

June 12, 2008

## BullyBuster's Bytes

### Invitation to Participate in New Research

In the previous issue, we inadvertently gave an incorrect link to our Research Participation page. You are again invited. [Please give your brief opinion.](#)

### Remember our New Portal Website

The new URL [workplacebullying.org](http://workplacebullying.org) is the launching point for whatever you need regarding Workplace Bullying.

International Conference A Hit!

The program featured six keynote/plenary addresses and showcased over 80 presentations of papers, and 37 poster presentations. It was mostly academics and a few practitioners.

The message from the academics after 14 years of working together is that much of their work never makes it to the workplace to compel the change the science warns employers to adopt.

Of course, we've been translating the academic findings for years and working with employers and lawmakers. The mantra to get more practical was music to this "recovering academic's" ears.

More evidence of change is that the formerly insular group created a new Association with a research and evidence-based practitioner focus. The U.S. has its first rep on the new Board -- Dr. Pam Lutgen-Sandvik, WBI Affiliate and colleague. Congratulations to our friend. Charlotte Rayner from the UK is President.

Significant new studies from conference principals in the pipeline include the first British national prevalence study based on 3,500+ face-to-face interviews and an evaluation of Swedish (the first in the world) and British laws to combat bullying.

[Read our preliminary report](#) about the Conference, including synopses of the keynote talks, in a new section which will grow as copies of papers are added.

### Supreme Court: Betrays Public Employees (Again)

Those of you who track the WBI-Legislative Campaign and progress of the anti-bullying Healthy Workplace Bill through the states and provinces know well why we need specific laws against workplace bullying. The anti-discrimination laws are simply inadequate. They fail to protect (or at least allow legal action to right a wrong) too many people who are not members of a "protected" class.

In late May, the U.S. Supreme Court made two surprising decisions upholding the rights of people to complain about retaliation after filing anti-discrimination complaints. Surprising given the Court's pro-employer slant on all matters. Hooray!

But on June 9, in a case brought by an Oregon public employee, the Court ruled 6 to 3 that "arbitrary, vindictive and malicious" actions taken against the employee, Anup Engquist, had to be allowed. Roberts, the Chief Justice, said that workplace supervisors need to be able to make a "subjective individualized decision" to promote or demote employees without risk of being dragged into federal court over such decisions. Two

limitations are important. First, Engquist still had her rights to complain based on gender and national origin (she is from India) discrimination. She was not granted the additional right to seek equal protection from malicious acts apart from the civil rights violation. Second, the ruling applies only to government employer actions against public employees.

Bullying cases often involve arbitrary and malicious mistreatment not based on protected class status. Remember bullying is 4 times more frequent than illegal discrimination alone. The Supreme Court has spoken and will not currently allow cases to be brought by public employees not employing status group protections. The legal term for this type of case is considered a "class-of-one theory of equal protection. The Court rejected the "class of one." The decision reinforces the power of civil rights laws and undermines the chances of seeking relief when cases are "status-blind." [You can read the decision at the WBI website.](#)

It's the Society, Stupid!

One of the points made by several keynoters at the Montreal Conference was that aspects of the societal, national culture can determine the rate of workplace bullying. This is not simply theoretical. The Bergen (Norway) group has created a model to predict which nations are bullying-prone. The point here is that nations with Individualism (as opposed to Groupism) as their core characteristic are more likely to generate and tolerate bullying, harassment, misery for workers. Is there any country more (sometimes foolishly) prideful about reverence for the "I" in Individualism than the U.S.? It may be our undoing. There are actually countries where co-workers are more likely to defend their bullied friends and rebuke aggressors who threaten the safety of the group. This is hard to imagine for many Americans. In America, you are expected to suffer in silence and expect to be blamed for your undeserved fate!

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