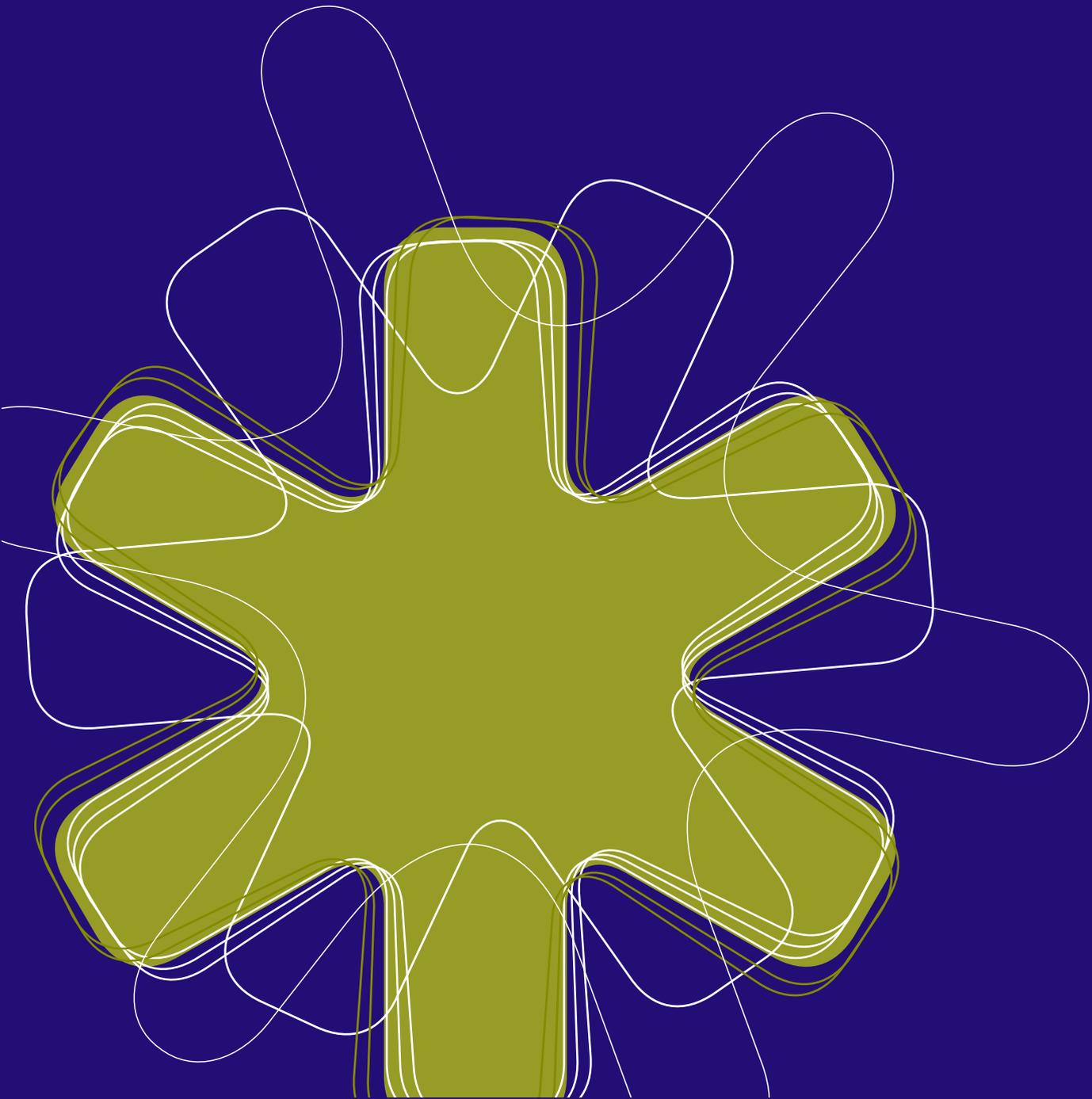# workplace bullying:

making a difference

Working Women's Centre of South Australia Inc 2003

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Acknowledgments

This project has been a truly collaborative effort and I take this opportunity to thank:

workplace bullying:
making a difference

contents

workplace bullying: making a difference

foreword

*It was always the intention of the Working Women's Centre SA Inc, following the publication of **Workplace bullying: Finding some answers** in 1997 to undertake a practical project. One of our aims was to identify a number of workplaces who were keen to address the issue of workplace bullying in a way that would really benefit individuals and their enterprises.*

It was some time after the release of the first report that a greater awareness of workplace bullying occurred and for some important (and at times difficult) discussions to be had about the issue. Eventually the Centre, as a stakeholder in WorkCover's Access and Equity Women's Focus Group, attracted further project funding through the WorkCover Corporation's Small Grants Program. This allowed for the employment of Jane Clarke as Project Officer.

The next step was to identify some very courageous employers (Parklyn and Sunset Lodge Aged Care Facilities and Statewide Group Training SA) who were willing to state not only that workplace bullying had been reported or raised in their organisations, but that they were willing to do something about it and that they welcomed our presence. An important part of this process was the development of trust and mutual respect. This, coupled with a clear commitment from management and the participation of interested people at all levels, set a climate for this project to proceed. As Project Officer, Jane worked in very practical ways with both organisations. The strategies outlined in this resource have all been tested, trialed and refined by participants. You can be confident when using this guide that it has developed out of the experience of others.

Not every workplace will have the benefit of a dedicated project officer who can help drive a similar process but we hope that this resource will guide people in workplaces of all sizes who wish to make a difference. Obviously each large, medium or small workplace, to make this successful, will want to adapt the process to their particular situation. You will wish to ensure that the needs of workers of culturally and linguistically diverse backgrounds and workers with a disability are able to participate in all the processes outlined in the resource.

Any effort to address workplace bullying will require resources but weighed up against the cost of doing nothing, the commitment of resources is an investment in a happier, healthier and more productive workplace for everyone.

Sandra Dann
Director Working Women's Centre SA Inc

Introduction

workplace bullying: making a difference

Who should use this guide?

Anyone in large, medium or small organisations
who wishes to address workplace bullying:

- individuals
- managers, supervisors, human resource personnel
- union delegates and representatives
- occupational health and safety representatives and committee members.

What does this guide do?

This guide:

- provides real-life examples from two organisations that decided to address bullying in their workplace
- comments on the issues, problems, and resource implications that may be faced when dealing with specific bullying incidents and preventing further occurrences of bullying
- provides tips to assist you in addressing workplace bullying.

Why is this guide different?

This guide has a practical focus based on ideas and procedures adopted in real-life experiences and situations. Located throughout the document are anecdotes that tell how specific issues were dealt with in two organisations and hints on how you could deal with such issues.

How could you use this guide in your workplace?

Instead of providing 'the answers' as many guides claim to do, this guide, based as it is on practical experiences, can help you to tailor the way you manage bullying in your organisation so that it specifically suits your staff and your environment.

STEP 1

1 2 3 4
5 6 7 8

Defining
workplace bullying

Before embarking on any program to address workplace bullying,
it is important to gain the commitment of management.
This is outlined in Step 4.

You can choose to use one of the many definitions of workplace bullying that
already exist *(see Appendix 1)*, but it is better that you discuss and decide for
yourselves what bullying means in **your** workplace. In this way you can build
up a definition that is most relevant to you and you can determine the broad
range of behaviours in your organisation that may be called 'bullying' as well
as the circumstances in which they occur.

**Some key concepts to consider
when developing a definition of bullying**

* Workplace bullying is unreasonable behaviour, both obvious and hidden,
  that intimidates, humiliates or causes harm to an individual or group
  within a workplace.

* All people have the potential to bully and anyone can experience
  workplace bullying.

* Often this behaviour is considered to be a part of the culture of the
  workplace.

* Often the behaviour described seems trivial until it becomes apparent
  that the repeated pattern of the behaviour undermines an individual's
  confidence, self-esteem and health.

* While one-off acts can be serious and need to be addressed, they
  do not necessarily constitute bullying. In some organisations however,
  one-off incidents such as initiation ceremonies are seen to be the
  origin of bullying and therefore must be dealt with

*** In many cases,
bullying has become
a cultural norm in
the workplace.
That is, people are
teased and taunted
regularly and this
is considered to be
'the way we do
things here'.
Unfortunately some
of the people who
are teased may find
this behaviour
intimidating and
unacceptable.**

Example

At the Group Training Scheme there was a view that we needed to include one-off incident and initiation ceremonies. It was agreed that initiation ceremonies generally constitute violence rather than bullying and that whilst not necessarily bullying, one-off traumatic incidents were serious, and may well be the beginning of bullying and thus should be addressed.

• Bullying does not necessarily involve intent. At a workplace level it is not appropriate to include intent in a definition.

• Bullying, like sexual harassment, is very personal and each individual has the right to identify what they find offensive. However, what one person finds humiliating or intimidating, another may not. This does not mean that what they are feeling is not real. It is also true to say that there does need to be some objectivity in dealing with bullying, so that, as in the case of sexual harassment, one needs to ask 'Given all the circumstances is it reasonable that this person feels they have been bullied?'.

Example

In both participating organisations people were asked to identify:
- *The key features or elements of bullying*
- *Examples of behaviour that they would consider to be bullying*
- *Examples of behaviour that is not bullying.*

The features that were identified were then used to compose a draft definition.

STEP 2

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Determining whether, and to what extent, bullying is occurring in your workplace

To determine whether, and to what extent, bullying is occurring in your workplace it is recommended that you conduct a climate survey *(see Appendix 2)* to gain a quick picture of your workplace environment. This type of survey looks at how people feel about their workplace, whether they have witnessed or experienced bullying, and whether they are confident that bullying problems can be resolved. The survey gives an indication of the atmosphere of the workplace; it is not aimed at identifying the types of bullying behaviour people experience, although this may emerge.

A climate survey:

- provides a snapshot of your organisation

- introduces the issue of bullying into discussions

- allows a person to confidentially give information about the issue

- assesses people's confidence in current dispute or grievance resolution systems

- provides a picture against which to evaluate changes

- provides data to emphasise the importance of dealing with bullying.

Things to consider when conducting a climate survey:

- What do we already know?

- What else do we need to know?

- What resources are available to conduct a survey and analyse data?

- How could results from the survey be best provided?

- How could feedback about the survey be gathered?

- Is confidentiality for respondents guaranteed?

Example step 3

Issues raised by participants included:

- *What is the difference between 'performance counselling' and 'bullying staff'?*

- *If they ask me to perform a menial task, for example, cleaning up spilt water, is this bullying?*

- *What about the people you constantly have to tell how to do things– are you going to be accused of bullying them?*

- *What if I 'lose it' one day?*

- *We tease each other lots–is that bullying?*

- *Don't people just need to be a bit tougher?*

Responses:

- *How do you conduct performance counselling? Is it fair and reasonable?*

- *Is cleaning up spilt water in your job description? Are you the only one who is asked to do it and how are you asked?*

- *What are the procedures for training people? Is the way you want it done the only way to do it?*

- *Will you 'lose it' only on one day or is this a pattern?*

- *Is the teasing mutually acceptable and is everyone comfortable with it? Have you checked? What about new workers?*

- *Who sets the standard of toughness and how is it explained and applied?*

STEP 3
1 2 **3** 4
5 6 7 8

raising people's awareness of bullying

Awareness sessions

To raise people's awareness of bullying it is suggested that **awareness sessions** be conducted. Awareness sessions (see Appendix 3) provide an opportunity for people to analyse what bullying really is and to explore the behaviours that may or may not be considered bullying. These sessions are powerful as they allow people to start reflecting on the issue and on their own behaviour.

Awareness sessions deal with questions such as:

• What is meant by bullying?

• Who bullies whom?

• The impact of bullying

• How bullying is justified, minimised or defended.

