21 September 2012
Committee Secretary
House of Representatives Standing Committee
on Education and Employment
PO Box 6021, Parliament House
Canberra, ACT, 2600

Dear Committee Members,

We thank you for the opportunity to make a submission to the inquiry into workplace bullying. We are both academics with research interests relating to the issues to be addressed. While our submission touches on almost all of the inquiry's terms of reference, it particularly relates to the following:

- the role of workplace cultures in preventing and responding to bullying and the capacity for workplace-based policies and procedures to influence the incidence and seriousness of workplace bullying;

- the adequacy of existing education and support services to prevent and respond to workplace bullying and whether there are further opportunities to raise awareness of workplace bullying such as community forums.

We look forward to the results of the inquiry, and we would be happy to provide further details upon request.

Yours truly,

Dr Simon Burgess (corresponding author)
Lecturer in Aboriginal and Torres Strait Islander Studies, Nulloo Yumbah,
Central Queensland University
Adjunct Research Associate in Philosophy, Monash University
BA, BA(Hons), BCom, PhD

Mr Dale Trott
Lecturer, Occupational Health & Safety
Central Queensland University
MAS(OccHlth&Sfty), BAS(EnvHlth), AssDipMechEng, GCFL

Executive Summary

While it has become conventional to regard workplace bullying as an occupational health and safety issue, we maintain that the problem must also be seen in the broader context of issues associated with workplace civility and professionalism. We maintain that workplace policies, procedures and training strategies can be designed to improve and maintain the civility and professionalism of an organisation's culture.

Research consistently shows that bullying tends to begin with problems of minor incivility. By ensuring that staff at all levels possess the skills required to resolve problems of minor incivility, we can all play a part in helping to prevent minor incivilities from escalating into cases of bullying. Moreover, there is good evidence to suggest that various forms of training are genuinely empowering for individual targets of bullying, and good reason to think that the greater availability of such forms of training would be widely welcomed. By ensuring that more employees are able to deal with various forms of workplace incivility as they arise, fewer will see any need to advance any formal complaints. This will help to 'unclog' the complaints system.

The phrase 'workplace bullying' tends to imply that the target of the behaviour involved is powerless. To acknowledge feelings of powerlessness, however, can in itself be humiliating. The phrase 'workplace bullying' therefore can result in an unintended disincentive to either discuss the conduct at issue or to engage in formal strategies to prevent it. We advocate the elimination of such disincentives by generally eschewing the phrase 'workplace bullying' in favour of phrases such as 'workplace incivility'. It is also worth noticing that the latter kind of phrase is broader and less emotive. This being so, a preference for talk of 'workplace incivility' can be expected to help workplaces in their efforts to generally 'de-escalate' tensions and conflicts.

To underwrite our recommended strategies and to reinforce their influence, we believe that there is scope for Commonwealth Government legislation that defines serious workplace incivility, and we are quite specific as to the form that this definition should take.

Recommendations

● While all workplaces should ensure that employees are aware of the *right* to report bullying, they should also ensure that alternative courses of action are available, and that employees understand these alternatives. Some of these alternatives include 'blame-free' solution procedures, mediated solution procedures, and various forms of training for individual empowerment, e.g., for greater communication skills, assertiveness skills and conflict resolution skills.

● Workplaces should seek to ensure that training opportunities for individual empowerment are available to *all* employees.

● Workplaces and policymakers should generally eschew the phrase 'workplace bullying' in favour of phrases such as 'workplace incivility' and 'serious workplace incivility'.

● As a matter of Commonwealth Government legislation, we recommend that serious workplace incivility be defined as conduct that occurs within the workplace, is repeated, and either (a) is *intended* to be humiliating, offensive or threatening to the target, or (b) is such that a reasonable person could *foresee* that it would be humiliating, offensive or threatening to another reasonable person.

Strategies to improve workplace civility and their role in reducing workplace bullying

1. Introduction

In Australia and elsewhere, workplace incivility is one of the most prominent challenges that organisations currently face. Major newspapers have been running prominent stories on the issue,[1] labour organisations have long emphasized its importance,[2] and business organisations agree that action is required.[3] The fact that the Australian Parliament's House of Representatives is conducting this inquiry into the issue is surely to be applauded.

