SUBMISSION WORKPLACE BULLYING

Qualifications:	BA; LLB; Grad Dip Legal Practice; Dip Ed; Grad Cert Religious Education; Cert School Leadership and Management.
Experience:	Currently - Private Law Practice; Previously - Educational Administration; Executive in Secondary and Primary Schools; Teacher in Secondary and Primary Schools.
Other experience:	Junior and Senior Sporting organisations; Aboriginal Communities; Vast work experience in regional and rural NSW;

General Introduction to and Outline of Submission.

Australian workplaces appear to broadly come under four categories:

1. Private sector
2. Public sector
3. Private sector – Quasi-Government organisations.
4. Private sector – Religious, charities, volunteer and benevolent organisations.

My workplace experience relates strongly to the 3rd and 4th of these and therefore most of my submission relates to workplace bullying in such organisations. I would assume that there are many aspects of workplace bullying which are common across all sectors and many aspects that are peculiar to only one or a couple of the sectors.

Definitions

3. Private Quasi-Government organisations – entities that generally depend on Government grants (ie tax-payer funded) to be viable, This sector would encompass systemic and

independent education, systemic and private health care, Medicare funded practices, Community Legal Services, etc. etc.

4. <u>Religious, charities, volunteer and benevolent organisations</u> – covers organisations that make extensive use of no-pay or low pay 'volunteers'. Generally the bullying is more related to 'financial mistreatment' by the organisation profiting from the good nature of the volunteers. An added issue which hides bullying in these organisations is the public face of 'philanthropy' which can mask reality.

The Core of the Problem

Poor definition of workplace bullying.

There are three major forms of workplace bullying, the first two are overt and the third is covert:

a)   Physical – pushing, hitting, poking, tripping, punching, spitting, etc. etc of the victim/s

b)   'Ganging Up' – laughing at, surrounding, taunting, teasing, threatening, etc. etc of the victim/s

c)   Hidden: ostracising, avoiding, talking/lying about, exclusion (failure to consult, include, involve, invite, value, respect, etc.), ignoring, private reprimanding, etc. of the victims.

The majority of (mandatory) anti-bullying policies and practices address the overt forms. This may be because these forms of bullying are easy to investigate – there can bruises, marks and wounds in a), and there can be sounds, words and witnesses to b). These are occurrences where evidence can be (often) readily gained. But as forms of bullying they are not the major problem. I would argue that they are misnamed 'bullying' and should labelled by the legal term of 'assault' and dealt with accordingly.

The fact that they are misnamed 'bullying' diverts attention from the severest problem in the workplace. The hidden forms of bullying listed in c) are the silent, most prevalent, most psychologically damaging (ask any victim), most ignored, most undetected, most evidence-less and most protected form labelled 'bullying'. These are the instances that are nearly impossible to detect, often one's word against another's, often seen as brought upon themselves by the victims (in marked similarity to excuses for sexual assault and child abuse). It is in this area that our society, its governors, its educators, its investigators, its

protectors and legislators need to turn their attention in a drastic and all encompassing manner.

Failure of Leadership

Criteria necessary for leadership positions, as stated, are often incorrect. A study of any selection of job advertisements for leadership positions will immediately see a scarcity of criteria concerning personality, character, integrity, care, compassion, etc. These virtues seem to have disappeared from the language of leadership attributes even though all are essential to genuine leadership. It nearly seems to be a crime to mention them as requirements. All of these terms emphasise and promote the consideration of OTHERS. Conversely there is a preponderance of job advertisement criteria framed in terms of motivation, drive, confidence, profit, organisation, management, administration, promotion – all terms which concentrate on the consideration of the leader's SELF. Poor leadership enhances workplace bullying in two ways:

1. Directly when carried out by the leader
2. Indirectly (not carried out by the leader) but allowed to flourish by the leader through inactivity: failure to investigate, failure to monitor, failure to record, failure to communicate, failure to educate, failure to be approachable, failure to appreciate the needs of ALL employees, etc.

A renewed emphasis and concentration sound personality will ensure that both leaders and workers with personality disorders such as Narcissistic Personality Disorder do not gain influential positions. Selectors of staff and leaders must be made aware of indicators of the range of personality disorders and the impact that leaders or employees with such traits can have on employees' well being and workplace productivity.

