



4-25-2017

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Recommended Citation

Hollis, Leah P. (2017) "Workplace Bullying in the United States and Canada: Organizational Accountability Required in Higher Education," *Comparative Civilizations Review*: Vol. 76 : No. 76 , Article 13.
Available at: <https://scholarsarchive.byu.edu/ccr/vol76/iss76/13>

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Workplace Bullying in the United States and Canada: Organizational Accountability Required in Higher Education

Leah P. Hollis

Introduction

The purpose of this paper is to compare the probable existence of two North American civilizations, Canada and the United States, and then consider how each civilization has addressed workplace bullying. Canada started to prohibit workplace bullying in 2004. However, the United States only began to address the problem ten years later, in 2014, with a few states passing statutes. Examining the differences in culture and the research on how higher education in both Canada and the United States has dealt with workplace bullying may give insights to how both Canada and the United States can better protect employees faced with workplace bullying.

Brief Definition of Civilization

Many varying and competing definitions of the controversial concept of ‘civilization’ exist in the literature. However, Permumpanani (2013), writing with the *Comparative Civilization Review*, defined civilization as a “dynamic system that supports endogenous cultural development through economic activity aggregated across elements of data” (p. 9). He further noted that scholars have long debated the definitions for ‘civilization’ and ‘culture,’ failing to reach consensus. Huntington (2003) offered a list of eight major civilizations, while the British historian Clark (1982) admitted “he still did not know what civilization was, but thought he could recognize it when he saw it” (p. 18). In some discussions, ‘culture’ and ‘civilization’ are interchangeable terms, reflecting both historical and evolutionary dynamics. Nonetheless, Permumpanani (2013) considered at the basic level that civilizations started as an undefined or inchoate group, and then became defined by geographic, linguistic, or religious parameters. Once these parameters were established, the civilization evolved over time within the interaction of people living in the group (Permumpanani, 2013).

Within Permumpanani’s frame (2013) regarding civilization, Canada and the United States emerged as different civilizations. While they both grew from roots by leaving imperialistic governance in Europe, the United States secured independence close to one hundred years before Canada. Further, the US culture has an indelible foundation in racism, slavery, and the exploitation of different people for capitalistic gain. Until recently, the United States was intensely committed to the English language to the exclusion of other languages, even in the primary educational curriculum.

In contrast, Canada’s evolution involved more recent and still retained ties to the British crown. For example, in the early 1900s, Canadians resisted the World War I notion that

British engagement in the war assumed Canadian engagement in World War I. Further, Canadian society was based on civic equity. Such values have been part of Quebec's struggle to maintain its French influence and language. Their official languages include both English and French. While racism is a problem affecting most civilizations, Canada did not codify racial differences by forbidding interracial marriage or institutional segregation that occurred in the United States.

Further, the US and Canada maintain differences regarding economic competition. A focus on capitalist growth yielded for Canada, a Canadian Gross Domestic Product (GDP) of only \$1550.54 billion in 2013, compared to a mammoth \$18036.65 billion in the United States (Trading economics, 2017). Thus, in comparative terms, Canada represents 2.5% of the world economy while the US contributes 29.09% of the world economy (Trading economics, 2017).

These two different civilizations then have two different sets of values, with the US being more competitive and more focused on capitalism than Canada. This difference in economic dynamism and its implications for competition would inform a difference in workplace values. In turn, the differences in values about work and competition could inform the difference in commitment to anti-bullying legislation between Canada and the United States.

Differences in Approaches to Workplace Bullying

With the aforementioned differences in mind, it becomes clearer perhaps, why Canada started passing anti-workplace bullying legislation in 2004, ten years before the United States did. Workplace bullying is a destructive behavior based on a power differential. The target is left in an inferior position, often with psychological and emotional scars from the trauma (Einarsen, 2003).

