



Bullying in the Workplace

Workplace Harassment Commission

Presented by:

Department of Budget and Management

March 23, 2018

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History

- As early as December 2015, the Department of Budget and Management (DBM) was engaging in discussions about workplace bullying with the exclusive representatives of bargaining unit employees.
- In October 2016, DBM was invited to address the issue of bullying in the workplace in a presentation to the **Joint Committee on Fair Practices and State Personnel Oversight**. At that time, DBM committed to work with our union partners to implement a workplace bullying policy.
- In January 2017, the Bullying in the Workplace policy was implemented and in the State's most recent round of negotiations that concluded in December 2017, the policy received further refinement.



What is “bullying” in the workplace?

- Intentional, persistent, malicious, unwelcome, severe or pervasive conduct that harms, intimidates, offends, degrades or humiliates an employee.
 - It may be verbal (including written or electronic communications); or
 - It may be physical.
- We employ a “reasonable person” standard to determine if workplace bullying exists: would a reasonable person find the behavior to be hostile, offensive, and not related to an employer’s legitimate business interests?

What is it (and what is it not)?

- Examples of behavior that may be workplace bullying include personal attacks or insults, public humiliation of an employee, and sabotage of a coworker's work product or undermining an employee's work performance.
- What is it not? It is not disciplinary action taken in accordance with applicable law, regulation or policy; routine coaching and counseling; or having differences of opinion on work-related concerns.



The duty to report and the anti-retaliation provision

- Every manager and supervisor has a duty to immediately report an incident of workplace bullying that is witnessed by the individual or reported by another employee.
- Witnesses to bullying behavior are encouraged to report that behavior to an appropriate individual without delay and may do so anonymously. Anonymous complaints cannot be ignored.
- There is a specific anti-retaliation provision in the policy. An individual who harasses or intimidates someone who has reported bullying behavior may be subject to disciplinary action, up to and including termination from State service.



Two types of complaints

- Under the policy, an employee may file a “non-protected status” complaint or one that filed based on the employee’s belief that (s)he is being singled out for bullying, harassment or discrimination **because of** the victim’s age, ancestry, color, creed, gender identity or expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, or any other protected status.

“Non-protected status” complaints

- The complaint is filed with the appointing authority who will meet with the complainant, witnesses, and the accused.
- If bullying occurred, disciplinary action may be imposed. The complainant may request a reassignment or the perpetrator may be reassigned. An individual who has been found to commit a violation of this policy also will be required to attend retraining on the policy, assuming that (s)he is not terminated for the behavior.
- A written decision must be issued with sufficient detail to support the determination and an employee whose complaint is dismissed may file a grievance in accordance with their personnel system’s grievance process.

Protected status complaints

- If the complainant feels that (s)he is the victim of bullying/harassment and/or discrimination **because of** the individual's protected status (e.g., age, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, etc.), the individual may file a complaint pursuant to the State Personnel and Pensions Article, Title 5, or through the Maryland Commission on Civil Rights or the federal EEOC. If it is filed through our Title 5 process, it must be filed in writing within 30 days of when the employee knew or reasonably should have known of the issue giving rise to the complaint.
- These cases follow the same procedure as any Title 5 complaint including a requirement that the EEO Officer meet with complainant, investigate the matter and make a recommendation to the head of the principal unit.
- A complainant may appeal to the Office of the Statewide EEO Coordinator within 10 days of receiving a decision. The Coordinator makes a recommendation to the DBM Secretary within 30 days after the appeal is received. The decision may grant appropriate relief or dismiss the complaint, as appropriate.

The importance of training and tracking

- We require supervisors and managers to take training on this policy to raise awareness of the issues, including a refresher training every two years. More than 8,000 supervisors and managers have taken the training to date. The policy was distributed to all current employees and has been made part of the onboarding process for new hires.
- DBM is tracking complaints and analyzing the data for trends within agencies, as well as receiving reports on the details of actions that are taken as a result of violations of this policy.