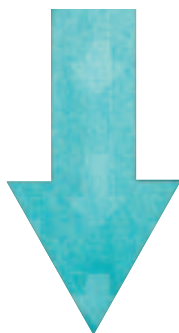


BY ED WINN III



FROM THE PLAYGROUND TO THE STORE:

RENT-TO-OWN BULLIES

Rules governing employee relations continue to evolve as our society learns more about human psychology and the culture becomes more sensitive to what makes people tick. The latest development is the recognition of an age-old problem—bullying. Everyone can remember bullies and their victims. Those same behaviors have been recognized in the workplace and steps are being taken to curb them. Steps also have been taken at the school level as school districts have banned dodge ball—and some have gone on to ban tag and hide-and-seek—because school officials are concerned that those games encourage aggression against fellow school mates. ♦ In the workplace, bullying may have nothing to do with the victim's age, race, religion, disability or other characteristic already protected by state and federal anti-discrimination laws. There are not yet any anti-bullying laws on the books, but they are almost certainly coming. Bills have been introduced in more than a dozen states. (See www.bullyfreeworkplace.org; www.bullyinginstitute.org.)



DEFINING THE TERM. One might suppose that we all know bullying when we see it. We recognized it on the school playgrounds and it may be as overt as that in the workplace. However, as adults, some bullies have learned subtler techniques. Bullying is generally defined as repeated, persistent unreasonable conduct aimed at any employee (or group of employees) that is intended to intimidate, embarrass, degrade, harass or humiliate the target. Bullying does not include isolated instances of bad behavior. To rise to the level of workplace bullying, there must be unrelenting, frequent hostilities. The bully may be a supervisor, co-worker or group of co-workers ganging up on the victim.

Psychologists and human resources experts insist that workplace bullying is more than mere monkey business or bad manners. It is conduct that a reasonable employee would find to be objectionable and it is harmful to the organization and bad for business. Bullies do not just pick on the weakest employee in the group. In fact, most bullies at heart are cowards. They are driven by deep-seated insecurities and feelings of inadequacy. If they can, they will act out against the best employees to bring them down to their level. They will aim their attacks at the most highly skilled, creative, talented, well-adjusted employees in order to maintain their status and sense of control.

Bullying may only exist in a store or two, or it may be that in some rent-to-own companies the prevailing attitude of management is “only the strong survive,” and bullying may have become an ingrained part of the corporate culture. Those who get bullied and are too weak to fend for themselves are simply driven out of the company. These companies with a bullying culture might reason

that rent-to-own is a tough business, after all, and the stores will not be able to compete effectively or collect their money if they are being run by a bunch of sissies. In truth, though, a bullying culture will more likely stifle productivity and innovation, since everyone in that situation lives on the defensive, looking over a shoulder.

The problem with this corporate attitude is that the company will certainly lose the talented and creative people who are perhaps quieter, shyer or, in fact, psychologically weaker than their peers. And inevitably, the employees who remain must all wonder if perhaps they are next.

In a store with a falling BOR and customer count, the pressure may be on to find someone to blame. The perceived weak link may get bullied into quitting—the proverbial sacrificial lamb—and when the numbers continue to fall, the sacrifice will be shown to have been for naught.

Bullying may be hard to define in the fast-moving, rough-and-tumble world of rent-to-own. Store employees under the daily stress of hitting company targets may not always behave as cordially as they might otherwise to their co-workers. But bullying is more than that. Bullying is not about a misunderstanding between employees in the heat of the moment. An accidental bully, when confronted, will apologize quickly for the bad behavior; he'll clear the air and be careful not to repeat the bad behavior. A *real* bully will deny the behavior and continue it, perhaps more surreptitiously.

THE LAW OF BULLYING. Bullying has been recognized legally. The Indiana Supreme Court affirmed a case awarding \$325,000 to the plaintiff involving bullying in a hospital. The bully was a heart surgeon who frequently yelled at

MODEL ANTI-BULLYING POLICY

[ADAPTED FROM RECOMMENDATIONS OF THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES]