* Doing this work will help you change the culture and work practices in your workplace

Things to consider when conducting awareness raising sessions:

• As soon as you have run the awareness sessions you are likely to experience an increased reporting of bullying (not necessarily an increase in bullying itself!). Managers need to be prepared to respond.

• When awareness sessions are conducted before development of the policy, staff have a real opportunity to provide input into the processes of developing policies, procedures and strategies as they have had more time to think about the issue.

Example

In the case of the Aged Care Facility we ran the awareness sessions as a first step. A disadvantage of this was that management received complaints before a clear procedure had been established to handle them.

On the other hand the advantage of conducting the awareness sessions was that the real complaints meant that managers were immediately dealing with the complexity of the issue and could see the need for clear procedures.

"I've noticed much more bullying since the awareness session."

Care Worker
Aged Care Facility

• Awareness sessions are generally more open if management and staff attend different sessions. This may be difficult if you work in a small organisation in which case you may like to all meet together. If you are concerned about the effectiveness of this however you may like to think about meeting people through other businesses in your area or through a regional body, chamber of commerce or trades association.

STEP 4

4
1 2 3 **4**
5 6 7 8

gaining the commitment of management to prevent and address bullying

Issues for management to consider

There are a number of issues that should be considered by management before they decide to commit to dealing with bullying in their workplace. These issues include:

- The experience of being bullied can have serious and damaging effects on an individual's confidence, health, safety, productivity and social relationships.

- There is currently no specific legal remedy for someone who is bullied in South Australia. However, all employees have a right to a safe and healthy working environment free from discrimination and harassment.

Example

Sometimes people are bullied because of their race, gender or sexual preference. When dealing with bullying there may be grounds for complaint under existing equal opportunity laws. If this is the case it might be more appropriate to deal with the issue as a matter of discrimination as there are different legislative options available to people in these cases.

- Workplace bullying costs organisations money, time and other resources. The cost of addressing workplace bullying needs to be weighed up against the cost of doing nothing.

- Organisational factors, workplace cultures and social groups can contribute to the experience of bullying.

Issues for management to consider *continued*

Example

In many cases, it is not fair or reasonable to lay the responsibility for bullying solely with an individual whilst ignoring the organisational, cultural and environmental factors that led to the problem.

For example an organisation may be experiencing a financial downturn and managers may be asked to cut their budgets and staff numbers. Managers may not have adequate communication skills and have no access to resources to assist them. Workers who are placed under pressure to produce more in less time may be less supportive of other workers who they perceive to be 'slow or lazy'.

- Workplace bullying does not refer to the appropriate and reasonable management of performance.

- Anyone can experience workplace bullying. There are no clear 'target types'. Avoid stereotyping because it can prevent you from seeing the issue from all perspectives.

- All people have the potential to bully. Bullying can be deliberate and malicious, but it can also arise when there is organisational or personal pressure.

- People are capable of changing their behaviour.

- People in positions of power have a responsibility to ensure that they understand the nature of bullying and are committed to bully-free work environments.

- Failure to deal with bullying can compound the negative experience and impact of bullying.

- Well-managed and timely intervention is critical for those who experience bullying either directly or indirectly.

Question for management:
Are we ready to deal with bullying at our workplace?

To deal effectively with workplace bullying requires sensitivity, skill and persistence. Some features of your workplace may need to change or be strengthened before you embark on a program to deal with workplace bullying. Consider the following:

- Do we regard bullying as a serious issue?

- What do we know about bullying in our workplace?

- What resources can we allocate?

- How will we deal with resistance?

- Do staff have confidence in us?

- How will we involve the staff?

    — Do our existing communication structures work?

    — How will we make sure that our staff contribute to the development of strategies?

    — Will we provide the time and resources for staff to receive training about bullying and participate in committees and meetings?

    — How will we provide backup for staff when they are attending or holding meetings about bullying?

- How will we involve the relevant union organiser or workplace representative?

- Do we have someone within our organisation who is skilled, confident and respected to drive the process?

- Can we release this person from their other duties to do this?

- If we use an external facilitator/consultant what do we expect from them and how much can we pay?

- Who has the skills to respond effectively when individuals raise concerns about bullying?

A final comment for managers

Managers who are committed to addressing bullying will make their commitment clear and will communicate this throughout the workplace.

> " If you are not serious about it you are better not to do it, you raise staff expectations and then let people down because there is no genuine commitment to change. "

Jonathon Tulet, *Director Employee Assistance Program North Western Adelaide Health Services*

At the Aged Care Facility a consultative committee was established as a working party of the Occupational Health and Safety Committee. Management and Occupational Health and Safety representatives were therefore automatically included. It also meant that once the development and initial implementation was complete the Occupational Health and Safety Committee could take responsibility for the ongoing review and development of the issue.

During the project each forum clarified what they felt was the purpose of the committee.

The committee at the Aged Care Facility identified the following aims:

- *To reduce or eliminate bullying*
- *To know how to deal with it as another worker observing it*
- *To have it discussed*
- *To develop clear procedures*
- *To identify what comprises bullying*
- *To relay information to staff*
- *To educate*
- *To learn what can be done to help the person being bullied*
- *To learn about where to refer them for help*
- *To develop tolerance of difference and different needs*
- *To maintain confidentiality and trust*

Unions were kept informed from the commencement of the project. Amongst management and workers there was some confusion about the role of unions and some time was spent clarifying this. Union organisers were then invited to participate in the working party at the third meeting. The involvement of the union organisers meant that issues and concerns could be discussed, clarified and resolved as the policies, procedures and strategies were being developed.

At the Group Training Scheme a consultative committee was created. The consultative committee included two management representatives, two Field Officers, two apprentices and a host employer representative.

Because of the number of trades represented in the Group Training Scheme, it was not possible to involve every union, however the Group Training Scheme has a union representative on its board and this representative was kept informed of the process. Also, the health and safety committee was kept informed at its regular monthly meetings.

In both of the participating organisations the facilitator structured the forums to create an educational and open environment rather than an adversarial environment. While there was often significant debate on issues this did not develop into conflict.

5

Developing a policy to deal with bullying

Consultation

Policies and their procedures and strategies need to fit your organisation and be owned by everyone. This means that they need to be developed in a consultative manner.

Effective consultation involves people discussing a problem in a meaningful way, coming up with realistic options for dealing with the problem, and developing policies, procedures and strategies to deal with the problem and its related issues.

It is critical that all stakeholders are kept informed about the consultation process and the development of policies, as their support will contribute to their success. This means you need to think about who should be consulted and how this will happen.

The answer to this will depend on the nature of your organisation. If your workplace is small, then you might conduct consultation on bullying as part of your normal staff meetings or you might have a smaller number of representatives who meet to focus only on this issue. Larger organisations will need to ensure all areas are adequately represented.

See example on opposite page.

Things to consider during the consultation phase:

- What consultative forums already exist and can these be used for this process?

- What structure will work for your organisation? Are all areas/units/teams represented?

- Do people understand what it means to represent others and how they can achieve this?

- What other mechanisms could be used to consult broadly?

- How will you cover people's workload so that they can participate in the process?

Example

Consultative committee meetings will be most effective when the views of the entire workforce are brought to the meetings. You can also use focus groups of employees to get their input on issues.

The more opportunities that can be created for people to have input into the process the more awareness builds and the greater the chance of relevance and acceptance.

Some tips on consultation

- Two-hour meetings tend to be more productive than one and a half hour meetings, particularly at the beginning of the process.

- Most participants are more alert at morning meetings than meetings after lunch.

- Let the committee decide its own rules at the outset. This makes it easier for the group to deal with sensitive information.

- Ensure everyone can have a say.

- A session on clarifying what consultation is to start off the process will ensure that all participants understand their rights and responsibilities.

- Create steps in the process requiring committee members to consult with their work colleagues.

Example

At one participating organisation the facilitator had to ensure that those with less positional power on the committee (the employees) had a chance to put their views forward. This was important, as it was often the employees' views and opinions that were critical for the success of the process.

Example

At the end of meetings at one organisation work was often required of members before the next meeting. This often included checking issues out with the people they represented. Some committee members did this well, others less well, which identifies the need for more clarification of roles and clear time set aside for this work.

- Reinforce the fact that people are on the committee not only to represent their own views but also to voice the views of those they represent. It might be useful to run a short session that covers the following:

  — the role of consultative committees and representatives

  — What time commitment is expected

  — What work is required outside of the meetings

  — What means can be used to gain the views of those you represent.

Developing your policy

The policy is the document distributed to all workers in an organisation. It is developed by representatives of the organisation in consultation with all staff.

The policy needs to:

- clearly define bullying
- include a statement about management's intention to treat the issue seriously
- list the options for resolving bullying in your workplace and the potential outcomes of these resolution processes
- list people's rights in relation to this issue
- identify advice and support agencies
- identify the different roles people hold in relation to bullying.

Example

In both of the participating organisations we started by discussing in broad terms what we would include in the policy. We put these ideas to one side while we developed the strategies and procedures. We returned to develop the policy with reference to these.

Some tips on developing your policy

• You need to determine whether you want a workplace bullying policy or a policy on behaviour at work that encompasses other issues like sexual harassment and racism. The advantage of separate policies is that it enables you to deal specifically with the one issue and develop specific strategies.

• You also need to consider whether you are covering violence as well as bullying.

• You will need to determine who will be covered by the policy. Employees only? What about clients?

• The tone you use in your policy is important. While you wish to convey that you will treat bullying seriously you need to avoid making the issue seem so scary that people will avoid using the policy.

• The success of the policy will also be linked to the extent that employees believe management are committed to it and are capable of applying it. The policy therefore needs to be supported by the senior manager. The senior manager also has a clear responsibility to set the tone of the organisation in the behaviour he/she models.

• Launch the policy publicly so that everyone is aware of it and your commitment to it. A launch allows you to acknowledge and celebrate people's contributions as well.
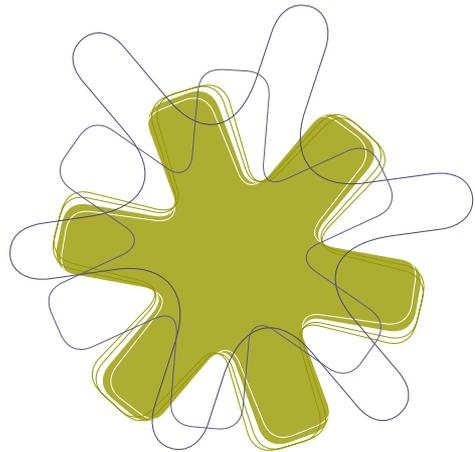
STEP 6 bringing your policy to life

1 2 3 4 5 6 7 8

Implementation strategies, education and training

Implementation strategies, education and training are critical in bringing to life the work you have undertaken to address workplace bullying. By doing this you ensure that meaningful change will occur in your workplace.

Responsibility for implementation needs to be clearly assigned.

Example

In the participating organisations, this responsibility was given not only to key people or drivers but also to the Occupational Health and Safety Committees.

Both organisations committed to an internal review of the implementation of the policy in a 5-6 month time frame.

Dealing with barriers

When implementing any new policy there will be barriers. Finding ways around or through these is critical to the success of the policies you agree to introduce.

Example

We encountered some attitudes that needed to be addressed or discussed if we were to change cultures

- *'You don't dob in your mates'*
- *'A bully is always a bully'*
- *'People who whinge about bullying are just wimps and need to get tough'*
- *'We all tease here—have you got a problem with that?'*

Dealing with barriers *continued*

Management's skills and commitment and the perception of these by employees are critical in determining whether people will be prepared to use the policies and procedures. If people have no faith in their managers they will not use the policy or procedures and their view that management will do nothing about bullying will become a self-fulfilling prophecy.

Related to this is the level of skills and confidence that supervisors and managers have to deal effectively with people showing their emotions. If people in positions of responsibility avoid emotional issues and conflict they will give a clear message that it is not okay to raise bullying—no matter what the policy says.