Failure of Self-regulation and Deregulation in assessing the internal workings of private sector workplaces.

Private sector business workplaces may be strongly governed by the financial realities of the market place. However, the quasi-government and volunteer sectors are governed, investigated and assessed either by their own internal structures and processes or by lodging reports (usually electronically) to government bodies. These reactive processes ensure that 'NO ONE EVER COMES TO CHECK' until problems surface – and often not even then - which is way too late.

These organisations are in receipt of huge amounts of government money (in many cases through income tax concession) and should be made more strictly and genuinely accountable to the tax payer. Workplace bullying can thrive in such isolationist environments

It appears that successive Governments over recent times have promoted tax cuts, mainly as a tactic for popularity in seeking re-election. It would appear that, as Departmental budgets have been slashed to allow the tax cuts, accountability and investigative processes that should be, and can only be, carried out by trained and experienced 'human beings' have been replaced by computer generated reports. These reports are profusely generated by 'self-reporting and self-regulating' of the organisations under the belief that quantity of data overpowers quality. But 'NO ONE EVER COMES TO CHECK'. (audits of a small sample of organisations is easily circumvented and never gives an accurate picture - it is not the answer.)

The demise of unions and the rise of legislation as regulators of workplace bullying

Union membership is generally falling right across all workplaces. There seems to be a movement towards legislation controlling workplace relations which has undermined the role of the union in looking after the individual interests of employees. Unions seem to now concentrate only on collective bargaining and gaining industry-wide conditions. Unions seem to have left the rights of the individual employee to be covered by the law rather than by union investigation.

The major problem with dealing with workplace relations through legislation is that workers now have to turn to lawyers to deal with their problems. The cost of legal representation is prohibitive to just about all employees. Just one hour of legal advice can be the equivalent of 3 or 4 days wages. Employment precludes free legal advice from Legal Aid.

Coordinated and Consistent Leadership Training

<u>Primary School</u> – there is no unified or comprehensive program of instilling leadership knowledge, values or skills across Australia, the States or school systems. What does happen, if it happens at all, is left to the individual school and usually to an individual within the school. Sadly leadership in a primary school has only two dimensions – popularity voting to see who gets to wear the badges and some lip-service to representation called SRC.

Secondary School – more of the same as in primary schools with the addition of a few senior 'prefects' with responsibilities.

Tertiary Education – there seem to be few or no courses which concentrate or highlight aspects of leadership. Assuming that our schools and tertiary education institutions should hold people who will ultimately become industry and community leaders, we ignore the opportunity provided by 17 years of education. Society actually endorses 17 years of a minimalist approach concerning leadership.

There needs to be a curriculum continuum developed which introduces students at all levels of education to the concepts and *practical* skills of leadership. Why wait until someone seeks leadership skills in their industry at age of 30? Surely a lot of core groundwork could be done well before this.

Corporate Structures in Service Organisations

The language of corporatisation has permeated nearly all organisations over the last 20-30 years. Many leaders are chosen for their adeptness in 'parroting corporate norms' rather than delivering quality practices to ensure sound relationships amongst workers and clients. This approach has been wrongly applied to Government departments and service organisations where 'the bottom line' should not be the main concern – quality of service should be.

Remove the 'driven' language of corporatisation – mission, vision, outcomes, strategic plans, targets, best practice, downsizing, economies of scale, indicators, human resources, etc. etc from all service organisations. Leave such words to the world of business. Replace these words with relationship enhancing words such as goals, aims, achievements, success, care, compassion, etc. In this way the focus of the leader will move from outcomes based on measurable 'indicators' to achievements based on overall human satisfaction endeavour. A unified and friendly workplace can be fostered. Aim to encourage work places broken into smaller closely connected, intimate work groups rather than enormous impersonal, hierarchical structures where 'buck-passing' allows blame and ready made-excuses which lead to a complete abrogation of lower level responsibility

A return to the importance of the 'co' words in the workplace – consult, cooperate, collaborate, colleague, confer, concern, etc. (but remove the word 'compliance').

