

FTS-USDA OFFICE OF COMMUNICATION

Moderator: Carl Butler

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Carl Butler: Good afternoon. My name is Carl Butler, I'm the director of the Office of Early Resolution and Conciliation. I would like to thank you all for your support and participation in this afternoon's workshop that deals with Conflict: How do we deal with workplace bullying?

Certainly we are certainly pleased to have our two presenters which I will give you a brief bio. Our first presenter is Miss Joyce Ann Mitchell. She's an experienced attorney with the District of Columbia and Maryland. Her legal practice extends over 30 years and is focused on business, employment and labor law.

Her office is located in Silver Spring, Maryland. She mediates and arbitrates nationwide. Joyce is a certified mediator with the State of Virginia and North Carolina and also on the mediations roster for the Circuit Court's (BPN) Maryland.

Joyce has tracked mediation, arbitration and negotiation techniques as an adjunct law professor at Columbus School of Law at Catholic University in Washington DC for seven years. Additionally she has taught arbitration as an adjunct professor at the University of Maryland School of Law in Baltimore, Maryland.

For three years Joyce mediates several federal agencies to include Equal Employment Opportunity Commission, Washington Field Office. Joyce's professional affiliation and activities include membership in the Bar Associations of Maryland and the District of Columbia. She also actively serves in various leadership positions on various committees.

My other presenter is Miss Ellen Candor - excuse me Miss Ellen Kandell who is an attorney and a dispute resolution professional with over 25 years of experience in public and private law. She is the president and founder of Alternative Resolution which provides third-party neutral services, group facilitation, training and consulting.

She was trained as a mediator at Harvard Law School, has mediated nearly 400 cases, arbitrated over 100 cases and is a certified mediator in Maryland. Miss Kandell has experience handling complex cases ranging from 2-25 parties. She has mediated cases for the metropolitan area law firms, federal agencies, Maryland and DC Circuit Court and Montgomery County government.

She served as a ombudsman for Johns Hopkins University Space Telescope Science Institute. Areas of mediation expertise include ADA, business employment, environmental and public policy, state, personal injury and workers compensation mediation.

I'd like to present our presenters.

Joyce Ann Mitchell: Thank you very much Carl. Greetings and thank you all for joining us. I am Joyce Mitchell.

Ellen Kandell: I am Ellen Kandell. Today's workshop is on the topic of workplace bullying. The intent of this workshop is to raise consciousness and increase awareness of this topic, empower both managers and employees to recognize workplace bullying and to deal with it constructively.

We will have an opportunity for questions from the audience as well as questions from the webinar participants at the end of the presentation.

Joyce Ann Mitchell: Today we will go over background information, describe workplace bullying, provide you with useful tools to take action and lastly where to get assistance if you or someone you know has been bullied or is being bullied.

Ellen Kandell: The learning objectives for this afternoon, for this morning I guess if you're on the West Coast, the learning objectives for this workshop are to identify the indicators of bullying problems, understand the differences between bullying and harassment, understand the steps to build an action plan, identify elements needed for a follow-up plan and finally get tips on where to get more assistance.

Joyce Ann Mitchell: Does this look familiar? Does this remind you of a situation which you've experienced or a colleague has experienced? Can you identify with one of the people in this picture?

In the US a study was conducted in 2007 and the findings were that an estimated 54 million people have been bullied at the office or repeatedly mistreated in a health harming way according to this particular study.

The percentage balloons to 49% if you include the people in the workplace and the individuals who were witnesses to it. The problem is, however, unless you're at the receiving end of it you're not likely to immediately recognize it.

So what is this concept we call workplace bullying? It is repeated and unwanted conduct by an individual or group with the intent to intimidate, harass, degrade or offend.

We don't expect to have to deal with bullies in our everyday workplace. But it is a common occurrence. It's not hard to identify with a bully if you're getting complaints of screaming, intimidation, public humiliation, sabotage because that's active; you can see it.

How the abuse by most bullies is not seen because they do not act up in front of their superiors and therefore managers must rely on your reports of abuse for yourself and from other employees.

We ask that you be watchful of some of the signs we're going to discuss with you this afternoon. For example think about the person always takes credit for work done when in fact the person only contributed to it or the individual who dominates meetings with sarcasm, interruptions, insults and crude behavior.

Keep an eye out for people who are afraid to speak up too in your workplace or show signs of obvious tension when they are around someone in the workplace or around certain people.

What are some of the examples of workplace bullying? The question is what pushes your buttons? When people may not see it as bullying whereas you might. Have you witnessed or experienced any of the kinds of behavior that is described in this slide? If so you have been a victim of workplace bullying or you have been a witness to it.

There are some commonly held feelings from workplace bullying. Look at this slide. Some of the emotions here are experienced by individuals who are bullied in the workplace. Shame and disbelief often are the internal emotions that individuals have. You will notice that they do not feel empowered or they do not feel energized in the workplace when they have been bullied.

These feelings make it difficult for them to report it. When the victim does not report it he or she often is disregarded completely sometimes by a supervisor because it feels like common behavior. Many employees do not take the issue seriously even though there are support groups and laws prohibiting it.

The details about bullying are alarming. We've posted some here for you. Workplace bullying has been on the rise. The problem is unless you're on the receiving end of it, as I said earlier, you're not likely to realize it.

Bullies are clever; they often have a Jekyll and Hyde personality. Their conduct towards one group is different from their conduct towards another group. They seek to control and silence their victims. They abuse power and use amoral behavior and deception.

This one talks about...

Ellen Kandell: Workplace bullying can take many different forms. Physical violence may not be as common in professional offices but it does exist in such places as

restaurants where victims are locked in walk-in freezers or broom closets where they call out for help while being laughed by their tormentors.

Bullying can also take more subtle forms such as being locked out of the office, of the computer, being gossiped about, having your work sabotaged or stolen, having your lunch tampered with, being laughed at, being sneered at. The list is almost endless.

This slide shows some statistics on bullying, 72% of the bullies are bosses, 57% of the targets are female. These statistics are based on a recent study by the National Institute for Occupational Health and Safety.

Identifying the signs of bullying, all of these signs and indicators of abusive behavior have ripple effects beyond their immediate targets and that's part of the problem.

Some examples are, for instance, a coworker or supervisor constantly complains to other team members that you aren't pulling your weight or somebody demonstrates body language that's graphically offensive, or an employee who doodles or rolls his eyes or her eyes or squeaks his chair or her chair when another coworker speaks and only that employee notices it.

Mobbing type conduct when a group of people gang up on another employee, it often hides under the appearance of humor or joke but it's really not funny; it's really all five of us are making fun of you.

Joyce Ann Mitchell: You've had an idea of what we consider workplace bullying and the conduct. But let's see what laws cover it. The next few slides will discuss the EEO laws and what are the legal protections that you have if you're in a

workplace where you're experiencing or you believe one of your colleagues might be experiencing workplace bullying.

The legal protections are conduct directed at race, color, religion, sex, national origin, disability, age and hostile work environment. Sometimes they just don't like you but that's not a legal protection but these are the legal protections here.

They are Title VII of the Civil Rights Act of 1964. Title VII prohibits employment discrimination based on race, color, sex, religion, national origin and age. The Age Discrimination in Employment Act protects individuals who are 40 years of age or older and that includes many people in the workplace today.

Title I and V of the Americans with Disabilities Act protects individuals with disabilities from discrimination based on that disability and it authorizes alternative dispute resolution for these cases. We're going to talk about alternative dispute resolution as we move forward.

Sections 501 and 505 of the Rehabilitation Act protects against discrimination in the federal sector and it allows attorney fees to be paid in cases of that type of discrimination.

((Crosstalk))

Joyce Ann Mitchell: Okay. Bullying can - well, go ahead.

Ellen Kandell: Bullying as EEO discrimination, all sorts of behavior can create what employees deem to be a hostile work environment. But in the legal sense a

hostile work environment is caused by unwelcome conduct in the workplace in the form of discriminatory harassment towards one or more employees.

