, color, religion, sex, national origin, age, disability, or genetic information.

www.eeoc.gov

Americans with Disabilities Act (ADA) Home Page

www.ada.gov

US Department of Labor’s Office of Disability Employment Policy (ODEP)

ODEP provides leadership by developing and influencing disability employment policies and practices affecting an increase in the employment of people with disabilities.

www.dol.gov/odep

National Collaborative on Workforce and Disability for Youth (NCWD/Youth)

NCWD/Youth is your source for information about employment and youth with disabilities.

www.ncwd-youth.info

PACER Teens Against Bullying

www.pacerteensagainstbullying.org

Cyberbullying Research Center

www.cyberbullying.us

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Citations

- Hinduja, S. & Patchin, J. W. (2014). *Cyberbullying fact sheet: Identification, prevention, and response*. Cyberbullying Research Center. Retrieved from www.cyberbullying.us/Cyberbullying_Identification_Prevention_Response.pdf
- Holzbauer, Jerome John Jr. (2001). *Disability harassment in the workplace*. (UMI No. 3033247). Sent by Author May 11, 2011.
- Kelly, M. and Hertzog, J. (2006). *Beyond sticks and stones: How to help your child with a disability deal with bullying*. Minneapolis, MN: PACER Center, Inc.
- Kosciw, J. G., Greytak, E. A., Palmer, N. A., & Boesen, M. J. (2014). *The 2013 national school climate survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools*. New York: GLSEN. Retrieved from www.glsen.org/download/file/NjA1MQ
- The New York Times. (2008, March 26). *NYTimes.com - My boss was a bully* [Video file]. Retrieved from www.youtube.com/watch?v=c3nqQC6EE0o
- PACER Center, Inc. (2013). *Cyberbullying: What parents can do to protect their children*. Minneapolis, MN: PACER Center, Inc. Retrieved from www.pacer.org/publications/bullypdf/BP-23.pdf
- Washington State Department of Labor and Industries. (2011). *Workplace bullying and disruptive behavior: What everyone needs to know*. Retrieved from www.lni.wa.gov/safety/research/files/bullying.pdf

Founded in 2006, PACER's National Bullying Prevention Center® unites, engages and educates communities nationwide to address bullying through creative, relevant and interactive resources. PACER's bullying prevention resources are designed to benefit all students, including students with disabilities. PACER offers digital-based resources for parents, schools, teens and youth, including:

PACER.org/Bullying: This is the portal page for parents and educators to access bullying resources, which include educational toolkits, awareness toolkits, contest ideas, promotional products and more.

PACERTeensAgainstBullying: Created by and for teens, this

website is a place for middle and high school students to find ways to address bullying, to take action, to be heard, and to own an important social cause.

PACERKidsAgainstBullying: A creative, innovative and educational website designed for elementary school students to learn about bullying prevention, engage in activities and be inspired to take action.

PACER's National Bullying Prevention Center®

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The National Collaborative on Workforce and Disability for Youth (NCWD/Youth) is composed of partners with expertise in disability, education, employment, and workforce development issues. NCWD/Youth is housed at the Institute for Educational Leadership in Washington, DC. The Collaborative is charged with assisting state and local workforce development systems to integrate youth with disabilities into their service strategies. This Information Brief was written by Sean Roy of PACER Center. To obtain this publication in an alternate format please contact the Collaborative at 877-871-0744 toll free or email contact@ncwd-youth.info. This Information Brief is part of a series of publications and newsletters prepared by the NCWD/Youth. All publications will be posted on the NCWD/Youth website at www.ncwd-youth.info. Please visit our site to sign up to be notified of future publications. This document was developed

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