While the Parliamentary inquiry is particularly focused on workplace bullying, we argue that the problem of workplace bullying is best considered in the broader context of issues associated with workplace civility and professionalism. The term 'incivility' is broad in meaning; it can cover behaviour ranging from sarcasm, thoughtless conduct and rude gesticulations right through to bullying, harassment, sexual harassment, aggression and physical violence. Clearly workplace bullying is at the more serious end of the incivility spectrum.

Naturally enough, the most serious and shocking examples of workplace incivility tend to get the most attention in the media. While no one can afford to ignore such examples, there are also some broader dynamics that need to be recognized by researchers, policymakers and business leaders who are intent on the development of practical and genuinely effective reforms. As we shall explain, there is overwhelming evidence to suggest that the problems of minor workplace incivility are far more costly in psychological, administrative and economic terms than the more shocking examples. Moreover, research consistently shows that the most shocking problems invariably begin when problems of relatively minor incivility are left unaddressed. Yet most encouragingly, there is good reason to think that relatively minor forms of incivility are generally amenable to a variety of relatively inexpensive training initiatives and early intervention strategies.

While it could be said that our focus here is primarily on the less serious end of the workplace incivility spectrum, the rationale for this is perfectly clear. We believe that problems associated with minor forms of workplace incivility will always be with us. Yet by ensuring that staff at all levels possess the skills required to resolve such problems while they remain minor, we can all play a part in helping to prevent minor incivilities from escalating, spreading, and incurring great costs. As we demonstrate below, the theoretical basis for our approach is thoroughly consistent with the empirical evidence. We then recommend a suite of evidence-based measures designed to ameliorate problems of workplace incivility, including those of workplace bullying. These measures include training initiatives designed to empower potential targets of workplace bullying, together with some adjustments to certain common workplace practices and procedures. We also recommend that the inquiry consider inscribing a certain definition of serious workplace incivility into Commonwealth legislation.

---

[1] E.g.: Richard Guilliatt 'Workers at War' *The Weekend Australian Magazine*, 26-27 November, 2011, pp. 14-9.

[2] International Labour Organization, Press Release 'Violence on the job: a global problem', 20 July, 1998, available at: http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_007970/lang--en/index.htm, last accessed: 15 September, 2012; Australian Council of Trade Unions (ACTU) Submission To the House Standing Committee on Education & Employment, Inquiry into Workplace Bullying, 4 July, 2012, available at:
http://www.actu.org.au/Images/Dynamic/attachments/7683/ACTU%20workplace%20bullying%20submission-July%202012.pdf, last accessed: 15 September, 2012.

[3] The Victorian Employers' Chamber of Commerce and Industry, Media Release 'Employers Should Take a Stand Against Bullying', 8 August, 2012, available at:
http://www.vecci.org.au/news/Pages/Employers_should_take_a_stand_against_bullying_says_VECCI.aspx, last accessed: 15 September, 2012.

2. How prevalent and costly are the problems?

According to a recent and remarkably large survey of Victorian public sector employees, 36 per cent of respondents had witnessed bullying in the previous 12 months, and 20 per cent had actually experienced it during the same period.[4] Of course such problems are not unique to Australia. In one of the largest studies in the United States, 41.4 per cent of respondents employed across a range of industries reported having experienced psychological aggression at work in the previous 12 months, and 13 per cent of them reported having experienced some such form of aggression on a weekly basis.[5] Studies in Europe studies suggest that around 3-4 per cent of employees have experienced severe bullying there, 10-15 per cent have experienced somewhat less severe forms of bullying, and as many as 20 per cent have experienced 'negative social acts' such being yelled at, teased or humiliated.[6]

The health costs to individual victims or targets of workplace incivility can come in the form of stress, anxiety, depression, insomnia[7] and even post-traumatic stress disorder[8] and suicide.[9] The Productivity Commission has reported that in 2007-8, 24.0 per cent of accepted mental stress claims in Australia were due to workplace related harassment or bullying, and another 19.2 per cent were due to exposure to workplace or occupational violence.[10]

Workplace incivility also incurs major costs on businesses and taxpayers given that it can result in absenteeism, diminished productivity, compensation claims, investigations, legal expenses, and unnecessary staff turnover. The Productivity Commission estimates the resulting costs to businesses

---

[4] *The State of the Public Sector in Victoria 2010-11*, State Services Authority, State Government of Victoria, p. 94, available at:

http://www.ssa.vic.gov.au/images/stories/product_files/112_statevps201011.PDF, last accessed: 15 September, 2012.

