The Alannah
and Madeline
Foundation
Keeping children safe from violence

Inquiry into Workplace Bullying

House Standing Committee on Education and Employment

Submission by

The Alannah and Madeline Foundation

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Preamble

The Alannah and Madeline Foundation welcomes the opportunity to respond to the issues and questions raised by the Australian Government's Inquiry into workplace bullying.

The Alannah and Madeline Foundation is a national charity, keeping children safe from violence. The Foundation was established in memory of Alannah and Madeline Mikac, aged six and three, who, with their mother and 32 others were killed at Port Arthur, Tasmania on 28 April 1996. It cares for children who have experienced or witnessed serious violence and run programs that prevent violence in the lives of children. Many years ago, the Foundation realised the most common form of violence experienced by children and young people was bullying. The Foundation works to prevent school-based bullying and is the auspice organisation for the National Centre Against Bullying.

The Alannah and Madeline Foundation plays an advocacy role and is a voice against childhood violence. The Foundation's **National Centre Against Bullying (NCAB)** is a peak body made up of experts (See Appendix A) in the fields of childhood wellbeing and bullying, chaired by Alastair Nicholson (AO, RFD, QC, former Chief Justice of the Family Court of Australia). NCAB works with school communities, government, media and industry to reduce bullying and minimise its harm to young people.

The Foundation has a number of programs that help children and young people.

- The Foundation's **Children Ahead** Program helps children by focusing on what they need to recover from traumatic events or violent circumstances. We work collaboratively with relevant agencies to make sure children who are suffering the effects of violence, and their families, have the community connections needed for immediate and long term support.

- A **Refuge Therapeutic Support** Program funds group therapy including art, pet and music therapy to help children who are residing in refuges and are distressed or traumatised by their experience of serious violence.

- In Australia, thousands of children are placed in emergency foster care or domestic violence refuges each year, often with nothing but the clothes they are wearing. The **Buddy Bags** Program provides these children with a back pack full of essential items including toiletries, pyjamas, socks, underwear, a teddy bear, photo frame and pillow slip. Buddy Bags provide personal belongings and help restore a sense of security in these children's lives.

- **Children 365**: celebrate them every day was developed in memory of 4-year-old Darcey, who was killed on 29 January 2009. This initiative encourages adults to take the time to think about why children in their lives are important and how they can spend time together. Through an annual calendar and a range of activities, Children 365 gives people practical suggestions for ways they can engage positively with children. Children 365 begins each year on the last day of children's week.

In addition, the Foundation develops programs designed to help prevent violence in the lives of children.

- The **Better Buddies** Framework is a peer support initiative designed to create friendly and caring primary school communities where bullying is reduced. Older children buddy up with younger children and learn the values of caring for others, friendliness, respect, valuing difference, including others and responsibility. This occurs through formal and informal activities in the classroom and beyond. Better Buddies enables younger students to feel safe and cared for while older students feel valued and respected in their role of mentor and befriender.

- As bullying and other forms of personal attack started to move to cyberspace, our prevention efforts have also moved to address cyberbullying and broader issues of cybersafety and wellbeing. **eSmart's** overarching aim is to equip people with the knowledge and skills to get the best out of technology while avoiding the pitfalls and taking on a range of ethically informed behaviours. Our **eSmartschools** initiative is a whole-school change program that helps schools enhance wellbeing, manage cybersafety and reduce cyberbullying and bullying.   We have developed and are ready to pilot **eSmart libraries**, which aims to spread the message of 'smart, safe responsible' into community hubs and organisations. An eSmart Library operates under a framework for embedding cybersafety into its policies, procedures and teaching/support of library users. eSmart is focused on educating individuals about the smart, safe and responsible use of digital technologies, but within a setting where organisational operations support a culture of appropriate behaviour.

While we are a children's charity, we are concerned that many young people are in workplaces across Australia with little protection from bullying and its effects. Our responses to the Government's issues and questions raised in the public discussion paper will therefore focus principally on how they relate to children and young people, particularly as they relate to reducing their online risks. We will include some degree of generalisation to the broader workplace. We will not distinguish between bullying and cyberbullying, as we view both forms as pernicious and responsive to similar sets of solutions. Both are relationship problems needing relationship solutions.

Our submission will draw upon learnings we have gained through research, program development and evaluation that can inform this discussion of workplaces.

For many years, bullying in schools was not addressed or ineffectively so, because of the silence that surrounded it. Not until bullying was discussed, defined and researched was a range of effective responses developed. We suggest that the same effect will apply to workplace bullying and applaud the Federal Government for its decision to institute this inquiry.

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Recommendations

The Alannah and Madeline Foundation, in partnership with the Young and Well Cooperative Research Centre, has developed a comprehensive and integrated plan for a National Bullying and Cyberbullying Prevention Strategy. While the major focus of this strategy is to reduce bullying amongst children and young people, it is important that bullying be understood and dealt with in a consistent way across the whole Australian community.

The main objectives of our National Bullying and Cyberbullying Prevention Strategy are to create a shared vision for reducing bullying, including workplace bullying, and agree a common approach to solving bullying that is understood and accepted across the country.

The specific goals of the National Bullying and Cyberbullying Prevention Strategy are to:

a. Develop a common approach to measuring bullying and cyberbullying and its impact, through the establishment of a National Bullying and Cyberbullying Prevention Strategy Research Council. Part of the work of this Council would be to develop a national survey on bullying and cyberbullying,

b. Agree a common approach to solving bullying and cyberbullying through agreed upon actions developed by a National Bullying and Cyberbullying Prevention Strategy Implementation Advisory Group,

c. Coordinate and maintain mutually reinforcing activities amongst stakeholders through consistent and continuous communication, managed through the National Centre Against Bullying,

d. Create a cultural change in the workplace and other settings through social and behavioural change campaigns and interventions delivered via the eSmart system, and

e. Develop and adopt a national legislative and policy framework that is age and context specific, and which includes workplace bullying.

We recognise that workplace bullying is important because:

• It is a serious OH&S issue in the workplace,

• Bullying and cyberbullying has a major impact on workplace productivity, and

• As young people enter the workforce it must be a safe and supportive environment for them.

The Foundation therefore recommends that the Federal Government develop a National **Workplace** Bullying and Cyberbullying Prevention Strategy (with the goals outlined above) as a key component of the overarching National Bullying and Cyberbullying Prevention Strategy.