- ▶ **Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in the presence of other employees or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.**
- ▶ **We believe that all employees have the right to a workplace free of bullying. Managers and supervisors must not bully employees and must ensure that other employees do not bully.**
- ▶ **We have grievance and investigations procedures to deal with workplace bullying. Employees can use the same channels available for issues involving unlawful discrimination. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.**
- ▶ **We encourage all employees to report any instances of workplace bullying. Managers and supervisors must ensure employees who make complaints, or are witnesses, are not victimized.**
- ▶ **Disciplinary action will be taken against anyone who bullies an employee of this company. Discipline may involve a warning, transfer, counseling, demotion, or dismissal, depending upon the circumstances.**
- ▶ **The contact person to report bullying at this workplace is [insert contact name and telephone number].**

BULLYING BEHAVIOR ON THE JOB

Overbearing or invalid criticism of someone

Tampering with someone's personal effects, work tools or work space

Withholding or misrepresenting information someone needs to do his or her job

Excluding someone from group activities

Refusing to communicate with someone

Taking credit for work accomplished by someone else

Making someone the target of repeated practical jokes

Staring or using non-verbal intimidation to show hostility toward someone

Using the "silent treatment" to separate someone from the group

"Dressing down" someone in public for unwarranted reasons

Starting or failing to stop malicious gossip or rumors about someone

Using confidential information about someone to humiliate him or her publicly or privately

Assigning undesirable work to someone as punishment with the intent to degrade

Removing areas of responsibility without cause in order to demean someone

Establishing impossible goals or deadlines and then mocking the failure to achieve them

Constantly using insults, name-calling or put-downs

Using exaggerated negative responses—sighs, frown, etc.—to someone's comments

the plaintiff, a perfusionist (one who operates a heart/lung machine during surgeries), threatening to "smack the s___ out of him," telling him that he was "over," "finished," "history" and at times charging toward him with clenched fists. The plaintiff later resigned and complained of depression, anxiety, loss of sleep and loss of appetite. During the trial, the doctor was portrayed as a domineering personality who did not think there was anything wrong with yelling and screaming and cursing at subordinates on the job.

In most states, courts have been reluctant to involve themselves in disputes over management techniques. Courts have been slow to tell employers how to run their companies or manage their employees, but that attitude is giving way to a societal interest in safeguarding the dignity of individuals on the job. In a recent Texas case, for example, the state supreme court awarded damages to the plaintiffs/employees on account of the manager's behavior toward them in a case involving a GTE Southwest office. The manager was a former Army sergeant. He was accused of using profanity every day, having a short temper and ruling in an abusive, vulgar and dictatorial manner. The employees testified that he continually yelled, screamed, cursed and even charged at them, threatening physical contact. He was told that his profane language was offensive to the employees, but responded, "I will do and say any damn thing I want, and I don't give a s___ who likes it." The opinion is replete with episodes of the manager cursing his employees and engaging in other behaviors that a reasonable person could conclude were intended to demean and embarrass the employees. He required two employees to buy and use vacuum cleaners in their offices because they did not keep them neat enough for the manager, even though there was a janitorial service that cleaned the offices, including vacuuming.

A fair question to ask in the rent-to-own context is what the company's policy is regarding the use of profanity among co-workers. One assumes that it is clear company policy that profanity can never be used when talking to customers. Rental stores are not locker rooms, although some old-school rental dealers have tended to treat them that way. The industry has had to learn some hard and expensive lessons about illegal discrimination, mainly on account of race and sex, and less often, age. Bullying is the newest litigation tool in the employment context.

WHAT CAN A RENTAL COMPANY DO? Step one might be to recognize the issue and put it squarely on the table with employees. Enlightened companies—rent-to-own and oth-

ers—already want their employees and customers alike to be honored and respected. So, it is fair to ask the question whether there is bullying going on. Then, companies can make a commitment to ensure that such conduct does not occur on company time. Rental dealers should be alert to bullying characteristics when interviewing new employees. Even if you think someone might be an effective collector because of his or her assertive style, that person may end up doing more harm than good to the company in the long run, if that aggression cannot be aimed carefully and instead leaches over onto co-workers.

Rent-to-own companies might consider adopting an anti-bullying policy. There is a sample policy (*see sidebar*) adapted from a form developed by the Washington State Department of Labor. Also, visit www.bgsu.edu/downloads/execvp/file50881.pdf to download a PDF list of online resources for dealing with workplace bullying.

RTO companies need to recognize bullying for what it is. It is not merely being tough or insisting that employees adhere to company standards. Rather, it is abusive disrespect intended to tear down another individual. Make sure that you are not doing that to your employees. Then, make sure that your employees are not doing that to one another. *

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