[5] Aaron C.H. Schat, Michael R. Frone and E. Kevin Kelloway 'Prevalence of Workplace Aggression in the U.S. Workforce: Findings From a National Study' in E. Kevin Kelloway, Julian Barling, and Joseph J. Hurrell, Jr. (eds.) *Handbook of Workplace Violence*, Thousand Oaks, CA, US: Sage Publications, Inc, 2006, pp. 47-89.

[6] Dieter Zapf, Jordi Escartín, Ståle Einarsen, Helge Hoel, and Maarit Vartia 'Empirical Findings on Prevalence and Risk Groups of Bullying in the Workplace' in Ståle Einarsen, Helge Hoel, Dieter Zapf, and Cary L. Cooper (eds.) *Bullying and Harassment in the Workplace: Developments in Theory, Research, and Practice*, Second edition, London: CRC Press, 2010, p. 77.

[7] Carroll M. Brodsky *The Harassed Worker*, Lexington, MA: D.C. Health and Company, 1976; Annie Hogh, Eva Gemzøe Mikkelsen, and Åse Marie Hansen 'Individual Consequences of Workplace Bullying/Mobbing' in Ståle Einarsen, Helge Hoel, Dieter. Zapf, and Cary L. Cooper (eds.) *Bullying and Harassment in the Workplace: Developments in Theory, Research, and Practice*, Second edition, London: CRC Press, 2010, pp. 107-28; Loraleigh Keashly and Steve Harvey 'Emotional abuse in the workplace' in Suzy Fox and Paul E. Spector (eds.) *Counterproductive Work Behaviors*, Washington, D.C.: American Psychological Association, 2005, pp. 201-36; Pamela Lutgen-Sandvik, Sarah J. Tracy and Jess K. Alberts 'Burned by Bullying in the American Workplace: Prevalence, Perception, Degree and Impact', *Journal of Management Studies*, Vol. 44, Issue 6, September 2007, pp. 837-62; Workplace Bullying Institute 'The WBI 2012 Instant Poll D – Impact of Workplace Bullying on Individuals' Health', 2012, available at: http://www.workplacebullying.org/multi/pdf/WBI-2012-IP-D.pdf, last accessed: 16 September, 2012.

[8] Heinz Leymann and Annelie Gustafsson 'Mobbing at work and the development of post-traumatic stress disorders', *European Journal of Work and Organizational Psychology*, Vol. 5, 1996, pp. 251–75.

[9] Lars Johan Hauge, Anders Skogstad and Ståle Einarsen 'The relative impact of workplace bullying as a social stressor at work', *Scandinavian Journal of Psychology*, Vol. 51, 2010, pp. 426–33.

[10] Productivity Commission *Performance Benchmarking of Australian Business Regulation: Occupational Health & Safety*, 2010, p. 284.

in Australia in 2000 at somewhere between $6 and 36 billion.[11] Internationally, the dynamics of the issue have been analysed in further detail.[12]

3. Escalating, spreading and clogging

A number of researchers in a variety of fields have observed that problems of serious interpersonal conflict, aggression and violence tend to begin with problems of minor incivility.[13] Put simply, problems of minor incivility can *escalate* into major ones. It is also often noted that when problems of minor incivility go unchecked, they have a tendency to *spread*. Thus it is that when we concern ourselves with troublesome behaviour, we often speak of metaphorical 'epidemics', 'toxicity', 'corrosion', 'spiralling' effects and 'tipping points'.[14]

Not surprisingly, certain factors that are sometimes present tend to facilitate these problems of escalation and spread. For example, when at least one of the parties involved in a social interaction has a 'hot' temperament (i.e., is relatively impulsive, rebellious and emotionally reactive with a weak capacity for self-regulation), the escalation of uncivility is more likely. It has also been argued that a climate of informality—relaxed though such a climate may be—can inadvertently facilitate the spread of incivility through an organisation.[15]

