

BEYOND THE WHEELCHAIR: WORKPLACE BULLYING AND PERSONS WITH DISABILITIES

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ABSTRACT: *Researchers nationally and internationally have reflected on the impact of workplace bullying for employees. While the impact on women and people of color has been considered, little attention has been paid to American workers with disabilities who face workplace bullying. This article strives to shed light on the potential frequency in which American workers with disabilities face workplace bullying. As there are no studies on this topic, the essay will apply British findings, to the American population in an effort to develop insight to workplace bullying for Americans with disabilities. Reasonably, one could consider that approximately 41% of those with disabilities face workplace bullying despite the United States protections for those with disabilities.*

KEYWORDS: Workplace bullying, persons with disabilities, harassment

INTRODUCTION

Workplace bullying has received a great deal of attention from researchers nationally and internationally. The Scandinavians lead research in the area of workplace bullying with Björkqvist, Österman, and Hjelt-Bäck, (1994); Einarsen, et. al (2003); Nielsen, et. al, (2015); Salin and Hoel, (2013), who documented the proliferation and effects of workplace bullying. Bennadi and Konekeri, (2015); Bible, (2012); Branch, et. al, (2013); Cowan, (2012); Hollis, (2016a) Mitchell and Borg, (2013); Samnani and Singh, (2012) reflect further on workplace bullying as an emerging area for research. In 2009, Namie and Namie chronicled that 37% of the American workforce faces bullying. Hollis, (2016) documented increased frequency in higher education at 64%. In fact, disenfranchised groups are more likely to face workplace bullying (Hollis, 2016c). These more recent studies show that women, people of color, and the LGBT community are more likely to endure workplace bullying, yet these discussions omit an analysis on workplace bullying and the impact on Americans with disabilities.

LITERATURE REVIEW

Despite the growing research field on adult bullying, and particularly how the power differential hurts disenfranchised populations, McGrath, Jones, and Hastings (2010) stated that the discussion on how workplace bullying has an impact on employees with disabilities is largely absent from the literature. McGrath et al. (2010) at the time of their study, found no published research in the United States on this area specifically. Their study of 22 adult employees with intellectual disabilities revealed that 43% had been bullied on the job three months prior to the study, while 28% admitted to becoming the bully in the same

timeframe.

Vickers (2015) also commented that “the experiences of disabled workers being bullied, especially in light of their already disadvantaged work lives” has not been adequately investigated p. 27. The impact on those with disabilities leads to a more acute occurrence of reliance on social security, poverty, and exclusion when subjected to workplace bullying. Anxiety and depression are also a by-product of workplace bullying.

In the absence of American studies regarding those with disabilities and workplace bullying, this essay turned to Fevre, Robinson, Jones and Lewis (2008), and Fevre, Robinson, Lewis, and Jones (2013) who examined the workplace bullying phenomena in studying British employees with disabilities. Of the 284 employees in the study, 10.5% stated they had faced bullying compared to 4.5 % of those without disabilities. Their sample reported being teased, facing harsh gossip, or receiving unreasonable deadlines. However, Fevre, et al. (2013) comment that despite these differences “it has been shown that, from the employees’ point overview, it rarely looks as if they are being ill-treated because of their disability” (p. 13).

Ferve et al. (2012) also conducted 4000 in-home face-to-face interviews with British employees with disabilities to discover 41% were facing disrespect and incivility on the job. Ferve et al. (2013) further stated, “within the public sector, employees in health and social care, public administration and defense, and education are particularly at risk” (p. 246). Ferve (2013) also reported, “data from the UK and US showed people with disabilities were in less well-paid jobs, and ones for which they were over-qualified, and had higher turnover (and less training)” (p. 60). Their additional work reflected on the 2008 Fair Treatment at Work Survey in Britain, “holding constant all the other variables that might cause such effects, analysis of this survey shows employees with disabilities were more likely to experience a composite measure of sexual harassment, bullying and other serious problems affecting health or wellbeing” (Ferve, 2013, p. 60).

Workplace Bullying and Employees with disabilities in the United States

The aforementioned studies (Bennadi & Konekeri, 2015; Bible, 2012; Branch, et al, 2013; Cowan, 2012; Hollis, 2016b; Mitchell & Borg, 2015; Samnani & Singh, 2012) noted the spread of bullying, with some attention paid to bullying in the United States. In this context Weber, Powell and KRC Research (2013) remarked that the 30% increase in workplace bullying has occurred as a result of the 2008 recession. The extent of bullying in the general United States population is 37% (Namie & Namie, 2009) and the extended frequency of workplace bullying in higher education is 64% Hollis (2016). This aligned with Ferve et. al’s (2013) findings and might be related to the fact that the United States is behind other industrialized countries such as Canada and Australia that explicitly prohibit bullying on the job.

By considering the Fevre, et al. (2012) and Fevre, et. al (2013) studies, the following is an analysis of the potential number of American workers with disabilities who face workplace bullying. The United States Bureau of Labor Statistics reported that 47% of those working with a disability were 65 or older, while 15% of workers with disabilities were under 65

(2015). Further, women are more likely to have disabilities; Blacks and Hispanics are also more likely to have disabilities, perhaps due to increased rates of diabetes and heart disease in these populations.

Cornell University estimated in the year 2014, “An estimated 8.4 percent (plus or minus 0.3 percentage points) of civilian non-institutionalized, men and women, aged 18-64 in the United States reported a work limitation. In other words, 16,284,000 out of 193,860,000 (or about one in 12) civilian non-institutionalized, men and women, aged 18-64 in the United States reported a work limitation” (Cornell University, 2017).