Quebec was the first to address this issue by introducing a law prohibiting workplace bullying in 2004, followed by several other Canadian provinces, including British Columbia, Ontario, and Manitoba (New Harassment Prevention, 2011; Labor Standards, 2004; Preventing workplace, 2011; Guidelines, 2013; Workplace bullying, 2012). In many ways, Canada recognized workplace bullying as a health and wellness issue. For example, the Ontario lawmakers prohibited workplace "psychological harassment" or bullying through the Occupational Health and Safety Act, which stated that employers must maintain a program to prevent workplace bullying and review this program annually. Quebec's Labour Standards, Sec. 81.18, which became effective on June 2004, prohibited hostile behavior in the workplace. The law specifically declared that the employer has the "responsibility to take reasonable steps to prevent psychological harassment and to put a stop to such behaviour when it is brought to his knowledge" (para. 11). According to WorkSafe BC, "If workplace bullying and harassment is not addressed, it can lead to lost productivity, anxiety, and sometimes even suicidal thoughts or actions" (Guidelines, 2013, para. 1).

Researchers and practitioners have paid attention to workplace bullying in North America and Europe since the early 1990s. Namie and Namie (2009) reported that 37% of all American workers faced workplace bullying. As Björkqvist, Österman, and Hjelt-Bäck (1994), Einarsen, Hoel, Zapf, and Cooper (2003), Nielsen, Tangen, Idsoe, Matthiesen, and Magerøy (2015) and Salin and Hoel (2013) initiated empirical research in this field, the Scandinavians seem to be leading the research endeavor on bullying.

Various researchers have analyzed the effect of workplace bullying; for example, Hollis (2016b) examined the impact of workplace bullying on gender and organizational costs. Bennadi and Konekeri (2015) looked at bullying in different fields. Sanmina, Salamon, and Singh, (2014) researched how bullying affects employees' trust of an organization and Hollis (2016a) examined the effect of bullying online.

More specifically, Hollis (2015) conducted a study of workplace bullying in American higher education, using a sample of 175 college and universities. The author reported that 62% of university administrators who took part in the survey faced workplace bullying. Hollis replicated the study to examine a sample of 142 community colleges, where 64% of employees reported workplace bullying (Hollis, 2016b). These results indicated that women, people of color, and the LGBT community members face workplace bullying with increased frequency than the general population.

McKay, Arnold, Frats, and Thomas (2008) conducted a similar study in 2007, examining workplace bullying in Canadian higher education institutions. At the time of the McKay (2008) study, Quebec was the only jurisdiction in Canada to directly prohibit workplace bullying. However, Canadian courts were awarding complainants damages and other forms of relief for enduring workplace bullying. In Quebec, 825 complaints were registered, resulting in 38% of the complainants receiving settlements; further 32% chose to settle outside of court. For example, in *Sulz v. Canada Attorney General* (2006), Sulz claimed that her immediate supervisors intentionally, or negligently, harassed her to the extent that she became so clinically depressed that she had no choice but to accept a medical discharge. The Supreme Court of British Columbia awarded Sulz 950,000 CAD as a compensation for back wages and future lost wages (McKay, 2008). This case was decided in 2006, seven years before Workplace BC implementation in 2013. In another example, the Supreme Court of Ontario ruled in favor of Keays in *Honda Canada v. Keays* on a bad faith discharge and upheld that the award was related to harassment and discrimination.

Presumably, while XYZ University (the pseudonym used in the McKay et al. (2008) study) was located in a province that did not prohibit bullying until after 2010, the Canadian national trend was moving to protect targets of workplace bullying.

