

Model Policy: Workplace Bullying Policy

Why you need this model policy:

Your firm is committed to the goal of ensuring that all of its employees are treated with dignity, civility, and respect in the workplace. Bullying behavior is not compatible with this commitment.

How this model policy helps you:

This model policy explains what bullying is and helps you communicate to all employees that bullying behavior will not be tolerated.

How to use this model policy:

Customize this policy as appropriate for your workplace and use it at your law firm.

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Objective

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that [Firm Name] will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Definition of Bullying

[Firm Name] defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates [Firm Name]'s Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

Examples

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important.

[Firm Name] considers the following types of behavior examples of bullying:

Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property

Gesture bullying: Nonverbal threatening gestures; glances that can convey threatening messages.

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Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

What is not bullying: Bullying does not include, and this Policy is not designed to prevent managers, supervisors and others in authority to exercise their legitimate management functions, such as:

- Ordering employees to carry out assignments;
- Constructively criticizing employees for poor performance; and
- Imposing discipline on employees for poor performance, violations of [Firm Name] policies or other legitimate grounds.

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Reporting bullying: [Firm Name] has established the following procedures for employees to use to report incidents of bullying directed against them or that they witness. [Describe your reporting procedures]. No employee will suffer reprisal in any form for reporting bullying.

Investigation & Resolution of Complaints: [Firm Name] has established the following procedures for investigating and resolving complaints about bullying. [Describe your complaint resolution procedures.]

Discipline for Infractions: [Firm Name] follows a zero tolerance policy with regard to bullying. So any violations that occur will result in disciplinary action, up to and including termination, at [Firm Name]'s discretion.

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