Of particular importance in more effectively safeguarding employees across the country, we recommend that a national legislative and policy framework about workplace bullying be adopted as a responsibility of the Federal Government in the interests of definitional, policy, regulatory and legislative uniformity.

Responses to Terms of Reference

1. The prevalence of workplace bullying in Australia and the experience of victims of workplace bullying

A number of large-scale studies and research papers, including our own (Cross, et al, 2009, Solberg & Olweus, 2003, Rigby, 1996, McGrath & Craig, 2005) have looked at the prevalence of bullying in schools. Consequently, we know a considerable amount about its prevalence and how, broadly speaking, we can respond to it in terms of policy and practice.

By comparison, little is known about workplace bullying in Australia and we have yet to produce national definitions or responses in the form of policy or frameworks. Nevertheless, a variety of sources (Dunphy and Kirk, 2003, Gregor, 2004, Keuskamp et al, 2012, Caponecchia & Wyatt, 2012), reaching back more than two decades depict it as a significant issue which has gained a high degree of recognition in academic and other literature. Its 'potential damage and cost is undisputed'.

However, there are 'no definitive statistics on the prevalence of workplace bullying' (Caponecchia & Wyatt, 2011) and measurement and definition differs from study to study. Differences in methodologies between studies include self-reporting and indices of behaviours with different scoring methods (Salin, 2001). Other factors also affect the way bullying prevalence is reported, e.g. cultural differences in how it is viewed, and reported. All the same, existing studies reveal a disturbing picture: 'In a national survey of 1518 people by Australian job search website CareerOne in 2007, 74 per cent of respondents said they had been bullied in the workplace at some time and 22 per cent of the survey respondents had 'just quit' their job rather than doing anything else about it (CareerOne 2007). A survey by recruitment firm Drake International of 850 Australian workers indicated that 25 per cent had been bullied in the previous six months (Drake International 2009), while more than 50 per cent said they had witnessed bullying' (Caponecchia & Wyatt, 2011.33).

The Alannah and Madeline Foundation believes there is a significant need to develop a common approach to measuring bullying and cyberbullying and its impact. As part of a National Bullying and Cyberbullying Prevention Strategy, the Foundation, in partnership with the Young and Well CRC, is establishing a National Bullying and Cyberbullying Prevention Strategy Research Council.

Part of the work of the Research Council will be to:

- Develop a consistently understood and applied definition of bullying will be part of the work of this Council. This definition should be extended to workplace bullying, and should be conducted in a consultative manner, potentially in collaboration with researchers from a range of international settings.
- Develop a national survey on bullying and cyberbullying. While the Foundation aims to survey the incidence and impact of bullying on children and young people, a similar survey should be undertaken in the workplace.

The Alannah and Madeline Foundation's definition of bullying

In our view, workplace bullying involves the abuse of an imbalance of power to coerce, exclude, demean or humiliate. Adverse behaviours are directed repeatedly towards one or more people, causing 'pain, discomfort and anger' (Kieseker and Marchant, 1999). The question of intent is problematic in that the formation of intent is difficult to prove and easy to deny. What does not seem to be in debate is the inability of the target to defend him or herself or, in many circumstances, to walk away.

It is also worthwhile to mention two additional forms of bullying - 'relational bullying,' where the perpetrator of the bullying damages the target's friendship networks (in talking about those who are bullied, we prefer to use term *target* rather than *victim* as a more positive positioning) and also 'indirect bullying,' such as rumour spreading. These have in common 'the expression of social manipulation and can often go unnoticed by others' (Cowie, et al, 2002, 35).

Bullying behaviours might be overt, including intimidation and threats, or covert for instance a stony look the effect of which is to 'isolat[e] individuals without bringing attention to the perpetrator' (Hutchinson, 2010, 2321).

The following descriptors of workplace bullying behaviours are from Cowie et al (2002):

• Threat to professional status (e.g., belittling opinion, public professional humiliation, and accusation regarding lack of effort),

• Threat to personal standing (e.g., name-calling, insults, intimidation, and devaluing with reference to age),

• Isolation (e.g., preventing access to opportunities, physical or social isolation, and withholding of information),

• Overwork (e.g., undue pressure, impossible deadlines, and unnecessary disruptions), and

• Destabilization (e.g., failure to give credit when due, meaningless tasks, removal of responsibility, repeated reminders of blunders, and setting up to fail).

'Bullying' does not refer to a single event, but rather to a relational pattern considered over time in which some gain social dominance over others through the use of anti-social power (Crothers & Levinson, 2004; Smith, 2004; Smorti, Menesini & Smith, 2003). A pattern of victimisation, once developed, can quickly become entrenched because workers continue to be in contact with each other over time and it is not easy for the recipient to walk away or leave the situation (McGrath & Noble, 2006). Sanders et al (2012, 12) refer to 'an abusive work environment' or toxic workplace which can result from the failure to address bullying and other negative behaviours systematically, quickly and consistently. Workplaces characterised in this way typically have high staff turnover, low staff morale, high levels of informal grievance and complaint, inconsistent application of policies and rules, poor performance and victimisation of those who protest (adapted from Jetson, S, 2005).

School and workplace difference – how different are they?

What makes workplace bullying different from school bullying? Initially, we posited that power is more fluid in school situations and can depend on a variety of situational and personal factors and that workplace bullying would be consequently more dependent on hierarchical structures and positional authority of organisations. Indeed, the most generally examined form of workplace bullying is 'downwards bullying' the exercise of power over subordinate workers in inappropriate ways by those with greater positional authority.

However, power can derive from sources other than organisational position and, as in schools, can include control of information (Raven 1993), expertise (Bacharach & Lawler 1980) and referent power (French & Raven 1959). A more thorough examination of the uses and abuses of power should be undertaken - until members of organisations understand real and perceived uses of power and how prior experiences and conditioning dispose individuals to a) bully, and b) to perceive certain behaviours as bullying that might be perceived as legitimate by others, it may be difficult to address bullying in workplaces.

Other forms of workplace bullying exist: 'sideways' and 'upwards bullying,' lesser known phenomenons, where peers are bullied or managers are bullied by their staff (Branch, et al, 2007). Power in workplaces does not always relate to formal authority. We know that teachers in schools experience bullying not only from colleagues, but also from students (either directly or via digital technologies). Schools that do not address the problem of bullying can become breeding grounds whereby the more powerful dominate the less powerful, a process that underpins domestic violence, child abuse, workplace violence, hate crimes and road rage (Weinhold, 2000).

