

Incivility in the Workplace: Lawsuits and Negative Publicity

From *Rude Awakenings*, by Giovinella Gonthier

WARNING: The following article contains offensive language used in actual Court testimony. This type of behavior is occurring in most organizations today. If you think it isn't happening in your organization, think again.

Incivility in the workplace is sometimes compared to where sexual harassment was 30 years ago. Everyone knows it exists, but it is not easily understood and is either ignored or denied.

Some employees today may still cower when being yelled at in the workplace, but many are more educated and feel empowered to take action.

Many times people who are targets of incivility in the workplace fight back against the organization instead of the tormentor. Organizations that ignore the problem can pay a steep price in terms of money lost in lawsuits and in negative publicity.

In the thousands of lawsuits that are brought against organizations because of incivility, some Plaintiffs sue for "emotional distress" and others for the creation of a "hostile environment" by the organization.

In a landmark case on incivility, *GTE Southwest, Inc. V. Bruce*, 998 SW 2d 605 (Tex 1999), three employees sued their employer for intentional infliction of severe emotional distress because of the workplace conduct of their supervisor.

The court defined emotional distress as:

all highly unpleasant mental reactions, such as embarrassment, fright, horror, grief, shame, humiliation, and worry.

Severe emotional distress was defined as:

distress that is so severe that no reasonable person could be expected to endure it.

The employees produced evidence that over a period of more than two years, their supervisor engaged in a pattern of grossly abusive, threatening, and degrading conduct.

Some of the episodes taken from the court testimony that the employees suffered included:

1. The supervisor used vulgar language such as f--k and mother-f---r as part of his normal pattern of speech.
2. When the supervisor was asked by employees to curb his language, he would get in their faces and scream, "I will do and say any d--n thing I want, and I do not give a s--t who likes it."

3. On one occasion, when a Plaintiff asked him to stop using expletives because the female employees did not like it, he said, "I'm tired of walking on f-----g eggshells, trying to make people happy around here."
4. One employee testified that the supervisor would call her into his office every day and make her stand in front of him for as long as 30 minutes while he simply stared at her, talked on the phone, and read papers. She was not allowed to leave his office until dismissed.
5. Once when the supervisor discovered a spot on the carpet, he made an employee get down on her hands and knees and clean the spot, while he stood over her screaming.
6. Although the company employed a cleaning service, employees had to vacuum their offices daily.
7. On one occasion when one of the employees forgot her paperwork, she had to wear a Post-It note on her shirt that read, "Don't forget your paperwork."
8. The supervisor would "lunge" at employees and stop uncomfortably close to their faces while screaming and yelling.

Employees complained that severe emotional distress manifested itself "in the form of tension, nervousness, anxiety, depression, loss of appetite, inability to sleep, crying spells, and uncontrollable emotional outbursts," and sought medical and psychological treatment.

The organization defended the supervisor's behavior by calling it as "his management style," but the Court found that his ongoing acts of harassment, intimidation, and humiliation went beyond the boundaries of what is considered tolerable workplace conduct.

The jury considered the supervisor's conduct as a whole and found for the employees.

After appeals, the Supreme Court of Texas affirmed the decision and stated that:

Occasional malice and abusive incidents should not be condoned, but must often be tolerated in our society.

But once conduct such as that shown here becomes a regular pattern of behavior and continues despite the victim's objection and attempts to remedy the situation, it can no longer be tolerated. It is the severity and regularity of the supervisor's abusive and threatening conduct that brings his behavior into the realm of extreme and outrageous conduct.

Conduct such as being regularly assaulted, intimidated, and threatened is not typically encountered nor expected in the course of one's employment, nor should it be accepted in a civilized society.