Higher Education Workplace Bullying in Canada and United States

Similar to American researchers (Hollis, 2015) and Scandinavian researchers Björkqvist, Österman, and Hjelt-Bäck (1994), Einarsen, et al. (2003), McKay et al. (2008) reported that

staff facing bullying at XYZ University tended to be newly hired or the untenured, and consequently had the least amount of power. These workers also felt unsupported in reporting the abuse to administration. The Hollis (2015) study on American higher education and the McKay et al. (2008) study both utilized emailed surveys for the data collection process and posed similar questions about the duration of bullying and how bullying may affect career trajectory. In both the US (Hollis, 2015) and the Canadian (McKay, 2008) study on higher education, the sample emerged from an area that did not prohibit workplace bullying. However, at the time of these respective studies, Canada was experiencing a trend of workplace bullying lawsuits, and the United States had Title VII that should have provided some protections at work for protected classes (race, gender, age, national, origin). Table 1 provides a comparison of data reported by Hollis (2015) for the United States and by McKay et al. (2008) for Canada.

Table 1
Comparison of Higher Education Bullying in the United States and Canada

	United States <i>N</i> = 401	Canada <i>N</i> = 100
Data collection process	Emailed survey	Emailed survey
Response rate	14.5%	12%
*Affected by bullying / [^] HBBFemale	73%	67%
*Affected by bullying / [^] HBBMale	62%	32%
Rate of bullying		
18 months previous/ over 5 years	62%	62%
2 to 3 years/ Longer than a year	53%	30%
Considering leaving	15.19%	13%
Applied/interviewed /Searching for job	21.62%	25%
Did nothing/Would not make a difference	78%	49%

*USA "Affected by bullying" means endured or witnessed bullying, as literature on workplace bullying indicates that the witness is directly affected (Hollis, 2015). [^]HBB is an acronym for have been bullied, used by McKay (2008).

In addition, 19.76% of the US respondents had left a previous higher education job due to a bullying, and further 24.32% were considering leaving higher education altogether. In the surveys, both United States and Canadian respondents reflected on how workplace bullying affected their work environment and productivity in higher education. Further, Hollis (2016c) found that civility remains an important element in the classroom, especially for developmental students. Job performance was adversely affected in both societies, as exemplified by synonymous remarks from respective respondents. Effects of workplace bullying extended beyond a mere distraction, as the respondents in both studies perceived bullying itself as demoralizing and psychologically paralyzing. Table 2 provides examples from both United States and Canadian respondents about how workplace bullying hurts work productivity.

Table 2
***Effects of Bullying in Canadian and US Higher Education Institutions
on Workplace Productivity***

Canadian responses about work productivity

1C) More time wasted . . . need to talk it out with a colleague (more than once) before I could focus (p. 87).

2C) My various experiences at XYZ cannot be fully isolated. It has been more like a snowball rolling down a hill. I felt so frustrated and angry I could not hide it. One event leads to another leaving me unable to manage the whole job.

3C) He made my life a living nightmare. This impacted my self-esteem and my ability to operate effectively in the classroom. (McKay 2008).

US responses about work productivity

1USA) It's draining on the person managing this individual and it has an impact on an entire area when they are dealing with the nonsense. It's an unhealthy workplace when this is allowed to continue week after week.

2USA) Overall, it is a toxic and hostile environment for those who are not part of the boss group (Hollis, 2015).

In regard to organizational support, Canadian and American respondents provided similar remarks regarding bullying and reported the lack of support from human resources, supervisors, and the management. In the McKay et al. (2008) study, 49% of respondents stated that reporting workplace bullying would not make a difference, as shown in Table 3.

Table 3
Canadian and US Respondents' Statements on Administrative Support

Canadian Comments

1C) Management not only does nothing about protecting myself and others from bullying.

2C) I have also seen them [HR] protect those who bully. This enables the cycle to continue.

3C) Equity Services are the enemy! A consistent record of uselessness, a bad PR joke.

United States comments

1USA) Many times, HR errs on the side of management.

2USA) This is a real problem in higher ed—we are not immune. HR and legal counsel "get it" but don't want to address it with a policy—they suggest our non-discrimination policy is strong—but bullies are equal opportunity discriminators. I left my university once because of a bully.

3USA) I think bullying is overlooked and Human Resources work for the institution and not the employee. I therefore think that HR is hoping that it will just go away!