Some research has suggested that school bullying continues in other settings, such as university (Garner, 1995) and the defence forces (Garan, 1998, McKenzie, 2008, Nicholson, 2012). Indeed, the defence forces have attracted intense recent media attention because of a range of negative behaviours perpetrated by their personnel.

For example, figures recently provided to The Age newspaper (June, 2012) show that 1250 of 4200 survey respondents from Victoria Police had seen bullying behaviour and of these almost 900 reported that they had been bullied.

Nurses, similarly, report experiences including 'harassment, bullying, intimidation and assault, with bullying being reported as 'the most concerning form of aggression' (Hutchinson, et al, 2010) experienced and linked tentatively with the loss of nurses from the workplace.

Keuskamp et al have researched bullying in Australian workplaces in order to test the hypothesis that bullying was experienced more frequently by those in casual or short-term employment. Contrary to their expectation, workplace bullying was experienced more frequently by those in permanent employment, representing a unsuspected disadvantage to this 'more idealised' environment (Keuskamp, et al, 2012). In this study, 15.2 per cent of respondents reported being bullied in their place of employment, with a greater percentage (19.6) experienced by the permanent workers, compared to 7.7 per cent by casual workers. While the study did not show significant correlation with gender, prevalence did vary 'among occupational skill levels (highest for clerical/administrative and professional levels), educational levels (highest for those with university education) and marital status (highest for those separated, divorced or widowed) (Keuskamp et al, 2012, 118). An online study conducted (Duncan et al, 2011) found that 99.6 per cent of respondents had experienced some form of bullying during their employment. These results were consistent with findings from an earlier survey by Duncan & Riley (2005), conducted in Catholic schools, which found 97.5 per cent of teachers reported bullying during their careers. The bullying problem was more intense in large secondary schools, pointing to difficulties with culture in those larger settings and schools per se. However, there was some imprecision in in the study about the time period over which the abuse occurred – a key question in terms of comparability of data.

Recent discussion from the Unites States (Sanders et al 2012) reveals that the problem is actually 'increasing in U.S. organisations' and highlights how little has been done to address it (Sanders et al, 2012, 3). The authors attribute this to a number of societal and global factors that can be broadly applied to Australian workplaces and which any efforts to address workplace bullying should take into account.

These factors include:

- Cultural values that accentuate 'individuality, assertiveness, masculinity, achievement and a relatively high power disparity,'

- Economic pressures due to the growth of the service sector, where higher rates of personal interaction make these workplaces susceptible to personality clashes and afford bullies greater opportunities,

- Downsizing in many organisations, due to external financial pressures, has meant doing more with less with the result that some managers 'believe they must clamp down on subordinates to stay on top of things' and 'bullying is a natural result (Sanders et al,2012, 3)

- A decline in union membership with resultant decline in collective bargaining power, support and dispute resolution,

- Diversification of workplaces, where people from different educational and cultural backgrounds are brought together, with a heightened possibility of aggression if the diversity is not well-managed, and

- Reliance on part-time workers and short-term contracts which means that interpersonal bonds and company loyalties do not develop as strongly, the result being 'a leaner but meaner organisation with an atmosphere in which bullying is more likely to happen' (Sanders et al, 2012, 4).

Overall, there are therefore more commonalities than differences between school and workplace bullying. Indeed, we know that those who bully and are bullied at school often go on to replicate these patterns later.

Effects of bullying

We know that effects of being bullied can be both serious and long lasting. Schoolyard bullying can lead to poor outcomes for many of those involved - both those who are victimised and those who take part in bullying others (Bond, Carlin, Thomas, Ruin & Patton, 2001; Rigby, 2004; Rigby & Slee, 1999).

Young people who bully over time are more likely to engage in ongoing anti-social behaviour and criminality, have issues with substance abuse, demonstrate low academic achievement and be involved in future child and spouse abuse (Moffitt, 1993, Pepler & Craig, 1997; Rigby, Whish & Black; 1994). Those who bully frequently in childhood often go on to bully as adults, to commit spousal and child abuse, have more drink driving offences and more court appearances (Marano 1995; Smith & Madsen 1996).

Young people who are victimised have a higher likelihood than other young people of experiencing mental health problems, impaired relationships, depression and suicidal thinking (Crick & Grotpeter, 1995; Rigby, 2004). Both victimised young people, and those who take part in bullying across time, may demonstrate lower levels of academic achievement than expected (Glew, Fan, Katon et al., 2005; Nansel, Overpeck, Pilla et al., 2001).

Workplace bullying is associated with a similar range of consequences: 'lowered self-esteem, depression, anxiety and physical illness' which produce 'fear, anger and depression' (Hutchinson et al 2010; Sanders et al, 2012 29), increasing levels of sick leave, reduced hours of work, attrition from the workplace, with resultant 'lowered morale, increased turnover, higher sick-leave levels and increased costs associated with recruitment as a result of staff turnover' (Hutchinson, 2010, 2320).. Sanders et al (2012, 29) cite evidence that organisations effectively managing workplace bullying outperforming those that do not by thirty to forty per cent (Sanders et al, 2012, 30).

Bullying is thus costly for individuals, organisations and the society as a whole. It will rarely show up in workers' compensation claims, where it is more likely to be hidden behind stress and other psychological injury claims (Jetson, S, 2005).

2. 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.

What do we mean when we talk about workplace 'culture'? Culture (and 'ethos') is often used to refer to the way people behave and work together through an organisation's structures (McBrien & Brandt, 1997; Stolp & Smith, 1994). The values and norms of the workplace influence how bullying is defined in that context, how employees interpret situations (for example, as 'bullying' or 'firm management'), and whether bullying is recognized as a problem (Cowie et al, 2002).

While the Foundation has gained much learning from its work in schools, these are also workplaces in which many changes have been imposed externally. Consequently organisational change in schools is very relevant to this discussion.

A school's culture is revealed in a number of ways and it pervades and influences everyone within the organisation. It is an unobservable force behind school activities and a unifying theme that provides meaning, direction, and mobilisation for school members (Prosser, 1999). School culture influences the actions and the spirit of school life and the school's motivation, commitment, effort, and focus (Peterson, 1999). In particular, beliefs about what is worth striving for are a critical feature of any school culture (Maehr & Fyans, 1989). School culture also provides support, direction and identity for members; it can be seen as the sum of the values, practices, traditions, behavioural expectations, relationships and organisational structures within a school that cause it to function and react in particular ways (DuFour & Eaker, 1998). It evolves over time as people work together, solve problems and confront challenges.

