

# A Collective Bargaining and Concerted Activity Toolkit for Activists: Ensuring Dignity at Work

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# Introduction

This toolkit is meant to assist you in ensuring dignity at work by preventing and eliminating workplace bullying in your workplace via your union and/or collective bargaining agreement and other concerted activity. The toolkit will help you understand workplace bullying and its effects, both psychological and physical. It will also provide guidance on how to help others understand workplace bullying and how it impacts targets, organizations, bystanders, and families. The toolkit will provide you with paths you can take toward preventing, detecting, remedying, and eliminating workplace bullying, including how to select allies, create a movement, and educate and organize your workplace around the issue of workplace bullying.

The information provided is intended to provide assistance and guidance. You may find other methods and steps to be more effective and if so, we welcome you to take those steps as well. *Please* keep us informed so that we might add your suggestions to this toolkit.

We thank you for your interest in assuring workers' right to dignity in the workplace.

Should you have any questions or need assistance or further advice, please join us @ [DignityAtWorkAct.org](https://DignityAtWorkAct.org) and feel free to email us @ [info@dignityatworkact.org](mailto:info@dignityatworkact.org).

# Know the Facts, Share the Facts on Workplace Bullying

## What is workplace bullying?

Workplace bullying is defined as *the unwanted abuse of any source of power that has the effect of or intent to intimidate, control, or otherwise strip a target of his/her right to esteem, growth, dignity, voice, or other human rights in the workplace*. Workplace bullying may take the form of moral, psychological or general harassment, incivility, abusive supervision, violence, mobbing, aggressions, and other similar examples of objectionable behaviors. These behaviors may take the form of interpersonal interactions (yelling, threatening, degrading comments) or organizational practices or management actions (misuse of evaluation systems, reassignment of work, workspace, or schedule). The behaviors may come from any level of the organization – supervision, co-workers, customers, and even direct reports. The source of power shall not be considered as limited to formal organizational power or authority.

Workplace bullying also includes “moral, psychological, or general harassment” defined as unwelcome, objectionable conduct that is severe or pervasive enough to create an intimidating, hostile, or abusive environment.

Bullying is not just a childhood phenomenon. Bullying and generalized harassment is a severe and pervasive problem in the American workplace. Research indicates that anywhere from 25-90% of U.S. workers are targets of bullying or harassment in the workplace at any time, and the vast majority of workers will be targets or harmed bystanders of bullying during their careers.

## What are the effects of workplace bullying?

Workplace bullying is a violation of the fundamental human right to dignity.<sup>1</sup> Workplace bullying affects targets, witnesses, clients/customers, students, families, communities, society, and employers.

Targets of workplace bullying suffer:

1. Loss of esteem
2. Anxiety

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<sup>1</sup> <https://www.un.org/en/universal-declaration-human-rights/>

3. Depression
4. Job loss
5. Psychological distress
6. Emotional distress
7. High blood pressure
8. Heart disease
9. PTSD
10. Suicide ideation
11. Suicide
12. Economic loss

Workplace bullying leads to:

1. A hostile working environment
2. Turnover intent
3. Lost productivity
4. Workplace violence
5. Workplace disasters

## What are the types/forms of workplace bullying?

Workplace bullying takes many forms. These forms can be divided into interpersonal bullying and task or organizational bullying.

Interpersonal bullying:

1. Making derogatory remarks about or to the target
2. Berating or yelling at the target
3. Gaslighting
4. Ostracizing
5. Threatening
6. Physical abuse
7. Sexual abuse or inappropriate sexual advances
8. Carrying out of practical jokes against the target

Organizational bullying:

1. Withholding of information needed to perform job
2. Unreasonable work goals/assignments
3. Assigning unmanageable workloads
4. Taking away meaningful work and replacing with menial tasks
5. Consistently assigning work below level of competence

6. Unfair use of performance review/evaluation system
7. Inconsistent application of work rule against the target
8. Harmful reassignment of working space
9. Persistent criticism
10. Taking credit for work done by target
11. Micromanaging
12. Persistent reminding of mistakes
13. Ignoring opinions of target
14. Schedule changes or using schedule to harass

These examples are simply illustrative and are not meant to be an all-encompassing list. Workplace bullies find creative ways to bully targets, including using social media to spread rumors or unflattering pictures, stories, etc.. For example, even stealing targets' lunches or in one case taking a bite out of a target's apple and returning it to their desk are forms of workplace bullying. We can never develop an all-encompassing list of potentially bullying behaviors but instead focus on behaviors that violate any worker's right to dignity in the workplace.