Even if we merely consider the basic observations outlined thus far, the prevalence and costs associated with workplace incivility are obviously concerning. Importantly, however, the number of cases of workplace incivility that are *both serious and formally substantiated* is far smaller than the problem's prevalence as indicated through surveys and complaints. While as many as 20 per cent of Australian employees may tell researchers that they have experienced workplace bullying during the previous 12 months, only around 0.03 per cent of all such employees are formally found to have a legitimate claim for having experienced bullying, harassment or occupational violence in any given year.[16] Nadine Flood, the Australian National Secretary of the Community and Public Sector Union,

---

[11] Productivity Commission *Performance Benchmarking of Australian Business Regulation: Occupational Health & Safety*, 2010, p. 287.

[12] Christine L. Porath and Christine M. Pearson *The Cost of Bad Behaviour: How Incivility is Damaging Your Business and What to Do About It*, New York: Portfolio, 2009.

[13] Lynne M. Andersson and Christine M. Pearson 'Tit for Tat? The Spiraling Effect of Incivility in the Workplace', *The Academy of Management Review*, Vol. 24, No. 3, July 1999, pp. 452-71; Gary Namie 'Workplace bullying: escalated incivility' *Ivey Business Journal*, Nov-Dec 2003, pp. 1-6; R. A. Baron and Joel H. Neuman and Robert A. Baron 'Workplace violence and workplace aggression: Evidence on their relative frequency and potential causes', *Aggressive Behavior*, Vol. 22, No. 3, 1996, pp. 161-73; Joseph A. Kinney *Violence at work*, Englewood Cliffs, NJ: Prentice-Hall, 1995; Robert J. Bies and Thomas M. Tripp 'Beyond distrust: "Getting even" and the need for revenge' in Roderick M. Kramer and Tom R. Tyler (eds.) *Trust in organizations*, Newbury Park, CA: Sage, 1995, pp. 246-260; Dean G. Pruitt and Jeffrey Z. Rubin *Social conflict: Escalation, stalemate, and settlement*, New York: Random House, 1986; George A. Youngs Jr. 'Patterns of threat and punishment reciprocity in a conflict setting', *Journal of Personality and Social Psychology*, Vol. 51, No. 3, 1986, pp. 541-6; Arnold P. Goldstein *The ecology of aggression*, New York: Plenum, 1994; Sung Hee Kim and Richard H. Smith 'Revenge and conflict escalation', *Negotiation Journal*, Vol. 9, Issue 1, 1993, pp. 37-43; Richard B. Felson and Henry J. Steadman 'Situational factors in disputes leading to criminal violence', *Criminology*, Vol. 21, Issue 1, 1983, pp. 59-74.

[14] E.g., Lynne M. Andersson and Christine M. Pearson 'Tit for Tat? The Spiraling Effect of Incivility in the Workplace', *The Academy of Management Review*, Vol. 24, No. 3, July 1999, pp. 452-471; Christine M. Porath and Christine M. Pearson 'How Toxic Colleagues Corrode Performance', *Harvard Business Review*, Vol. 87, Issue 4, April 2009, p. 24; Malcolm Gladwell 'The tipping point', *The New Yorker*, Vol. 72, No. 14, 1996, pp. 32-6; Gina Vega Debra R. Comer 'Sticks and Stones may Break Your Bones, but Words can Break Your Spirit: Bullying in the Workplace', *Journal of Business Ethics*, Vol. 58, Nos. 1-3, 2005, pp. 101–9.

[15] Arnold H. Buss *The psychology of aggression*, New York: Wiley, 1961; David A. 'Getting serious about going casual on the job', *Business Horizons*, Vol. 41, Issue 1, 1998, pp. 51-6; Lynne M. Andersson and Christine M. Pearson 'Tit for Tat? The Spiraling Effect of Incivility in the Workplace', *The Academy of Management Review*, Vol. 24, No. 3, July 1999, pp. 452-71.