Education and training

In addition to the awareness sessions that are conducted for all staff further training is required for contact officers, supervisors or managers who are responsible for resolving complaints either informally or formally.

It is critical that people in these positions have access to training in the following areas: understanding bullying and its effects; informal resolution options; formal procedures; equal employment opportunity; the industrial system; natural justice and procedural fairness; communication skills, including active listening and interviewing; and conducting impartial investigations.

Some tips on training

• When organising training thought should be given to the size of the group. Large groups make it difficult to spend time debriefing appropriately and often prevent adequate discussion on some issues.

• Thought should also be given to conducting the sessions in half-day blocks to enable people to come to terms with information before progressing.

• When running workshops on this issue you need to be wary of creating a situation in which people do not feel safe or confident to talk about bullying, for example:
  —when the bully is present
  —when people are uncomfortable about the presence of managers
  —when it would be shameful to talk in front of co-workers.

Example

The lack of communication skills of staff at all levels was raised constantly throughout the programs we conducted.

Example

In one workshop run with a group of men, one participant made it clear early on that he thought bullying was just a part of life and that you had to deal with it. He stated, 'You just have to be tough'. As you might imagine, none of the other men were then prepared to talk about their experiences of being bullied at work and thus appear to be a wimp!

- These sessions can be made safer by using case studies or asking about others' experiences rather than asking people about their own experiences.

- Other issues such as sexual harassment and racism may also be raised during the training and the trainer needs to be aware of policies and legislative provisions in relation to these.

For questions to ask when choosing a trainer see Appendix 4.

Review and evaluation of the policy

The policy and its related strategies and procedures will need to be reviewed on an ongoing basis to determine the impact it has had and to address any gaps identified during its implementation. It is therefore vital to include an evaluation process in the policy that identifies:

- how you will evaluate the success of the policy and its implementation
- who will be responsible for the evaluation
- the timeframe within which the evaluation must occur.

For examples of policies see Appendix 5.

**"It was like you could see the lights come on.
People understood what was meant by natural justice."**

Brenton Westall
Union organiser, Australian Nursing Federation (SA Branch)

Example

The project work we conducted with the two organisations demonstrated a range of perceptions about, and experiences of, workplace bullying. People may perceive that someone accused of bullying is innocent, bullying unintentionally or are doing so because they are under pressure and have few skills to cope, or that they are malicious. People discussed situations where there was one bully or a whole group of bullies. A bully might be a co-worker or a manager. Some people who experienced bullying identified the behaviour early. Others experienced the behaviour for some time before they took action. People have different responses as well. Some just want the behaviour to stop, some might want the bully punished and others prefer to leave the situation.

STEP 7

1 2 3 4 5 6 7 8

addressing bullying incidents

Some questions to consider first

Before drafting the procedures—both informal and formal—that you'll be using to deal with bullying it is useful to discuss the following questions. In doing so, you'll gain important information about your organisation and how it works. This understanding will help you draft procedures that will work in your organisation.

If you were bullied:
- How would you feel?
- What would you want?
- What rights and support would you need?

If you were accused of bullying:
- What would you feel?
- What would you want?
- What rights and support do you think you should have?

If you were a supervisor or manager and someone complained of being bullied:
- What would you feel?
- What steps would you need to take?
- What support would you need to assist you?

By putting yourself in the position of those involved in a bullying case you can better understand the need for principles of natural justice *(see page 32).* It means that the procedures you develop will be fair and will recognise the needs of all involved.

Informal or formal resolutions—what is the difference and when should each be used?

People who feel that they have been subjected to bullying need to be able to choose between using informal or formal mechanisms to make their complaint. Procedures must not require people to use the informal option before making a formal complaint. That is, complainants can go straight to the formal process if they choose.

Example

> *In both participating organisations we developed informal resolution options as well as a formal complaints procedure. Both are necessary because of the range of bullying behaviours that people experience and take into account individual differences in the way people seek to resolve the problem. The need for procedures was felt strongly by the workers in both the Aged Care facility and the Group Training Scheme. There was a firm view that if people knew what options were available they would be more likely to use them.*

"Access to informal options encourages those involved to act early rather than wait until it is so serious that a formal complaint is necessary.

Michelle Hogan
United Trades & Labor Council

In informal resolutions

• participation is voluntary
• both parties must be prepared to participate to resolve the issue
• there is a 'no blame' option and no disciplinary action needs to arise as a result.

Example

> *Informal options are designed to provide an avenue for resolution before the parties become entrenched in positions of bully or target.*

In formal resolutions

- a formal complaint is lodged (by the complainant)
- both parties are required to participate
- where the matter is substantiated, and it is warranted, disciplinary action can apply.

Example

In both organisations we spent considerable time developing the formal complaints procedures, yet the feedback we received from employees and trainees stressed the importance of effective informal resolution options.

Informal resolutions

The vast majority of matters are likely to be resolved informally. Informal options are designed to provide an avenue for resolution before the parties become entrenched in positions of bully or target.

Example

In both organisations workers were adamant that having informal resolution options was critical. One person stated that they would 'leave before lodging a formal complaint'.

Principles of an informal resolution

In an informal resolution:

- focus is placed on the behaviour that is of concern rather than on the person as this tends to entrench bullies in a defensive position
- a non-blaming approach is used which aims to change behaviour without building resistance
- no disciplinary actions are attached. The focus is on getting an agreement by a party or parties to change their behaviour
- individuals are encouraged to take responsibility for their own behaviour and discuss resolutions.
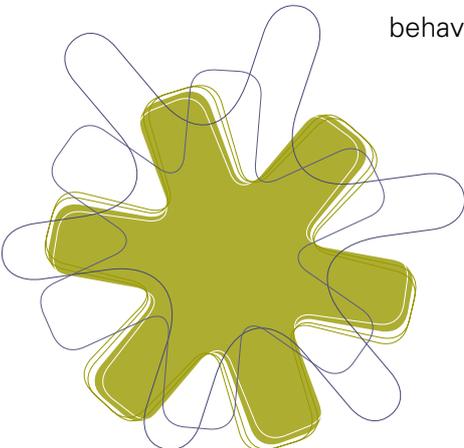
The role of training in addressing workplace bullying

Training courses have great value if used appropriately. They can be used to increase awareness about appropriate and inappropriate behaviours. They can also build positive approaches, but only after the parties have agreed to change the behaviour causing concern. Sending people to training courses as a way of addressing conflict or problems in isolation has limited value.

It is critical that people are engaged in a discussion as individuals and take responsibility for changing their behaviour as individuals–this includes bystanders or onlookers. This cannot be done through training courses such as 'conflict resolution'. These are often suggested as a 'quick fix' or easy solution to avoid the difficult task of talking with people about what has happened.

Options that can be included at the informal stage

The options that are made available to the person experiencing bullying will need to reflect their particular circumstances and needs. There is always the option for a person to take no action. While this must be respected it is important to point out to someone who makes this choice that the behaviour they are concerned about is not likely to stop.

> * There is no one answer for bullying. Therefore, your intervention needs to include as many options as possible.

When advising someone on how to deal with bullying you can suggest that they:

. . . keep a record of any incidents

If a person chooses to take no action they should be encouraged to at least take diary notes stating clearly the date and time, what was said or done, in what tone, in response to what, and in front of whom, if anyone, the bullying occurred. The notes should also include how the person felt when this happened.

Options that can be included at the informal stage *continued*

. . . seek support

One of the most insidious aspects of bullying is its isolating effect. For this reason people who feel that they are being bullied should be encouraged to talk about their experiences with, and gain support from, their union, family, friends, co-workers, support group, doctor or counsellor. Encourage the person being bullied to develop a wide range of supporters as it is possible to overburden just one or two close people. It's important to remember that friends and family members are likely to be affected by the experience of the person being bullied. They may however not be able to fully understand the impact on the person and may be unsure about how to support them. This is especially so in smaller organisations where there may be family involvement in the business.

. . . get in touch with the organisation's contact officers

Even in small organisations that may not have the resources for, or see the need to appoint, formal contact officers there is often someone who takes on the role of supporting others at work. It is important that these 'informal' support people have a clear understanding of the particular dynamics that apply in cases of bullying.

Example

In both organisations contact officers were nominated to provide advice and support for people with complaints of bullying. The contact officers were provided with training. They were not expected to act as counsellors or to be involved in the resolution of the complaint.

Options that can be included at the informal stage *continued*

. . . seek advice and counselling

Advice and counselling can be important steps to take before a person makes a decision on any action they may be contemplating in relation to bullying. In counselling they can check whether what they have been experiencing is in fact bullying and, in the circumstances, what are the best options for resolution. Bullying can impact adversely on a person's confidence and health: counselling can provide them with the ability to rebuild their sense of self. Counselling may also provide a person with the tools to better manage a bully but it will not necessarily change the bully's behaviour. Therefore it is critical to have counselling available to people to help them through the problem, but it is generally not enough on its own. Many work-places have introduced access to free and confidential counselling for employees through an employee assistance program, often negotiated as part of an enterprise agreement. Industrial advice can be sought from a union, the Working Women's Centre SA Inc or a similar information and advocacy group, an industrial lawyer or other appropriate agency.

. . . put distance between themselves and the bully

Removing the bullied person from the workplace may sound like you are avoiding the problem or punishing the target. For some people however, the chance to change shifts or to work in a different area might be a valid choice when the bullying behaviour is eroding their health and well-being. It might give them immediate relief and the space they need to regain their esteem, confidence and health.

> **"**
> **I'm okay now because I changed my shift and no longer work with the person. "**
>
> **A worker bullied for two years**

Options that can be included at the informal stage *continued*

. . . ask for the bullying to stop

Confronting the bully may be possible early in the process, however it is very difficult when the problem has been going on for some time. If they have never been challenged about their behaviour a bully may not be amenable to this type of approach, preferring instead to make it the target's problem. A diary note should be kept of any attempts to raise the issue.

> "
>
> perhaps the most common—and doubtless well-meaning advice given to those being bullied is confrontation. unfortunately, this apparently straightforward and common sense approach is more likely to enrage than to persuade the person to see reason. it will almost certainly result in an increased vindictiveness towards whoever is making the accusation. confrontation is too unsafe an approach to be made by the individual alone, unless direct opposition to the style of behaviour is established at a very early stage using a firm tone of voice.
>
> **Adams and Crawford**
> *1992, pages 58- 59*

. . . change the way you respond to the person

Encourage the person being bullied to change the way they respond to a bully—to do the opposite of what they would normally do.

> "
>
> The predictability of your response keeps him entertained and amused.
>
> I had a nurse on the course who was constantly called into the manager's office and berated. The manager always stood between the nurse and the door preventing an escape. After the course, the nurse when next called in took a note pad and pen. she changed one thing and the manager was thrown. The manager left the door and went and sat at the desk, lowering her voice.
>
> **Sharon Holmes**
> *Educator*

Options that can be included at the informal stage continued

. . . ask someone else to intervene

Sometimes the target can ask someone else to intervene on their behalf. This can be effective as long as the person who is asked to intervene has the skills to do so and as long as the complainant is kept informed about what is happening. The power and position of the person intervening compared to that of the person whose behaviour is seen as a problem needs to be taken into account. This strategy is likely to work best where the alleged bully is not acting maliciously. The intervening person needs to point out that the complainant is not making a formal complaint at this stage and wants the behaviour to stop so that both parties can continue working together. It may be useful to role-play this approach before it is tried so that likely responses can be rehearsed. Diary notes should be kept of any meeting.

