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*New Workplace Institute  
Bibliography Series*

## **WORKPLACE BULLYING AND THE LAW: MATERIALS FOR SCHOLARS AND PRACTITIONERS**

This bibliography contains citations and brief annotations of articles and other materials on the employment law implications of workplace bullying and related topics.

### **Book Chapters**

David C. Yamada, *The Role of the Law in Combating Workplace Mobbing and Bullying*, in KENNETH WESTHUES, ED., *WORKPLACE MOBING IN ACADEME: REPORTS FROM TWENTY UNIVERSITIES* (Mellen Press, 2004). Examines the role of potential legal protections and dispute resolution mechanisms in responding to workplace bullying and mobbing, with special emphasis on abusive behaviors in academic settings.

David Yamada, *Workplace Bullying and the Law: Towards a Transnational Consensus?*, in STALE EINARSEN, ET AL., EDS., *BULLYING AND EMOTIONAL ABUSE IN THE WORKPLACE: INTERNATIONAL PERSPECTIVES IN RESEARCH AND PRACTICE* (London: Taylor & Francis, 2003). Briefly summarizes transnational legal and policy responses to workplace bullying.

### **Law Review Articles**

Regina Austin, *Employee Abuse, Worker Resistance, and the Torts of Intentional Infliction of Emotional Distress*, 41 *STANFORD LAW REVIEW* 1 (1988). One of the earliest works on psychologically abusive treatment of employees, emphasizing racial, gender, and class dynamics.

Brady Coleman, *Pragmatism's Insult: The Growing Interdisciplinary Challenge to American Harassment Jurisprudence*, 8 *EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL* 239 (2004). Analyzes workplace bullying and mobbing issues against the backdrop of American harassment law.

Brady Coleman, *Shame, Rage and Freedom of Speech: Should the United States Adopt European "Mobbing" Laws?*, 35 GEORGIA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 53 (2006). Examines potential application of European workplace mobbing laws to American employment law and discusses harms caused by workplace mobbing versus protected-class based harassment and discrimination.

Suzy Fox and Lamont E. Stallworth, *Employee Perceptions of Internal Conflict Management Programs and ADR Processes for Preventing and Resolving Incidents of Workplace Bullying: Ethical Challenges for Decision-Makers in Organizations*, 8 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 375 (2004). Discussion and survey results concerning in-house dispute resolution programs and workplace bullying.

Gabrielle S. Friedman and James Q. Whitman, *The European Transformation of Harassment Law: Discrimination Versus Dignity*, 9 COLUMBIA JOURNAL OF EUROPEAN LAW 241 (2003). Compares employment law frameworks of dignity (European emphasis) and discrimination (American emphasis).

Maria Isabel S. Guerrero, *The Development of Moral Harassment (or Mobbing) Law in Sweden and France as a Step Towards EU Legislation*, 27 BOSTON COLLEGE INTERNATIONAL & COMPARATIVE LAW REVIEW 477 (2004). Student note analyzing legal developments concerning workplace bullying and mobbing in Sweden and France as a potential prelude to European Union legislation.

Debra Parkes, *Targeting Workplace Harassment in Quebec: On Exporting a New Legislative Agenda*, 8 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 423 (2004). Analyzes Quebec's new workplace harassment regulation and its potential for adoption by other jurisdictions.

Vicki Schultz, Gabrielle S. Friedman, Abigail C. Saguy, Tanya K. Fernandez, and David Yamada, *Global Perspectives on Workplace Harassment Law: Proceedings of the 2004 Annual Meeting, Association of American Law Schools Section on Labor Relations and Employment Law*, 8 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 151 (2004). Collection of edited remarks on workplace bullying, mobbing, and harassment, originally presented at a panel discussion.

Christopher S. Simon and Denise B. Simon, *Bully for You, Full Steam Ahead: How Pennsylvania Employment Law Permits Bullying in the Workplace*, 16 WIDENER LAW JOURNAL 141 (2006). Discusses workplace bullying, the potential role of legal and dispute resolution responses to bullying, and the relevant state of Pennsylvania employment law.

David C. Yamada, *Crafting a Legislative Response to Workplace Bullying*, 8 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 475 (2004). Sets out the text and underlying rationale of the Healthy Workplace Bill, model anti-bullying legislation that has been the basis of bills introduced in nine state legislatures since 2003. Also includes a summary and update of legal developments in the U.S. and abroad.

David C. Yamada, *Dignity, Rankism, and Hierarchy in the Workplace: Creating a "Dignitarian" Agenda for American Employment Law*, 28 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 305 (2007) (review essay of ROBERT W. FULLER, ALL RISE: SOMEBODIES, NOBODIES, AND THE POLITICS OF DIGNITY). Proposes the rudiments of a "dignitarian" employment law agenda, including protections against workplace bullying, as a response to Robert W. Fuller's book about "rankism" and hierarchy in society.

David C. Yamada, *The Phenomenon of "Workplace Bullying" and the Need for Status-Blind Hostile Work Environment Protection*, 88 GEORGETOWN LAW JOURNAL 475 (2000). First comprehensive analysis of the state of American employment law with regard to workplace bullying.

Rachel A. Yuen, *Beyond the School Yard: Workplace Bullying and Moral Harassment Law in France and Quebec*, 38 CORNELL INTERNATIONAL LAW JOURNAL 625 (2005). Student note examining workplace bullying and mobbing laws in France and the Canadian province of Quebec.

### **Shorter Pieces**

David Yamada, *Brainstorming About Workplace Bullying: Potential Litigation Approaches on Behalf of Abused Employees*, 16 THE EMPLOYEE ADVOCATE, No. 3, p. 49 (Fall 2000). Examines potential legal claims for bullying targets; published in the journal of the National Employment Lawyers Association.

David Yamada, *The Legal and Policy Implications of Workplace Bullying*, PERSPECTIVES ON WORK (Fall 2003). Short summary of legal issues in a symposium on workplace bullying in the magazine of the Industrial Relations Research Association.

Gary Namie and Ruth Namie, *Workplace Bullying: The Silent Epidemic*, 1 EMPLOYEE RIGHTS QUARTERLY Vol. 2, p. 1 (2000). Overview of psychological, organizational behavior, and legal issues concerning workplace bullying by two key figures in the U.S. anti-bullying movement.

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