

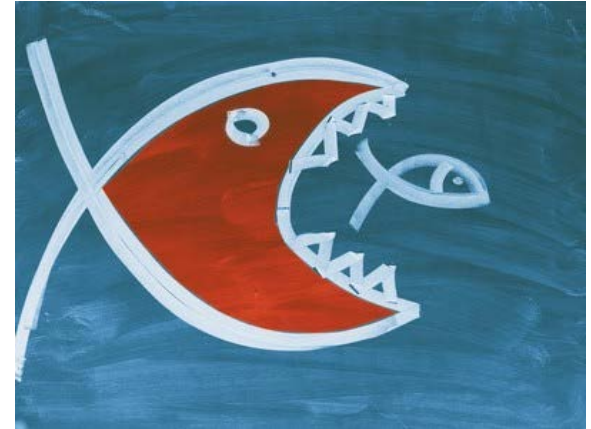


Beyond OSHA: Legal and Ethical Issues Related to Bullying in the Nursing Profession

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Agenda

- Background
- Definition of “Bullying”
- Ethical considerations
- Legal considerations
- Questions



What is “Bullying?”

- “A rose by any other name would smell as sweet” - Shakespeare
 - Aggression
 - Incivility
 - Horizontal or lateral violence
 - Intimidation
 - Mobbing
 - Others?



International Labour Organization

“[O]ffensive behaviour through vindictive, cruel, malicious, or humiliating attempts to undermine an individual or group of employees”

(International Labour Organization, 1998)

Risk Factors



- Staffing patterns
- Stress, tension, and frustrations
- Lack of training to recognize or cope with bullying
- Shift work and demanding workloads
- Lack of reporting system or punishment against perpetrators
- Working alone
- Poor management skills and policies

(International Council of Nurses, 2006)

Effects of Bullying

- Increase in sick leave
- Resignations
- Personal health effects
- Decreased morale
- Increased staff turnover
- Understaffing

(Anderson, 2011; Cleary et al., 2010)

Ethical Considerations

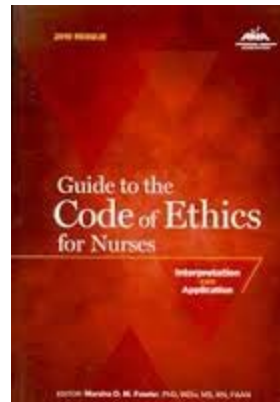
- Principles of Biomedical Ethics
 - Nonmaleficence
 - Beneficence
 - Justice
- Virtues of a Moral Character
 - Compassion
 - Discernment
 - Integrity
 - Conscience



- Professional Codes of Ethics
 - ICN Code of Ethics for Nurses
 - “the nurse sustains a cooperative relationship with coworkers in nursing and other fields”
 - “the nurse takes appropriate action to safeguard individuals, families, and communities when their health is endangered by a coworker or any other person”



- ANA Code of Ethics for Nurses
 - Provision 1: Attitudes and behaviors
 - Provision 6: Workplace environment



Legal Considerations

- Bullying legislation
 - Australia: Brodie's Law
 - U.S.: 16 bills in 11 states
- OSHA's General Duty Clause
- Anti-harassment statutes
- Anti-defamation statutes



References

- Anderson, K. (2011). Workplace aggression and violence: Nurses and midwives say no. *Australian Nursing Journal*, 19(1), 26 – 29.
- Beauchamp, T.L. & Childress, J.F. (2009). *Principles of biomedical ethics* (6th ed.). New York: Oxford University Press.
- Cleary, M., Hunt, G.E., & Horsfall, J. (2010). Identifying and addressing bullying in nursing. *Issues in Mental health Nursing*, 31(5), 331 – 335.
- FindLaw. (2011). *Defamation law: The basics*. Available: <http://injury.findlaw.com/defamation-libel-slander/defamation-law-made-simple.html>.
- Fowler, M.D.M. (Ed.). (2008). *Guide to the code of ethics for nurses: Interpretation and application*. Silver Spring, MD: American Nurses Association.

- International Labour Organization (1998). *Violence on the job: a global problem*. Available:
<http://www.ilo.org/public/english/bureau/inf/pr/1998/30.htm>
- International Council of Nurses (2006). *ICN Position Statement: Abuse and Violence Against Nursing Personnel*. Available:
www.icn.ch/images/stories/documents/publications/position_statements/C01_Abuse_Violence_Nsg_Personnel.pdf
- International Council of Nurses (2005). *The ICN code of ethics for nurses*. Geneva, Switzerland: Author.
- Matt, S.B. (2012). Ethical and legal issues associated with bullying in the nursing profession. *Journal of Nursing Law*, 15(1), 9 – 13.

- OSH Act of 1970. 29 USC 654 § 5(a)(1).
- RCW 9A.46.010 *et seq.* (2003).
- RCW 49.17.060 *et seq.* (2010). Employer-general safety standard-compliance.
- The Healthy Workplace Campaign. (2011). *Healthy workplace bill*. Available: <http://www.healthyworkplacebill.org>.
- Viellaris, R. (2011). Workplace bullies may face jail in Queensland as laws strengthened. *The Sunday Mail*, July 10, 2011. Available: <http://www.couriermail.com.au/business/workplace-bullies-may-face-jail-in-queensland-as-laws-strengthened/story-e6freqmx-1226091399229>



Questions?

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