We know that positive and supportive school cultures tend to prevent or reduce the incidence of harassment, aggression and bullying behaviours (Olweus, 1993; Galloway & Roland 2004; Schaps & Lewis, 1999) and student wellbeing is more likely to develop in such settings (McGrath & Noble, 2003) . The opposite is also true - there is a danger that bullying that is unaddressed may become an accepted, or even encouraged, aspect of the culture of an organisation. According to two studies (Duncan & Riley, 2005, Duncan et al 2011) schools are organisations where bullying is common. This may be a product of a form of 'institutionalised bullying' where the culture of the school expects all staff to contribute a disproportionate amount of time to school activities. Cowie et al (1999) have identified these risks and note that some organisations have come to recognise the need to change the culture of the workplace and have developed clear company policies to offer protection from bullying to their employees.

Safe, supportive school environments where bullying is reduced usually develop within positive school cultures and are characterised by:

- Members of the school caring about, and supporting, one another,

- Prevailing values of mutual respect, cooperation, inclusion and acceptance of difference,

- Everyone having a sense of belonging and safety, and

- The promotion, through policies and protocols of positive relationships and pro-social behaviours. Pro-social behaviours are those leading to harmonious co-existence and wellbeing.

It is not unrealistic to apply these expectations to workplaces. They can be summarised as 'the way we do things around here', and are expressed in vision and mission statements, values, policies, structures,

processes, expenditure of time and money, levels of expectation expectations and the behaviour of management and staff toward each other.

The role of the leader

It is now broadly recognised that culture is also an important driver of performance within organisations (Dunphy and Kirk, 2003). Culture is, to a large extent, set by the leaders of an organisation. Therefore the work of leaders is vital for any program that aims to change/improve culture. Sustaining a new approach or program always requires changing aspects of the culture - this is usually a slow and complex process (Patterson, Purkey & Parker (1986). Fullan (1992) has argued that the most important thing that school leaders do is to create and manage the school's culture whilst also facing the challenge of being part of that culture through their attitudes and relationships with others within the school.

Peterson (1999) advocates that the first step in changing a school's culture is for leaders to take the time to fully 'read' the current culture and examine its history. Leaders can work towards the development of a supportive, collaborative, professional culture that promotes continuous improvement within an atmosphere of collegiality, trust and shared goals (Peterson, 1994). The leader and her/his team will ensure that the organisation's vision is, aside from organisational goals, one that has at its centre clarity about a respectful and supportive workplace. Plans will be in place to ensure this vision is sustained over a longer term and there is clear understanding about the responsibility of different roles within the organisation to sustain and enhance the vision and both time and material resources will be set aside to effect it.

In a collaborative school culture, teachers regularly discuss ideas, issues and problems with their colleagues, share information, skills and resources and participate in collaborative problem-solving (Peterson, 1994; Rosenholtz, 1989). Success is more likely when teachers work collaboratively on school improvement (Fullan & Hargreaves, 1991). Failure, mistakes, and uncertainty are openly shared, discussed, and collaborative problem solving occurs. In these types of schools, staff broadly agree on what's important but disagreement is accepted as a way to foster improvement (Fullan & Hargreaves, 1991; Fullan, 2001). Leadership is shared and many teachers are leaders in different ways, a process that is supported by the principal (Fullan & Hargreaves, 1991). Collaborative schools are exciting and professionally rewarding workplaces for teachers (Peterson, 1994) and they contribute to a sense of teacher efficacy about their capacity to affect student learning (Rosenholtz, 1989).

Conversely, if a managerial style is based on hierarchy and dominance, this will be reproduced in interactions throughout the organisation - it would be naïve to expect behaviour modelled by senior management not to be replicated by more junior employees. Workplaces where decisions emanate from the top, where 'collaboration' is bogus and failure, or the taking of risks, are frowned upon or punished are more likely to develop attitudes that produce, even endorse bullying and a range of other negative behaviours. Sanders et al (2012, 29) claim that workplace bullying is a 'logical adaptation to a stressed workplace' together with other '[mal]adaptive' behaviours (such as stealing) in response to coldly unresponsive managements.

It is a leader's responsibility to ensure that organisational structures support the overall wellbeing of the staff. This will include:

- Organisational values, vision and mission to guide a range of process including policy development, behaviour protocols, staff meeting, use of technology and other protocols,

- Policies that include staff wellbeing, bullying, OHS processes, technology use, conflict/grievance resolution, behaviour protocols and a range of clear procedures and role descriptions,

- Effective organisational structures and features,

- A range of processes to ensure staff work collaboratively and that 'silos' do not develop,

- A range of effective work practices that are collaborative, respectful and effective and supported by targeted professional learning, and

- Strong relationships with external stakeholders.

Workplace bullying is an issue that needs to be dealt with through an organizational change approach aimed at improving the overall workplace culture or climate. To do this, we need a framework that provides a 'roadmap' for systemic workplace change in relating to bullying. eSmart already provides this framework to reduce bullying and cyberbullying within schools and libraries. eSmart is aimed at the *employees* within these settings (eg Teachers and Librarians) and identifies six domains where action is required to achieve meaningful cultural change. eSmart could be extended and customised to suit workplaces more broadly and provide every workplace in Australia with a similar roadmap to reduce bullying. For more detail on eSmart, please refer to Section 7.

In addition, a key goal of the National Bullying and Cyberbullying Prevention Strategy is to develop agreed upon actions to reduce bullying, via the National Bullying and Cyberbullying Prevention Strategy Implementation Advisory Group. We recommend that this Implementation Advisory Group include a sub-committee of representatives relevant to workplaces to inform actions and interventions most appropriate to workplaces of different types, and potentially the eSmart Workplace framework.

3. 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

A number of research projects on workplace bullying have been undertaken over the last two decades and longer. Many of these commence with statements highlighting the seriousness of concerns occasioning the research. Each also examines the high costs – to individuals, co-workers, and organisations - in human and material terms, which may be exponentially increased if lawsuits for unjust dismissal, worker's compensation and/or disability are added.

A wide variety of resources to address workplace bullying are available. These include resources which provide information, educative and/or support services. Examples include: Safe Work Australia, ReachOut, The Australian Human Rights and Equal Opportunity Commission, Legal Aid Victoria, Stop Bullying in SA, Safe Work SA, The Australian Government's Comcare and Occupational Health and Safety Legislation, just to name a few.