## Lack of protection for targets in the United States

**In the United States, there are no legal protections from workplace bullying.** While countries including Canada, France, Belgium, Sweden, and others have passed legislation to address bullying in the workplace, the United States has not. Only harassment based on race, color, national origin, gender, age status over 40, or disability is unlawful in the United States. Even when bullying is based on these statuses, gaps in the law and the inability to access or navigate the legal system in the United States leaves targets with no remedy. Other forms of bullying and harassment are not prohibited by law, and 75% of workplace bullying or harassment incidents do not meet the current legal definition of harassment under EEO laws. However, we believe that all workers have a human right to dignity in the workplace. Workplace bullying violates that right and causes severe harm to targets. Workplace bullying can be prevented, reduced, and eventually eliminated through collective bargaining and other concerted activity. In fact, until a federal law is passed, addressing bullying through collective bargaining and other concerted activity is the best route to protect workers.

# Addressing Workplace Bullying via Collective Bargaining

One of the primary goals for this toolkit is to get anti-bullying clauses into Collective Bargaining Agreements (CBAs). Advocates for these clauses need to convince union leaders of the importance of addressing bullying in a CBA). Steps could include:

1. Drafting a resolution asking the negotiating team to make this a primary bargaining issue.
2. Drafting a petition to the union leadership/bargaining team.
3. Gaining seats on the bargaining team.
4. Engaging in a member drive to convince members to include bullying on their list of bargaining concerns (assuming the union surveys members before negotiations), making workplace bullying an issue for a rank-and-file caucus.

With all of these steps, it will help to have language ready and available to share with members, caucuses, and union leaders/officials.

Goals of the language:

1. Protect all members from workplace bullying
2. Protect against all forms of workplace bullying
3. Provide a full and complete remedy to any targets of workplace bullying
4. Protect bystanders such that they can engage as upstanders
5. Protect against retaliation of those who take steps to address workplace bullying in any reasonable manner
6. Provide incentive for a bullying-free workplace

## CBA Clauses

Direct anti-workplace bullying CBA clause - National Workplace Bullying Coalition (NWBC)- and End Workplace Abuse-endorsed clause

The language of a direct collective bargaining clause would have to meet the same type of requirements that we see in any form of legislation. While this clause is the recommended CBA clause, other clauses might also be utilized, and modifications to the clause below would also be acceptable as long as the goals above are met.

First, the clause should set out the positive right of the members that is being protected:

*Every member of the XYZ Bargaining Unit has a right to be treated with dignity in the workplace. Any violation of this right shall be a violation of this collective bargaining agreement, and as such any member whose right to dignity has been violated will have the right to bring a grievance through the process as outlined under this CBA.*

However, as we see with clauses that protect legal rights, such as the right to be free from harassment, the language should avoid limiting these legal rights in any way:

*Nothing under this clause should be viewed as limiting such members' rights under any local, state, or federal law and the corresponding right to seek redress for such violations outside of the parameters of this CBA.*

The language should set out the types of violations of this right:

*Workplace bullying defined as the unwanted abuse of any source of power that has the effect of or intent to intimidate, control, or otherwise strip a target of his/her right to esteem, growth, dignity, voice, or other human rights in the workplace is clearly a violation of the dignity of the targets of*



*such behavior. Workplace bullying may take the form of harassment, incivility, abusive supervision, violence, aggressions, and other types of objectionable behaviors. Further, these behaviors may take the form of interpersonal interactions or organizational practices. The behaviors may come from any level of the organization – supervision, co-workers, customers, and even direct reports. The source of power shall not be considered as limited to formal organizational power or authority.*

Avoid pitfalls – intent, level of severity, harm, and the problems with the *Faragher* defense:

*Nothing under this policy should require the target of the harassing/bullying behavior to prove the intent at any level of the bully/harasser. Where bullying/harassment has occurred, the target of such behavior(s) shall have the right to be fully remedied for any harm endured. The employer shall take every feasible measure to protect all employees' right to dignity in the workplace and to eliminate bullying/harassing behaviors from the working environment. The employer bears the absolute responsibility to prevent, detect, remedy, and eliminate bullying and harassment at XYZ.*

The language should place the obligation on the employer:

*XYZ employer is responsible for taking all steps to assure that the working environment at XYZ is free from workplace bullying and that the dignity of all members of the XYZ bargaining unit is protected. XYZ shall have the*

*responsibility to take all feasible measures to prevent, detect, remedy, and eliminate workplace bullying.*

The language should provide an appropriate remedy:

*If an XYZ bargaining unit member has been the target of workplace bullying, XYZ shall be liable for all damages as a result of such bullying, including but not limited to lost work days, lost promotions and raises, and physical and psychological damages. Such harmed employee shall have the right to demand that the bully be removed from their working area.*

The language should include the union and employees as a decision-makers under the policy:

*The XYZ Union and its members will be represented in all functions under this policy. They will have equal representation to XYZ management on the team that develops the internal procedures under this policy and shall enjoy proportional representation on each committee, task force, etc. under this policy. This shall include membership on any committee that investigates and/or decides whether bullying/harassment has occurred and determines the remedies for such behavior.*

The language should protect the right to engage in concerted activity:

*Nothing under this clause shall be construed as limiting the XYZ Union leadership and members from engaging in concerted activity for their mutual aid and protection. The standards of reasonableness of behaviors when engaging in such concerted activity shall be the standards as determined by the NLRB and under the interpretations of the NLRA (or*

*state level labor law) by the courts having jurisdiction over XYZ Company and its employees.*

## Alternative sample clauses

### Mutual Respect from MA Government Employees

*The Commonwealth and the Union agree that mutual respect between and among managers, employees, co-workers, and supervisors is integral to the efficient conduct of the Commonwealth's business. Behaviors that contribute to a hostile, humiliating, and/or intimidating work environment, including abusive language or behavior, are unacceptable and will not be tolerated. Employees who believe they are subject to such behavior shall raise their concerns with an appropriate manager or supervisors as soon as possible but not later than ninety days from the most recent occurrence(s). Employees who want to formally pursue the matter must file a written complaint which identifies the behaviors including specific examples believed to cause the hostile, humiliating, and/or intimidating work environment.*

### Early Childhood Federation, Local 1475 [California] Employer

*Article XIV Working Conditions 5. The employer and the Union agree that each employee shall be treated with respect and dignity. Verbal abuse, threats, or harassment by managers or supervisors will not be tolerated. Discipline and/or reprimands of employees shall not be administered in front of other bargaining unit employees except in cases (I) where an employee requests a witness or union representative or (II) where another employee is present for translation purposes with the permission of the individual receiving the discipline. Discipline shall be administered in a professional manner. Any disrespect shall be subject to the grievance procedure.*

*Employee Rights F. Employees in this bargaining unit are valuable partners in the School District and as such shall be treated with respect and dignity. No adverse comments shall be made to any employee in the presence of other District employees, students, parents, or other visitors.*

#### Other potential CBA clauses

1. Dignity clauses
2. Mutual respect clauses
3. Anti-harassment (non-status based included) clauses
4. Addressing specific tactics that are used to bully, disarm workplace bullies, and limit the available tactics. While this piecemeal approach is not ideal, it can still be used if the broader campaign does not succeed.
  - a. Room/work assignments
  - b. Scheduling
  - c. Workload
  - d. Performance reviews/evaluations

## Addressing member-to-member workplace bullying via your bylaws

Union members also should be aware that bullying occurs between union members. This bullying should be addressed and can be addressed in several different ways, including anti-bullying clauses in union bylaws requiring management to abide by their own policies and representing targets of workplace bullying. The power of workers comes in the collective and is based on solidarity. Member-to-member bullying destroys this solidarity and violates the targeted members' human rights. Bullying fellow union members should be viewed as a violation of the duties of union members.

Recommended clause that should be added to the member duties section  
Violation of this clause should have the potential to lead to discipline under the bylaws.

*Whereas the power of our union/caucus is built upon the solidarity of our members. Whereas every member of our union has a right to dignity in the workplace. Whereas harassment and bullying violate such right to dignity. Whereas member-to-member bullying breaks down the solidarity amongst our members and reduces the power of our union. Every member of our union/caucus has the duty to refrain from bullying or harassing any other member of our union. Ideally, each member of our union/caucus shall further take steps to prevent, detect, and eliminate workplace bullying in our workplace, including reporting such bullying and harassment and engaging as an upstander to intervene and end such bullying and harassment they are aware of. Violations of the duties under this clause shall be addressed under \_\_\_\_\_ and can lead to discipline of the member violating this duty.*

From the UE (United Electrical, Radio & Machine Workers of America):

<https://www.ueunion.org/anti-harassment-policies-and-procedures>

From the NYSUT (New York State United Teachers):

[https://www.nysut.org/~media/files/nysut/resources/2016/september/healthsafety\\_bullying\\_othersamplecontractlanguage.pdf?la=en](https://www.nysut.org/~media/files/nysut/resources/2016/september/healthsafety_bullying_othersamplecontractlanguage.pdf?la=en)

## Addressing bullying via concerted activity in the absence of direct CBA language

Concerted activity takes many forms. These forms include rallies, strikes, picketing, collective bargaining, grieving, and any other steps taken for the mutual aid or protection of working people. Any and all forms of concerted activity that support the right to dignity in the workplace support our cause.