Other names for hostile work environment include intimidating work environment, offensive work environment, abusive work environment and hostile workplace.

The harassing workplace bully might be an employee, such as a bad boss, or coworker or even a non-employee such as a client or an independent contractor. And an independent contractor can also be a victim of workplace bullying.

But who the workplace bully is doesn't matter as much in the legal sense as does the conduct or words creating the intimidating, offensive, abusive or hostile work environment. This can happen at various levels of the workplace, in small and large offices, in headquarters, in the regions, in the states; it's pretty pervasive.

Joyce Ann Mitchell: Ellen, did I hear you to suggest that an independent contractor could bully some people in the workplace? Let's say a Federal Express delivery person brings something to the office and is rude and offensive in such a way that he's bullying perhaps people in the office?

Ellen Kandell: Yes. And also the opposite is true too, it could be that a contractor that's working in the agency can be the victim of bullying by an agency employee. And in both instances it's wrong - it's improper behavior.

Joyce Ann Mitchell: There's another form of bullying as discrimination called retaliation. Retaliation occurs - the complaint of retaliation occurs when you have participated in what we call a protected activity.

Let's say you have complained against discrimination or you have been a witness or you have in some way participated in the litigation process with regard to discrimination; that's protected.

But something happens to you as a result of that. For example there's a causal connection between your participating in the protected activity and an adverse action that might happen to you in the workplace.

Now what is an adverse action? That is you didn't get the promotion, you got a bad evaluation. You were assigned to work on a project that you had no expertise on or that you assigned a volume of work such that you would not be able to finish it.

There has to be a causal connection between participating in the protected activity, that means complaining about something that's protected under the law or being a witness to it or actually being a support person for it or reporting it, bringing a claim.

And then something happens to you in the workplace. But we want to make sure there's a causal connection. That's when you get a claim of harassment - I'm sorry, of retaliation but the retaliation that we're talking here, the form of it we're discussing, is the workplace bullying; it can take other ways but that's the one we're discussing today.

Ellen Kandell: So for instance if you file a Title VII EEO case based on age discrimination and also file it under the Age Discrimination in Employment Act and then as a result of you filing that you get moved to Lexington, Kentucky where you don't know anybody and you get moved into a, you know, place where you're not comfortable, not familiar, isolated from your family.

You get moved there and it's - the job is a demotion and you can establish that there was a connection between you being moved to Lexington, Kentucky and the fact that you filed a Title VII case then that's impermissible.

The next slide shows a chart which shows the difference between bullying and some of the distinctions between bullying and workplace harassment. The chart shows that there's close correlation between bullying and workplace harassment.

Workplace bullying is an act which might be part of a harassment or retaliation charge like I just mentioned however it does not have to be based on the perception of being discriminated against in one of the protected categories, age, sex, color, national origin or disability.

However it does, you know, it does need to be based on the perception of being discriminated against for action by the agency for some kind of unprofessional conduct.

Now there's a lot of myths about workplace bullying and one of them is, at the top of this slide, you do not need to find out much about workplace bullying because it may never happen to you.

Well, the reality is - and as the statistics showed earlier in the presentation it may never happen to you but it could because it happens to somebody everyday or you may observe it happening to somebody else. So it's important to be aware of what constitutes bullying and also how you can protect yourself and help your coworkers take action.

Joyce Ann Mitchell: We've talked about some of the signs of bullying, we gave some short examples of things that might happen to you to suggest that you're being bullied. We want to ask ourselves now so what? What is really going on here?

You need to evaluate the situation. One should never assume that anyone could not be capable of abuse because they sit in a place of power, because they're educated, because they appear to be meek or they are charming.

Some of the worst abusers are the ones who appear to be pillars of the society, leaders in the agency or respected members of the agency. Remember we talked about the Jekyll and Hyde personality whereby the abuser often does it where no one can see them.

And I'm reminded of - and you probably have had this experience whereby you reacted to someone who did something to you and you were actually seen as the person who was doing the action and the person who did it was not seen.

And that happens often, you react. So today as we move along we're going to talk about ways to keep you from just outright reacting. We want you to evaluate the behavior and determine how it makes you feel; how does it make you feel? Do you feel threatened, belittled or embarrassed by any of the perpetrator's words or conduct?

And while we're at it this is also on the webinar it's - a lot of what we're saying if you notice that we're reading a script this is being made available to individuals who also might need to read what we're doing so be patient with us with the reading if you will.

Ellen Kandell: The dynamics of conflict, when conflict in the workplace goes unresolved what kind of things can happen? It's like a snowball effect as the picture shows in this slide. Feelings intensify, positions get hardened, the de-humanization process starts to occur, aggressive thoughts emerge and communication deteriorates through all of this.

What we're going to encourage you to do through some of the slides that are coming up is to do something to sort of break this cycle.

Joyce Ann Mitchell: Well we want you to break this cycle because you can see the intensification. And those of you who - in Washington a couple of months know what it's like when one storm hits on top of the other one. Picture that in your mind if you allow bullying to go on; it really becomes a snowball, it gets larger.

You will not talk to the individuals, your coworkers are not talking to them and often fractionalization happens within the workplace and very often the bully is not isolated to the point that he or she will step up to what they've done and stop it.

The effects of bullying is obvious. If the behavior is ignored it can cost loss of productivity, increased absenteeism, healthcare issues and employee turnover; individuals will just leave.

But I want to talk about behaviors from management which can contribute to that. There are managers who pit employees against each other or emphasize a competitive work style within the workplace.

There are managers who have a lax management style so that employees just have to fill in the blanks themselves of what is acceptable and what is not acceptable.

Sometimes management observes, recognizes and deliberately ignores the complaints of bullying. There are times when management is involved in the bullying or gives an appearance of a close friendship with the bully. Can you imagine how that must feel if you need to make a complaint to that manager?

Ellen Kandell: Now let's look at the situation on this next slide. Coworker A was picking on Coworker B and expressing fear that something serious might happen to Coworker B. For several weeks A has been making statements such as, "You took credit for my work and you're spreading rumors that I'm no good."

"If you ever get credit for my work again that will be the last time you take credit for anybody's work, I'll make sure of that." These computer files have been authored on several occasions and she suspects it's Coworker A.

Have you witnessed a situation similar to this one? If you are the manager of this situation what will you do about it? If you are a colleague who Coworker B has confided in what can you do?

This can happen to you; it's happening now. What do you do when an employee confronts you like this? In the next several slides, after this next example that Joyce gives us, we will give you some suggestions.

Joyce Ann Mitchell: So these are some of the real workplace situations that we took from the Website of the discussion of what might be happening in the workplace, is that correct?

Ellen Kandell: Correct.

Joyce Ann Mitchell: Let's look at the next situation. Your supervisor has been demonstrating demeaning behavior towards you. He or she has been constantly speaking with you in a rude manner criticizing you publicly in front of other employees.

This is the next one, for several weeks the supervisor has been making statements such as, "Why can't you get things right?" "You're really stupid." "You're always making stupid mistakes." "I asked you to make that correction already." "Why don't you ever listen to me?"

What do you do in these kinds of circumstances? We've set you up the environment for it and we've described the legal protection because these derogatory comments as well as - are demeaning to the work environment and the work team.

So I need you to ask yourself how long will I witness another employee being berated in the workplace? What would you do if you witnessed a coworker being berated in the hallway?

Ellen Kandell: The next few slides are going to - we're shifting focus to start talking about an action plan and advice for handling some of these difficult situations. So this slide is kind of the beginning of that outline, regaining control, a plan for action, taking action and getting help.

In every situation it's a fact - specific basis and you have to figure out whether or not these - these action plan items are appropriate for your situation. And there's help within the agency which we'll go over later on in the program so you can get help figuring out whether these steps are right for you to take.