Canadian researcher Westhues (2006) echoed the findings on bullying reported by many researchers, noting that those who were perceived as different or weaker tended to be the bully's prime target. Further, Westhues (2006) examined the origins of 'mobbing' studied by Konrad Lorenz, the Austrian-German founder of ethology. Lorenz (2002) noted that mobbing or ganging up on an individual, much like members of the same animal species turning on each other, was a survival technique. Arguably, humans are intrinsically wired to be aggressive, supporting the "survival of the fittest" point of view of some anthropologists.

In addition, Westhues (2006) identified conditions that increased vulnerability to mobbing in academia, such as being foreign-born and having a foreign upbringing and/or accent, or being different from most colleagues in an elemental way (e.g., sex, sexual orientation, or credentials). His arguments were consistent with the findings of American researchers (Hollis & McCalla, 2013; Hollis, 2016b). He also posited that amorphous structures and ambiguity are conducive to bullying, as there are no guidelines to govern behavior (Westhues, 2006). Similarly, Powell and KRC Research (2013) reported that financial strife and economic hardship, such as the recent Great Recession in 2008, would also increase the frequency of bullying, because threats to livelihood arouse the survival mechanism in humans to prevail in a challenging environment.

Westhues (2006) noted that the extent of bullying overall is directly related to the organizational culture. Organizational culture may contribute to employees' lack of awareness regarding bullying, or lack a systematic method to identify the bullying behavior. Therefore, when an organization does not have a clear policy for managing bad behavior, incivility and abuse are dealt with individually and in isolation. Instead, with a policy, an organization can reflect on the organizational culture as a whole and develop proper interventions. In addition, the organization may be inconsistent in its response to workplace bullying. "As a result, some faculty, instructors and librarians believe they are not supported when they raise concerns. This also contributes to the ineffectiveness of administrators in addressing such issues as best practices" (Westhues, 2006, p. 82).

The Canadian findings seem to indicate that, even with national policy, the organizational leadership needs to be accountable, police abusive conduct, and protect vulnerable employees. With such organizational commitments in mind, many Canadian organizations include mediation as part of workplace bullying intervention (Hollis, 2016; Satov, 2004). In many Canadian higher education organizations, leaderships support a mediation process.

The more economically aggressive United States culture calls for strong anti-bullying policy. The capitalistic ideology that prevails in the US society often subordinates human civility for capitalistic gain. If aggression is linked to survival, then those with power will continue to bully as a means to survive, unless the work environment and its respective leadership is legally held accountable for bullying behaviors of the perpetrators. However, even once a state, country, society or perhaps civilization works to prohibit bullying behavior, the community does not automatically comply. For example, although the

American Civil Rights Act was passed in 1964, prohibiting workplace racism and sexism, harassment and discrimination have continued. Similarly, bullying and harassment continue in Canada, despite anti-bullying legislation in several provinces.

Conclusion

At the time of this writing, in March 2017, Utah, California, Tennessee, and Minnesota are the only US states that have passed healthy workplace laws. The United States has started to prohibit workplace bullying at the state level; however, the history of such legislation in both Canada and the United States shows that passing laws prohibiting workplace bullying is a necessary starting point, rather than a finish line. Federal and state or provincial legislation are beneficial for holding organizations accountable in court; however, organizational leadership has to craft and fairly apply anti-bullying policy. As McKay et al. (2008) noted, “The solution requires an organizational culture approach wherein policies and guidelines are used to steer individuals in the environment to more appropriate social interactions” (p. 95).

In short, the solution cannot be limited to the mere introduction of a policy that states that bullying will not be tolerated within an organization. As Westhues (2004) commented, the focus should be on prevention, instead of remedies or resolutions. A compliance strategy, relying on codes, regulations, and guidelines, will have an effect in changing the organizational culture. Nonetheless, true change occurs when leadership, reflecting the emergence of broader cultural values, is committed to prevention and prohibiting workplace bullying at the organizational level.

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