[16] Productivity Commission *Performance Benchmarking of Australian business regulation: Occupational Health and Safety*, 2010, p. 285.

acknowledges that the union is now forced to deal with hundreds of calls from public servants who mistake petty disputes and arguments about workload for bullying.[17] Quite clearly the system is becoming 'clogged'. Ian Forsyth, Victoria's WorkSafe Executive Director of Health and Safety has even spoken of the risk that the regulator may become so distracted by spurious cases that "a big case isn't taken up".[18]

4. Unclogging the system

How can we unclog the system? No fair-minded person would wish to prevent those who have genuine and serious grievances from advancing a formal complaint. Allowing the system to become clogged, however, does no one any favours.

We contend that the system is becoming clogged principally because of a kind of skills deficit. More specifically, we argue that a large part of the problem is that many workers are not in confident possession of the skills required to deal calmly, assertively and successfully with interpersonal conflicts, tensions and challenges in the workplace *as they arise*.

Of course in a certain sense this should not sound surprising given that certain forms of incivility, especially bullying, are sometimes said to involve a lack of power as a typical or even a *defining* characteristic.[19] More particularly, some researchers contend that the conduct involved does not genuinely count as bullying unless the target feels unable to deal effectively with it, or unless the alleged tormentor is in a position of greater authority than the target.[20] But regardless of precisely how bullying is defined, we contend that there are great benefits to be gained from helping all employees to gain various skills for personal empowerment. At present it is doubtful that the best ways to 'de-escalate' tension and to re-establish a calm and respectful conversational tone are very widely known. Many of us do not know how to open up a blame-free discussion of an interpersonal problem. Few of us know the most professional ways in which to express concerns about the conduct or attitude of a manager or co-worker. The differences between expressing oneself *aggressively* and expressing oneself *assertively* are very important, and yet those differences are certainly not clear to everyone. If many of us do lack such knowledge and skills,[21] the fact of this should be neither surprising nor shameful. Different people vary widely with respect to personality, temperament,

---

[17] Richard Guilliatt 'Workers at War' *The Weekend Australian Magazine*, 26-27 November, 2011, p. 17.

[18] Richard Guilliatt 'Spurious cases mean genuine bullying in workplace is ignored' *The Weekend Australian*, The Nation, 26-27 November, 2011, p. 5.

[19] Carroll M. Brodsky *The Harassed Worker*, Lexington, MA: D.C. Health and Company, 1976.

[20] E.g., Kaj Björkqvist, Karin Österman and Monika Hjelt-Bäck 'Aggression Among University Employees', *Aggressive Behaviour*, Vol. 20, Issue 3, 1994, pp. 173-84, esp. p. 175; Ståle Einarsen 'Harassment and Bullying at Work: a Review of the Scandanavian Approach', *Aggression and Violent Behavior*, Vol. 5, No. 4, 2000, pp. 379–401, esp. p. 381.

[21] Dieter Zapf 'Organizational, work group related and personal causes of mobbing/bullying at work', *International Journal of Manpower*, Vol. 20, Issue 1, 1999, pp. 70–85, esp. pp. 78-9; Iain Coyne, Elizabeth Seigne and Peter Randall 'Predicting Workplace Victim Status from Personality', *European Journal of Work and Organizational Psychology*, Vol. 9, No. 3, 2000, pp. 335-349; Lars Glasø, Stig Berge Matthiesen, Morten Birkeland Nielsen and Ståle Einarsen 'Do targets of workplace bullying portray a general victim personality profile?', *Scandinavian Journal of Psychology*, Vol. 48, 2007, pp. 313–319; Peter Randall *Adult Bullying: Perpetrators and Victims*, London: Routledge, 1997, esp. Ch. 6; Karl Aquino 'Structural and individual determinants of workplace victimization: the effects of hierarchical status and conflict management style', *Journal of Management*, Vol. 26, No. 2, 2000, pp. 171–93; Maryam Omari *Towards Dignity and Respect at Work: An exploration of bullying in the public sector*, PhD thesis, Edith Cowan University, 2007, esp. pp. 30-2; Dan Olweus 'Bullying at School: Basic Facts and Effects of a School Based Intervention Program', *Journal of Child Psychology and Psychiatry*, Vol. 35. Issue 7, 1994, pp. 1171-90, esp. pp. 1178-80; Kenneth A. Dodge and John D. Coie 'Social-information-processing factors in reactive and proactive aggression in children's peer groups', *Journal of Personality and Social Psychology*, Vol. 53, No. 6, 1987, pp. 1116-58; Clayton R. Cook, Kirk R. Williams, Nancy G. Guerra, Tia E. Kim, and Shelly Sadek 'Predictors of Bullying and Victimization in Childhood and Adolescence: A Meta-analytic Investigation', *School Psychology Quarterly*, 2010, Vol. 25, No. 2, 2010, pp. 65–83, esp. p. 76.

