

Definitely Mabey

No Thanks We Already Have One

Warning to all ostriches, this column deals with an issue that may disturb your natural pose.



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We know bullies are around all of the time but no one wants to talk about them, ironically, for fear of appearing weak or simply just wanting to suffer the embarrassment in silence.

Professional services firms in general, and law firms specifically, are not immune to workplace bullying; in fact they are more often than not an incubator for such behaviour. While uncovered incidents of harassment, abuse, and focused aggression are revealed in lawsuits and exposes on the corporate world, rarely has a similar light been shone on law firms.

Is it because it is more subtle and sophisticated in law firms given the level of knowledge of the law found there? I think not. Bullying in law firms is more open and transparent than the corporate universe. The explanation is a simple one — there are more “sacred cows” in professional services firms.

Sacred cows, of both genders, have achieved their status via a number of routes including client base; partner relationships; positions of authority; partnership agreements; and weak management. Clearly not all sacred cows are bullies. Nor in reality are all bullies sacred cows!

There have been studies done on this topic on both sides of the border, although none of note focused on professional services firms (remember the ostrich). One U.S. study found that 40 per cent of workplace bullies are women and they tend to pick on other women.

A Canadian study acknowledges that the level of stress and lost job satisfaction is higher in bullied employees than those who have been subjected to sexual harassment.

Bullying institutes have differing perspectives on the origin and treatment of bullying but seem to share two beliefs that:

- according to BullyFree BC, when people are allowed to behave badly, a Lord of the Flies factor surfaces; and
- bullying is most commonly found in entities with poor leadership.

Some of the subtle and not so subtle signals that bullying is occurring in your workplace include:

- yelling;
- door slamming and ranting;
- exclusion of people you would normally expect to attend from important meetings;
- knowingly assigning tasks or making requests of individuals who are without access to the tools required to complete the task;
- co-workers recruited to assist in systematically isolating the targeted individual; and

- trashing of the targeted individual behind their back to individuals in management roles.

A couple of years ago, an American Bar Association article summed it up best when it stated that “bullying in law firms was hard to define, but easy to spot.” An ABA panel on law firm bullies at a national conference on professional responsibility suggested the following steps for dealing with bullying behaviour:

- document the disruptive behaviour;
- confront it;
- set expectations for improvement; and
- spell out the consequences if the behaviour persists.

Perhaps since firm culture is credited with so many of the good things about why firms thrive and survive all firms should incorporate the “no asshole rule” into their cultures.

Robert Sutton, a professor of management science and engineering at Stanford University, wrote a book on the issue of bullies and other types of assholes, *The No Asshole Rule: Building a Civilized Workplace and Surviving One That Isn't*.

The book is a self-described “. . . definitive guide to working with — and surviving — bullies, creeps, jerks, tyrants, tormentors, despots, backstabbers, egomaniacs and all the other assholes who do their best to destroy you at work.”

In my opinion, this is one of those increasingly rare books which delivers on its claims. Not only is it a short easy read (186 pages) for those of us with increasing difficulty in staying focused if we are not instantly gratified by the first few pages, but I found myself bobbing my head and unconsciously going “un huh” as I read the examples and impact of the actions of others.

Unfortunately, I also found myself losing my holier-than-thou empathy with his insights in the chapter “How to stop your inner ‘jerk’ from getting out.” Hopefully it is true what they say that recognizing the problem is half the cure!

It is this latter section that makes me wonder if we asked and answered the following two questions posed by Sutton in the book of ourselves more often (for determining whether one is acting like an asshole) that at least the spread/creation of future generations of bullies might be seriously mitigated:

1. After talking to the alleged asshole, does the “target” feel oppressed, humiliated, de-energized, or belittled by the person? In particular does the target feel worse about him or herself?
2. Does the alleged asshole aim his or her venom at people who are less powerful rather than at those people who are more powerful — the truest sign of a bully?

And remember, until next time:

"It never ceases to amaze how one person's divisive dysfunctional behaviour can permeate the entire organization like a cancer."

So remove the cancer and save your firm.

Comments or Questions?

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