House of Representatives Standing Committee

Inquiry into Workplace Bullying

Dr Penny Webster

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 bullying.

Summary

Mishandling of complaints and grievances about bullying behaviour frequently results in collateral damage to the psychological health and well-being of all the stakeholders.

Strong organisational cultures enable stakeholders to make quick assessments of what is reasonable behaviour.

In a multi-cultural society organisations need to be explicit about their values and their expectations about conduct.

Demonstrated fairness and competent handling in complaints and grievances will lead to increased job satisfaction and increased trust.

Zero tolerance approaches are counter-productive.

Organisations delay and avoid responding to complaints and grievances when they have a competitive approach to conflict.

Organisations mishandle complaints and grievances when they lack access to specialist skills and knowledge about interventions that work responding to bullying.

Certain organisational characteristics are associated with higher levels of bullying behaviour.

Policies and Procedures that have the following characteristics are the most effective:

- Congruent with the organisations values
- Clearly set out what constitutes fairness
- Relies on principles of natural justice, otherwise known as procedural fairness
- Provide multiple types of interventions
- Allow the complainant to access any level of procedure, i.e. multiple access points
- Has an internal appeal mechanism

Remember that resilience and recovery are as important as respect and reasonableness when designing policies and procedures.

-

-

Introduction

Inappropriate behaviour in the workplace has drawn increasing attention from academic and health practitioners over past decades in tandem with increased expectations for workplace interactions to be based on respect and principles of equality together with a greater awareness of the psychological damage that can arise from being the target of abusive behaviours.

This submission is made as a private individual and not in my capacity as a Conciliation Officer for the Accident Compensation Conciliation Service.

In my previous work as a union organiser, a general manager, private workplace mediator and a human resource manager I have had the carriage of complaints and grievances about inappropriate workplace behaviours such as bullying and general harassment that organisations have struggled to find constructive responses to. The inability of the workplace to deal fairly, humanely and effectively with these complex situations became the subject of my empirical research at the University of Melbourne and my current international research exploring mechanisms that disengage perpetrators from their bullying behaviours.

My submission has as its primary focus the organisation's response to bullying behaviour as alluded to in the second term of reference:

> *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 bullying.*

The following set out some broad concerns and general recommendations. This submission concludes by outlining four principles that support fair and effective policies and procedures: Respect, Reasonableness, Resilience and Recovery.

1.   Challenges associated with organisational Policies and Procedures

Organisational grievance resolution systems frequently fail to deliver outcomes that are just or fair to all parties. This systemic failure impacts the complainants and bystanders in the first instance, and also leads to underreporting and implicitly encourages bullying behaviour. There is considerable potential for harm to occur if the substance of the grievance is not adequately attended to. Research shows increased levels of job satisfaction when complaints are appropriately handled. Demonstrated fairness leads to increased trust which is associated with increased resilience and ability to constructively manage conflict. The following comments arise from the findings from my recent empirical Australian research (Webster 2010) and my professional experience.

1.1. The subjective nature of the experience and what is reasonable behaviour

The subjective nature of bullying resists attempts to find objective criteria that can be easily applied across diverse industries located in a complex multicultural society. It is generally accepted that what is described as bullying in one industry or workplace, or indeed decade, may be considered as within the range of normal behaviour by people in another time or place. Similarly, different personalities seem to demonstrate differing degrees of resilience to the same types of behaviours. Hence, the characterisation of a situation as bullying behaviour is subjective since it relies on perception and the interpretation of meaning. However, research indicates that psychological damage can occur whether or not the behaviour is labelled as "bullying". Therefore, guidance to both practitioners and those who are affected by bullying needs to rely on indicative rather than prescriptive terminology while being consistent across workplaces.

As set out in the Productivity Commissions report of 2010 there are a multitude of definitions of bullying. This uncertainty can lead inexperienced practitioners seeking to establish objectivity, and therefore credibility, through an investigation. This can reduce the anxiety of the practitioner, but also has the consequences of forcing all the stakeholders into positions, reducing the opportunities for interventions that take a restorative or no blame approach.

Organisations need to establish what constitutes reasonable behaviour specific to their situation, within the framework of Australian societal norms. However a list of behaviours that are bullying can be misleading, as the context and resilience of the target will vary considerably, leading to widely differing responses. Therefore using the exception, i.e. what is not bullying, can be a useful starting point. For example the Victorian Accident Compensation Act 1985 precludes compensation for mental injuries that arise as a result of reasonable management action carried out in a reasonable manner.

1.2. Achieving fairness in a multi-cultural society

Research has found evidence that reactions to justice and injustice are hardwired in our brain (Singer et al 2006). There is also evidence that the values on which justice judgments are made differ between socio-ethnic groups (Vogel2004). The achievement of fairness relies on meeting the individual's expectation of justice values such as equity, equality and need. In a multicultural society each organisation needs to explicitly articulate the values and conduct that are acceptable and then follow these through when responding to complaints about bullying behaviour. The degree of incongruity between the justice principles espoused by the organisation and demonstrated when responding to complaints is associated with collateral damage to the organisation and the individual (Webster, 2010).