First we'd like to share a quote with you from Edmund Burke, a philosopher from the 18th Century which we can apply in the 21st Century. "All that is necessary for the triumph of evil to prosper is for good people to do nothing." So if we don't do anything about bullying then that's what's going to happen, this conduct is going to continue.

Regaining control will change the dynamics of the interaction between the bully and the intended victim as well as those within the workplace who although it's not directed towards them they may be witnesses or observers and they must endure the behavior.

What can you do about this? First, as we stated earlier, evaluate the situation before you act or react. There's an executive coach named Loretta Love Huff who wrote a book called, 6 Keys for Dissolving Disputes: When 'Off with their Heads' Won't Work.

And she gives six keys to dissolving disputes that we thought was relevant for this workshop. One, distinguish facts from friction. Distinguish motives and emotion. Convert complaints into requests. Start from where you are. Take responsibility for your contribution or role. Own what you need to own within a situation.

And finally give yourself a gift, what kind of gift? The gift is starting to do something to change the context of this interaction with the bully.

Huff further writes, "We all think that our view of the world is the right one. We recognize that you have a piece of the truth. Create a story which captures both your view and a possible view of the other person. Give an opening that you may not have the total truth in your head."

"Most importantly focus on what happens and not how you interpreted the circumstance, this will aid in sharing the conflict with the alleged perpetrator and with others. We all have our own perception of a situation but our perception is exactly that. It's a perception, it's not proven fact."

Joyce Ann Mitchell: You mean - there's a difference between the what happened and the interpretation that we give to the what happened?

Ellen Kandell: Exactly, exactly. So Huff continues to say, "We often assume that we know what the other person was intending to do to us. The only thing we really know is what reaction it caused in us. Recognize that they may not have meant to be disrespectful or hurtful or controlling."

"Also recognize that if you are the perpetrator if your motive was innocent that doesn't mean that the other person experienced it in a different way. When we are in situations we don't like and we feel powerless the natural response is to complain and blame."

What Huff is suggesting is that we don't complain but that we request; we make a request for a change in behavior or a change in attitude or a change in tone of voice.

Because just complaining and grumbling to yourself and your coworkers is that going to change anything? Stop and ask if something could be different here what would that something be? Then ask for it; make a request.

And she further continues to say, "Start speaking from where you are. Use 'I' statements..." And we'll talk a little bit more about that. "Start speaking for yourself and use something like, 'I'd like to say something but I'm afraid that

you might react negatively. Can we have some time to talk about something I'm concerned about?"

Remember at this stage you're just trying to assess the situation and resolve it. Standing up for yourself is part of the gift that she talks about and taking control by starting to articulate how you feel about the bad situation is the beginning of changing the dynamics.

Joyce Ann Mitchell: Are you suggesting - and I believe you are - and that is if you believe that you're being bullied there are some things you should do. First of all you need to get the facts right, the what happened not the why yet but the what happened because the what happened often is probably something that you have embellished some time in your mind.

So you do a what happened and then you try to think about sometimes we give the same evaluation to all kinds of facts when in fact it wasn't there. So that is a hard thing to do, the what happened.

And Ellen says that when you get ready to talk to the individuals and take action you might just say, I have some things that we'd like to talk about. It may be a little bit difficult. And then we'll start with the I message so that you do not give blame yet.

We're suggesting that we don't want you to be in the workplace identifying people initially until you're absolutely sure. So these six keys are things that you walk through.

Ellen Kandell: And something else is that you may not want to accuse somebody of being a bully because it has a certain loaded implication. You might say, the behavior you're, you know, when you scream at me in the hall I feel intimidated which

is the essence of what it is. Or I felt embarrassed when last Thursday when we were in at the meeting and you raised your voice at me I was embarrassed; I felt disrespected.

You may not want to say well you bullied me when you yelled at me. Bullying is kind of the category of the behavior. You might be better off just stating it from the feelings perspective.

Stand up for yourself. Do not play their game. Do not bully back. Do not speak to their level or levers to push your buttons trying to get a reaction. Try to stay centered.

I know it's very difficult. These are emotional issues and they're very hard. Do not let somebody walk on you. Keep interaction professional and respectful.

Try to find your own voice. And we'll give you some tips for how to start doing that. Tell them again, tell them are your behavior makes you feel. "When you do X, I feel Y." And tell them what the consequences are.

Say what you mean, but be careful with how you're saying it. Now you have to figure out, whether or not, in your particular situation, it's going to be productive to do that. Whether or not, it's going to be productive for you to do that face to face directly without a third party there, or whether you might need a third party and we'll go on and talk a little bit more about that further on the program.

Joyce Ann Mitchell: Okay. To help you understand what we mean by distinguish facts from feelings and to distinguish motive and emotions and to start to where you are and talk.

I'd like for you to pull up a picture in your mind of the last time you were in your local community shopping center. And you tend to go there on Saturday mornings, let's say, and you have a couple of friends who go there on Saturday mornings too and one Saturday morning when you're tired and you have a lot to do, someone pulls into the slot just ahead of you and you miss that spot.

Can you see it? Has it happened to you? Well, what happened? You lost your spot, didn't you? But you happen to know the driver of the car. Okay. The fact is, the person got to the spot ahead of you.

What were you doing that allowed the person to get there? Perhaps you didn't turn your wheel, perhaps you're driving a different car today, many things could have happened...

Ellen Kandell: You were talking on your cell phone.

Joyce Ann Mitchell: Oh right. And am I texting too? All right. So I participated in some of this and I lost the spot. Could I read the person's mind who got the spot? No I can't.

So when I get out the car I have to remember, the fact is the person got the spot ahead of me. I don't know if the person intended to embarrass me, who cut me off, humiliate me, or attempt to hit my car, for any reason, because I don't know that.

But, a simple thing, might be to have a conversation with that person, if you know the individual at some point in time, but this may not be the time. We do not know what's going on with the person who cut you off.

We do not know if they saw you. We don't know a lot of things, so if you're attributing something special to that person, you might not want to do it. You wanted to add something there?

Now, so the plan for action, self help, do you want to go through that? Well, I - she's right - at the point - you don't want to ignore the bullying. You want to keep a journal along, if you're in the workplace and you want to seek out patterns which can help establish intent.

So what we're saying here, is that if you feel you're being bullied and this is a circumstance where you need the facts on, keep a journal, list the things, because you're looking for patterns. You want to consider a paper trail of memos, letters, emails, and evidence which -evidence of the inappropriate behavior and comments.

Keep these copies at your home, rather than the office. Document when criticisms or allegations are made. If they're witnesses who heard it, put the witnesses' names down there, but I also want you to do some annotations, what were you doing when this was happening, what was going on in the office? You need to put something with regard to the environment, because if you're going to make a determination of the facts as opposed to how you were feeling, you need a total picture.

Ellen you've told them earlier, they need to have a picture of what is going on, so therefore, keeping these notes requires you to annotate those notes to give more than the what happened, in front of you, what was I doing?

Ellen Kandell: But don't let the note, don't let keeping a kind of record of this get so self - so consuming, that that becomes kind of a mission in and of itself, because at some point, you need to do something about it.

If you just - if you're just journaling it and logging it and not doing anything about it, it - it's not going to do you any good. It's -it'll help you if it's -if the record is contemporaneous with the incidences and if you have a little bit of documentation, but don't go overboard in your record keeping.

And that was a question actually that came up in the morning session. Well, how long do you keep a record before you do something? Well again, it - so the answer is, it depends, but you know, if you're going to file a lawsuit, you're going to need some kind of backup, but ideally these cases are best handled without a lawsuit, informally, through mediation and other processes that we'll talk about in a few minutes.

So don't kind of overdue it on the record keeping. Right.

Joyce Ann Mitchell: Right. And Ellen is right about contemporaneous. If you wait until you get home or three or four days later to write it down, you have forgotten a lot of the facts, but if you include some of the evidence that we mentioned, so what happened, who was there, where was it and when, who, what, where, when and what were you doing, it will help you to recreate it for your own factual basis.