. . . find someone to act as a conciliator

Someone in a senior position or external to the organisation can act as a conciliator between two parties. Under this arrangement the parties remain separate and the conciliator is in control of the process and attempts to reach an agreement with both sides about how they will be able to continue to work together. Where there has been broader involvement of the workgroup, the conciliator would, with the agreement of the parties, be able to meet with these people to get their support to enable the person being bullied to work safely. For the matter to be resolved successfully there needs to be agreement that the behaviour has been unacceptable. In instances where bullying is not established the conciliator will need to clarify this with the complainant and work through with them what the issue is and whether it can be resolved. There should be agreement about how people will act in the future. Notes should be kept of this process.

A variation on this approach can also be used. This involves the conciliator talking to all the key people involved in the problem. The 'conciliator' puts to the 'bully' and bystanders that the 'target' is not happy and seeks their ideas about what they could do to make the other's working life more positive. In this process no one is blamed or called a bully. Instead, all people concerned look forward towards a resolution rather than backward to establish why it's occurred. The strength in this approach is that people are asked to change something to make the other's life more positive. It also recognises that bystanders can play a powerful role in the resolution of the issue.

Options that can be included at the informal stage continued

. . . seek mediation

Mediation is a way of bringing parties together to seek a resolution they can all accept. It is more likely to be used in two-way conflict situations. In the case where a person who has been bullied has lost confidence, self-esteem and power, the idea of participating in mediation can however be too frightening. Mediation is usually more appropriate when there is early intervention. Mediation may also be used at the end of a conciliation process– at a point when the person accused is prepared to acknowledge the impact of their behaviour and seeks to move forward.

Mediation should take place *only* with a *skilled mediator* and only when both parties have agreed that there is a problem. It cannot be used when one person denies their behaviour has caused a problem. Both parties need to understand the process and its consequences and both need to agree to participate in mediation. A skilled mediator will check on participants' sense of safety and be able to read the signs of people not feeling able to continue. The length of the mediation meeting should always be kept manageable. It is not reasonable to expect people to stay in a process like this for hours at a time. A useful form of mediation is 'shuttle mediation' where the mediator moves between the parties who remain separated. This is a bit similar to conciliation and can be more appropriate for cases of bullying. Support people, who can be anyone the complainant trusts, can play a very useful role in mediation. They can take notes and suggest break times. Sometimes it is useful for a complainant to work out some signals with their support person beforehand.

. . . use external experts

Even during informal approaches to bullying you may need to use counsellors, conciliators or mediators. If this is the case, you must use skilled professionals. Informal approaches give you the opportunity to resolve problems quickly and successfully, but if they are not handled well they could cause further damage to the parties and make resolution more difficult.

See Appendix 6 for examples of questions to ask an external mediator.
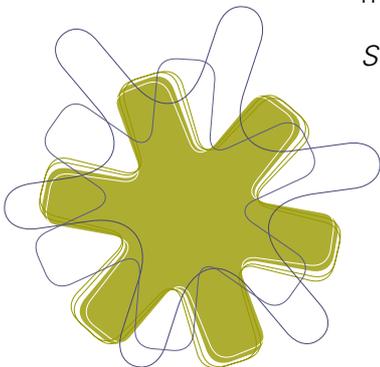
Formal resolutions

Formal resolutions make it clear that bullying is not acceptable and that incidents will be taken seriously. Formal procedures are necessary when you need to use disciplinary action; when people have tried and failed at an informal option; or when the impact on the target has been so severe that they are unable to confidently use the informal options.

It is critical that the procedures allow for redress, irrespective of who the bully is.

Example

> *In the case of the Aged Care Facility we built in the capacity to take a complaint to someone a level above the supervisor to avoid the scenario where the bully may be the supervisor or the supervisor's closest colleague or best friend. We also made sure there were a number of people, other than the supervisor, who could receive complaints, to give people options.*

There are real difficulties where the complaint is against a senior manager and there is no peak body or board of management to refer to. Internal procedures are unlikely to work in such circumstances. This is where the union, or other external body, has an important role to play.

Rights and natural justice

In any formal procedure there needs to be natural justice and procedural fairness. It can't be assumed that everyone understands these principles, so they need to be made clear to all parties.

Natural justice means that **the people who make a complaint** have the right to:

• be taken seriously

• have a range of resolution options explained and available to them

• be kept informed throughout the process

• respond to the version of events put by the accused

• receive advice and representation from their union or other representatives

• have their complaint subjected to independent and unbiased investigation and decision making

• be given access to confidential counselling at the employer's expense.

Rights and natural justice continued

Natural justice means that **the people who are accused** have the right to:

• be presumed innocent until proven otherwise

• be kept informed about the process

• receive written details of all allegations made against them,
including the name of the person who has made them

• respond to the allegations and have their side of the story heard

• know why they are being asked to attend any meeting

• be given time to prepare for meetings

• receive advice and representation from their union or
someone else of their choice

• have the complaint against them heard in an independent
and unbiased investigation and decision making process

• be given access to confidential counselling at the employer's expense.

Example

In both organisations we made sure that everyone understood these principles [of natural justice] and why they existed. We referred back to this understanding as we developed the procedures. In one of the organisations we had to clarify with workers the role a union might play in representing a person accused of bullying to ensure natural justice and procedural fairness.

Issues that typically arise when considering formal procedures – Frequently Asked Questions

• ***Can we investigate if the complainant isn't prepared to be named?***

Fear of being named is a fear that the matter will not be dealt with effectively. However, it is not fair or reasonable to ask someone to respond to allegations if they are anonymous. An anonymous complaint may make the person being complained about suspect that the complaint is made up.

Firstly, you need to ensure that you advise people that they cannot victimise someone for making a complaint. Secondly, you need to protect the complainant during this process. If they agree to be named you might ensure that they change working arrangements so that they do not work with the person they are complaining about. Alternatively, you can ask the person being complained about to change their working arrangements.

This will present problems to small businesses where it may not be possible to consider flexible work arrangements. If small business owners can't find ways to satisfactorily resolve complaints, the outcome is likely to be the loss of skilled staff or even legal proceedings.

Frequently Asked Questions continued

When people know about their rights, understand the steps involved in the formal procedures, and believe that management will take them seriously they are less likely to be worried about being named.

- ***If they won't make a complaint what can we do?***

In this case you can't initiate formal complaint procedures, but you can take a number of important preventative steps. You can:

—promote your bullying prevention policy, conduct awareness sessions and conduct an audit of the workplace

—act on behaviour that you have observed and find inappropriate

—look at linking the complainant with a support person, mentor or contact officer.

- ***What if I feel bullied and have no confidence in the resolution procedures?***

If you feel you are being bullied and have no recourse then the safest thing for you to do may be for you to withdraw your labour and leave. If you choose this course you may wish to seek help to reach a settlement with your employer. This may entail a financial settlement, an apology, access to an outplacement counsellor or a reference to an employment agency.

- ***Do we have someone who can investigate?***

You need to consider whether you have staff skilled and independent enough to conduct a formal investigation. If not you should get skilled external help because once again failure to undertake this role skillfully could cause further damage.

- ***What should we look for in an investigator?***

See Appendix 7 for examples of questions to ask an external investigator.

- ***What do we do if a complaint is substantiated?***

If a complaint is substantiated you need to be sure that you understand what is fair and reasonable action under the grievance procedures you have established. Can this issue be resolved with awareness raising and mentoring? Does the behaviour warrant a warning or does it constitute gross misconduct and warrant a dismissal?

In response to a substantiated instance of bullying it is critical that you examine and monitor the workplace. You need to do this in an ongoing manner to ensure that your workplace is a healthy and safe place to be.

- **What if a complaint is not substantiated?**

  An unsubstantiated complaint means there is no evidence to support the complaint. It does not necessarily mean that there was no bullying behaviour.

  In the first instance, you need to make sure that the complainant feels safe in their work environment. Keep in mind that even if no bullying occurred the complainant may still have a problem that needs to be dealt with. A manager will need to spend time with the complainant clarifying the real problem and seeking to resolve it.

  If the complaint was malicious or vexatious you need to address this as such complaints undermine your attempts to deal successfully with bullying, undermine legitimate complaints and are themselves a form of bullying.

- **What records do we keep?**

  There are different views about keeping records when allegations have not been substantiated. Some would argue that you should not keep a record at all. Your organisation will need to decide whether it wishes to keep records with no identity details when bullying is raised as an issue. It is recommended that all incidents be recorded as this may reveal a pattern of behaviour if at a later date a complaint is upheld. Your organisation will need to develop a policy about this, which could be based on your usual practice in recording disputes and grievances.

Example

Given that the issues will often continue to exist in corporate memory, at the Aged Care Facility we agreed to keep the records separate to personal files—clearly marked as unsubstantiated. It was felt that this would not prejudice a person and may in fact protect them from vexatious complaints.

Do we focus on the individuals or the organisation?

By their nature, procedures tend to individualise the problem—you have a target and a bully or bullies—and yet it is clear that the organisational culture is a critical factor to be taken into account. To address this it is important that you identify and address organisational factors that might have contributed to the problem.

Frequently Asked Questions *continued*

• What about observers?

In many cases these problems do not involve just two individuals—
a bully and the bullied. Others are often involved as observers or even
as participants in the bullying (particularly in cases of group bullying or
mobbing [the term used in Europe]). To truly resolve the issue you will
often need to deal with co-workers. You will be left with a potential problem
if you resolve the issue between two individuals and then in the interest
of confidentiality fail to address the matter with co-workers. Faced with a
vacuum of information, people are only too likely to fill it with speculation
that can be very damaging. You will need to seek the acceptance of both
parties that you will discuss this more broadly.

• What if it is a manager who is accused?

Many reports of bullying are about people above the complainant in the
organisational structure. In cases where senior managers are involved–unless
there is a broader organisational framework to refer to–individuals will need
to seek a remedy externally. Therefore, the procedures need to allow for the
possibility that the bully is located at any level in the organisation.

• How long does a formal process usually take?

The nature of this issue requires that the formal process be conducted
as quickly as possible: processes that drag out can cause further damage
to both parties and create difficulties within the workgroup.

Some organisations have included time frames in their policies.

• What if the complaint is against a whole workgroup–isn't it easier to get rid of the person who has complained?

Not in the long run.

In many cases individuals experience bullying by a group of workers
(mobbing). If it happens to one person, it is likely to happen to others who
enter that workgroup. Moreover, whilst the whole group might be involved
there may be some in the group who are feeling very uncomfortable about
the way they are behaving, but have 'gone along' with it because it is not
safe for them to do otherwise.

Addressing group bullying requires that you work with the group. You need
to help them identify the problem and seek alternative ways of behaving.

STEP 8

1 2 3 4
5 6 7 **8**

prevention strategies

Clearly dealing with bullying must—in addition to developing techniques to respond to incidents of bullying—include strategies to prevent further incidents.

As with other occupational heath and safety issues there needs to be a clear commitment to prevention. Managers can put a stop to bullying!

"I started work as an apprentice in the railways at Port Augusta. Apprentices were initiated with lubricant shoved up their bum and on their genitals. When I became a supervisor a mother brought her son in who had suffered dermatitis from this practice. I put a stop to it. I made it clear that anyone doing it would be instantly dismissed."

Committee Member
Group Training Scheme

Questions to consider in developing prevention strategies

How should we develop prevention strategies?

Strategies you use to prevent bullying need to fit your organisation, be realistic and achievable. The best people to decide how to develop these strategies are the managers and employees working together. Remember that you can learn from other organisations and even include their ideas in your own strategies, but it is important to spend time talking through the issues that are relevant to your own organisation.

What relationship should workplace bullying strategies have with existing practices?

Workplace bullying strategies need to be incorporated
into the existing activities and practices of the organisation.

Example

> *The strategies we developed were aimed at preventing bullying and creating a more positive working environment. We took an organisation-wide approach and where possible incorporated strategies into existing processes and systems and in some cases amended them.*

You will need to develop strategies for the following:

• Monitoring of bullying

How will you know if bullying is happening?

See Step 2 and Appendix 2 for information about climate surveys.