One of the challenges in addressing workplace bullying is the myriad of information available. Our experience in the school and library sectors tells us that people don't know where to start and how to access information to address bullying.

The Foundation's eSmart Schools system helps schools (which are organizations) to access the best and most current resources relating to bullying and cyber-bullying, all in one place via a website. Whilst eSmart is discussed in detail later, it is worthwhile noting that the eSmart system organises resources via a framework for cultural change. This framework was developed with, and for, schools, so that the information makes sense to the staff within schools. This concept of organizing information in one place can, and should be extended to the workplace. As noted in the previous section, eSmart is one vehicle that could readily be adapted to do this. For more detail on eSmart Workplaces, refer to Section 7.

Why campaigns are not effective

It is often the first response of organisations to create a campaign to disseminate views. But our media-driven society has created a viewing audience suspicious of messages (Postman, N., 2006) and views news or other forms of information as a 'stylized dramatic performance' or as a form of entertainment, the veracity of which depends on 'the impression of sincerity, authenticity, vulnerability or attractiveness of the [news] reporter [or anchor]' (Postman, 2005, 102).

However serious the message, it will quickly be punctuated by a series of commercials which will can neutralise the information or render it immaterial. Although Postman writes about predominantly about television, his views can equally apply to digital media. It is worth expanding:

> '[T]he idea … is to keep everything brief, not to strain the attention of anyone but instead to provide constant stimulation through variety, novelty, action and movement. You are required … to pay attention to no concept, no character and no problem for more than a few seconds at a time'. (Robert MacNeil, executive editor and co-anchor of the "MacNeil-Lehrer News-hour" (Postman, 2004, 105).

Thus, we believe that 'Campaigns' on their own have little long-term effect on behavioural change. They do play a role as part of a whole of community cultural change strategy. A multi-faceted approach

consisting of awareness-raising, education, support services and interventions (amongst other things), which will need to be delivered by different stakeholders at many different levels to address the issue of bullying, including workplace bullying across our society.

Policy responses

Policy responses need to address the issue of workplace bullying in whole-of-community ways, including education, regulation and, as a last resort, legal changes to address the needs of different members in ways that are appropriately targeted specifically to reduce risks associated with bullying for people of all ages and in all settings.

Research and work in schools has shown very clearly that approaches, such as eSmart, that include the whole of the organisation (parents, teachers, leadership, students, wider community) provide the most effective way to implement changes aimed at increasing wellbeing, safety and preventing anti-social behaviour including bullying and cyberbullying.

These approaches have some common features:

- There is a focus on organisational values. For example, an understanding about bullying is not an 'add-on' to policy frameworks but stems from a central set of ethical values/principles which also inform other policies, procedures and processes within the organisation,

- There is a focus on positive input from all organisation members to the policy – rather than a tokenistic 'sign-off,'

- There is a set of definitions guide what people understand about how bullying might manifest in the organisation,

- There is an acceptance by all staff of responsibility for preventing and reporting bullying,

- There is consistency of understanding (definitions) response (policy) and reporting (responsibility) management/disciplinary action (management) at all levels and across the organisation,

- Recognition exists that change is a process, not an event, and

- Senior managers 'make an effort to adopt the … attitudes and skills that they have demanded of others' (Beer, et al, 1990, 166) – i.e. 'walk the talk'.

Community Forums – a word of warning

'Magic bullet programs' describe 'quick fix' programs that are isolated from the rest of the organisation and are usually ineffective. The term 'magic bullet programs' was coined by Beer, Eisenstat & Spector (1990) to describe 'quick fix' programs that are isolated from the rest of the organisation and that are usually ineffective. Organisations that adopt such programs or strategies run the risk of promoting staff scepticism and cynicism that may inhibit future possibilities and limit commitment.

Community forums might be viewed in the same light as 'magic bullet programs' to the extent that if they are isolated from the mainstream of workplaces and community concerns about workplace bullying, they will be ineffective. Were they to be held, organisations from across the spectrum of workplaces would need to be involved, including workers themselves, not merely senior management, together with

academics in the field, members of the legal community and policy makers. If such forums are held, they should be prepared to implement recommendations that result from them.

In summary, on their own and without context, any education, support service, campaign or community forum cannot reduce workplace bullying in an ongoing and holistic way. Rather, these activities must be part of a broader approach to address the issue, involving the co-ordination of a range of different activities and interventions at different levels. We believe that workplace bullying can most effectively be addressed through a National Workplace Bullying and Cyberbullying Prevention Strategy, to be developed as part of a broader National Bullying and Cyberbullying Prevention Strategy (please refer to next section for more detail on this strategy).

4. Whether there is scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying

We believe that addressing the issue of workplace bullying will necessarily rely on a multi-faceted approach consisting of awareness-raising, education, support services and interventions (amongst other things), which will need to be delivered by different stakeholders at many different levels. These activities need to be actively coordinated to avoid duplication and maximise impact.

From our experience in developing eSmart, and in social change more broadly, we know that the power of these activities is harnessed (and collective impact is achieved) when five conditions are met (Hanleybrown et al, 2012). This includes when:

- There is a common agenda for change, with stakeholders having a shared understanding of this issue and a joint-approach for addressing this issue,

- There is consistent measurement of the issue, conducted on an ongoing basis,

- There are mutually reinforcing activities, meaning that all the different activities undertaken must be complementary, coordinated and focused on the shared vision for change,

- There is an ongoing, and open dialogue, between key stakeholder to build trust, affirm objectives and maintain focus, and

- Resources are invested to coordinate activities across stakeholders (usually through a separate organization whose main focus is the change agenda).

Our National Bullying and Cyberbullying Prevention Strategy is based on these five principles. It has been deliberately conceived to ensure the coordination and cooperation from all relevant stakeholders at multiple levels. This includes:

1. Developing a common definition of bullying and its causes (including measurement) through the *Strategy Research Council*, consisting of key researchers and academics within the field,

2. Ensuring a common approach, and shared change agenda, to solve the issues of bullying and cyberbullying by convening an *Implementation Advisory Group*, which will develop agreed-upon change goals and actions, which are then cascaded. This group will consist of stakeholders from key government agencies at federal and state levels and other relevant stakeholders, and

3. Coordination and communication of activities via the National Centre Against Bullying, a peak non-partisan body consisting of key thinkers and practitioners in the bullying field.