But a contemporaneous note, say if something happens and you write down right afterwards, that is a little bit more conclusive than something you write later, because by the time you write something later, you've started to add in your interpretation and it's a little bit more from the what happened than what is the interpretation. Stand up for yourself, is the one thing that we have been

talking about here. Attempt to open channels of communication and opening channels of communication is important, because if you intend to stay in that workplace, it's important that you talk to the person who is bullying you.

We want you to use language and tones that will be supportive of your attempt to attain information from the bully, because you remember we said earlier, you need to separate facts from feelings. You also need to know the difference between intent and the emotions, 'cause you might know what is the intent of the person.

And so, therefore, you would get that information. Now, we have a tool which we would recommend to you and this tool comes after you have found a place that you can hold a conversation, after you've found a time to hold this conversation, and after a circumstance, whereby, the person is open to listening.

You wouldn't want to have a conversation with the bully at 4:55 pm on a Friday afternoon if he or she does not work until 6:00 pm on Friday. That is not the right time.

You would not want to hold it in such a place that if you're physically larger than the perpetrator, you don't want to block them in, because people can feel blocked in.

Ellen mentioned that you start from where you are. "I need to have this conversation with you and I was a little afraid to do it."

I feel, starting with the I, it has been said that when you tell people how you are affected by something, you're not putting them on the defense at that time. You're just telling them how you feel.

“When you do this to me, I feel this way.” For example, “When you spoke to me in the hallway with a raised tone of voice, I felt embarrassed and humiliated”. Connect your feelings to the specific behavior then ask the bully to help you understand how she or he saw the conduct.

This sounds like a little mediator speech, it is. And I say this often, help me to understand what just happened.

Ellen Kandell: One thing that somebody raised in the morning session that was very helpful - that I - we'd like to share with you, is - if the perpetrator is somebody who has high emotional intelligence, if you share your feelings with them in these very well crafted I message statements that we're talking about, they may say, “Oh, well what I'm doing is working.” You know, oh, well, see I got them. You know.

And maybe that would not be productive for that perfect little person. Or, you if you know that it's going to give more fuel to it, then don't attempt a one on one discussion. Then that's the time to bring in a third person- you know, a third person, a neutral person and we'll address that shortly

Joyce Ann Mitchell: Ellen is right. You should seek from your HR Department, from your Early Resolution and Conflict Resolution Department and from the Office of Civil Rights.

As a matter of fact, if you believe that you have been bullied or you've experienced workplace bullying, you can call Cheryl Prejean Greaux, the AVR Coordinator in the Office of Rules Development, is it, and she will be very happy to have you discuss your situation with her, so that you can see if this is one of those situations that we call work place bullying.

Because we want you to know that managers bully their almost as frequently as do the employees. Some workplace examples of manager bullying is being shouted out, purposely setting goals that you can't reach, unattainable things, removing areas of responsibility without a legitimate professional reason.

So when you seek help, there are many places within the Agriculture Department where you can go. You can go to BAP or you can get the U.S. Handbook on Workplace Violence, just to see if this is happening to you, is what called workplace violence.

The other thing, is that we have some resources later which we'll share with you, which will give you some examples of workplace violence.

Some of the useful phrases that I've talked about here and if you will indulge me, when you say this to me, when you say that I dress inappropriately every day, I feel that you're attempting to prevent myself and others from fulfilling our duties. I feel that you're intimidating me. I feel intimidated. I feel harassed, I feel that you're trying to belittle me, because individuals can set you up for these kinds of feelings by telling you how bad you look in the morning or "Gee you look hassled."

I've had - I had one colleague who went to law school with me who used to tell me about my eyes look red, so and different kinds of things. And I think it was to decrease my determination...

Ellen Kandell: Concentration.

Joyce Ann Mitchell: ...yes my concentration and I noticed a pattern that the person would do that. So, I didn't know about I messages at the time, so I got angry with him for doing that.

But each I have seen him on future times since that time, I've had some messages for him with regard to his behavior. But the I messages would have stopped it right then.

The other useful phrase...

Ellen Kandell: You're just smarter now.

Joyce Ann Mitchell: Yes, I have learned how to say things to people, which is what we're sharing with you, how to say things to people because you only want the behavior to stop as to you. We cannot change people.

Many of them have been behaving like this for years. They learned it in kindergarten and they've perfected it, but they didn't have anyone to subtly stop them and to address them in such a way that their behavior is on notice. Okay.

Another one is, "By the way you choose to behave, I feel that you put the staff, the department and the agency in disrepute." I feel. This is the I message.

The last one I have here is, "I feel that your criticism and allegations lack substantive and quantifiable evidence. Help me to understand what is happening."

I use that phrase a lot at home. You can use it at home if something is happening and you're not sure what's going on, because it keeps your own family members from thinking that something is going to continue to go on if you're looking uncomfortable.

So some of these phrases have a usefulness outside of the bullying, but from the standpoint of the bullying, you're talking about how I feel. And Ellen did you - you wanted to give some other information on the I messages.

Ellen Kandell: Well, I think I stated it before when I said you just need to assess your individual situation, as to whether or not, delivering that - starting to open communication with these I messages on a one to one basis, so the perp- you yourself, the victim and perpetrator, if that person's going to take the information that you're sharing with them, those I messages, into racket it up a little bit.

You have to assess that, to that case, that situation. So, my gut and - the other thing I told this gentlemen who brought this up this morning, is I would trust your gut on everything.

So if your gut says this ain't what these ladies are saying. It ain't going work. Then don't do it.

You know, then get a third person involved and get the HR Office involved or Cheryl's office involved and get some help and some coaching in terms of how to assess it, how to in terms of assessing it and figuring out what your action plan is.

Joyce Ann Mitchell: The great thing about it, is even if we give you some tools which will not work against any bully that you believe that you're experiencing, what you

have to do, is determine the right approach, based on what we're talking about, how do you assess the situation, get the facts, find a place, a time, and a location, and a tone that you can address this person to get the behavior stopped.

'Cause that's what you want. You're not at the stage yet of giving the same kind of behavior back to that person. And you're absolutely right, there's some individuals, the minute I tell them, help me to understand what's happening that individual is going to flip it back on me.

I've seen that happen before.

Ellen Kandell: "Don't give me that mediator speech."

Joyce Ann Mitchell: Yes, or, "You know what's happening. You've been here long enough to know what's happening. I tell you every day."

So when it rackets up like that, you have to, based on your facts, then you say, but on "Fourteen days in last month, you did this, you did that, you did this."

You have your facts and if they racket it up a little bit more, "But I want to tell you, you did it in the presence of A, B, C, D and E. And the effect is, we didn't make our time for the proposal that's going. We were a little late."

You have your facts, so therefore, when the individual, if this is the effect...

Ellen Kandell: What's the effect? That's the effect.

Joyce Ann Mitchell: Yes. Yes, that's the effect.

Ellen Kandell: But, you know, as a result of this, the work plan didn't get in on time, our information was late to the secretary, I had to work 'til 10:00 that night, because we got off topic."

What's the effect? That's - there was slide way back that sent "Intent and Effect." What's the effect of it, not just on your feelings, but what's the effect on the workplace?

Joyce Ann Mitchell: So now you're moving from how you feel, to the facts again. Remember, you already have those facts. And that keeps you from elevating emotional wise, when this particular perp - a bully is not going to take it easily for some.

But you have your facts, so you give them the facts, who was there, and the effect.

And that helps them to see that you are very serious about this, because you're taken some time to determine what's going on.

Ellen Kandell: Right. Slide 27, I think...

Joyce Ann Mitchell: 27.

Ellen Kandell: ...to go over some of these things.

Joyce Ann Mitchell: Okay. Yes, we have. Well, there's one on 27 that we didn't talk about and that is, the fact that you may be so distraught, humiliated over what has been happening. You might have to get private counseling.

So if you seek that, it is appropriate, because you're entitled to live your life to the fullest and to enjoy yourself and you want to get tools from the - from a

professional who will help you to deal with this, so that you can go out and stop this behavior.