• Information and awareness

Provide ongoing information to all staff. Don't rely solely on written
material: use a variety of ways of giving out information. Most of
all don't rely on everyone knowing about it just because it's in the
induction manual.

Example

> *Whilst there are individuals who read all of their induction manual and can refer back to it, as there are those who can refer to the details in their house insurance policy, many, if they did read the induction manual at the time they started, did so when they were absorbing a lot of information and are unlikely to recall specific components. And just how many of us can find our induction manual if asked?*
>
> *In the participating organisations there was considerable discussion about making sure that the material was readable and accessible for the appropriate audience. For example, the Group Training Scheme considered developing cartoons on the subject.*
>
> *Awareness sessions provide a really valuable way for people to start to discuss the issue and we found that even when people had received written material it was during the awareness session discussions that they were able to really come to grips with the issue and explore their concerns.*

You will need to develop strategies for the following: *continued*

• *Education*

Critical to your success in dealing with bullying is having a well educated staff who understand the issue, have confidence in their rights, understand their responsibilities, and have the necessary communication skills to work effectively in your organisation.

Example

This project again highlighted the importance of ongoing education for staff both in terms of skills and knowledge specific to the topic but more strikingly there was constant reference back to the importance of communication skills and conflict resolution skills.

Where a manager has 'emotional intelligence', situations with the potential to lead to bullying are more likely to be identified and dealt with before a problem develops.

" I could see a problem arising with the way others were talking about how one of the people on the shift worked. I restructured the work so they could work independently and this prevented the tension building. "

Manager *Aged Care Facility*

Whilst there is an obvious cost for an organisation to address this issue (you will need to ensure extensive training of managers and supervisors and others such as contact officers), there is a cost if you don't address it!

You will need to develop strategies for the following: *continued*

• *Building cultures of tolerance*

Dealing with bullying does not just mean stopping something that is not positive; it also requires working to create positive workplace cultures. A positive workplace environment is one that is built on respect and acceptance of difference and one of the crucial elements in this is to remove stress in the workplace. This is because intolerance of co-workers and frustration at the way they work or the pace at which they work is greater when people are stressed.

Example

This became clear in information sessions run in the participating organisations. In the Aged Care Facilities, there was recognition that it was a stressful environment and workers expressed concern that they had so much to do that they didn't have time to be nice to each other.

Whilst the strategies we adopted such as developing codes of conduct provide a means to start talking about what kind of workplace everyone wants and what commitment this requires of individuals, if these are imposed on people they will not own them to the same extent they will if involved in their development.

In the case of the Group Training Scheme we were faced with the challenge of how to influence the culture of the workplaces in which the Group Training Scheme placed their employees. The strategies developed aimed to foster a sense of competition about who were the best host employers. This approach was based on the view that people are more likely to listen to each other's stories, rather than be told what to do by the Group Training Scheme.

• *Workgroups*

You will need to determine whether the strategies you develop to prevent bullying are for the organisation as a whole or for individual workgroups.

For larger organisations to effectively deal with bullying, issues will need to be identified and strategies developed at the workgroup level as well as the organisational level.

This is worth developing because each workgroup has its own culture and dynamic. When working in their own groups people are more likely to develop solutions that they will commit to. If they feel the rest of the organisation doesn't treat bullying seriously they will find it easier to abdicate responsibility. Work groups like to feel unique in some way and they have a need for their individual differences to be recognised.

• *Support*

Given the isolating nature of bullying, one of the strategies that is critical to the success of the prevention policy is that people receive support as soon as they start work.

Example

In the participating organisations we addressed this issue
by establishing a buddy system and developing contact officers.
In both cases there was discussion about a peer network for support.

Evaluation of prevention strategies

The strategies you develop are designed to create change to improve the environment and prevent bullying. The evaluation must ask:

- have the strategies worked?
- what do we need to change if they haven't?

Evaluation of workplace bullying policy, procedures and strategies should, as far as possible, be built into existing workplace reviews.

Example

In the participating organisations we determined that progress
on the strategies should be reported to the Occupational Health
and Safety Committee.

The strategies are to be reviewed within the first
6 months and then annually.

See Appendix 8 for an example of an evaluation proforma.

Be creative when developing prevention strategies

When developing strategies to prevent workplace bullying, avoid getting bogged down in a sense of hopelessness ('nothing will ever change'), by being as creative as possible.

Example

In an endeavour to move from the logical thinking we had been doing about procedures and resolution to more creative thinking about strategies we commenced by asking the members of the committee in both organisations to develop posters about bullying. This produced not only laughter but particularly in the Group Training Scheme, ideas for further development.

In the Aged Care Facility we used a very open approach starting with a broad question

What can
- *a manager*
- *a workgroup*
- *individual workers do to change the culture?*

With each strategy we then considered
- *the positives*
- *the risks*
- *what would need to be done for it to work*
- *who would be responsible*
- *how we could evaluate it*

This took time but was useful in creating a wide range of ideas. We also sought input from staff in meetings and used a short questionnaire to seek other ideas.

Aim:
• *Ensure the safe entry into the workplace for new staff*

Actions:
• *Supply a comprehensive pre-employment package*
• *Welcome all staff in newsletter*
• *At a workgroup level create a welcome such as a morning tea*
• *Place a name balloon (naming new staff) in a prominent area*
• *Supervisor to allocate all new staff a buddy to provide them with support in the workplace*
• *Provide all new staff with information about the bullying policy and procedures*
• *Ensure all staff are introduced during the induction*
• *Review the orientation time provided and consider allocating a staff member who is not 'on' to provide dedicated time inducting the person*

Responsible staff:
Supervisors and nurse educator

Time frame:
Ongoing

Evaluation:
The Occupational Health and Safety Committee to review

In the Group Training Scheme we used a more directed approach asking questions which arose from the previous work we had been doing:
• *How can we monitor worksites?*
• *How can we provide information to apprentices and Field Officers?*
• *What education is needed?*
• *How can we build cultures of respect?*
• *How can we provide support for apprentices at their worksites?*
• *How can we evaluate and monitor?*
• *We then allocated responsibility and identified how the strategies could be evaluated.*

Example from the Group Training Scheme

Aim:

To ensure that apprentices and trainees have access to accurate information about the issue of bullying and their rights in relation to bullying experiences.

Actions:

A brochure explaining bullying and steps that can be taken will be drafted to be included in materials provided to apprentices. This will be developed in consultation with apprentices to ensure relevance. The brochure will be discussed by the consultative committee, user tested and reviewed.

Information about bullying will be attached to pay slips on a quarterly basis. This information will explain the roles of contact officers and mentors and provide details about how they can be contacted. It will also indicate the support available through the Group Training Scheme in dealing with the issue.

Posters or cartoons will be used to promote the issue.

The induction kit will be reviewed to ensure it includes information on bullying.

Information about bullying and the options for resolution will be included on the Group Training Scheme Website and this will be promoted to apprentices and trainees.

Responsible Officer: *Health and Safety Officer.*

Time frame: *December 2001*

The strategies we developed in the worksites were realistic and not hard to implement. They are a first step in the process of raising awareness and setting up systems of support. In many cases when discussing the strategies, it was great to find that some people could identify that they were already doing some of these things. The commitment to strategies to address bullying ensures consistency and a systematic approach.
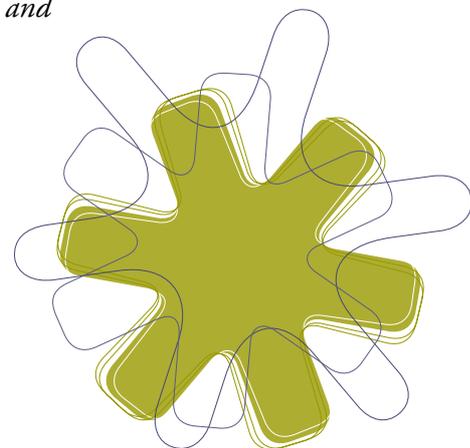
contacts and resources

Working Women's Centre SA Inc

1st Floor, Station Arcade
52 Hindley Street
Adelaide SA 5000

Phone: (08) 8410 6499
Fax: (08) 8410 6770
Freecall: 1800 652 697
Email: wwc@wwc.org.au
Internet: www.wwc.org.au

**WorkCover Corporation
Customer Centre**

100 Waymouth Street,
Adelaide SA 5000

Phone: 13 18 55
Fax: (08) 8233 2466
TTY: (08) 8233 2574

*For languages other than English,
contact Interpreting and Translation
Centre on (08) 8226 1990 and ask
them to contact:
WorkCover on 13 18 55*

Internet: www.workcover.com

United Trades and Labor Council

11 South Terrace
Adelaide SA 5000

Phone: (08) 8212 3155
Fax: (08) 8231 9300
Email: utlc@utlc.org.au
Internet: www.utlc.org.au

Office of the Employee Ombudsman

6th Floor AON Building
63 Pirie Street
Adelaide SA 5000

Phone: (08) 8207 1970
Fax: (08) 8207 1973
Email: oeo@saugov.sa.gov.au
Internet:
www.employeeombudsman.sa.gov.au

Business SA

136 Greenhill Road
Unley SA 5061

Phone: (08) 8300 0000
Fax: (08) 8300 0001
Internet: www.business-sa.com

Equal Opportunity Commission

2nd Floor, ING Building
45 Pirie Street
Adelaide SA 5000

Phone: (08) 8207 1977
Fax: (08) 8207 2090
TTY: (08) 8207 1911
Freecall: 1800 188 163
Email: eoc@agd.sa.gov.au
Internet: www.eoc.sa.gov.au

Workplace Services

Phone: 1300 365 255
Email: safety@eric.sa.gov.au

LEADR

(will provide you with the names of
mediators who have skills in workplace
bullying mediation in your area)

Freecall: 1800 651 650
Phone: (02) 9233 2255
Fax: (02) 9233 3024
Email: leadr@fl.asn.au
Internet: www.leadr.com.au

contacts and resources

Support Groups

Beyond Bullying Association (2001)
www.cwpp.slq.qld.gov.au/bba/default.html

Bullied Workers Support Action Network
Phone: 0422 103 945
Chat Group: www.BWSN-owner@yahoogroups.com.au

Other Resources

There is extensive literature on workplace bullying both within Australia and internationally.Outlined below are just some of the resources you may wish to access.

Conference papers

Papers from the February 2002 International Workplace Bullying Conference held in Adelaide are available from the Working Women's Centre SA Inc.

Internet

http://www.bulliesdownunder.com

http://www.successunlimited.co.uk

http://www.workcover.vic.gov.au – *WorkSafe Victoria:*
Guidance Note on the Prevention of Bullying and Violence at Work

http://www.safetyline.wa.gov.au – *Download these guides from WorkSafe WA:*
Workplace Bullying – A Guide for Employees
Workplace Bullying – A Guide for Employers

What do people mean by workplace bullying?

• **Adams, A. & Crawford, N.** (1992)
Bullying at work: How to confront and overcome it, Virgo Press: London.
This book provides a good introduction to the issue of bullying.

• **Working Women's Centre SA Inc.** (1997)
Workplace bullying: Finding some answers.
This report provides detailed information about the extent and impact of bullying on the lives of South Australian workers.

• **Rayner, C. & Hoel, H.** (1997)
'A Summary Review of Literature Relating to Workplace Bullying' in
Journal of Community and Applied Social Psychology, vol 7, No 3.
This article provides you with a sense of who has been working in this field and what approaches have been taken, particularly towards definitions.

contacts and Resources

Other Resources *continued*

I would like some background reading on implementing policies on workplace bullying:

- **McCarthy, P.**
  'When the mask Slips: Inappropriate Coercion in Organisations Undergoing Restructuring'
  in *Bullying: from backyard to boardroom*, McCarthy, P., Sheehan, M. & Wilkie, W. (eds)
  (1996), *1st edition*, Millennium Books: Alexandria.