aptitudes, and social background. Some people develop their social skills with ease. Others take longer and may require more by way of explicit instruction. Most importantly, communication skills, assertiveness skills and conflict resolution skills can all be taught, as can listening skills and teamwork skills. We believe that it is time to make some of the training involved far more widely available.

It is worth noting that we do not recommend that targets of workplace bullying generally be *required* to undertake assertiveness training or the like. But while such training should seldom be compulsory, it should be far more widely available, and efforts must be made to ensure that employees are fully aware of its availability. We believe that the vast majority of potential targets of bullying would welcome the kind of skilled empowerment that allows them to deal with various forms of workplace incivility as they arise.

There is abundant evidence to suggest that when targets of schoolyard bullying are provided with appropriate forms of training the results are remarkably effective; we believe that the right sorts of training will be similarly effective in workplaces.[22] Of course the training should help to unclog the complaints system, but this is only one of many benefits. The personal empowerment skills involved are helpful for the individuals involved and for the general harmony and productivity of their organisations. Moreover, these skills are highly 'transferrable'; they are valuable in ways that are seldom specific to an employee's current workplace. It is also worth emphasizing that in some industries it can be critically important that all employees feel confident in their ability to speak up, not only for the sake of workplace harmony, but also for the sake of their clients.[23]

To champion such training initiatives is not to deny the importance of developing workplace codes of conduct, of developing clear dismissal provisions, of adhering to fair procedures, and of sometimes imposing severe penalties. When dealing with serious cases of workplace bullying, for example, we firmly believe that formal complaints procedures should be available. We also believe, however, that workers should generally be in a position to consider such procedures from a position of strength; they should already be in possession of strong communication skills, assertiveness skills and conflict resolution skills, for example, and they should be encouraged to advance their formal complaints only as a last resort.

5. How to circumvent the stigma problem
From the perspective of many employees, there is a strong stigma associated with making a complaint about bullying.[24] While it is quite possible that efforts by workplaces and governments to encourage the reporting of bullying behaviour have weakened this stigma to some extent, its persistence is understandable. An ordinary human being's sense of personal dignity depends upon certain kinds of autonomy and respect; to say that one feels powerless can be humiliating. The phrase

---

[22] Izzy Kalman *Bullies to Buddies: How to Turn Your Enemies into Friends*, Oregon, Illinois: Quality Books, Inc., 2005; Ian Findley *Shared Responsibility: Beating Bullying in Australian Schools*, Camberwell, Victoria: ACER Press, 2006; Joanne Scaglione and Arrica Rose Scaglione *Bully-Proofing Children: a Practical, Hands-On Guide to Stop Bullying*, Lanham, Maryland: Rowman & Littlefield Education, 2006; Evelyn M. Field *Bully Busting: How to Help Children Deal with Teasing and Bullying*, Sydney: Finch Publishing, 1999.

[23] Sarah McVanel 'Staff's Perceptions of Voluntary Assertiveness Skills Training' *Journal for Nurses in Staff Development*, Vol. 26, No. 6, 2010, pp. 256-9; M. Leonard, S. Graham and D. Bonacum 'The human factor: The critical importance of effective teamwork and communication in providing safe care' *Quality and Safety in Health Care*, Vol. 13, Supp. 1, 2004, pp. i85-i90; Kermit Vandivier 'Why should my conscience bother me? Hiding Aircraft Brake Hazards' in M. David Ermann and Richard J. Lundman (eds.) *Corporate and governmental deviance : problems of organizational behavior in contemporary society* Oxford: Oxford University Press, 1996.