Frame of Reference

- *the prevalence of workplace bullying in Australia and the experience of victims of workplace bullying;*

My experience in both the law and education indicates an extraordinary prevalence of workplace bullying at present and growing. Sound data needs to be collected urgently. I feel that two ready sources of such information could be found in

a) Doctor's, psychiatrist's and psychologist's practices where a large proportion of their patients appear to be suffering from stress and anxiety caused by the workplace.

b) Lawyers records of clients seeking advice about poor workplace relations.

Mandatory reporting of such occurrences by these professionals could lead to the establishment of a data base of organisations or individuals fostering cultures of workplace bullying. Similar data bases are kept for work related child abuse by the Ombudsman and community child abuse by DOCS.

The experience of victims is horrific – mentally debilitating – destroying their confidence and also their trust in those around them. These normal reactions to workplace bullying often become 'a self-fulfilling prophecy' appearing to justify the bullies' actions.

The impact of the anxiety and stress caused is enormous – increased use of sick days, poor work performance and productiveness, lack of purpose, loss of desire to succeed, escapism, alcoholism, tobacco, gambling and drug problems. Stresses are placed on families through fear of financial ruin.

The employee is in an extremely disadvantaged position – fear of losing the financial stability provided by their job is a massive pressure. Far too many people give the advice to the victim 'get out and get a new job'. I have heard this advice given by professionals in both legal and medical fields, and have read it in a lot of literature on the subject. I reject it absolutely as a 'cop out' and an 'abrogation of duty' of the highest order. The only acceptable response to workplace bullying should be 'this will be investigated thoroughly and the problem will be alleviated'. Any other lesser response should be rejected. Employees need to have an 'outside body' completely free from any conflict of interest to intervene on their part in these matters.

- *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;*

Leadership should always be based on personality, character and integrity.

Those who role it is to choose leaders need to be free from conflict of interest concerns and trained in their task.

Policies and procedures should not simply exist on paper. Internal reporting on the application of policies is fraught with danger – apart from being reactive, there is the possibility that PEOPLE WILL LIE ON THESE REPORTS. They need to be regularly checked, investigated and reported on – non compliance should lead to meaningful sanctions. This is an area that needs to be proactive and demands a combination of inspection and investigative procedures and approaches.

- *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;*

Very, very poor. Needs a coordinated States or National approach so that good leadership styles can be nurtured and developed throughout primary, secondary and tertiary education and not simply left to industry training. Sadly most personality traits have been well and truly established by the end of the secondary school years. Why do we wait until it is too late and waste the first 17 years of a person's life before thinking about leadership training.

- *whether the scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying;*

I think I have commented on this in the rest of my submission on page 6 under first 'dot' point.

- *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;*

Yes – already mentioned as a continuing theme.

- *whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying;*

Self-regulation is a failure. Requiring organisations to establish mandatory policies and practices is pointless unless coupled with inspection and investigation. Conflict of interest can never be ruled out while organisations investigate their own occurrences and report on their own compliance with mandatory requirements. There must always be independent regulation, inspection and investigation and it must be adequately funded so that any response can be quick and thorough.

If the loss cause to the economy by workplace bullying is between $6 billion and $36 billion per year, spending $5 billion per year on rectification processes cannot fail. If you want social and industrial change you must be willing to pay for it – delay tax cuts – fix up the work place.

- *the most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another; and*

  Sound leadership, sound leadership, sound leadership; Sound selection criteria, sound selection criteria, sound selection criteria; Sound leadership training, sound leadership training, sound leadership training; Sound and qualified selectors and selection processes; sound and independent investigation and inspection of reported bullying.

- *possible improvements to the national evidence base on workplace bullying.*

  Have mentioned above the establishment of a data base of offenders through mandatory reporting by legal and medical professionals

NB – *The problems and anxiety caused in the victims of workplace bullying are nearly impossible to appreciate without personal experience or extensive training. The uneducated or inexperienced most often:*

- *fail to grasp the severity of the problem;*

- *fail to accept that the enormity of the problem could be as severe as described by the victim;*

- *fail to understand that perpetrators are experienced and convincing liars and 'charmers' which often elicits the response 'I don't find them that way';*

- *look for reasons that emanate from the victim rather than the perpetrator (the natural response to bullying is to exhibit behaviours which appear to 'justify the bullying.*

In this way workplace bullying bears many similarities with child abuse and sexual abuse.