

The Bully Leader: Lessons from the Harvey Weinstein Scandal

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The allegations of outrageous conduct against Harvey Weinstein have dominated the news for more than two weeks. If the allegations are true, Weinstein represents the quintessential "superstar" harasser-the high earning, successful leader whose bad behavior is tolerated because of his perceived value to the corporation. More reports have surfaced that this theme appears to be more common than previously imagined.

Not only did Weinstein appear to have a reputation for sexual harassment, but it seems to have been a Hollywood inside joke for years that he's routinely bullied employees, clients and adversaries. It went far enough that the HBO Hollywood-set comedy "Entourage" modeled a crass, bullying producer character named "Harvey" after his well-known persona. No workplace is immune from bullies, and it is especially uncomfortable when those individuals are in a leadership role like Weinstein was. Common behaviors of the so-called "bully leader" may include:

- Yelling
- Name calling
- Profanity
- Throwing objects
- Unwelcome physical contact
- Making belittling comments
- Criticizing employees in front of others
- Isolating or freezing out individuals
- Snide or rude remarks
- Unreasonable demands or threats
- Not sharing important information
- Other general unprofessional behavior

Workplaces where there are significant power disparities are at risk for claims of harassment based on such behaviors.

According to the report of the Equal Employment Opportunity Commission's Select Task Force on the Study of Harassment in the Workplace issued in June of 2016, there is a direct correlation between workplace civility and workplace harassment claims. Surprisingly, the EEOC found that traditional workplace harassment training-with its focus on legal standards and requirements-is inadequate in preventing workplace harassment claims. Rather, the

EEOC report encouraged employers to take a holistic approach in addressing harassment. The EEOC underscored the need for buy-in from senior leadership if anti-harassment policies and programs are going to be successful. The report noted the need for leadership to emphasize a "culture of kindness" where bullying and uncivilized behavior is not tolerated. As part of that effort, the agency recommended customized training for employers focused on workplace civility.

The message from the EEOC is clear: employers can no longer tolerate the workplace bully or the "superstar harasser." Weinstein's reported leadership style should have been a red flag but went unchecked. The Weinstein case should be a wake-up call to employers that bullying, incivility, and harassment have no place in the workplace.

Barley Snyder's [Employment Law Practice Group](#) provides anti-harassment and workplace civility training. Please [contact me](#) or any member of our group for assistance in this area. Site by [FirmWise](#)

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