Unions can also protect members from workplace bullying via the day-to-day management of the collective bargaining agreement if the agreement has a direct workplace bullying clause: “The workplace is where union members have power – real and potential.”<sup>[1]</sup> By dealing with workplace bullies on a day-to-day basis, unions can make members’ lives better. Unions can do so by enforcing direct anti-bullying clauses, enforcing indirect clauses that could address workplace bullying, and/or engaging in other forms of direct action when bullying occurs in the workplace.

If a union has succeeded in negotiating a direct anti-bullying clause, they should take the enforcement of the clause seriously. While enforcing a hard-won clause would seem obvious, such measures are not always taken by union leaders. Instead, the day-to-day operations, especially in terms of the working environment, are too often ceded to management to protect some form of partnership with management.

Leadership must take every claim of bullying, harassment, general harassment, and abusive supervision seriously. While union members are often more willing to bring claims forward, taking such a step is still hard. Union leaders should be aware of the difficulty. They must also be aware of the effects of being bullied and potential perceptions as anxiety, paranoia, etc.. Leadership must understand that a weak response to bullying is likely to be seen as support of the behavior, allowing the behavior to become worse. The target and bystanders see this response as non-supportive and will be less likely to bring a claim forward.

Unions should also look to enforce indirect clauses with just as much vigor. Winning an anti-bullying clause is not easy. However, when bullying leads to the violation of other clauses, pursuing these claims can bring to light the problems with workplace bullying. Union leaders and activists can look for dignity clauses, health and safety clauses, or respect clauses in the contract to grieve acts of workplace bullying. One union in the Midwest had success grieving workplace bullying as a violation of the employer’s general duty under the CBA’s health and safety clause.

Unions, stewards, and even activist members can create disincentives for bullies to continue their bullying behavior. They can eliminate bullying behavior via punishment (a

negative stimulus) or negative reinforcement (taking away a negative stimulus when the behavior truly stops). A union in the South used this approach on a bullying supervisor. They helped his workers who refused to work voluntary overtime bid out of his area. They also helped his workers get on FMLA, driving the absenteeism well above the plant average. Another union used the nuisance grievance approach by writing a flurry of grievances against that bully to send a message to bullying managers.

## Day-to-day enforcement of anti-bullying CBA clauses — and the dangers of a weak response

While unions can help eliminate workplace bullying of their members throughout the labor relations process, they also must be aware of how their inaction can promote and exacerbate workplace bullying. Just as a lack of commitment by management to address workplace bullying sends the signal that bullying is accepted or even promoted, unions can send these same signals. While many unions have taken on efforts to address workplace bullying, many others have failed to address the problem and create cultures of bullying for their members.

In one local professional union, a weak and disjointed response to workplace bullying signaled to members that the union would likely not take their side in addressing workplace bullying and signaled to management that they were free to engage in bullying. This union failed to address concerns brought forward by numerous members regarding bullying behaviors on the part of management. While the union stepped in when management attempted to discipline targets by showing up for disciplinary meetings and forcing management to revoke formal discipline because they failed to follow the process, the union refused to address the bullying. They even conceded to allowing one manager to keep his own disciplinary file about a target he bullied when the organization forced him to pull the discipline record from the target's file.

Because union leadership failed to address the bullying behavior, numerous targets turned to informal leaders to assist and represent them during meetings with management. Rather than support this concerted activity, the local union president issued a cease and desist order directed at one of these informal leaders and then requested a legal memo from the statewide union attorney supporting his letter. There was no concern about complaints of bullying and the union leader's failure to address them. Instead, union leadership attempted to prevent their own members from engaging in protected concerted activity. While this union could have taken numerous steps to address workplace bullying through the formal grievance process, informal meetings and complaints, publication of the bullies' behaviors, and concerted action, they instead chose to do nothing except engage in the bare minimum representation of members at meetings. These weak and ineffective responses indicate a form of tacit approval of the bullying behavior — or at least a sign such behavior would go unpunished. The response led to an increase in the bullying behavior followed by the resignation, retirement, and medical leave by several of the targeted employees. Such a weak union response is consistent with the problematic model of "business unionism" so often practiced in the United States, an issue changing through the influence of rank-and-file caucuses that have come into leadership positions via successful elections against oligarchic leadership styles.