We proposed that this strategy be applied to workplaces and that a similar approach be adopted to reduce bullying in the workplace in a holistic and ongoing way.

5. Whether there are regulatory, administrative or cross jurisdictional and international legal and policy gaps that should be addressed in the interests of enhancing protection against and providing an early response to workplace bullying, including through appropriate complaint mechanisms

and

6. Whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying

The Chair of the Foundation's National Centre Against Bullying (NCAB), The Hon Alastair Nicholson, former Chief Justice of the Family Court provides advice to the Foundation on matters relating to bullying, cybersafety and the law. He has provided an overview of the issues, relating to bullying in general. With his permission we have attached this as an appendix to our submission (refer to Appendix B).

The Alannah and Madeline Foundation recommends, as part of a National Workplace Bullying and Cyberbullying Prevention Strategy, that a national legislative and policy framework about workplace bullying is adopted as a responsibility of the Federal Government in the interests of definitional, policy, regulatory and legislative uniformity, thus more effectively safeguarding workers across the country.

7.   The most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another

The Alannah and Madeline Foundation is involved in whole-of-society cultural change. While our understanding, based on research, is that the most effective way to achieve change in attitudes and behaviour is with children and young people, we are interested in achieving change across educational levels, systems and jurisdictions and, through our eSmart Libraries system, reaching a much broader section of the population.

eSmart is a world-first, holistic approach to reducing bullying and cyberbullying within the Australian community and is informed by other successful behaviour change campaigns such as SunSmart and Quit which have an integrated, multi-layered, sustainable and systemic approach to social change. These interventions create the environments in which it is easy and normal for individuals to make smart/healthy/self-protective choices.

The Alannah and Madeline Foundation chose schools as the first setting for eSmart. Theory, together with evidence around Health Promoting Schools, supports the role of schools in affecting individual behaviour and influencing broader social change.

eSmart connects bullying, cyberbullying and cybersafety with overall wellbeing, and focuses on creating cultures of respect and personal responsibility in addition to providing users with the practical knowledge to ensure their security.

However, as demonstrated by the SunSmart, a successful behaviour change campaign must extend into other community settings. For eSmart these include libraries, community centres, homes and workplaces.

A logical next step for this behaviour change initiative is to follow young people from the school setting into the training setting and workplace. Targeting apprentices and trainees with the same behavioural change messages they have already experienced provides a link between schools and the workplace and reinforces the desired positive behaviours.

Bullying and cyberbullying are serious issues for young people entering the workplace and can have serious adverse effects on the apprentice or trainee as well as their colleagues, employers and families. In addition, this initiative will show positive economic returns and could demonstrate potentially huge savings that would be realized to the Government, community and employers through increased completion rates of apprentices and trainees.

Young people progress into the wider workplace setting and take the cultural norms of bullying and cyberbullying being unacceptable with them. However, targeting young people in workplace training and apprentice settings is only the first step to introducing eSmart into the wider workplace. The goal is to have every work place become an eSmart workplace where bullying and cyberbullying are reduced.

eSmart as a means of information dissemination

eSmart is a web-based system. Each of the six 'pieces of the pie' or domains has within it a series of 'attributes' containing key questions and activities that a school must complete in order to achieve eSmart 'status', in the same way as SunSmart status is achieved and maintained.

Part of eSmart's power lies in its ability to lead the user to a range of relevant, evidence-based and evaluated resources via hyperlinks. Currency of the resources is ensured by constant scoping and updating by Alannah and Madeline staff.

The system has implications for ways government and other organisations disseminate information. The searcher can gain access to exactly the information she needs without having to wade through a plethora of other pdfs, links or web pages.

Information dissemination alone, however, is not a sufficiently effective means of changing cultures and practices. eSmart is informed by values (relationships, respect, responsibility and resourcefulness) and informed by characteristics (the outside of the wheel).

The eSmart system for organisational change

eSmart has the goal of changing and enhancing school and broader cultures by improving organisational policies, structures, practices relating to work content and delivery and focus on working with other stakeholders to enhance outcomes.

Bullying will be reduced, and therefore individuals' need for 'ontological security' (Boucaut, 2001) is more apt to be satisfied. Consequent ability to focus more effectively on their work rather than being concerned for their own personal wellbeing (mental and physical) will lead to enhanced productivity in the workplace.

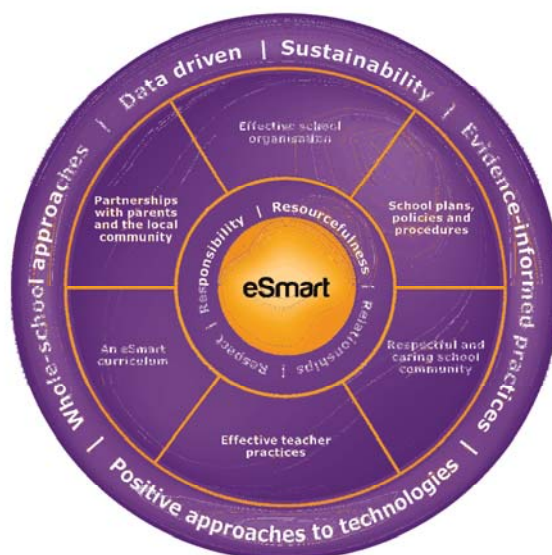The eSmart schools model (below) illustrates the above discussion.

Figure 1. The eSmart Schools Framework Model

eSmart's ambitious and comprehensive approach has the goals of promoting wellbeing, reducing bullying on and offline and enhancing people's uptake of digital technologies.

eSmart Schools

Developed in conjunction with RMIT University, the eSmart Schools Framework and system designed to help schools change their culture and behaviours in relation to the use of digital technologies and enhance wellbeing. It is a whole-school approach that embraces technology's benefits, reduces students' and teachers' exposure to risk, improves wellbeing and enhances relationships.

eSmart is not a system, framework or philosophy that works or interacts directly with children and young people. It is a model of school/organisational change and continuous improvement that works principally with school leadership and staff through the development of appropriate organisational structures, policies, relationships, pedagogy and curricula to improve the wellbeing and digital know-how of all members of its community. It is flexible and able to be adapted by settings as diverse as large southern state private schools to schools in remote indigenous locations.

eSmart encourages and supports the development of technology-rich learning environments where student voice and student-led activities are central. It reaches out to the parents and other family members, as well as the wider community through a dedicated domain of activity.