Ellen Kandell: Right.

Joyce Ann Mitchell: One of the things is that, an action plan and it is a real action plan, you may have to decide is this where I want to work, and exit strategy might be appropriate, if this is an environment in which you are not happy.

I like to say, it would be great if we could in environments doing something that brings us passion and which we love. And you might have to take a big step for your own mental health, your own mental health, but you will have taken some actions, you will have confronted the bully, you will discuss it with them, you've taken some action for yourself, and then you can always an exit strategy and leave, because it might be good to leave the trash at the door and move on.

Ellen Kandell: So one of the things that - the next slide talks about, Alternative Dispute Resolutions, and so we've said that, you know, sometimes you can use self help and just, you know, I was going to say the word confront, but I wouldn't say confront, have a dialogue with the pers- with the alleged perpetrator and try to work it out.

Ideally, the sooner the - the sooner you do this, the better. But sometimes it's important to have a third person involved or another office involved. And that's where Alternative Dispute Resolution comes in.

And then the Department of Agriculture is known within the Federal Government to have an excellent Alternative Dispute Resolution or ADR

program in its various agencies. It was one of the first agencies to have - to kick of an ADR program.

ADR methods use to resolve workplace disputes include, EEO counseling, conciliation, and mediation. And each of the agencies within USDA have their own ADR programs and some of the operate a little differently than others, so you need to consult the ADR program within your specific agency.

And EEO counselors is an individual who's familiar with the laws and the conduct which the laws address. He or she can help you determine whether the acts that you describe are within those laws or whether there is a circumstance, as you described, there's a situation of miscommunication.

The counselor may do an investigation and talk to a number of people in the effected unit, to determine what's occurring and make some recommendations for changes.

Sometimes the counselor or somebody in that office can do some conciliations, some back and forth kind of shuttle diplomacy, getting all the parties to work together to make some changes and to create an amicable workplace.

If you don't feel safe to be able to directly address the bully, then you should the EEO Investigator obviously know that. If you've been keeping records of the situation, that we described earlier, then you should also let the EEO office know that, that you have that information, because that's relevant for the EEO counselor to know about and you may have to - you may want to consider sharing that - or may have to share that information with the EEO office.

Mediation, which you may heard of, touch upon as there are places, in an informal confidential process in which direct parties to a dispute with the assistance of a third person, who is neutral and impartial and doesn't have any stake in the outcome, meet and discuss their concerns and interest.

The mediator helps the parties make their own decisions. The mediator's not sitting there like a judge or an arbitrator making a decision for the parties and saying, "You're right and you're wrong". The mediators listening to the perspectives of each side, listening to the gaps between those perspectives, and trying to see if there's a possible - a possibility for a resolution, sort of an intersection of - if you remember from primary school math, the Venn diagram with two intersecting circles, so the mediator tries to find the intersection between those two circles to see if there's a possible resolution.

The outcome is sometimes a written statements, sometimes it's just hand shake, sometimes it's just an increased understanding. The mediation session is confidential.

I tell people to say that what's said in this room stays in this room. My notes get destroyed afterwards in the mediation and it's really a party driven process.

So that's the beauty of mediation. That's why we love doing it, because you can really help empower people to make decisions that affect their own lives.

Joyce Ann Mitchell: Where is this held?

Ellen Kandell: The mediation would be held in a neutral location, perhaps in the EEO office, perhaps in some conference room in another section of the agency. Obviously, not in a conference room that has glass walls, because it's none of anybody's

business. You don't want people to know what's going on in that conference room.

It's going to be held at place and a time that's convenient, mutually convenient for all the people involved. And it's really a self empowerment process.

The question is, whether mediation, and this a - moving onto slide...

Joyce Ann Mitchell: But I don't want you to go there yet. Am I supposed to show up by myself?

Ellen Kandell: Well that's a perfectly good question. A mediator- a party can represent themselves in mediation, but oftentimes and parties often do, but you can bring a friend. If you're unionized you can bring - you might be able to bring a union - a shop steward with you.

You can bring your partner or spouse. I've seen - we've seen that happen in lots of our cases, where people aren't represented or don't like their union rep and they bring somebody else.

More or - for moral support and health, because sometimes the agency will have their representative there.

Mediation's an informal process. It's not rule driven, like court procedures are. So it's an informal process.

And one of the main ground rules is, again the confidentiality. Sometimes it takes, you know, 45 minutes or an hour, sometimes it takes all day. But parties have to be willing to participate in mediation and what I learned this morning

from Cheryl is that if an employee elects mediation, managers are required to attend. Correct?

Okay. So the next issue is, is mediation appropriate for complaints from violence. So it depends on the outcome you're seeking and it also depends again, on the facts of the situations.

If somebody - if the victim feels that there's so much intimidation, that they can't, you know, sit in the same room with this individual, well then mediation may not work, because you have to have a face to face conversation in mediation, although you can also have a telephone mediation.

So maybe that might be possible. So, I don't think it's as effective, but we've done it and it sometimes works. So, if there's excessive intimidation by the bully and the victim doesn't feel comfortable, then mediation's not the right process to help resolve it.

The maybe there's more of a shuttle diplomacy or another type of process.

If the victim can bring a colleague or friend or partner or advocate with them, then maybe will be enough to enable them to participate. The AVR office in your agency, will help you, if you're the victim, assess whether or not, mediation is appropriate.

They will probably make a recommendation. "I think you should mediate here or I think mediation is not appropriate here."

Cheryl is that correct?

Cheryl Prejean Greaux: Yes.

Ellen Kandell: Okay. They'll make a recommendation. So if they don't think you're going to be safe or it's advisable to mediate, they'll certainly let you know that.

And then another process maybe appropriate. And something else that came up in this morning's workshop, was that there may be things going on in the environment that maybe more - that may be perpetrated by a bully, but maybe affecting the whole team.

If it's something that is more of a teamwork issue or affects the team, then there may be some other interventions, organizational development type of interventions that can be done to get out that issue and other problems that might be mingled with it.

Joyce Ann Mitchell: Oh, one of the things that you mentioned about the EEO office recommending whether it's appropriate or not, most of the mediators have seen all kinds of behavior.

So they tend to naturally be non-judgmental. As human beings, most of our behavior is pretty similar in certain circumstances, so when we see or hear something happening, we tend not to make judgments about it, because we've seen it.

Our goal is to see what we can do to help you. Ellen mentioned the common area between the positions that they have, that you have, and the perpetrator has and what your interests are and what you'd like to see happen.

We have ways that we try to move you from this -these polarized positions, to a position of where you're talking. We use conversation, different kinds of conversation, reflecting or reframing. Some of it happens with Ellen.

I was doing a few minutes. Is this what I think I heard you say or I think I'm hearing you to say this. We say those kinds of things, because it helps us to allow people to bridge.

One of the great things that I have noticed, is when a individual hears through the voice of another person, something that she or he has said, they often realize that there's another perspective or a tone or sounds of what they've said, because the mediator is often trying to help the individual understand that and often in my mediations, I do that.

I say that, "As a part of this conversation, I will reflect or reframe what you're said, and in so doing, I want to make sure that if you believe I've given it - a suggestion that's different from what you've said, please feel free to correct me."

I don't get a lot of corrections, because I actually try to be as close to it as possible. What I do find, is often I'll find people sitting there in a slight awe, as to, "Do I really sound that way? Is that what I really did?"

Or you might say, or - "That doesn't sound like me." People don't always have a grasp of what they're doing, especially if they've been doing it for years and years and years and getting away with it.

Ellen Kandell: You know, sometimes what often came out earlier this morning, was a lot of times people who do this bullying kind of behavior have started doing this, you know, in elementary school probably or saw it in their family of origin.

And often are not very self aware individuals. So they may not even realize what they're doing.

So, it takes a certain shift for somebody to see that - see it and it takes a commitment for them to start changing behavior.