# Getting Your Union To Endorse the Dignity at Work Act

No matter how successful we are in our efforts to assure dignity at work through concerted activity and collective bargaining, the ultimate goal of the labor movement is to ensure all working people are assured dignity at work. A necessary step is passage of a strong law with strong enforcement. The National Workplace Bullying Coalition (NWBC) and End Workplace Abuse Now developed a model Dignity at Work Act (DAWA). This model bill addresses all forms of workplace bullying, assures workers dignity in their places of work, requires employers to take all necessary steps to assure dignity, and provides avenues for targets of workplace bullying to be made whole. While we believe this model critically addresses all of the steps necessary to assure dignity at work, we also know that no bill is perfect, and different bills or iterations of the DAWA might be more effective in different areas. DAWA is an open source bill, and as it is proposed in localities, states, and hopefully federally, advocates, activists, and legislators are welcome to modify the bill. The NWBC and End Workplace Abuse Now would hope to be a part of the process of such amendments and afforded the opportunity to provide feedback concerning them.

The model bill can be found here: <http://dignityatworkact.org/the-dignity-at-work-act/>

A model resolution for endorsement for DAWA is attached in Appendix G.

Summary of the goals of the movement:

1. Winning dignity at work/anti-bullying clauses in collective bargaining agreements or winning clauses that limit management/administration's ability to engage in bullying.
2. Adopting dignity at work language into our union and caucus bylaws.
3. Protecting dignity at work for workers every day by enforcing contract clauses, standing up for our members as upstanders, and taking concerted activity when needed.
4. Endorsing the DAWA individually and through caucuses and unions.

# Action Steps for You To Build Allies and Coalitions

There are many potential sources you can reach out to within the labor movement to push for addressing workplace bullying via collective bargaining and concerted activity, including central labor councils, national union presidents, union executive councils or boards, local union presidents, union stewards, rank-and-file caucus members, rank-and-file union members, or your own rank-and-file caucus.

## Terminology to understand

**Central Labor Councils (CLCs).** CLCs are umbrella groups that bring unions together in geographic regions. They are organized by the AFL-CIO but generally allow non-AFL-CIO unions and members to join. CLCs provide support to member unions and unions in general, especially during strikes and contract negotiations. They also provide information and advice to local unions, union leaders, and union members. Many CLCs are active, militant, and progressive.

**International/National/State/Local Union Presidents.** Union presidents are elected union leaders tasked with running both the strategic and tactical functions of the union. They often control the direction of the union's collective bargaining (although they typically appoint a bargaining team rather than directly bargain), determine the handling of grievances, especially at arbitration, and assure bylaws of the union are followed. Unions typically have three levels of leadership: local, state, then either national or international (in name only; national and international are interchangeable) and therefore three levels of presidents. Unions vary in terms of the centralization of concerted activity including collective bargaining. The power distribution between the national, state, and local presidents often depends on this level of centralization.

**Executive Boards or Councils (EC).** ECs are the typical governing body of a union. They are headed by the union president in most cases. They vote on formal resolutions presented to the union. The power distribution between national, local, and state ECs often depends on the level of centralization of a union.

**Stewards or Building Reps.** These members are the first line of contact between the formal union structure and rank-and-file members. Stewards are tasked with assisting members in the day-to-day, filing grievances on behalf of members and assuring that management/admin adhere to the CBA language.

**Rank-and-file caucuses.** These caucuses are small formal or informal groups of like-minded members of a union who wish to pursue some common goal(s) and are more common in unions today. As business unionism (often non-militant, cooperationist, and non-action oriented) has spread throughout the labor movement, union members have seen their rights and gains from the past disappear. Many active union members have taken the step to form caucuses (formal and informal) in their unions to push their leaders to be more active or to take over the leadership role in their organization. The CORE group out of the Chicago Teachers Union has been one of the most successful of these formal rank-and-file caucuses. Others include Working Educators (WE) and Teamsters for a Democratic Union (TDU).

**Rank-and-file.** The members of a union.

## Determining the starting point of your coalition

When deciding who to approach to help you address workplace bullying, look at three factors:

1. General support that workplace bullying violates the right to dignity and should be eliminated.
2. A willingness to take steps to address workplace bullying.
3. The ability to take steps.