Organisations with a strong culture are said to have little variation amongst its employees' understanding of the organisations norms and values. Hence a weak organisational culture is one where there is wide variation between its employees' understanding of what is reasonable behaviour. A weak organisational culture is associated with higher reporting of bullying behaviour. A strong organisational culture allows the average person to make a quick and clear assessment of what is reasonable behaviour in the circumstances.

1.3. The counter–productive nature of zero tolerance approaches

The uncertainty surrounding this complex phenomena and the imperative to take an active and socially acceptable stance can lead to organisations adopting a simplistic zero-tolerance approach. However, the unintended consequences of this approach have been shown to include:
- Encourages the more subtle and convert forms of bullying such as social exclusion
- Over- reaction by management to minor inappropriate behaviours
- Under- reporting of bullying behaviours as a way to protect alleged perpetrators from what may be perceived as extreme punishment or reputational harm
- Escalation of conflict as alleged perpetrators push back
- Increased use of legal approaches by the organisation and the parties
- Suppression of complaints by management to protect the organisations reputation

The zero tolerance approach is essentially competitive and can lead to a focus on protecting the reputation of senior managers or the Board by deterring potential complaints and covert defence of alleged perpetrators, especially those who hold senior positions.

1.4. Unintended collateral damage to appellants arising from ineffective grievance resolution systems

Targets generally report bullying behaviour with the expectations of remedies and protection. They often report that being listened to and believed is their most important goal. This validation counteracts the sense of exclusion, disempowerment and loss of social identity that accompanies being targeted. Targets often report high levels of collateral damage to their health and well-being when the organisations interventions are not congruent with the published stance. For example an organisation that promotes itself as valuing its employees and then does not address a verbal complaint about bullying behaviour, scapegoating the complainant and destroying the complainant's career prospects. This collateral damage compounds the initial damage from the bullying behaviour.

1.5. The reluctance of the organisation to intervene and lack of clear sanctions to motivate an alleged perpetrator to desist.

Specialist practitioners routinely criticise organisations for the timing of interventions, they suggest that the earlier the intervention the greater possibility of a constructive and sustainable

outcome.   There are number of possible explanations for delaying and avoiding tactics. The organisation's motivation for engaging in these tactics could vary from a belief that the grievant will go away if the process is made difficult, or a belief that only serious grievances will overcome the barriers and proceed. At the individual manager level, personal preferences for conflict avoidance strategies, an inability to analyse the interpersonal situation and lack of capacity to handle conflict are also identified in research.

Another inhibiting factor is the lack of policies and procedures that provide clear guidance while enabling a constructive approach at the early stages. Managers frequently report an unwillingness to intervene where there are no clear strategies to support and assist all parties. Whilst the target is frequently foremost in the design of policies and procedures, the needs of bystanders and, most importantly, the alleged perpetrators are often overlooked. Unless the needs of all three groups are constructively addressed in the policies and procedures, managers will hesitate to intervene. A final explanation lies in a belief that avoiding addressing these issues somehow protects the organisation reputation (Ferris 2004, Webster, 2010).

It is critical that organisations have the capacity to apply sanctions as a last resort; there are a wide range of internal disciplinary actions as well as the ultimate penalty of termination of employment that can be applied. These last resort sanctions will provide clear motivation for individuals to change their behaviours and establish the organisations commitment to accepted standards. The existence of last resort sanctions enhance the effectiveness of no-blame interventions adopted early.

1.6. Lack of knowledge of effective interventions and limited pool of skilled and knowledgeable experts

Organisations frequently have limited knowledge of the range of interventions available and in what circumstances each of these might be best applied. While there was frequently sophisticated knowledge of legislation and policies, there was limited practitioner expertise in minimizing damage to all the parties, analysing the event as a learning opportunity or creating solutions that restore relationships and enhance capability. In their hurry to act some organisations ignore basic principles of natural justice such as allowing all parties to hear the other side's story and provide explanations, or using an independent expert to intervene.

There is a limited pool of practitioners who have expertise in assisting organisations prevent and manage bullying behaviours. Although internationally there exists some knowledge of how to work with abrasive managers to help them disengage from their bullying behaviours, this technique has achieved limited penetration in Australia.

1.7. The risk management approach
This approach has gained some traction in Australia and internationally, and has a number of distinct benefits which I am confident my colleagues will clearly enunciate. However research has identified how this approach can be mis-applied to the detriment of the individuals and ultimately the organisation. Because bullying is a subjective experience that often occurs covertly and claims about the causation of psychological injury can be contested, organisations can use avoidance and suppression tactics as a means of protecting their reputation.