Joyce Ann Mitchell: I asked you earlier this morning about writing. You said that a mediation would result in a writing. It does not always have to result in a writing, because often when we're doing workplace disputes, individuals actually just want to create a different environment.

So there may not be a necessity to write down what the results are. But your agency AVR program will tell you what the guidelines are with regards to any resolutions that come out of your particular mediation.

Especially if they come out under formal complaint, whereby you've actually filed - well, you go to mediation on the informal complaints...

Ellen Kandell: Right.

Joyce Ann Mitchell: ...but if you are intending to file a formal complaint, there might need to be some resolution such that you don't move to the next stage.

Ellen Kandell: Right.

Joyce Ann Mitchell: We have provided you with -- yes...

Woman: (Unintelligible).

Ellen Kandell: (Yes, we couldn't share that). What the comment from the audience was that mediation is not only available at the informal stage, but at the formal stage. Thank you very much for clarifying that.

Joyce Ann Mitchell: Yes, yes. Thank you. Yes, yes. Absolutely. And you can have your representatives there with you too at that stage. Yes, yes.

We have provided you with some resources which you see here and are in your book. Some of these resources will give you some fact situations that you might want to look at and see, am I really correct that I'm experiencing workplace bullying.

Look at some of the situations which have described as workplace bullying, so that you will see if this is happening to you.

One of the things that we keep reminding you, get the facts first, just the facts. Get the facts, and then you can move forward.

The other thing that we have been talking with you about is something we call, difficult conversations. In our business, we have to have individuals to participate in difficult conversations and this comes from a book that I use all the time in my classes here.

Actually, I have an audio of it. I like to listen to it, because I have found that the point in which the audio is playing is often the things that I need to share with the persons in my mediations.

We often say sometimes that we have a mediation, it often reflects some of our problems that we're having. It helps us to deal with issues that may be abounding somewhere in our own lives.

But that's the synchronistic of nature and of life. But this particular book, that's done by the Harvard - some professors from the Harvard School of Negotiations, is great, if you are having some of those difficult conversations.

And there was a recommendation from a member of the audience. There's a book called, "The Workplace Bullies", that you can get from local bookstores. She didn't know the name of the Workplace Bullies. She didn't know the name of the author of it, but she says it's a pretty popular book and it will help you with resources.

And also, we were told this morning from the AVR Coordinator from FSIS, who's Food Safety and Inspection, that there's a Workplace Violence Reporting action that they have incorporated in their workplace.

So if you believe that you are experiencing some of this, to start the conversation, you might want to file there, that's at FSIS.

Ellen Kandell: You know, we thought of one graphic example that some of you may be able to identify with. Has everybody seen the movie, "Philadelphia" or the "Philadelphia Story", with Tom Hanks?

Think of the conflict that took place in that law firm. Now that was a civil rights case that he ultimately filed and that was, I believe, an aid in ADA Discrimination Case, but the conduct that was demonstrated by that law firm, was essentially, you know, bullying. He was ostracized. His work was sabotaged, you know, his files were lost, you know, he wasn't invited to the party. They all, you know, ganged up on him - and all of that conduct.

Joyce Ann Mitchell: And you could see it when they're about to do the exit for him they're all there and this - I call it the wall of silence around him. But it wasn't a wall of silence. It was a wall of intimidation.

And it was done from the top down. And we reminded you that it comes from managers just as well as it comes from your coworkers.

Ellen Kandell: Right. And it comes from highly educated people as well.

Joyce Ann Mitchell: Exactly. Oh yes. Yes. We're encouraging you to take action with some of the things that we've talked about. Even if you think about taking action and it's not one that we've suggested you've started the process. Even if you're having second thoughts about something which is happening and you've started to log down those things you started the process.

Look at the seven steps that we gave you and you can find Loretta Hobbs' work on the Internet.

I'm not sure if we put it there. Is it there?

Woman: No we didn't...

Joyce Ann Mitchell: It's on the Internet. The book is Six Keys to Resolving-- here it is...

Ellen Kandell: Six Keys for Dissolving Disputes When Off With Their Heads Won't Work.

Joyce Ann Mitchell: And that's what we - in the workplace you can't take their heads off but you can figure out how to talk to them, how to alert people to the fact that this is conduct that you want to have stopped.

We would like to take your questions here. Those of you who are on the webinar who are not in the room your questions will be answered -- if you send them in -- will be answered a few of them today. And some will be answered by the ADR office that will - I think this is the last slide for us.

You want to go to the last slide.

Ellen Kandell: Last slide.

Joyce Ann Mitchell: And also as I mentioned to you Cheryl Prejean Greaux has said that she will do a confidential discussion with you of your team's environment if you need to talk through some of this with her.

The idea is that you have a support system. You are not alone. Do not take this. Take action. Get a plan. Follow it progressively. Do not act out. Do not complain. Ask for what you want. Give yourself a gift. Let the gift start today.

We'd like to thank you and we'll start with questions.

Ellen Kandell: Are there any questions from the audience that's here in Washington?

We do have several from the webinar.

Joyce Ann Mitchell: Okay why don't we start with those.

(Cathy Fallow): We can. For those of you that are on the webinar you asked for slides. There is - you will get a link to the webinar recording. It will be mailed to all registered participants. And for those of you in the room here as well everyone will receive a survey. We will also give you a link to the slides.

You've actually already gotten a link to the slides when we told you about your registration. So you were able to actually print those before you came here. But we will send it again just in case you've misplaced that e-mail.

I just wanted to mention one more thing -- this is (Cathy Fallow) from (Team Adler) -- a number of those books - and I have not checked I have to admit but a lot of the books - remember that USDA employees have access to Books 24/7.

So before you decide to walk into Borders or Barnes & Noble and buy all of these books you may actually be able to get to them free of charge from Books 24/7. So make sure you take advantage of that.

I have to thank you - there are a number of people that have entered in the webinar and have said - one person says this should be mandatory training for all employees annually. And I think our audience this morning mentioned that as well.

Here's the - the first question is from (John McDonnell). Title VII does not cover gender does it? And are witnesses complicit when they do not do anything?

When would a perpetrator ever admit to intent when they are a boss? And when the boss can get away with this how will confronting them improve rather than exacerbate the situation?

Joyce Ann Mitchell: He has three questions. Let's take the last one. Will you repeat so everything can hear this?

(Cathy Fallow): When the boss can get away with this how will confronting them improve rather than exacerbate the situation?

Joyce Ann Mitchell: Okay.

Ellen Kandell: So in the situation that this person raises - so the boss is a bully and the staff sees - identifies it as bullying. And the participant who raised the question raises a very good point of how - what are you going to do by raising the issue.

If you're staff and your boss is the bully then it seems to me that you've observed it, you've documented it, you perceive that directly addressing it is going to exacerbate it.

Then that's the time to get one of the ADR offices - the EEO office involved in this - because you don't want it exacerbated. It might be a situation where somebody's got to do an intervention with that boss. It might be something where it's a team building, you know, organizational development type intervention.

But if you perceive that that's going to exacerbate it then don't directly address it. But make sure that you have your facts like (Joyce) mentioned that it's not that I feel this, you know, he shouted at me. Well he shouted at me and this is what I felt and this is what, you know, the effect was.

It's what the effect is. As a result of this behavior we've done x, y, and z. Or we haven't been able to do x, y, z. Or we've been distracted by this. Or I've been to the doctor, you know, five times for stress. Or I'm now on medicine or whatever. Do you want to add anything to that?

Cheryl Prejean Greaux: No. The first part of it said that gender is not...

Joyce Ann Mitchell: Title VII does not cover gender does it.

Ellen Kandell: Yes it does.

Cheryl Prejean Greaux: Yes it does.

(Cathy Fallow): Are witnesses complicit when they do not do anything.

Cheryl Prejean Greaux: I don't understand what he means by complicit. But if the witness is actually in the workplace and is ignoring it I think that is tantamount to the supervisor ignoring it. Because the witness him or herself who was actually witnessing it is experiencing workplace (unintelligible) and possibly a hostile work environment.