- **Hoel, H. & Cooper, C. L.** (2000)
  'Working with victims of workplace bullying' In H. Kemshall & J. Pritchard (eds)
  Good practice in working with victims of violence.
  London, Jessica Kingsley Publishers, pp.101-118.
  This document provides a detailed discussion of the issues you face in dealing
  with bullying effectively.

What is the cost of bullying to an organisation?

- **Sheehan, M., McCarthy, P. & Henderson, M.** (2001)
  A model for assessing the impacts and costs of workplace bullying,
  Griffith University: Brisbane.
  The Griffith University (School of Organisational Behaviour and Human Resource
  Management) is producing work outlining the cost of bullying to organisations.

Where can I see some model policies and procedures?

- **Queensland Working Women's Service** (2000)
  *Risky business: A useful publication for employers for preventing and
  resolving workplace bullying,*
  QWWS: Brisbane.

- **National Children's and Youth Law Centre & WorkCover NSW** (1998)
  A Secure workplace for young Australians.

- **Victorian WorkCover Authority** (2001)
  Proposed code of practice for the prevention of bullying and violence in the workplace.

- **Office of the Employee Ombudsman** (2000)
  Bullies not wanted: recognising and eliminating bullying in the workplace,
  Office of the Employee Ombudsman: South Australia.
  Provides some steps for managing incidents of bullying.

What is happening about bullying legislatively?

For a discussion about legislative avenues of redress within the Australian context
the following two issues paper are useful:

- **Division of Workplace Health and Safety** (2002)
  *Creating safe and fair workplaces: Strategies to address workplace harassment in
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appendices

Definitions

'Workplace bullying involves the persistent ill treatment of an individual at work by one or more other persons. To be recognised as bullying the ill-treatment must be continuous and directed against a particular person.'

(in *Bullies Not Wanted*,
Office of the Employee Ombudsman SA)

'Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

Within this definition:

"unreasonable behaviour" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten

"behaviour" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening

"risk to health and safety" includes risk to the mental or physical health of the employee

(in *Proposed Code of practice for the Prevention of Bullying and Violence in the Workplace*,
Victorian WorkCover Authority, December 2001)

'Workplace bullying is the repeated less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate workplace practice.'

(in *Risky Business*,
Queensland Working Women's Service, October 2000)

'Workplace harassment is repeated behaviour, other than behaviour that is sexual harassment, that:
is directed at an individual worker or group of workers; and
is offensive, intimidating, humiliating or threatening; and
is unwelcome and unsolicited; and
a reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers'.

(in *Workplace Bullying Taskforce Report*,
Queensland Government, March 2002)

Workplace climate survey

You will need to include a covering letter for your climate survey the details of which will need to reflect the process you are using.

Here is an example of some of the points used in a covering letter during this project:

- The first step in this project is to gain a sense of the climate in the organisation in which you work through this survey.

- The survey is confidential and no individuals can be identified as a result of this survey. You are not asked for your name or position in the organisation and the form is returned directly to the project officer. Only the project officer will have access to completed survey forms; they will not be available to people in your organisation.

- Management will receive a report from the survey but this will include only collated data and no individuals will be identified.

- Please complete the survey, it will only take a few minutes, and post the completed survey form in the enclosed reply paid envelope. Thank you for taking this time.

Appendix 2
Workplace climate survey

Please circle the number most appropriate for your response to the following statements:

---

1. *There is a climate of trust in our organisation.*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

---

2. *I can raise any concerns or issues with my supervisor or manager*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

---

3. *I find change positive*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

---

4. *Change is managed well in this organisation*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

---

5. *My managers treat me with respect*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

---

6. *My co-workers treat me with respect*

1	2	3	4	5	6	7	8
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

Workplace climate survey

7. *I have experienced bullying in this workplace during the last 6 months.*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

8. *I have witnessed bullying in this workplace during the last 6 months.*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

9. *If I have a problem at work I know the procedure for resolving it*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

10. *If I have a problem I am confident that it will be resolved quickly by management*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

11. *My workload is reasonable*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

12. *I feel that my work is valued by the organisation*

1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Strongly Disagree		Mostly Disagree		Agree		Mostly Agree	Strongly Agree

13. *Please circle your work area:*   **Nursing home**   **Hostel**

Other: _____

14. *If you have any comments, please write them here.*

_____

_____

_____

_____

_____

_____

_____

_____

*The following questions are **optional**, however they will greatly assist me to understand your organisation. If you are prepared to answer some or all of them, **please circle** the relevant answer.*

15. *Which of the following best describes your current job?:*

Manager   RN   EN   Careworker   Hospitality

Other: _____

16. *What is your age?*

Under 25   25-35   36- 45   45 and over

17. *What is your length of service?*

Under 12 mths   1-2 yrs   2-5 yrs   6 yrs or more

18. *What is your gender?*

Male   Female

Awareness Sessions

Aim:
to provide an introduction on the issue of bullying
to employees at the workplace.

Objectives:
at the end of this session participants will be able to:

- Describe behaviour that could constitute bullying

- Discuss the impact of bullying on individuals and the organisation

- Discuss who bullies who

- List ways that we minimise or justify bullying

Awareness Sessions

What is bullying?

- Workplace bullying is persistent unwelcome and humiliating treatment of an employee or group of employees.

- The behaviour is persistent over time.

- It is often the accumulation of trivial or minor episodes.

- It is an abuse of formal or informal power in an unequal relationship or situation.

Who bullies whom?

- Both men and women experience bullying.

- Both men and women are bullies.

- Bullies may be managers, supervisors or co-workers.

- Targets of bullying are often extremely competent and popular workers; in other instances it might be the new worker who experiences the bullying.

- Where there are high workloads and restructuring taking place and greater pressure on people there is a likely to be an increased risk of bullying.

- Workplace culture may contribute to bullying.

Obvious bullying behaviour

- Repeatedly shouting or swearing at staff in public or private.

- Spontaneous rages, often over trivial matters.

- Personal insults and name-calling.

- Arbitrarily dispensing punishment.

- Persecution through threats or instilling fear.

- Constantly undervaluing effort.

Less obvious bullying behaviour

- Removing areas of responsibility and imposing menial tasks.

- Deliberately sabotaging or impeding work performance.

- Withholding work-related information or supplying incorrect information.

- Over-monitoring.

- Constantly changing targets or work deadlines.

- Setting people up to fail with impossible deadlines and an increased workload.

- Blocking leave applications, training or promotion.

Minimising or justifying bullying

- A personality clash.

- A bit of an attitudinal problem.

- Inappropriate interpersonal style but they get results.

- We believe in strong management.

- Need to show who is the boss.

The impact of bullying

- Individuals

- Experiencing ongoing bullying erodes individual's confidence, self esteem and work performance.

- This erosion can also have significant health impacts such as anxiety, loss of sleep, vomiting, depression, social isolation and suicide.

- Workplace bullying can also result in a person leaving work and facing financial problems.

Organisation

- Employee absenteeism.

- Reduced productivity
  (not just of the individual).

- Loss of experienced staff
  through illness or resignation.

- Retraining costs.

Examples of questions to ask a trainer

4.1

- What qualifications do you have?

- What experience do you have in delivering training
  to other workplaces like ours?

- What training have you delivered on workplace bullying?

- What do you consider to be the most important things
  to consider when delivering workplace bullying training?

- What size groups do you recommend?

- What resources will you use in delivering the training?

- What will you provide to participants in training
  eg course outline, handouts, course notes, learning outcomes?

- Can you provide an outline of your program including aims,
  objectives, learning outcomes before you commence training?

- Do you negotiate a learning contract with the organisation
  and with the participants?

- How long will the training take?

- How much do you charge?

- How will you evaluate your training?

- What range of methods do you use in delivering training?

- How do you assess and meet the learning needs
  of individual participants?

- What do you do if participants raise issues about other workers,
  supervisors and managers during training?

- How would you manage a situation where a participant
  identifies that they have been, or are currently being, bullied
  and is obviously distressed?

Appendix 5 Examples of policies ~ Parklyn and Sunset Lodge Aged Care Facilities

Workplace Bullying Policy

Introductory statement:

Parklyn recognises that everybody has the right to be treated with respect and dignity at work.

Workplace bullying has a serious impact on the careers, health, safety and wellbeing of workers and will not be tolerated at Parklyn.

People are encouraged to report incidents early to prevent an escalation of the situation and to facilitate a positive resolution.

Where a person is found to have bullied another following a formal complaint they may face disciplinary steps under the grievance procedures including formal warning and counselling, suspension, relocation, demotion or dismissal.

Definition

Workplace Bullying is an abuse of formal or informal power and is the unwelcome and humiliating treatment of an employee or group of employees by another or others. Bullying is not a one-off situation; it is behaviour that is repeated over time.

Bullying behaviour includes:

Overchecking
Inappropriate written notes
Teasing
Threatening and intimidating statements or action
Pressure on and lack of acceptance of new employees
Constant selection for menial tasks
Unjustifiable refusal of leave, training or promotion
Ostracising and isolating
Withholding information and misinforming
Hiding or changing documents
Physical contact (need to make reference to the criminal code)
Unwelcome personal questions or comments about a person's private life
Public and indiscreet reprimands or counselling
Intimidation not to make a complaint
Silent treatment
Slamming doors and other items
Yelling and swearing
Ignoring
Honing in on weaknesses and ignoring strengths
Being blamed for things beyond your control
Belittling
Payback
Closing ranks on new employees

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

Bullying does not include:

Feedback or counselling to ensure Duty of Care is met
Reasonable counselling regarding work performance issues
Instructing staff to ensure safe work practices

The effects of workplace bullying

Effects on those experiencing bullying include:

Stress related illness, including headaches, nausea, insomnia
Weakened immune system
Loss of confidence, reduced self esteem, depression and suicide
Social isolation at work and outside of work
Reduced performance at work
Absenteeism
Overworking
Loss of job resulting in financial pressure and loss of career options
Pressure on family and social relationships

Effects on others in the workplace:

Fear that they might be the next target
Anger and resentment
Guilt that they are not stopping the behaviour
Withdrawal to avoid being next target
Guilt in contributing to the behaviour or reproducing the behaviour
Illness, absenteeism, drop in work performance, leave job.

Effect on the organisation:

Deterioration in the quality of the work performed
Increased absenteeism
Staff turnover
Mistakes by employees
Poor care for residents
Breakdown in communication and teamwork
Failure to report problems for fear of retaliation by bully
Poor public image
Increased disputation
Reduced commitment and respect for organisation and management
Litigation cost

Effect on the bully:

Guilt
Remorse
Stress and related ill health
Can themselves become victims

Workplace Bullying Project: Parklyn - Policy and procedures

Examples of policies

Scope

This policy deals with bullying between employees (at all levels) of Parklyn. It does not address issues in relation to residents or their families, which can be dealt with through the Residents Grievance Procedures.

The policy needs to be read in conjunction with Appendices 1-3.

Support and advice

Parklyn recognises that the experiences of being bullied or being accused of bullying are highly stressful and emotional. We are committed to ensuring that our staff have access to free confidential counselling and have arranged an Employee Assistance Package with OCAR.

Staff wishing to access this counselling should contact OCAR directly on 8231 9111. OCAR is located on the 5th Floor, 111 Gawler Place Adelaide.

Staff are reminded that they have the right to seek advice and representation from their union at anytime.

Relationship to legislation and other polices:

Under the Occupational, Health, Safety and Welfare Act (1986), Parklyn as an employer has a responsibility to ensure the health, safety and welfare of all employees.

Under the State Equal Opportunity Act (1984.) and the Federal Sex Discrimination Act(1984) Parkyln is required to ensure that people are not discriminated against on a range of grounds. The employer is also responsible to ensure that the workplace is free of sexual harassment. Employees experiencing sexual harassment can lodge complaints under either the state or federal legislation and should seek advice from their union, the Working Women's Centre or an industrial lawyer about these options.