Ferve’s et. al’s (2014) concluded that 41% of British employees with disabilities face ill-treatment and bullying. If that statistic were applied to the United States working population in which 1 in 12 had a stated disability, 6,676,440, just shy of 7 million employees with disabilities are facing workplace bullying (41% of 16,284,000). More specifically, this could have an impact on service veterans returning to work with a service-connected disability. “A “service-connected” disability is one that was a result of a disease or injury incurred or aggravated during active military service” (United States Census (2015), Release Number: CB15-FF.23, para. 15). The United States Census reported for 2014, approximately 3.8 million veterans had service-related disabilities, up from 1.1 million. Potentially, based on Ferve et al.’s (2014) analysis that 41% of disabled employees face workplace bullying, 41% of veterans with service-connected disabilities, or 1,558,000 are facing workplace bullying when they return to work. See table 1 for potential number in the general population and returning veterans who could face workplace bullying because of their disability.

Table 1

Potential impact of workplace bullying on those with disabilities

disabilities	w/ disabilities	Total w/	41% potentially
General population with disabilities		16,284,000	6,676,440
Veterans with disabilities		3,800,000	1,558,000

One might consider that the American with Disabilities Act (1990), the Workforce Investment Act (1998), the New Freedom Initiative (Bush, 2001), American with Disabilities Amendment Act (updated) (2008) would protect workers with disabilities from harassment and maltreatment on the job. However, this assumption would be flawed, similar to analogous assumptions that employees have a workplace free of harassment because of their race or gender. Despite legal protections, the managers and supervisors are directly responsible for implementing such policies. However, they may or may not create and maintain workplaces free of harassment and discrimination because of the Civil Rights legislation (1964), Title IX (1972), and Equal Pay Act (1963), updated as the Lilly Ledbetter Equal Pay Act, (2009). Despite these federal policies, employers still offer unequal pay and condone illegal discrimination and harassment.

Application to American Higher Education

Just as Ferve (2014) reported that 41% of British employees face workplace bullying, faculty attitudes, despite the Americans with Disabilities Act (1990) learning and cognitive disabilities may be a compelling factor in academic acceptance for this population as “34 percent complete a four-year degree within eight years of finishing high school, “ according to the National Center for Special Education Research. Comparably, 56% of all students in the general population nationally who the National Student Clearinghouse reports graduate within six years.

Jensen, McCrary, Krampe and Cooper (2004), conducted a study searching for faculty attitudes towards learning disabled students. Faculty members often do not believe that students need accommodation and question the diagnosis. The study also pointed to “the implication that a diagnosis of a learning disability may be false or that students, or their parents, may be using questionable diagnoses to improve their chances to succeed academically” (p. 85). Such barriers to support and service would affect the 11.1 %, reported by the Department of Education, of all college students who attend higher education in 2012. While Jensen et al. (2004) are reflecting on faculty attitudes and the struggles students with learning disabilities face, faculty treatment of and assumptions for students with physical disabilities was absent from the discussion.

Just as the general population of persons with disabilities are more susceptible to bullying, the same dynamic reasonably applies to students with disabilities. The field of collegiate bullying is also relatively understudied, yet the same dynamics applying the few studies that have examined college bullying. Dogruer and Yaratani (2014) Pontzer (2010), and Clarke, et al (2012) have studied collegiate bullying. At the college level, again the stronger person picks on who he or she perceive to be weaker. College students with disabilities, as noted in the Fevre (2014) study about persons with disabilities, could be cast in the perception of being socially or physically weaker. Therefore, just as protections from workplace bullying for those with disabilities on the job is warranted, college students with disabilities should also have explicit protection from bullying.

RECOMMENDATIONS AND CALL TO ACTION

Some organizations, along with four states since 2014 (California, Utah, Tennessee and Minnesota), have started implementing policy prohibiting adult bullying. Currently, 48 states prohibit bullying of any student in the K-12 sector, yet such protections do not explicitly extend to students in college or workplace staff. Regardless of the worksite, bullies pick on whom they perceive to be a weaker target, either physically or socially. This power differential presumably could apply to adults and students with disabilities who have a documented challenge, which required accommodation.

To add stronger protections for those with physical and cognitive disabilities, the following is recommended:

1. Implement policy to prohibit bullying of employees with disabilities as part of other workplace bullies that protect employees with disabilities.

2. Align such policies not only with anti-harassment policy, but policies regarding support and service to those with disabilities; such protections should also extend to the Internet (Hollis, 2016d).
3. Provide training for all employees and supervisors to better understand that disability does not mean incapability and to better understand the legal ramifications of harassing those with disabilities.
4. Create an ombudsman office to collect concerns about workplace bullying. Ombuds can serve as impartial colleagues who can help mitigate problems (Hollis, 2016a).
5. Create and maintain a particularly visible disability service office that maintains regular communication throughout the organization.
6. For colleges and universities, maintain a visible disability service center that not only provides accommodation, but also trains student affairs staff on how to prevent bullying for students with disabilities
7. Academic affairs also should include training for faculty orientation regarding the faculty role in supporting students with disabilities
8. For workplaces and colleges, these organizations can create a climate survey for those who are registered with their disabilities services to determine have accessible and welcoming these places are for persons with disabilities.

CONCLUSION

As noted, workplace bullying is about someone in power perceiving that someone else is weaker and likely to be an easy target. Further, bullying often occurs with the different person, making those with disabilities a prime target. Nonetheless, people with disabilities deserve the same equal opportunity to safe work and school. To overlook the need to protect this population, also diminishes the contributions each person can offer to various work communities. Through proper policy, this population also can be protected from bullies in the workspace and continue with their commitment to be viable and productive citizen included in work.

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