eSmart has the best chance of bringing a greater level of awareness about [cyber] bullying and wellbeing to young people, their parents and the wider community. Like SunSmart, eSmart initially is anchored in schools, with a system to guide schools to introduce the right policies and practices that ensure their teachers, students, and families are equipped to be 'eSmart', a concept that encourages people to be smart, safe and responsible online and develops digital literacy and citizenship.

eSmart relies on a shared workload and involvement of all key groups in decision making and implementation. It is considered essential that students, parents and other community members participate and that their ideas are respected.

eSmart Libraries

Recently, work has commenced on eSmart Libraries. Public libraries are by far the most heavily used community agencies in Australia. More than half of the population are public library members, and make over 110 million visits per year to 1,500 public libraries across Australia (ALIA 2009). Public libraries provide an excellent opportunity for reaching a broad spectrum of children's parents and grandparents and promulgating eSmart messages. eSmart Libraries will support the safe and responsible internet use of the whole spectrum of library users, as many users, including senior Australians are vulnerable to a range of risks in the online environment.

Public libraries provide a range of services across the age spectrum, from homework support to one-to-one help for seniors and other new users, including migrant groups. For those without computer or internet access in the home they are an important free or low-cost option.

eSmart Libraries is a community capacity building strategy, equally applicable to all communities, including remote and indigenous ones. It will deliver: a framework for implementing a whole-of-organisation approach a dedicated website providing a central point for all the best information and case studies available evidence-informed strategies and approaches that have been evaluated foe effectiveness a system for libraries to track report and share their own progress and activities acknowledgment of good practice through signage and other promotional materials when libraries reach set milestone.

Introduction of this framework will increase the capacity of library staff to support their community to become more skilled in the positive use of digital technologies and to reinforce respectful and responsible behaviours online.

A key attribute of the eSmart library strategy is the ability for each library community to adapt the framework to suit its own needs. The initiative avoids individual settings having to 'reinvent the wheel'. It provides a system/framework and immediately accessible set of tools to enable libraries (or schools) to become cyber-safe. An eSmart library, whether it is a library in a remote indigenous community or an inner city library within a multicultural community is well-equipped to help its community particulate in the world of digital technologies in smart, safe and responsible ways.

eSmart Workplaces

The Alannah and Madeline Foundation believes that the eSmart system can be applied successfully to workplaces. It provides a method for creating a cultural change in the workplace through social and behavioural change campaigns and provides a mechanism to deliver interventions. Because an eSmart workplace is required to record and monitor its progress in implementing bullying policies and best practice strategies to reduce the incidence and harms caused by workplace bullying, eSmart offers a method for tracking and reporting the effects of interventions within the workplace.

The customisation and implementation of the eSmart system to workplaces would include:

- A framework to help workplaces navigate the myriad of information that is currently available on cybersafety and the positive use of digital technology,

- A website where workplaces access strategies for implementing the eSmart framework, including sign-posted links to the best-available resources and tools,

- An online tool where workplaces can track and report on their progress in implementing eSmart,

- An eSmart help desk, available to all workplaces during business hours, which will support workplaces in implementing eSmart strategies,

- A training session (virtual or otherwise) for every workplace on eSmart, supported by online forums and webinars,

- An eSmart starter kit – a comprehensive set of information and resources inducting workplaces into the eSmart system, and Regular eSmart newsletters and tips.

Social Marketing Campaign

As discussed another component of a comprehensive social change strategy like eSmart is a social marketing campaign to promote the desired cybersafety behaviours. The SunSmart campaign promoted "Slip Slop Slip" and the eSmart campaign aims to promote "smart, safe and responsible" use of technology. eSmart has been already implemented in over 1000 schools across Australia with more enrolling every week, and plans are well progressed to roll eSmart Libraries out to all Australian Public libraries. The consistent behavioural change messages being heard in all eSmart settings will be reinforced through the social marketing campaign.

8.   Possible improvements to the national evidence base on workplace bullying.

As noted in Section 1, there are differing and inconsistent definitions of the terms bullying and cyberbullying (including workplace bullying) and different approaches to measuring it. This creates significant difficulty in understanding the real prevalence of workplace bullying, its underlying causes, whether the incidence is changing over time and what can be done about it.

A primary goal of the National Bullying and Cyberbullying Prevention Strategy is to develop a common approach to measuring bullying and cyberbullying and its impact, through the establishment of a National Bullying and Cyberbullying Prevention Strategy Research Council.   This Research Council would comprise key researchers and academics in the field, whose primary goal is to agree a 'standard' definition of terms, which are then used in a consistent way in research, practice and measurement. Part of the work of this Council would be to disseminate research findings to ensure that we all have an accurate understanding of the issue.

We further recommend that a longitudinal national survey on bullying and cyberbullying within workplaces be conducted. This would complement the planned youth focussed national survey. This will ensure consistent measurement, based on the agreed definition of bullying, and will reduce both overlap and gaps in the gathering of data around the issue. Such a survey will enable an accurate, ongoing, and cross-sector understanding of the prevalence of workplace bullying and its causes, thus informing appropriate intervention strategies in the short and longer-term.

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Appendix A - National Centre Against Bullying Members

Chair

The Hon. Alastair Nicholson AO RFD QC

Members

Marg Armstrong, Education Consultant, Just Practices

Dr Pamela Bartholomaeus, Lecturer, Flinders University

Elida Brereton, Former Principal, Camberwell High School

Professor Marilyn Campbell, Associate Professor, Faculty of Education, Queensland University of Technology

Dr Michael Carr-Gregg, Adolescent psychologist and author

Sandra Craig, Manager, National Centre Against Bullying

Professor Donna Cross, Professor, Child and Adolescent Health, Child Health Promotion Research Centre, School of Exercise, Biomedical and Health Sciences, Edith Cowan University

Maree Davidson, Manager, Davidson Consulting

Dr Julian Dooley, Associate Director, Sellenger Centre for Research on Law, Justice and Social Change, Edith Cowan University

Evelyn Field, Psychologist, Author and Speaker, specialises in school and workplace bullying

Stephen Franzi-Ford, CEO, Association of School Councils In Victoria

Andrew Fuller, Fellow of the Department of Psychiatry and the Department of Learning and Educational Development, University of Melbourne

Coosje Griffiths, Manager, State-wide Student Services, Department of Education, Western Australia