1.8. Organisational characteristics associated with higher levels of reported bullying behaviour

Research has found that certain organisational characteristics are more highly correlated with bullying behaviour. The characteristics include a cluster around laissez- faire or chaotic workplaces where role ambiguity and lines of accountability are unclear and another cluster around highly rigid and authoritarian organisations. Additionally, there is some research that links intensely individualistic and competitive organisations with increased bullying behaviour. Organisational

characteristics associated with less effective policies and procedures are those that are highly politicised, are risk adverse and where protection of organisational reputation precludes acknowledging bad behaviour by senior managers.

Bullying can be likened to the perfect storm: where a certain type of intense personality meets up with certain organisational characteristics.

2.   Recommendations for organisations: Respect, Reasonableness, Resilience and Recovery

2.1. Create a strong organisational culture, and manage conflict respectfully and cooperatively

Explicit efforts to create and maintain a strong organisational culture demonstrates respect for everyone in the workplace. In a multicultural society not everyone knows what is expected of them in every situation. By engaging in orientation and induction activities and following up with management modelling reasonable behaviours employees are able to understand what is expected of them.

Ensure supervisors and managers have skills and knowledge about the cooperative and respectful management of differences and conflict.

2.2. Provide explicit organisational level guidance about what constitutes fairness

Clarity about how breaches of accepted conduct will be managed will reduce uncertainty and anxiety. Explicitly stating the organisations values and then ensuring that these are applied through a grievance resolution process establishes reasonable expectations among the workforce. When the organisation meets these expectations it increases trust.

2.3. Achieve a balance between a no-blame approach and clear sanctions for extreme behaviour

Interventions that assume a no-blame approach are more likely to be activated frequently and early. They model a cooperative and constructive approach to conflict and differences and lead more readily to changes in behaviours and to identifying structural and systemic changes. Sanctions that are reasonable are more likely to be applied and less likely to be counter – productive.

2.4. Allow multiple access points and multiple types of interventions to be activated and a cooperative inquisitorial approach to resolving grievances about bullying.

 Research has found that grievance resolution systems that provide multiple types of interventions have exponentially beneficial outcomes for individuals and the organisation (Bendersky 2003). A cooperative approach to resolving conflict, of which bullying could be described as a subset, can quickly de-escalate the intensity of the interaction and allow for constructive and creative solutions to emerge.

Interventions should always be undertaken by practitioners who are specialists in workplace bullying, they include:
- coaching
- counselling
- mediation
- investigations
- organisational structural analysis

Policies and procedure should allow parties to access different types of interventions at any time. Additionally, parties should be allowed to withdraw from a process at any time. Systems must include internal appeal mechanisms and identify external agencies who can assist.

2.5. Encourage resilience
 Everybody makes mistakes and everybody behaves less than perfectly at some time. Supporting tolerance and resilience goes hand in hand with the establishment and maintenance of standards of behaviour that are both respectful and reasonable.

 2.6. Provide opportunity and support for recovery

A positive and constructive approach assumes that individuals and groups can recover from bullying behaviours. Although an emerging field of practice and research, there is some evidence that intervention that is based on the assumption that perpetrators want to change and can change is very effective. Targets have traditionally been provided with these services; however bystanders and the alleged perpetrators are also affected and must be included when addressing workplace bullying.

<u>References</u>
Bendersky, C. 2003. Organizational Dispute Resolution Systems: A Complementaries Model. Academy of Management Review, 28(4): 643-656.

Ferris, P. 2004. A Preliminary Typology to Organisational Response to Allegations of Workplace Bullying: See no Evil, Hear no Evil, Speak no Evil. British Journal of Guidance & Counselling, 32(3): 389-395.

Hoel, H., Faragher, B., & Cooper, C. L. 2004. Bullying is Detrimental to Health, but all Bullying Behaviours are not Necessarily Equally Damaging. British Journal of Guidance & Counselling, 32(3): 367-387.

Hodson, R., Roscigno, V. J., & Lopez, S. H. 2006. Chaos and the Abuse of Power: Workplace Bullying in the Organizational and Interactional Context. Work and Occupations, 33(4): 382-416.

Hubert, A. B. 2003. To prevent and overcome undesirable interaction: A systemic approach model. In S. Einarsen, H. Hoel, D. Zapf, & C. Cooper (Eds.), Bullying and emotional abuse in the workplace: International perspective in research and practice. New York: Taylor & Francis.

Hui, M. K., & Au, K. 2001. Justice Perceptions of Complaint-Handling: A Cross- Cultural Comparison Between PRC and Canadian Customers. Journal of Business Research, 52(161-173).

Singer, T., Seymour, B., O'Doherty, J., Stephan, K. E., Dolan, R. J., & Frith, C. D. 2006. Empathetic Neural Responses are Modulated by the Perceived Fairness of Others, Science, Vol. 439: 466-469.

Vogel, G. 2004. The Evolution of the Golden Rule, Science, Vol. 303.

Webster, P. 2010. Why are expectations of grievance resolution systems not met?
A multi-level exploration of three case studies in Australia. Thesis series, University of Melbourne, Australia