So some of us do not want to get involved. And if you do not get involved in any way you are enabling. I think that's the word - enabling. Because I'm not sure - implicit that's almost a legal term that I'm a little afraid of.

Ellen Kandell: Well I think what the - where that inquiry might be going is when there's a sexual harassment charge and management has knowledge that there's sexual harassment going on which can include a hostile work environment or quid pro quo and management knows it and doesn't do anything, management can be held legally liable. So that might be the complicitness that they're implying here.

But the question was about an observer. So if the observer is a manager too and the manager doesn't do anything, you know, I think legally probably not.

But practically speaking if it creates a hostile work environment well then yes management saw it, knew about it, didn't do anything.

Joyce Ann Mitchell: Cheryl a number of people have asked for last name and your contact information.

((Crosstalk))

Cheryl Prejean Greaux: I'm Cheryl Prejean Greaux. I'm the director of ADR for Rural Development. I am in Outlook if you are in Outlook and my phone number is 202-692-0204. Now I want to address that person's question because that comes up a lot.

As a matter of fact I'm in the process of designing a conflict resolution teambuilding program for a group of people. And that's the way that you handle that.

Observers will call me anonymously and say - well they're not anonymous because I know who they are. But they don't want all the time anybody else in the environment to know.

And then I contact the manager and I said I have been contacted by someone on your staff who would like for me to come out and do an ADR teambuilding conflict resolution intervention.

And that's what I do. And that's the way for you to handle something like that and not put yourself on blast as the young people say so that, you know, it will work for the organization.

Ellen Kandell: Okay. Thank you. I am replying to all on the webinar with Cheryl's contact information for you. If you didn't get that you can certainly send me an e-mail. But we will see that that does get distributed. Let me go on to another questioner...

Woman: I have a question.

Ellen Kandell: Okay.

Woman: Is Cheryl's information for everybody that's listening or...

Joyce Ann Mitchell: Can you repeat that question?

Ellen Kandell: The question was whether or not Cheryl's - whether anybody throughout the agency could contact Cheryl or whether or not...

Cheryl Prejean Greaux: People do call me from all over. I do executive coaching of managers and I do employee coaching for employees. Because a lot of times - because I used to be a civil rights director a lot of people know that I know Title VII. And so they call me because they want to evaluate the (substantiveness) of their situation so I can talk to anybody on the phone.

When it gets to be an ADR situation that requires me to travel well then I have to involve my senior management because otherwise I'd be all over the country. But I do a lot of telephonic interventions.

Joyce Ann Mitchell: Right, okay. So the answer is yes? She has the opportunity, yes. Okay.

Ellen Kandell: This question is from (Julie Orr) who says do we use the same process when the bullying is someone outside the agency and that bully interferes with your duties?

She says she's talked to the EEO. They would not take her call unless she was claiming that it was done because of her race, sex, or ethnicity. They told her that the bullying situation was not handled by them.

She said she also called EAP and they said they could only help with providing her a counselor. She also called the person responsible for violence at the workplace within USDA and he passed it on to someone else.

So her question is who actually handles this type of issue?

Cheryl Prejean Greaux: Carl do you want to take that?

Carl Butler: Well one of the things here that becomes a very sensitive issue and it also (unintelligible). And we have to proceed in a very cautious fashion. One of the things that I would strongly encourage is number one here is talk with the HR representative, employee relations to seek their advice in terms of how to proceed.

But certainly as it relates to getting assistance from employee assistance they're limited in terms of what they can actually do in terms of assisting you with that particular situation.

So I would certainly loan itself to number one seeking advice from the individuals and talking to a supervisor. And then the EEO counselor should be able to enter into this here because you want this information shared to get advice and make sure it's been addressed.

Cheryl Prejean Greaux: Carl is not trying to draw home business for himself but the early resolution and conciliation division is a neutral place that everybody in USDA can go to. Because you may not be able to - I think all workplace bullies can be handled by ADR. But you may not know or like the ADR person in your agency.

So that's why they set up Carl's organization so you can go there and they will help you because they can contract out with people like (Joyce) and Ellen if they can't run all around the countryside like we do because that's what I've always done.

Carl Butler: Yes. Thank you Cheryl.

Woman: This is an interesting question and I'm just taking some samplings. For those of you in the webinar I'm taking just a sampling of these questions because I don't think we have time to address each and every one of them.

But we will address each and every one of them and get answers back to you in a document. We just may not be able to have enough time to do all of it today.

This particular question says what if your spouse works with another government agency such as the Veterans Affairs and is being bullied. What information can be provided for him or her to get help?

Woman: The resource...

Woman: The resource list on the last page of the...

Cheryl Prejean Greaux: Yes.

Ellen Kandell: The conduct equally inappropriate at USDA as it is at the VA. So they should have a program hopefully that's dealing with...

Woman: They do. They have a very extensive resource...

Joyce Ann Mitchell: And they could use the publication that we have here today. They could use that just to have their spouse to open it. And they could practice some of these I messages with their spouse that they would find in difficult conversations.

Ellen Kandell: This question is what do you recommend in situations in which the bullying of a supervisor has been identified, documented, and reported to that person's supervisor and to human resources but there's no evidence that the bully's supervisor or HR are taking any steps to stop the bullying?

Joyce Ann Mitchell: That's an interesting one. I think that's almost a version of what we heard this morning. Some kind of unit intervention perhaps might be necessary so that the unit can be stabilized.

There might be a need for HR to get involved because the manager may need some tools so that he or she can manage the unit effectively. That manager may not be the appropriate manager for that unit.

There may be some issues that are occurring with the manager which means the manager does not want to take any action at this time. I always want to remind people we react to circumstances in a different way.

And I don't know what the external factors are that this manager is experiencing or what he or she brought to the workplace which allows the manager to tolerate this. The manager may not even recognize that there is bullying.

Ellen Kandell: Sometimes what's helpful in some of these situations that - and Cheryl sort of alluded to this in the organizational interventions and sometimes to do certain kinds of assessments. Conflict is one called the (Thomas Fillman conference mode) instrument that I like to use. That lets people know at least what their conflict handling style is.

And it doesn't mean that all bullies have a certain kind of style but it's a way of starting the conversation if it's done as a team. So, you know, that's one possible - there's other kinds of assessments as well. You might use - do you use some in your practice Cheryl - conflict assessments?

Woman: Conflict assessments.

Cheryl Prejean Greaux: If I need to do assessments I'll call you.

Ellen Kandell: Okay.

Cheryl Prejean Greaux: I mean, that's an important statement because if in fact Carl or I have to do some of the technical stuff that requires analysis or what have you, we are very busy.

And so we don't always have the resources to do that. And that's why we contract with people like you because - I've used you before so I know your expertise.

And sometimes there are very difficult situations - like I won't do a sexual harassment intervention.

Ellen Kandell: Right.

Cheryl Prejean Greaux: I will call you because I don't want to be involved.

Ellen Kandell: Right.

Cheryl Prejean Greaux: And there are other ones that are very sensitive that I just won't do. And I will explain to the people I'm coaching, you know, this is something that is politically dangerous. So I'm going to hire someone external who will parachute into the situation, take care of it, and parachute back out.

Ellen Kandell: Okay.

Joyce Ann Mitchell: You know, one of the things that happens when you have some people who come in to do conflict resolution when we assess what's happening we might do a role reversal and a role play with them. So that the individuals get a chance to see another situation. They have to participate in a role play that does a flip flop for them.

And sometimes this - triggers will come up in the minds of the individual of things that are happening. And then later when we have the debriefing conversations the debriefing conversations get to be very involved because things have occurred to the person without you having to tell them that.

Because that's the one thing that happens when you get these volatile situations, you cannot tell people what are the suggestions. You have to

almost let them sense it, feel it, experience it, and then be willing to take the action.