## One-on-one mobilizing

Another important consideration comes from the study of labor action, activation, and mobilization: one-on-one mobilizing. Here's how it works: reach out to people with whom you have a personal or professional relationship, considering the three factors above to select the first individual(s). Examples include a friend who is a union leader, a rank-and-filer friend, a union leader you had dealings with, or your own shop steward. The stronger those ties or relationships, the better. Ask each person to reach out to as many people with whom they have ties as they can to form a spider web of connections, creating a movement when six or so of your contacts becomes a coalition of 30 or more.

## Selecting the first contacts

Selecting the first contacts also involves assessing their ability to bring others in to engage in concerted activity. National union presidents and ECs have the most apparent formal authority to address workplace bullying. But many of these leaders have become apathetic business unionists who are not likely to take the action needed to protect targets of bullying. Consider whether the individual(s) you approach have the ability to bring individuals together to take action (a good example is the WV teachers

strik). Concerted activity often can and does start from the bottom of an organization, including labor unions.

### Educating contacts

General support can be measured early on in a brief conversation. You can:

- Provide a fact sheet on workplace bullying to the individual(s). You can use the facts above, the fact sheets from [DignityAtWorkAct.org](http://DignityAtWorkAct.org), or fact sheets provided at [WorkplaceBullyingCoalition.org](http://WorkplaceBullyingCoalition.org).
- If there is a lack of understanding, you can further explain the details of workplace bullying, its prevalence, and the severity of outcomes to targets, bystanders, families, and communities.
- If support is still tepid or absent, you can move to another potential supporter. The goal is to build a movement where those who are not supportive now will either be moved by the movement or irrelevant to it.

### Assessing contacts

Once you believe an individual supports eliminating workplace bullying, assess their willingness to take steps to eliminate it. A movement includes all types of individuals engaged in different and varying levels of activity:

- **Some might feel limited to fairly low-level involvement: signing petitions, resolutions, or sending emails.** No matter what level of engagement, those who support eliminating workplace bullying who are willing to take on any level of action are our allies and can be welcomed as part of your team. Successes in small actions often lead to a willingness to do more, including bolder actions. Active members often move from petition signers to petition distributors to letter writers to rallies to rally organizers to running for union office, for example. As we build our movement, we also build those within the movement.
- **Others might be ready for high-level involvement: taking to the streets, organizing rallies, knocking on their elected officials' doors, confronting their union leaders, or taking on management.** If you find a CLC that fits this category, you can reach out to the executive council. Many CLCs are willing to help but won't necessarily intervene unless asked. For centralized unions, you can start at the higher level of the union to weigh support for DAWA, CBA language, and bylaw changes. But the closer one is to the actual shop floor, the more likely they've experienced workplace bullying and will support ending it.

### Resolutions for your team to propose

Now that you have your team put together, you are ready to take action. There are many ways to begin:

1. **Put forward proposals/resolutions.** There are templates for three resolutions in the appendices:
  - a. A Resolution to Adopt Dignity at Work bylaw
  - b. A Resolution to Negotiate for a Dignity at Work Collective Bargaining Agreement Article
  - c. A Resolution to Endorse the Dignity at Work Act
2. **Become upstanders.** Take the upstander pledge and train to be upstanders.
3. **Engage in concerted activity around these resolutions: petitions drives and letter-writing drives.**
4. **Join our team.** Contact us @ [info@dignityatworkact.org](mailto:info@dignityatworkact.org).
5. **Become part of a movement to pass legislation,** even if your union does not immediately come on board. Join us by signing up at [DignityAtWorkAct.org](http://DignityAtWorkAct.org).

# Conclusion

Workplace bullying is a pervasive and severe problem in workplaces across the globe. In the United States, millions of workers each day are targets and victims of workplace harassment and bullying. These targets have extremely limited legal protections. For the majority of targets, there are no legal protections. These targets suffer loss of esteem, anxiety, depression, PTSD, lost income, lost careers, physical ailments, harm to their mental health, suicide ideation, and even violence and suicide. Workplace bullying has no benefit in the workplace, yet the vast majority of U.S. businesses, schools, and public and private employers in general do nothing to prevent, detect, remedy, and eliminate workplace bullying.

As workers and representatives of workers, we have the power to take steps to prevent, detect, and remedy workplace bullying. We can do so by taking steps in our concerted activity: organizing workers to end bullying in their workplace, bargaining for anti-workplace bullying clauses, and managing the day-to-day by standing up for targets of workplace bullying through formal means (grievance processes) and informal concerted activity. We can also come together to stand for strong legislation with strong enforcement that will benefit all working people across the country.

