

Crossing the Line

When Bullying Becomes Harassment in the Workplace



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Learning Goals

By the end of this session...

1. Participants will have an understanding of how the unconscious bias operates.
2. Participants will have an understanding of what illegal harassment in the workplace is.
3. Participants will understand why it is important to stop workplace harassment/bullying.



The **EEOC's** mission is to
Stop and Remedy Unlawful
Employment Discrimination

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The **EEOC's** vision is
Justice and Equality in
the Workplace





The Amazing Brain...

- Neuromarketing would not exist if traditional market-research techniques were reliable.
 - “During any given second, we consciously process only 16 of the 11 million bits of information our senses pass on to our brains. The conscious part of us receives much less information than the unconscious part.”*

*Tor Norrtrander, “The User Illusion”



Unconscious Bias

- This is where the subconscious kicks in:
 - We are unconsciously conditioned to be suspicious of difference and/or change.
 - Call it a “gift” from our ancestors.
 - ✓ It is located deep in the brain stem.
 - Part of our survival depended on a healthy suspicion of other tribes.

- In 2013, we don't live in a primitive world...but subconscious biases still exist.



What is Unconscious Bias?

- Process where one's unconscious mental associations systemically distorts the way we perceive others.
- Results from cultural knowledge (stereotypes) from our development.
- People favor that which is familiar to them:

- Us vs. Them



categorization.



The 5% Rule

- “95% of what we tell you is true-- *we have never seen.* We *think* it is true based on the 5% we have seen.” Harold Meyers.
- For example we believe...
 - The universe is infinite...
 - Dinosaurs roamed the earth...
 - Man walked on the moon...



Employment Implications



Employment Implications

➤ In employment situations unconscious bias can have huge impact when decisions are subjective.

Areas of risk

- Recruitment
- Career development
- Discipline
- Selection
- Any & all employment decisions



Culture's Underlying Principles

- Culture is not overt.
- Human beings are ethnocentric:
 - “Belief in the intrinsic superiority of the nation, culture, or group to which one belongs, often accompanied by feelings of dislike for other groups.”
- We observe, interpret, then act:
 - we aren't aware when we offend.
- Awareness & knowledge increase our choices.



Obstacles to a Respectful Workplace



There's nothing wrong
with my sense of humor.
You're not funny.

What is Harassment?

Unwelcome verbal or physical conduct

- Employee did not solicit or invite the conduct.
- Employee regarded the conduct as undesirable.
 - Complainant explicitly or implicitly communicated the conduct was unwelcome.
 - There was not equal initiation and participation between the two parties.
 - Unequal power.



Avoid Dangerous Words & Excuses

- That kind of behavior is part of growing up.
- I/they didn't mean any harm.
 - It's just a prank that got out of hand.
- That's how they do things where they come from.
- If nobody complained, what's the big deal?
 - Everybody else was okay.
 - What's your problem?
 - Can't you take a joke?
 - You're too sensitive.



More Dangerous Words & Excuses

- You need to learn to handle these things.
 - Just ignore it.
- Oh well, boys will be boys (girls will be girls)
 - They puts their arms around everyone.
 - It's your fault for being so sexy.
 - Why can't you learn to accept a compliment?
 - It's just teasing – no big deal.





What is Cyber-Bullying?

Cyber-bullying is harassment that does not require the harasser(s) to be in the direct physical proximity of the victim.

- Sending emails, texts, 'Tweets', posting on public forums such as Facebook, can be cyber-bullying behavior.
- Cyber-bullying is more damaging to the recipient than physical or verbal abuse.
 - Yelling dissolves into the air.
 - Cyberworld lives forever.



Cyber-Bullying

- Employers should apply same standards in anti-discrimination policies to cyber-bullying.
- Employers use defense there is a grey area in language used in cyber-bullying and cyber-bullies use subtle techniques to intimidate.
- Cyber-bullies under same policies:
 - Ignorance not an excuse.
 - “I didn’t know it was illegal to say those things in an email.”



Email Bullying

- Example of email that could be bullying:

**YOU ARE COMPLETELY
INCOMPETENT. I SHOULD FIRE
YOU RIGHT NOW. A MONKEY
COULD DO YOUR JOB.**

- This email can be evidence of TVII, ADEA, or ADA harassment.



Email Bullying

YOU ARE COMPLETELY INCOMPETENT. I SHOULD FIRE YOU RIGHT NOW. A MONKEY COULD DO YOUR JOB.

- What if this email had been copied to a plethora of co-workers...none of whom needed to know about the employee's competence level on the task?
- What if the employee was only African American? Female? Hispanic? What if the employee had filed previous charges?



Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

- Social psychologist Leon Festinger proposed a theory of cognitive dissonance.
 - Society is motivated to maintain consistency in thoughts, feelings and actions.
 - Society needs to keep the ego reassured
 - “What is being done is right and proper and *above all* consistent.”

- Think back to the beginning of this presentation...
 - People favor that which is familiar to them.



Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

- Remember the escalating abuse of bus driver, Karen Klein?
 - In the case of Karen Klein, most of the kids identified themselves as “decent people”.
 - Unbeknown to them, the bully-leaders injected conflict into their inconsistency-hating minds, forcing them desperately to balance out conflict in the only way it can—by concluding the victim is deserving of all they are getting.



Why Should a Company Immediately Stop Bullying?

Cognitive Dissonance

- Social reality of Harassment/Bullying:
 - Mob process itself is accelerated by individual brains being intoxicated by the power of bullying.
 - This power can make normal people reckless and unempathic in their behavior.
 - Worse the behavior is, the more the inconsistency-hating mind must rationalize extraordinary behavior by seeing bullied person in some warped way, 'disgusting'.



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What's yours?



For More Information

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Cites and for More Information

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