Workers Rehabilitation and Compensation Act (1986) provides for employees injured at work. Workers who have experienced a psychological or physical injury as a result of workplace bullying should seek advice from their union, the Working Women's Centre, WorkCover Employee Advocates Unit or an industrial lawyer.

Where a person has experienced physical bullying, violence or the threat of violence you can report this to the police as the matter may be a case of assault in the criminal jurisdiction.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

This policy should be read in conjunction with the following policies and awards:

Salvation Army Sexual Harassment Policy – where the behaviour is of a sexual nature it is likely to be more effectively addressed as a complaint of sexual harassment rather than bullying.

Disciplinary action arising from a complaint of bullying will be fair and reasonable and will be addressed pursuant to(in line with) the relevant Awards:

Health Services Award
Nurses ANF SA Private Sector Award (1989)

Procedures to resolve complaints

All complaints of bullying will be taken seriously.

The policy includes agreed procedures to deal with bullying in a safe, quick and fair manner. Recognising the complexity of this issue and the continuum of behaviour that might be defined as bullying, both informal and formal resolution procedures are available at any stage.

In the informal options no disciplinary action will arise. A no blame approach is taken as the objective is for both parties to agree about acceptable behaviours in the workplace and to commit to changing behaviours that are offending the other. The focus is on creating a working relationship between those involved in the issue.

If a formal complaint of bullying is substantiated there is the potential for disciplinary action (pursuant to the disciplinary procedures outlined in the relevant industrial awards) arising from the investigation including, warnings, dismissal, transfer. The procedures are based on principals of natural justice and procedural fairness.

No internal procedures prevent an individual from accessing external processes at any stage. Complainants need to be aware that there are time limits for making complaints in a range of jurisdictions and should seek advice about the options from their union or legal advisor.

For details of the procedures and your rights in relation to them please see the attached procedures, Appendices 1 and 2.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5

Examples of policies

Confidentiality and victimisation

Confidentiality – The need for confidentiality and laws about defamation requires that no staff pass on unsubstantiated information about either the subject of the complaint or the complainant.

There is to be no ganging up.

Victimisation and intimidation

Any attempt to victimise someone for:

> making a complaint under the procedures,
> supporting another making a complaint,
> participating in an investigation
> being the subject of a complaint

will be treated as a disciplinary matter.

Vexatious complaints

If a vexatious complaint is made (that is a complaint that is unfounded and created in ill will) the person making such a complaint may be subject to disciplinary procedures. Just because a complaint is not substantiated does not mean that the complaint is vexatious.

Strategies

In addition to procedures to deal with incidents of bullying, Parklyn is committed to creating an environment in which bullying is not accepted and to build a culture of trust and respect. To achieve this objective a number of strategies have been developed these will be reviewed and evaluated following their implementation.

For details of these strategies please see the attached strategy document, Appendix t 3.

Responsiblities

Manager

The Manager is responsible for the endorsement and implementation of the policy and strategies.

The Manager will take all necessary steps to ensure that any complaints are dealt with fairly and expeditiously using the agreed procedures.
The Manager will ensure that all staff receive the training required to meet their obligations in relation to workplace bullying.

The Manager will demonstrate appropriate behaviour.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

Supervisors

Supervisors are required to implement agreed strategies to create an environment free of workplace bullying.

Supervisors are responsible for ensuring all staff are aware of the policy and procedures for raising complaints.

Supervisors are to ensure that any complaint is dealt with fairly and expeditiously.

Supervisors are to demonstrate appropriate behaviour.

Contact Officers

Contact Officers can provide employees with information about their options for resolving a complaint.

Contact Officers are to provide support for people with a complaint of bullying. This support can include attending meetings as a support person, and discussing the problem.

Contact Officers are not responsible for the resolution of a complaint.

All employees

All employees have a responsibility not to bully or participate in behaviour that bullies other workers.

All employees must maintain confidentiality when providing information in an investigation.

All employees are encouraged to report any incident of bullying.

Union Representation

All employees have the right to seek advice, support and representation from their union.

Workplace Bullying Project: Parklyn - Policy and procedures

Workplace Bullying Policy Attachment One:
Procedures for resolving a complaint of bullying informally

The following procedures have been designed to ensure that any incident of bullying can be dealt with quickly and safely.

You can choose to use either informal options or a formal process at any stage.

The informal options are particularly designed to enable the resolution of matters before either party become entrenched.

In the informal stage no disciplinary action will arise out of the process. A no blame approach is taken as the objective is for both parties to agree about acceptable behaviours in the workplace and to commit to changing behaviours that are offending the other. The focus is on creating a working relationship between those involved in the issue.

Support and advice

Support and advice on these options and your rights can be gained from:

- Union representatives
- Contact Officers
- Supervisors and Managers

Available options
There is a range of options or menu from which people could select rather than progressive steps.

- **Gaining information and clarification and support**.

  Advice on options can be sought from a contact officer, supervisor or union representative.

  Support can also be sought from the contact officer and the union representative.

  If a complainant chooses not to take action:

  It is strongly advised that they keep a written record of any incidents clearly identifying the date, the nature of the behaviour and any witnesses.

  An offer can be made to relocate the complainant – but this should only be done if they require it and should in no way cause them harm – as they should not be made to feel punished for raising an issue.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

Moving the subject of the complaint is a possibility once the complainant has been prepared to make a formal complaint – this is a preventative step – it must be remembered that the complaint has not been substantiated and any such action should not disadvantage the person complained against.

• Access to counselling

Confidential counselling at the expense of the employer is available through OCAR (Phone8231 9111) to assist a person to address the impact of their experience of bullying whether they have experienced bullying or been subject of a complaint of bullying.

• Talking to the person themselves

This is an option that might be encouraged to resolve a matter early on in the experience. It provides an opportunity to "nip it in the bud".

When raising the issue with the person the behaviour that is unacceptable needs to be clearly identified and what is required in the future also needs to be stated.

In deciding to take this step an individual will need to consider the likely effect it will have on the other person and how they might respond.

Where the complainant is intending to be accompanied by a support person the complainant should inform the person whose behaviour has upset them at the time of making a meeting time with the person.

A safe environment and an appropriate time would need to be chosen to raise the issue.

A note of this conversation should be kept by the complainant.

• Someone else intervenes

In this option someone who is in a safe position and who has a high level of communication skills can assist in the resolution.

In this situation the person intervening is telling the person that the other person is upset by certain behaviour and asking that this behaviour stop. They are not asking for an admission of fault or an apology but recognition that the behaviour is upsetting the other person and that the behaviour will cease.

Workplace Bullying Project: Parklyn - Policy and procedures

Examples of policies

It is important to point out that the person has not commenced formal procedures but that if the matter is not resolved at this stage the person has the right to do so.

A diary note of this conversation should be kept.

• Conciliation

This involves a third party attempting to conciliate the problem between the two parties involved.

This step might evolve from the previous step.

In the conciliation process the parties remain separate and the conciliator controls the process. The conciliator needs to stress that the complainant has not initiated formal procedures and that this is an informal process trying to resolve an issue between them. It might be useful to note that if it is not resolved the complainant could choose to make a formal complaint or take action outside of the organisation.

• Mediation

Mediation that involves bringing both parties together to resolve the issue should only occur once the process has been explained and where both parties have agreed there is a problem (ie. not when the person is denying their behaviour has caused a problem) and when both have agreed to participate in mediation.

Only a skilled mediator external to the organisation will conduct mediation, for example a mediator from OCAR.

Where management are involved in an informal resolution of a bullying incident they will closely monitor the situation and provide staff with the support they require to ensure the success of the resolution.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

Workplace Bullying Policy Attachment 2:
Formal Complaint Procedures for resolving a complaint of bullying

It should be noted that an employee has the right at any time to gain external advice.

If a formal complaint is substantiated there is the potential for disciplinary action (consistent to the disciplinary procedures outlined in the relevant industrial awards) arising from the investigation including, warnings, dismissal, transfer.

The formal process proceeds in the following steps:

1 Written complaint must be lodged with the Manager detailing the nature of the allegations in specific not general terms and including details such as times, dates, potential witnesses.

2 Where the complaint concerns a senior Manager the complaint should be addressed to the Human Resource Manager of Aged care Services. Advice and support might also be sought from your union.

   An experienced independent investigator will be allocated to the case – consideration will be given to using an external professional for this role.

   (The Complainant has the right to challenge the independence and impartiality of the proposed investigator twice. Reasonable grounds for such a challenge must be given.)

3 Interview with complainant to clarify the complaint

   If an external investigator is employed the appropriate manager will meet with them and the complainant to explain their role in the process.

   At this interview the investigator will:

   Determine whether there is a (prime facie) case to investigate.

   Ensure the complainant understands the options available

   Outline the formal process and possible outcomes

   Outline the complainant's right to representation and advice from a union representative

Workplace Bullying Project: Parklyn - Policy and procedures

Examples of policies

Ensure the complainant understands that they have the right to seek advice on action available externally to the organisation in particular they need to seek advice in relation to time limits which might prevent action under the external jurisdictions.

Ensure they are aware of their rights to access confidential counselling support through OCAR.

Ensure they understand that the person whose behaviour they have complained about will be notified that victimisation will not be tolerated and that the matter is to be treated with confidentiality.

Note the meeting.

If following the interview the investigator determines that the issues raised do not constitute bullying the relevant manager will be notified and this person will advise the complainant that the matter is not a matter that can be addressed under the Workplace Bullying Procedure. The manager will work with the complainant to identify the nature of the problem and to assist them to work out a resolution to the issue.

4 The investigator will provide the subject of the complaint with written details of the complaint including the name of the complainant, the behaviour involved including dates and locations.
The letter will:
request them to attend an interview at a set date
outline the process and their rights to gain advice and representation
outline their rights to access confidential counselling through the Employee Assistance Package.
Ensure they understand that victimisation will not be tolerated and that the process will remain confidential.

(A person complained against has the right to challenge the independence and impartiality of the proposed investigator twice. Reasonable grounds for such a challenge must be given.)

5 Interview subject of the complaint

If an external investigator is employed the appropriate manager will meet with them and the person against whom the complaint has been made to explain their role in the process.

Ensure that the process, rights and potential outcomes are again clarified. Need to indicate that the person is being treated as innocent until otherwise proven.

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5
Examples of policies

Go through accusations and seek their response.
Note the meeting

If the subject of the complaint at this stage acknowledges their behaviour constitutes bullying the matter will then be referred to the appropriate manager for resolution, which may involve disciplinary procedures.

In circumstances not warranting dismissal the person will be provided with appropriate assistance to address the behaviour that has been identified as bullying.

The organisation will formally note and address any organisational issues raised in the process, which may have contributed to the bullying.

6 Investigate
  If not resolved through the interview process, check facts and conduct an investigation including interviewing witnesses (ensure they are aware of their rights and that the matter is to be kept confidential and that victimisation won't be tolerated.)

7 The investigator to write a report indicating whether the complaint has or has not been substantiated and provide this to the appropriate manager.

  If the allegations are substantiated:

  The manager should meet with the person complained about and outline the findings of the investigation. The person should be given an opportunity to respond and their response should be taken into account in any determination made by the manager.

  Determine action to be taken and notify both the subject of the complaint and the complainant.

  The subject of the complaint will be provided with appropriate assistance to address the behaviour that has been identified as bullying.

  The organisation will formally note and address any organisational issues raised in the process, which may have contributed to the bullying

  If the allegations are not substantiated
  Notify the outcome of the investigation in writing to both the subject of the complaint and the complainant

Workplace Bullying Project: Parklyn - Policy and procedures

Examples of policies

The manager will meet with the complainant and clarify why the matter has not been substantiated and work with the complainant to assist them to return to a working relationship with the other person.