Ellen Kandell: You know, right, and another thing that sometimes I've done in situations where I've heard that, you know, a supervisor is doing something and there's a lot of grumbling and complaining in the team is I do like (Joyce) sort of mentioned -- a needs assessment.

And I speak to all the people on the team confidentially first. And I get a certain sense of what the issues are. And those confidential conversations don't go anywhere else. But then I report to team leader. These are the issues that are going on on your team.

Or I do a survey and then the survey is more of a team effectiveness survey and then the managers see what the scores are. And the results only go to me. And so people feel safe to be able to share it with me because it's not their managers not seeing it.

And then I do a composite report of those scores. And then the manager gets a certain report - oh well oh so the women really think that - yes the women's score here is much lower. Maybe they're not just complaining but maybe there's something legit here.

And then you design an intervention that's appropriate for that.

Cheryl Prejean Greaux: And the intervention could be all of the unit together or just a portion of it.

Ellen Kandell: Right.

Cheryl Prejean Greaux: Because that's the follow up. Because the idea is once you take people apart you have to put them back together and you have to put them together based on the tools that you found. Would that be fair?

And often working with the interveners you're trying to get them to establish a work plan I say for tomorrow. The idea is how can we make this unit better tomorrow than it was today.

It's based on first the assessments that are done, whatever kinds of interactions that happen in the role plays and in the dialogues, and then the parties decide - we don't decide - the parties decide what they'd like to see happen next. Is that correct?

Woman: There was a question in the back. Right here.

Woman: (Unintelligible) procedures to follow when you're dealing with a bully? (Unintelligible) seems like no one knows what to do and I think that could be very (unintelligible). Somebody bullying you (unintelligible). That could be very dangerous. (Unintelligible). Especially if I'm thinking about saying, okay (unintelligible). Seems like no one knows what to do. One lady (unintelligible) around everybody.

Ellen Kandell: So the question is what are the office policies and procedures about bullying. Carl do you want to - are there specific policies - USDA wide policies on workplace violence and bullying?

Cheryl Prejean Greaux: Or are they different by agency or department I think that's what she's saying. USDA-wide...

Carl Butler: There's a USDA wide policy that relates to that particular issue. And it may be administered somewhat differently per agency but there is an umbrella policy that affects that component.

And oftentimes here this is where my office comes into play because the players actually are connected in some shape, form or fashion to the chain of command.

And so oftentimes our office coming in as a neutral entity can actually officiate in terms of addressing that. So I would say to you it would be incumbent upon you or anyone to actually contact our office and we can actually provide you somewhat of a roadmap to address that particular issue.

We would bring the necessary parties in to address that from an ADR perspective.

Ellen Kandell: Carl can you identify where this woman and anybody else that's interested can locate that policy - the USDA policy? Is it on the LAN or something?

Cheryl Prejean Greaux: It's one of the resources here.

((Crosstalk))

Joyce Ann Mitchell: He's the parent. We are the children. All of the agencies that are in USDA are coordinated by the early resolution and conciliation division. That's the way it works.

And that's why it's very important for you to know that they exist because if your agency isn't doing it for you then that's who you should call - call (unintelligible).

And is that the resource - the handbook there to which you were referring? Is that the policy right - go the slide before then if you will.

Woman: Sure.

Joyce Ann Mitchell: Is that the handbook that they should get?

Carl Butler: Yes.

Cheryl Prejean Greaux: Yes.

Ellen Kandell: Yes. And the policy is in - the policy that you refer to is in that handbook?

Carl Butler: Yes.

Ellen Kandell: Okay.

Cheryl Prejean Greaux: There is also an ADR policy that was put out to everybody , I think it was in 2006 - do you know what I'm talking about?

Woman: ADR regulations?

Cheryl Prejean Greaux: Yes the ADR regulations.

Woman: Oh, yes.

Cheryl Prejean Greaux: That's also available. And that's the regulation that exists that managers appear for ADR (unintelligible).

Ellen Kandell: Mandatory.

Carl Butler: Yes mandatory.

Joyce Ann Mitchell: And we're referring, essentially - this is Slide 30 for those...

Woman: The department of regulation alternative dispute resolution...

Joyce Ann Mitchell: It is, okay.

Woman: And it's still in effect, no one has (unintelligible).

Joyce Ann Mitchell: Okay. So their response to you is that if you don't get an answer in your agency call Carl's office.

Ellen Kandell: This question - what does someone who starts an ADR but the ADR person after a number of e-mails and phone calls does nothing and the complaint never gets action and the dispute has hardened?

Cheryl Prejean Greaux: Carl?

Ellen Kandell: Contact Carl.

Carl Butler: One of the things that we strongly encourage - I know they showed in a couple of slides some of the ill effects of not - the whole premise is to have early intervention to prevent individuals from digging their heels in. We want to actually encourage cooperation across the board.

And so oftentimes when you're not getting that from your agency we strongly encourage you to go to your respective agency office to seek the ADR services.

And if you don't feel like progressing as such that's where our office comes into play. We come into really assist as a neutral entity representing the parties all involved.

And what we're able to do is actually if we cannot identify a third party neutral that maybe works for another agency we will work to contract out with individual such as Ms. Kandell and Ms. Mitchell to provide that service to mediate the situation at hand.

Ellen Kandell: There was a question that I saw earlier - and I was looking for it. I hope I can rephrase it. But it was basically a question about that intervention. If there is - if you are seeking resolution because of bullying in the workplace.

And you've talked to your coworkers and another coworker has similar issues should you approach that individual together or is it something that you should handle separately?

Well I would say that you're better off handling it separately. Because what happens is these are sensitive issues and even though you have a, you know, water cooler conversation with a colleague that says oh yes I'm experiencing the same thing, I think one on one on situations like this especially if you're doing self-help like we talked about earlier I think it's much better to do it one on one.

Because you don't know if the facts and the circumstances are the same. You don't know what that person's perceptions are. And somebody - and if it's two

on one well how would you feel if two on one - you know, two came into you and complained.

I just think it's, you know, practically speaking simpler, cleaner, faster if you, you know, do it yourself.

Joyce Ann Mitchell: I also think that you should do it yourself because there are different elements to your circumstance than to the element of the other person. Because we mentioned to you you want to make sure you know everything that's going on.

What might be occurring to you in totality may not be occurring to the other person and vice versa. And there may be some dynamics - some interpersonal dynamics there that are a part of it.

Also I think that getting the support of another person onto your circumstance until you have taken some of the action we've talked about is a little premature because the other situation is how do I say - you may not want to wear someone's else's coat...

Ellen Kandell: Air out laundry.

Joyce Ann Mitchell: That's right, you say laundry I say coat.

Thank you. We're on the same team. That is exactly it.

Ellen Kandell: Okay I think that many of these are very similar and of a similar vein. So I would probably say for those of you that have asked if these questions will be made available the answer is yes.

The questions and the answers will be made available and will be sent out via a document to everyone that has been registered for this webinar - for this class. So you will get that.

We'll make sure that our speakers see all of the questions that were submitted via the webinar so that we can get all of those. And if you still want to have a question addressed and you didn't get a chance to submit it in the webinar please you can send those to the cprcenter@usda.com - the one that you see on the screen.

Cheryl Prejean Greaux: The last PowerPoint slide.

Ellen Kandell: I'm sorry - let me get there - last PowerPoint slide yes. There's your e-mail addresses for that.

Cheryl Prejean Greaux: Or they can call.

Ellen Kandell: Or they call. Thank you.

Joyce Ann Mitchell: We'd like to say how thankful we are to share this time and to gain insight ourselves to see what people are thinking about, what's happening. Because as neutrals we always like to know what's the pulse of the workplace because it helps us to respond in many ways.

I always learn something from each person that I meet. And you have been helpful to us and we thank you for this opportunity.

Ellen Kandell: Thank you for the privilege.

Joyce Ann Mitchell: Thank you. Oh, I know, I'm supposed to do this...

Woman: Yes.

Joyce Ann Mitchell: ...before I leave, yes.

END