[24] Pamela Lutgen-Sandvik 'Intensive Remedial Identity Work: Responses to Workplace Bullying Trauma and Stigmatization', *Organization*, Vol. 15, No. 1, 2008, pp. 97-119; Ståle Einarsen 'The nature and causes of bullying at work', *International Journal of Manpower*, Vol. 20, Issue 1, 1999, pp. 16-27; Kaj Björkqvist, Karin Österman and Monika Hjelt-Bäck 'Aggression Among University Employees', *Aggressive Behaviour*, Vol. 20, Issue 3, 1994, pp. 173-84; Heinz Leymann 'The content and development of mobbing at work', *European Journal of Work and Organizational Psychology*, Vol. 5, Issue 2, 1996, pp. 165-184.

'workplace bullying', however, tends to imply that the target of the uncivil behaviour involved is powerless, and this results in an unintended disincentive to discuss that behaviour or to advance a complaint about it.

Although no one wants to create or maintain an unnecessary disincentive to complain about serious workplace incivility, when we call such conduct 'workplace bullying' that is exactly what we do. For this reason, we recommend that workplaces and policymakers generally eschew the phrase 'workplace bullying' in favour of phrases such as 'workplace incivility' and 'serious workplace incivility'. Notice that when we describe someone's conduct as an example of 'serious workplace incivility' we are still advancing a significant criticism about his or her conduct. Importantly, however, we are doing so without implying anything humiliating or stigmatising about the target of that conduct. It is also worth noticing that phrases such as 'incivility' are very broad and relatively unemotive. This being so, a preference for talk of 'workplace incivility' can be expected to help workplaces in their efforts to generally 'de-escalate' tensions and conflicts.

For some time there has been Commonwealth legislation that carefully defines sexual harassment.[25] For broadly similar reasons, we believe that there is scope for Commonwealth legislation that defines serious workplace incivility. At least as a preliminary basis for further discussion, we recommend the following definition.

> *Serious workplace incivility* is conduct that occurs within the workplace, is repeated, and either (a) is *intended* to be humiliating, offensive or threatening to the target, or (b) is such that a reasonable person could *foresee* that it would be humiliating, offensive or threatening to another reasonable person.

Two points to note about this definition are as follows. First, being a definition that needs to be consistent with the requirements of fairness and potential litigation, it is an *objective* definition in that the foresight concerned is that a reasonable person. The foresight (or lack thereof) as possessed by any particular individual involved is of no relevance. Second, for serious workplace incivility to have occurred under this definition, it is sufficient that an *intention* to be (repeatedly) humiliating, offensive or threatening to the target is established. Contrary to some existing codes of practice, the target of the uncivil conduct does not need to personally consider him or herself to have been humiliated, offended or threatened.[26] The question as to whether an uncivil individual is 'successful' in making a target feel humiliated, offended or threatened is simply of no relevance. By not requiring the target to admit to feelings of having been humiliated, offended, threatened or the like, this definition helps to preserve the dignity of the target; it does not require the target to potentially experience further humiliation as a result of such an admission.

6. A suite of workplace civility strategies

Our principal recommendations in this submission concern training initiatives for individual empowerment, the eschewal of the phrase 'workplace bullying' in favour of 'workplace incivility' and the like, and the development of Commonwealth legislation that defines serious workplace incivility. Other complementary strategies to help improve workplace civility are available, and we do not wish to ignore them or deny their value. Training for the development of leadership and management skills is clearly vital,[27] and there appears to be real merit in efforts to monitor workplace civility levels

---

[25] *Sex Discrimination Act 1984*, Act No. 4 of 1984 as amended, taking into account amendments up to Act No. 86 of 2005, p. 30.

[26] E.g., The State of Queensland *Queensland Prevention of Workplace Harassment: Code of Practice, 2004*, revised in 2011 for effect commencing in 2012, p. 2.

