



## **Workplace Bullying: Know Your Rights**

One of the places bullying can occur is at work. Some people may experience workplace bullying and not even know it. Or they may know they are being bullied but not know what to do about it. Fortunately, there are laws and resources that can help protect people with disabilities from being bullied at work.

### **What is Workplace Bullying?**

Bullying in the workplace occurs when one or more people are hostile or mean toward another person on an ongoing basis. Bullying is not typically considered acceptable adult conduct. Workplace bullying is an effort to undermine and harm another person by threatening that person's professional status, self-confidence, and/or ability to perform.

Bullying is harassment and in severe cases can even be verbal or physical abuse and/or assault. Harassment involves annoying and continued actions, which can include threats and demands, as well as uninvited and unwelcome verbal or physical conduct. Verbal or physical bullying that is abusive is considered assault and there are criminal laws that can lead to the arrest and prosecution of a bully.

Bullying does not have to be assault to be unlawful. In Texas, state law prohibits the harassment of people with disabilities and people who are elderly and requires that it be immediately reported for investigation.<sup>1</sup> When directed toward a person who has a disability, any form of bullying behavior is prohibited under federal laws as discrimination.

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<sup>1</sup> [Texas Human Resources Code, Chapter 48.](#)

## How Do You Know if You're Being Bullied at Work?

Often people may find it hard to accept that they are being bullied and will question whether they are mistaken or somehow not understanding the situation properly. They may even blame themselves and be reluctant to take action.

Some things that happen at work can be difficult or unpleasant, but may not be bullying. For example, if a person makes a complaint about your work or a supervisor holds you accountable for the quality of your work, that is not bullying if it is done in good faith and in keeping with established work policies and laws. Generally speaking, routine personnel actions taken for business reasons, such as a transfer or even a demotion, are not bullying unless other factors are present.

Bullies aren't just supervisors, either – a coworker, a customer, or even a visitor to your place of work could be a bully. If you feel like you are being bullied by anyone at work, it may be helpful to consider whether that person purposefully does any of the following things on an ongoing basis:

- Uses abusive, insulting, or offensive language toward you
- Leaves you out of important work meetings
- Leaves you out of social circles or functions at work
- Gives you amounts of work that are not realistic
- Gives you jobs that are impossible to be performed in the time given
- Does not give you information you need to do your job
- Changes your hours or schedules your hours so that they are difficult
- Gives you pointless tasks that have nothing to do with your job
- Unfairly denies personal leave or training
- Regularly threatens to reprimand or fire you
- Yells at you or criticizes you in front of others
- Uses or threatens physical violence toward you
- Pushes, shoves, trips, or grabs you in the workplace
- Requires you to do humiliating or inappropriate things

If you've experienced any of these things, you may have been a victim of workplace bullying. The list is far from complete. Most bullying involves isolating and putting the victim down, and the way this is done can take many different forms.

The effects of these behaviors on the person being bullied can be profound. Physical symptoms resulting from high levels of stress and anxiety can include nausea, headaches, stomach problems, sleeplessness and fatigue, and frequent illness.

If you are bullied, you may find yourself depressed and losing motivation, on edge, and having difficulty concentrating. These are normal reactions to an abnormal situation. And, bullying can be so bad that some people may have suicidal thoughts.

### **What are Your Rights?**

The following federal laws can provide assistance to people with disabilities who are bullied at work:

- The Civil Rights Acts of 1964 and 1991
- The Americans with Disabilities Act (ADA)
- The Rehabilitation Act of 1973

The Civil Rights Acts<sup>2</sup> say:

- It is illegal to harass a job applicant or worker because he or she has or had a disability or is thought to have a disability, even when one doesn't exist.
- Harassment is illegal when it is so frequent or severe that it creates a hostile work environment or results in a change in work status (such as being fired or demoted).
- The harasser (i.e., the bully) can be a supervisor, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- A complaint of harassment can result in legal (anti-discrimination) proceedings if the person who is the bully is not also disabled or in another protected class.

The ADA and, by reference, the Rehabilitation Act of 1973, states the following: It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of...any right granted or protected by this chapter (ADA §12203(b)).

Rights under the ADA include:

- The right to benefit from the full range of employment opportunities, without discrimination, in recruitment, hiring, promotions, training, pay, social activities, and other privileges
- The right to not be questioned excessively about disabilities before a job is offered
- The right to receive reasonable accommodations for physical and/or mental limitations

Other ADA rights relate to architectural modifications (for example, ramps and elevators for people who have mobility impairments) and appropriate technology for

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<sup>2</sup><http://www.eeoc.gov/laws/types/disability.cfm>, accessed July 7, 2015.

people with communications limitations (specifically including telephone and video access).

Interfering or obstructing a person's exercise or enjoyment of these rights is illegal. If a person is found guilty of discrimination because of bullying or harassment, he or she must pay money to the victim (A) to compensate for harassment and (B) as punishment for intentional violations of either Title VII of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.

### **What Can You Do if You Suspect You Are Being Bullied in the Workplace?**

- **Protect your health and safety** – Experts on bullying advise that you should put your health and safety before anything else. This means asking for help from your physician, family, and friends to take measures to alleviate the stress and anxiety and address any physical problems. If you feel like you are in an unsafe situation and your physical safety is at risk, you should leave the situation immediately and get help from someone you trust.
- **Document everything** – Keep a record of everything. Write down everything that happens and when it happens. If you need help doing this, ask a family member, a friend, or someone else you trust. Create a file for your records and also to keep any emails or notes that the bully has written to you. If you need to, you can also use your phone to record interactions. In Texas it is permissible to record a conversation as long as one of the parties in the conversation (you) is aware that it is being recorded.
- **Utilize resources** – Review some of the resources listed in the panel on the right. They contain much more detailed information about bullying. Some of them suggest specific things you may want to try at work to defuse the situation.
- **Get legal help** – There are organizations that you can contact to get advice about your situation. For advice and legal help, contact one (or more) of the organizations listed below.
  - **Disability Rights Texas (DRTx)**  
DRTx works to safeguard the rights of people with disabilities in the workplace. Its staff includes attorneys who are experts in laws that protect people with disabilities. DRTx also administers the Client Assistance Program (CAP) in Texas, which provides legal assistance and advice as well as information about disability rights and the ADA, employment, vocational rehabilitation, and independent living. You can call the hotline at 1-800-252-9108 between 9 a.m. and 4 p.m., Monday through Friday, or go to [www.disabilityrightstx.org](http://www.disabilityrightstx.org) to file an online request for assistance (click on “Getting Help”).
  - **Equal Employment Opportunity Commission (EEOC)**  
The EEOC is the federal agency that enforces anti-discrimination laws in the workplace. It accepts and investigates charges of discrimination. Go to [www.eeoc.gov](http://www.eeoc.gov) to get information and to locate the nearest field office. For

information about filing a charge, call 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

- **Department of Justice (DOJ) Civil Rights Division**

The DOJ works to uphold the rights of all Americans and enforces federal laws against discrimination on the basis of race, color, sex, disability, religion, family status, and national origin. The DOJ website clearly states that it is not necessary for you to file a complaint with the DOJ or any other agency before privately suing for a violation of your rights. The DOJ recommends that individual cases of workplace discrimination be reported to the EEOC. However, if your complaint involves other people with disabilities whose rights are also being violated by discriminatory acts of bullying, harassment, abuse, or assault, you may wish to learn more about what the DOJ can do to help at [www.justice.gov/crt](http://www.justice.gov/crt) (click on “How to File a Complaint”). You also can contact the DOJ by calling the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).