Gabrielle Leigh, President, Victorian Principals' Association

Professor Helen McGrath, Adjunct Professor, School of Education, RMIT University

Robert Masters, Director, Robert Masters & Associates

Professor Toni Noble, Adjunct Professor, School of Educational Leadership. Faculty of Education Australian Catholic University

Professor Ken Rigby, Adjunct Professor, University of South Australia

Professor Phillip Slee, Professor Human Development School of Education, Flinders University South Australia

Dr Barbara Spears, Co-Director of the Citizenship and Wellbeing Research Group of the Centre for Research in Education, School of Education, University of South Australia

Maree Stanley, Manager, Better Buddies, The Alannah and Madeline Foundation

Dr Judith Slocombe, CEO, The Alannah and Madeline Foundation

Irene Verins Senior Project Officer, Mental Health and Wellbeing; VicHealth

Appendix B - Issues re. Bullying, Harassment and the Law

1. Commonwealth constitutional power is limited to dealing with offences relating to the electronic transmission of material. This covers behaviour using computers including E-mail and mobile phones and the usual forms of social media such as Facebook, Twitter, You Tube and the like.

2. However, the Commonwealth lacks power over antisocial behaviour including bullying and harassment not involving electronic means. Therefore in approaching legal issues it is highly desirable to develop a co-ordinated approach with States and Territories.

3. The area of Commonwealth power is nevertheless extremely wide and specific legislation should be designed to deal with it. Hitherto we have largely sought to adapt existing legislation to provide a legal basis for addressing these problems.

4. It is time that we ceased this *ad hoc* approach and designed legislation specifically addressing the issues arising from the various types of anti-social behaviour that we seek to control and/or prevent.

5. First, we must determine what the type of behaviour that we wish to address. Presumably, this ranges from child pornography, sexual grooming' stalking and harassment through to workplace and school bullying, harassment and victimisation.

6. It is also necessary to remember that the target group that the laws will affect is a very wide one ranging from quite young children to the elderly, both as victims and perpetrators. In the case of children, perpetrators under 10 will be unaffected and those between 10 and 14 remain protected to some extent from the operation of the criminal law.

7. Child pornography presents particular problems. Those adults who exploit children sexually for sexual satisfaction or gain are guilty of reprehensible behaviour and should be severely punished by the law. For them it is quite appropriate to record their names on a sexual register.

8. However, the laws that are presently used to control this behaviour are also used against children and young people, whose behaviour is much more understandable and less worthy of punishment. Young people make wide use of electronic communication and some of it will inevitably have sexual connotations. The same behaviour on the part of adults would not normally be a criminal offence but because the subject matter relates to a child it falls within the definition of child pornography which carries with it severe criminal sanctions.

9. What are the answers? The issue is that the offences are defined too broadly and cover too wide a range of conduct. It is insufficient to suggest, as some have including the Victorian Law Reform Commission, to merely give the courts the power to not include children like this on a register of sex offenders, although courts should clearly have such a power.

10. An answer is to change the definition of the relevant offences and provide different penalties depending on the nature of the offences. This could be done by more tightly defining the conduct to be proscribed and the intent involved and providing for a range of offences ranging from the serious to the more trivial with penalties graded appropriately. This gradation is common in other areas of the criminal law such as assault, with offences and penalties depending on the gravity of the conduct. Another additional measure would be to differentiate between offenders on the basis of age. One thing that would have to be decided is whether the milder kinds of juvenile type conduct involved with 'sexting' should be an offence at all – there are differing opinions on this, although we are inclined to believe it should not be an offence

11. Turning to bullying and harassment, we must be careful in considering legislation in this area to avoid creating the same problem. Arguably, the Victorian Government have done this with Brodie's law. While the conduct that brought about this girl's tragic death should be severely punished, the law passed is in such wide terms as to create much milder forms of conduct as a serious criminal offence as well.

12. The terms bullying and harassment are used here because of the generally understood distinction between the two types of conduct. This is that an essential element of bullying is its repetitive nature, whereas a single act can amount to harassment. It is distinction worth providing because it is the repetitive nature of bullying that is it's real vice and takes it beyond single acts, however serious they may be.

13. The first issue to be determined is whether bullying should be a crime at all and if so how should it be defined? Bullying is usually characterised as involving:

   - Repetition (occurs regularly)

   - Duration (is enduring)

   - Escalation (increasing aggression)

   - Power disparity (the target lacks the power to successfully defend themself).

   - Attributed intent

14. Points in favour of bullying being a crime are:

   - Bullying is a form of aggression, involving the abuse of power in relationships. It is recognized globally as a complex and serious problem. It has many faces, including the use of emerging technologies, and varies by age, gender, and culture. (Kandersteg Declaration);
   - It is serious anti-social conduct and as such should be proscribed by the law;
   - It's effects have the potential to produce serious injury or death and yet because it is not a crime, the nature of the conduct involved may not be chargeable as a crime a crime either and yet produce these effects;
   - It's effects are potentially long lasting and has the capacity to blight lives of persons involved in it, whether as the subject of it or as perpetrators;
   - It's characterisation as a crime would have an educative effect, making it clear to those involved and others, such as bystanders, that it is against the law

15. Points against it being a crime are:

   - That it may widen the net of persons being prosecuted to include many people, including children whose actions are not presently regarded as criminal and will be unnecessarily criminalised by making bullying an offence;

   - It is asserted by some that present criminal sanctions of conduct involving bullying are sufficient to control it;

   - That it would be ineffective to control children's behaviour having regard to the immunity of children from prosecution under the age of 10 and limited immunity under 14;

   - That the law could be manipulated by unscrupulous persons in order to harass others by making false allegations of bullying;

- That the real answer to bullying does not lie in the law but in other means such as education etc.

16. These are difficult issues and need careful consideration. On balance, we favour definition of bullying and criminal sanctions, at least from the Commonwealth point of view. We say this because the use of electronic technology means that distribution of material is to go to a much wider audience and the effect is therefore more profound. However, we believe there is a strong argument for criminalising the offence of bullying in any event.

17. As with child pornography and sexting, the offences should be graded depending on intent and seriousness and penalties should be more severe for adults. Similar considerations should apply in relation to harassment.

18. We agree that the law is not going to provide all, or even many, of the answers to the problem presented by bullying. However, it does perform an essential function of setting boundaries to conduct and indicating that conduct going beyond those boundaries will not be tolerated by society.