[27] Carroll M. Brodsky *The Harassed Worker*, Lexington, MA: D.C. Health and Company, 1976; Blake Ashforth 'Petty tyranny in organizations' *Human Relations*, Vol. 47, No. 7, 1994, pp. 755-78; Ståle Einarsen 'Harassment and Bullying at Work: a Review of the Scandanavian Approach', *Aggression and Violent Behavior*, Vol. 5, No. 4, 2000, pp. 379–401; Karl Aquino 'Structural and individual determinants of workplace victimization: the effects of hierarchical status and conflict management style', *Journal of Management*, Vol. 26, No. 2, 2000, pp.171–93;

within particular workgroups and to facilitate honest group discussions about what a respectful work environment involves.[28] In any case, a basic idea of how our recommendations would work in practice is given in Figure 1 below.

Figure 1.

| Problem | Options (several of which may be taken) |

The target of the apparently uncivil conduct voluntarily takes up the opportunity to participate in appropriate forms of training for individual empowerment (all of which *should* be readily available and well known), e.g.:
- in assertiveness skills
- in conflict resolution skills
- in communication skills
- in facilitating and maintaining civil discussion skills

Uncivil conduct occurs or appears to have occurred

The target raises the matter with the apparently uncivil individual directly. The various skills outlined above are typically very helpful for this.

The target seeks to develop a shared responsibility or 'blame-free' strategy. The target may find that it is perfectly feasible to do this independently, especially after engaging in some training focused on conflict resolution skills. Alternatively, it may be brought about with the assistance of the human resources department or the relevant union.

The target seeks the assistance of a mediator, generally with the assistance of the human resources department or the relevant union.

The target advances a formal complaint over serious workplace uncivility. This is a major step and it will generally prompt an investigation. Importantly, however, it should not be made unnecessarily humiliating through needless talk of bullying or through a poor definition of the kind of behaviour involved.

7. Conclusion

Workplace bullying is a major problem, both in Australia and internationally. It results in very significant costs to individuals, businesses, and the economy as a whole. Importantly, research consistently shows that bullying tends to begin with problems of minor incivility. We argue that by helping to ensure that staff at all levels possess the skills required to resolve problems of minor incivility, we can all play a part in helping to prevent minor incivilities from escalating into cases of bullying. By helping to empower staff at *all* levels to deal professionally with various forms of workplace incivility as they arise, fewer staff will see any need to advance any formal complaints, and this will help to 'unclog' the complaints system.

The phrase 'workplace bullying' tends to imply that the target of the behaviour involved is powerless. To acknowledge feelings of powerlessness, however, can in itself be humiliating. For this kind of reason, we recommend that workplaces and policymakers generally eschew the phrase 'workplace

Margaretha K. Strandmark and Lillemore R.M. Hallberg 'The origin of workplace bullying: experiences from the perspective of bully victims in the public service sector', *Journal of Nursing Management*, Vol. 15, Issue 3, 2007, pp. 332–341.

[28] Linda W. Belton and Sue R. Dyrenforth 'Civility in the Workplace' *Healthcare Executive*, Sept/Oct 2007.

bullying' in favour of phrases such as 'workplace incivility'. The latter kind of phrase is also broader and less emotive, and can therefore be expected to help workplaces in their efforts to generally 'de-escalate' tensions and conflicts.

To underwrite our recommended strategies and to reinforce their influence, we believe that there is scope for Commonwealth Government legislation that defines serious workplace incivility. At least as a preliminary basis for further discussion, we recommend the following definition.

> *Serious workplace incivility* is conduct that occurs within the workplace, is repeated, and either (a) is *intended* to be humiliating, offensive or threatening to the target, or (b) is such that a reasonable person could *foresee* that it would be humiliating, offensive or threatening to another reasonable person.

One point to note about this definition is that it is an *objective* definition in that the foresight concerned is that a reasonable person. The foresight (or lack thereof) as possessed by any particular individual involved is of no relevance. A second point to appreciate is that for serious workplace incivility to have occurred under this definition, it is sufficient that an *intention* to be (repeatedly) humiliating, offensive or threatening to the target is established. By not requiring the target to admit to feelings of having been humiliated, offended, threatened or the like, this definition helps to preserve the dignity of the target; it does not require the target to potentially experience further humiliation as a result of such an admission.