This toolkit is meant to provide you some guidance in what you can do to help to protect the dignity of all workers. This toolkit builds on our own experiences, successes, and failures. We hope you will find this toolkit useful and will join us in the fight to protect the dignity of all workers. We also hope you will find other paths to protecting worker dignity and share your experiences and ideas with us so that we can share these ideas with all advocates and activists and learn from each other.

We look forward to working with you and hearing from you.

Most importantly, we look forward to the day when worker dignity is protected in every workplace.

In solidarity,

The Collective Bargaining and Concerted Activity team of the National Workplace Bullying Coalition

## Appendix A - Summary of Steps to Take Action To Assure Dignity at Work

1. Begin to develop your team. Reach out and educate with one-on-one meetings.
2. Develop action steps to build a movement within your organization.
3. Develop resolutions to take to your organization.
4. Present resolutions.
5. Connect with NWBC/End Workplace Abuse Now to implement resolutions. Join as a member of our sister organizations.
6. Continue to build the movement, take part in NWCB, End Workplace Abuse Now, and related initiatives.

# Appendix B - Fact Sheet/Hand-out on Workplace Bullying

Workplace bullying impacts millions of workers each day.

- Over 71 million American workers have been impacted by workplace bullying.
- Researchers have consistently found high rates of workplace bullying in the fields of education, health care, social work, and other caring professions.
- Over 40% of U.S. teachers (BATS/AFT 2015/2017) and 59% of US workers are currently targets of workplace bullying (Keashley and Jagatic, 2003).

The outcomes for targets are severe.

- Bullying leads to psychological, economic, physical, and social harm (Fahie and Devine, 2014).
- Workplace bullying leads to sleep disorders, increase stress, physical and mental illness, anxiety, depression, PTSD and suicide ideation.

Bullying is costly to organizations, with a single incident costing as much as \$2 million (Lieber, 2010).

Bullying leads to burnout, decreased job satisfaction (for targets and witnesses), psychological detachment, absenteeism, and turnover.

Bullies and targets come in all different shapes and sizes from all areas of organizations.

Bullying can be prevented, detected, remedied, and eliminated, but there are currently no laws to protect targets, there is nothing requiring employers to do anything about bullying, and there are few if any CBA clauses that effectively address workplace bullying.

As a result, workplace bullying is an epidemic in U.S. workplaces.



## Appendix C - Model CBA Language

- 1. Every member of the XYZ Bargaining Unit has a right to be treated with dignity in the workplace. Any violation of this right shall be a violation of this collective bargaining agreement, and as such any member whose right to dignity has been violated will have the right to bring a grievance through the process as outlined under this CBA.*
- 2. Nothing under this clause should be viewed as limiting such members' rights under any local, state, or federal law and the corresponding right to seek redress for such violations outside of the parameters of this CBA.*
- 3. Workplace bullying defined as the unwanted abuse of any source of power that has the effect of or intent to intimidate, control, or otherwise strip a target of his/her right to esteem, growth, dignity, voice, or other human rights in the workplace is clearly a violation of the dignity of the targets of such behavior. Workplace bullying may take the form of harassment, incivility, abusive supervision, violence, aggressions, and other types of objectionable behaviors. Further, these behaviors may take the form of interpersonal interactions or organizational practices. The behaviors may come from any level of the organization – supervision, co-workers, customers, and even direct reports. The source of power shall not be considered as limited to formal organizational power or authority.*
- 4. Nothing under this policy should require the target of the harassing/bullying behavior to prove the intent at any level of the bully/harasser. Where bullying/harassment has occurred, the target of*

*such behavior(s) shall have the right to be fully remedied for any harm endured. The employer shall take every feasible measure to protect all employees' right to dignity in the workplace and to eliminate bullying/harassing behaviors from the working environment. The employer bears the absolute responsibility to prevent, detect, remedy, and eliminate bullying and harassment at XYZ.*

- 5. XYZ employer is responsible for taking all steps to assure that the working environment at XYZ is free from workplace bullying and that the dignity of all members of the XYZ bargaining unit is protected. XYZ shall have the responsibility to take all feasible measures to prevent, detect, remedy, and eliminate workplace bullying.*
- 6. If an XYZ bargaining unit member has been the target of workplace bullying, XYZ shall be liable for all damages as a result of such bullying, including but not limited to lost work days, lost promotions and raises, and physical and psychological damages. Such harmed employee shall have the right to demand that the bully be removed from their working area.*
- 7. The XYZ Union and its members will be represented in all functions under this policy. They will have equal representation to XYZ management on the team that develops the internal procedures under this policy and shall enjoy proportional representation on each committee, task force, etc. under this policy. This shall include membership on any committee that investigates and/or decides whether bullying/harassment has occurred and determines the remedies for such behavior.*

8. *Nothing under this clause shall be construed as limiting the XYZ Union leadership and members from engaging in concerted activity for their mutual aid and protection. The standards of reasonableness of behaviors when engaging in such concerted activity shall be the standards as determined by the NLRB and under the interpretations of the NLRA (or state level labor law) by the courts having jurisdiction over XYZ Company and its employees.*

## Appendix D - Model Bylaw Language

*Whereas the power of our union/caucus is built upon the solidarity of our members. Whereas every member of our union has a right to dignity in the workplace. Whereas harassment and bullying violate such right to dignity. Whereas member-to-member bullying breaks down the solidarity amongst our members and reduces the power of our union. Every member of our union/caucus has the duty to refrain from bullying or harassing any other member of our union. Ideally, each member of our union/caucus shall further take steps to prevent, detect, and eliminate workplace bullying in our workplace, including reporting such bullying and harassment and engaging as an upstander to intervene and end such bullying and harassment they are aware of. Violations of the duties under this clause shall be addressed under \_\_\_\_\_ and can lead to discipline of the member violating this duty.*

# Appendix E - A Resolution for Dignity at Work Bylaws

Whereas the human right to dignity has been recognized at least since 1948, when the drafters of the Universal Declaration of Human Rights recognized dignity as one of the three pillars of human rights,

Whereas workplace bullying and harassment fundamentally infringes on the right to dignity as well as other human rights to esteem, voice, belongingness, and general well-being,

Whereas there is no current legal protection for targets of workplace bullying or general harassment in the United States,

Whereas protecting the rights, and most fundamentally the human rights, of all workers is the fundamental purpose of the labor movement,

Be it resolved that, \_\_\_\_\_ (could be the undersigned members or the name of the union. If it is the undersigned, then it is an ask that the EC endorse this), hereby adopts the following language to be added to the bylaws of

\_\_\_\_\_.

# Appendix F - A Resolution for DAWA CBA Clause

## **A Resolution to Adopt Dignity At Work Articles as a Primary Collective Bargaining Goal**

Whereas the human right to dignity has been recognized at least since 1948, when the drafters of the Universal Declaration of Human Rights, recognized dignity as one of the three pillars of human rights,

Whereas workplace bullying and harassment fundamentally infringes on the right to dignity as well as other human rights to esteem, voice, belongingness, and general well-being,

Whereas there is no current legal protection for targets of workplace bullying or general harassment in the United States,

Whereas protecting the rights, and most fundamentally the human rights, of all workers is the fundamental purpose of the labor movement,

Be it resolved that, \_\_\_\_\_ (could be the undersigned members or the name of the union. If it is the undersigned, then it is an ask that the EC endorse this), hereby supports the adoption of the following language to be negotiated into the collective bargaining agreement by and between \_\_\_\_\_ and \_\_\_\_\_, the negotiation of which shall be a top priority during the bargaining session to begin \_\_\_\_\_.

# Appendix G - A Resolution to Endorse DAWA

## **A Resolution to Endorse the Passage of the Dignity at Work Act**

Whereas the human right to dignity has been recognized at least since 1948, when the drafters of the Universal Declaration of Human Rights, recognized dignity as one of the three pillars of human rights,

Whereas workplace bullying and harassment fundamentally infringes on the right to dignity as well as other human rights to esteem, voice, belongingness, and general well-being,

Whereas there is no current legal protection for targets of workplace bullying or general harassment in the United States,

Whereas protecting the rights, and most fundamentally the human rights, of all workers is the fundamental purpose of the labor movement,

Be it resolved that \_\_\_\_\_ endorses passage of the Dignity at Work Act at the local, state, and national level.

## Appendix H - Upstander Pledge

I pledge to work within my organization to foster a healthy workplace that is free from workplace bullying and abuse.

I pledge that I will not engage in bullying or harassment of any of my co-workers in my workplace.

I pledge that I will not participate in mobbing by standing with or for the bully but will instead stand with targets of bullying in my place of work.

I pledge that I will listen carefully to targets of workplace bullying who seek my help. I will do what I can to stop the bullying and to engage as an upstander.

I pledge that I will support efforts to ensure that my workplace is a healthy and safe place where every individual can thrive.

I pledge that I will use my power in my place of work to prevent, detect, remedy, and eliminate all forms of bullying in my place of work.