The manager will meet with the subject of the complaint to discuss any concerns they might have arising from the investigation and to assist them to work out how they will continue to work with the other party.

8 The incident and its resolution is to be minuted in the Occupational Health and Safety Committee Minutes in form which does not identify individuals involved, it will note clearly whether the matter has been substantiated or not and the resolution process to be used.

Where the complaint has been "common knowledge" within the workplace the manager should seek the consent of the parties to inform people in general terms the outcome of the process. Seek the assistance of all in the workplace to a return to productive working relationships.

Set up a process to support both parties to return to a normal working relationship. This might include ongoing counselling, changing working arrangements and addressing organisational issues raised by the incident.

9. Review the situation with complainant and subject of the complaint after the first week, in a month's time and three months latter.

Rights during a formal complaint

If the subject of a complaint you have the following rights:

To representation by your union or person of your choice
To external advice from your union or person of your choice
To have the matter heard by an independent investigator
To receive the written details of a complaint before attending a meeting
To have a right to reply
To be presumed innocent until otherwise proven
Not to be victimised
If found to have bullied – to have appropriate and reasonable action taken
Where organisational factors have contributed that these be addressed.
That the matter be treated confidentially
To counselling

Workplace Bullying Project: Parklyn - Policy and procedures

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Examples of policies

If making a complaint you have the following rights:

To representation by your union or person of your choice
To external advice from your union or person of your choice
To have the matter heard by an independent investigator
To respond to what has been said by the person against whom
the complaint was made.
Not to be victimised
That the matter be treated confidentially
That your safety is ensured during the process.
To counselling.

It should be noted that this policy is to be read in conjunction with:
Attachment 1: Informal Resolution Options
Attachment 2: Formal Complaints Process
Attachment 3: Prevention Strategies

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Appendix 5

Examples of policies

Procedures - Roles and responsibilities

Role	Who holds	Skills/training/knowledge
Advice	Peers	What the options are
	Union delegate	What the job is roles and responsibilities
	Union organiser	How they access rights and process
	Workcover	What support (eg counselling) is available and how they access
	Employee ombudsman	
	WWC	
	Manager	
	Contact person	
	OCH&S representative	
	HR Person	
Representation/ support person People saw these as two very distinct roles	Union delegate	Procedures and industrial knowledge
	Union organiser	
	Independent representative/ support person	
Investigation	Manager from other site	Clear about workplace bullying and process
2 removed or clearly independent	Director of aged care HR of Aged Care	Skills and knowledge to conduct an investigation
External professional	OCH&S co-ordinator	
Counselling	EAP	Managing people back into workplace and through the process
	OCAR	
Determination of outcomes	Appropriate manager in the circumstances	IR knowledge to ensure that the consequences reflect the behaviour.
	Independent of the investigation	

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Appendix 5
Examples of policies

Workplace Bullying Policy Attachment 3: Preventing Workplace Bullying - Strategies

These strategies are designed to build an environment of respect and tolerance in our worksites and to ensure that all employees feel safe in raising concerns about inappropriate behaviour in the workplace.

Monitoring

Aim: To establish and implement a monitoring and reporting system.

Actions:

> The Occupational Health and Safety Committee to conduct an annual climate survey to identify changes occurring in the workplace.

> The Occupational Health and Safety Committee identify any areas in which group bullying is taking place.

> Include bullying as an agenda item for all staff meetings.

> The Occupational Health and Safety Committee develop a risk audit and monitor organisational risks that might lead to bullying and keep a record of incidents.

> Management to use staff appraisals to identify issues- develop a question to include in appraisals.

> Management to address the issue of bullying with workers in the appraisal at the time they are made permanent.

> Management to conduct an exit interview and/or questionnaire with staff leaving the organisation. Staff to be provided with the option to be interviewed by a contact officer.

> Contact Officers to report on a needs basis but at least quarterly to the Occupational health and safety committee.

Responsible staff: Chair of occupational Health and Safety Committee
Time frame:Ongoing
Evaluation: Reviewed by Occupational Health and safety committee quarterly for the first twelve months and then at least annually.

Create a positive organisational environment

Aim: to ensure that organisational factors do not contribute to bullying.

Actions:

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Examples of policies

Staff and Occupational Health and Safety Committee to identify and managers to address organisational issues that might increase the possibility of bullying such as workloads and work design.

Management to review job descriptions of supervisors and managers to ensure that they include and value communication and people skills.

Responsible staff: Senior Managers
Time frame: Ongoing
Evaluation: Use Risk Management Processes

Information and awareness

Aim: Ensure all staff has regular access to information about workplace bullying

Actions:

Develop own or use existing posters and stickers that are changed regularly to highlight the issue of bullying.

Develop a brochure about the organisation's policies and procedures and provide to all employees and new staff.

Responsible staff: The Occupational Health and Safety Committee and the Nurse Educator
Time frame: by January
Evaluation: Staff feedback

Education

Aim: To ensure all staff understand and are able to access the procedures in relation to bullying**.**

Actions:

Managers and contact officer are to conduct information session for all staff about the issue and the policies and procedures to address.

HR and Nurse educator are to ensure training for managers at all levels on the procedures to deal with and to prevent bullying.

Responsible staff:Management
Time frame:6 months
Evaluation: Formal Training evaluation

Aim: To improve the communication skills in the workplace.

Actions:

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Actions:

Training for all staff to develop communication skills.

Training for management at all levels on communication and skills for positively and effectively dealing with people.

Responsible staff: Management
Time frame: Next 12 months
Evaluation:Formal Review

Build a culture of tolerance

Aim: Improve communication at all and between all levels of the organisation.

Actions:

Set up or evaluate existing structures of communication, consult and adapt as necessary.

Responsible staff: Management
Time frame:ongoing
Evaluation:staff feedback

Aim: To look more inclusive, celebrate difference and demonstrate sensitivity towards difference.

Actions:
Look at whom we employ

Provide food from different cultures

Provide cross-cultural experiences (look at community health training and ongoing training)

Interview people at work from a broad range of backgrounds and include in publications

Ensure publications that represent and celebrate diversity

Responsible staff: Management and diversional therapist
Time frame:6 months then ongoing
Evaluation:feedback from staff and residents

Aim: Set a standard of acceptable behaviour for all staff
Actions:
Ensure that the code of conduct is consistent with this policy.

Workplace Bullying Project: Parklyn - Policy and procedures

Examples of policies

Provide all staff with a copy of the code on an annual basis.

Involve all staff in the creation, implementation and regular review of policies and procedures to deal with bullying.

Responsible staff: QA Co-ordinator and The Occupational Health and Safety Committee
Time frame: Annually
Evaluation: Review

Aim: Ensure the safe entry into the workplace for new staff

Actions:

Supply a comprehensive pre-employment package.

Welcome all staff in newsletter

At a workgroup level create a welcome such as a morning tea

Place a name balloon (naming new staff) in a prominent area

Supervisor to allocate all new staff a buddy to provide them with support in the workplace.

Provide all new staff with information about the bullying policy and procedures

Ensure all staff are introduced during the induction

Review the orientation time provided and consider allocating a staff member who is not 'on' to provide dedicated time inducting the person.

Responsible staff: Supervisors and nurse educator
Time frame:Ongoing
Evaluation: The Occupational Health and Safety Committee to review

Workgroups

Aim: To ensure that individual or group bullying does not occur within workgroups.

Actions:

Conduct education on group process with target groups of workers.

Educate all workers so that they understand that they have a responsibility **not** to participate in group bullying nor that they provide an audience for such behaviour.

Encourage co-workers to support a worker who they believe is being bullied

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Examples of policies

Ask co-workers not to participate in gossip.

That all workers be encouraged to find and speak of the positives they see in others.

Encourage others when they feel it is safe to do so to intervene

Encourage all staff to constantly reflect on their behaviour and the impact it has on others.

Responsible staff:Supervisors and educator
Time frame: Ongoing
Evaluation:Climate survey

Provide support for those experiencing bullying and for those accused of bullying

Aim: To ensure that all parties receive the support they need to effectively participate in the workplace.

Actions:

Consider the development of a network of peer support

Provide and inform people of their right to access confidential counselling through the EAP.

Appoint, educate and promote contact officers.

Responsible staff: The Occupational Health and Safety Committee and management.
Time frame:Ongoing
Evaluation:Review

Evaluation

Aim: To ensure that all strategies, policies and procedures are evaluated and updated

Actions:

Oversee the implementation of the strategies.

Evaluate the success of the strategies in six months and then on an annual basis.

Review and amend the policy and procedures annually.

Responsible staff: The Occupational Health and Safety Committee
Time frame:5 months and then annually
Evaluation:Survey

Workplace Bullying Project: Parklyn - Policy and procedures

Appendix 5 Examples of policies ~ Statewide Group Training SA

WORKPLACE BULLYING POLICY FOR APPRECTICES/TRAINEES

1. **STATEMENT OF INTENT**
   Statewide Group Training sees the proper management of Workplace Bullying as ranking equally with all other OHS&W operational considerations.

2. **DEFINITION**
   Statewide Group Training defines workplace bullying to mean:-

   WORKPLACE BULLYING
   Workplace Bullying is an abuse of formal or informal power. It is actions, or verbal comments that impact detrimentally on the feelings, wellbeing or performance of another person in the workplace. Bullying is behaviour that is generally repeated over time.

   Bullying includes, but is not limited to:-
   * *Yelling, screaming abuse, offensive behaviour to a worker*
   * *Belittling opinions or constant criticism*
   * *Overwork, undermining work performances*
   * *Over checking of work*
   * *Derogatory comments*
   * *Abusive or aggressive acts used to control workers*
   * *Always being given the menial or unpleasant tasks to do*
   * *Being singled out*
   * *Constant inappropriate comments, including comments about personal appearance*
   * *Hurtful practical jokes*
   * *Unfair and inappropriate use of performance reviews*
   * *Threats*
   * *The silent treatment*
   * *Put downs in front of others*
   * *Teasing and taunts*

   It should be recognised that one-off incidents that cause a person trauma also need to be addressed seriously and may in fact be the beginning of a bullying episode.

   WORKPLACE VIOLENCE
   Workplace violence refers to situation in which a person becomes the target of threats, physical violence and intimidation, including initiation ceremonies. Workplace violence can be a one-off situation; it can be random; it can be repeated and it can be planned or calculated.

   Such violence constitutes criminal assault.

3. **AIM**
   It is the aim of Statewide Group Training, so far as is reasonably practicable, to minimise the risk of workplace bullying to apprentices/trainees by adopting a planned and systematic approach to the management of this hazard in the workplace, and to provide the resources for its successful implementation.

Appendix 5
Examples of policies

4. **OBJECTIVES**

The objectives of the policy are to ensure:-
- that workplace bullying is identified, assessed and eliminated from the workplace
- measures to control workplace bullying are regularly implemented and regularly monitored and evaluated
- employees participate and contribute to the decision making
- all managers, field officers and employees receive information, instruction and support to overcome workplace bullying

5. **STRATEGIES**

Statewide Group Training will achieve its workplace bullying objective by developing and implementing appropriate polices and procedures which document standards and guide Managers, Field Officers and Apprentices/Trainees in carrying out their responsibilities in:

- identifying workplace bullying
- assessing the degree of level of hazards arising from workplace bullying
- selecting, implementing and maintaining appropriate measures to control Workplace Bullying
- consulting with employees and their representatives on matters which may affect their health safety and wellbeing due to workplace bullying
- providing appropriate information, instruction and training necessary to overcome workplace bullying
- developing, implementing and monitoring plans for workplace bullying
- the workplace bullying policy is to be included in the induction of an apprentice/trainee

6. **ROLES AND RESPONSIBILITIES**

6.1 Responsible Officer
- to ensure that this policy is implemented throughout the company and to provide support, and any training that is required to Managers, Field Officers, OHS Co-ordinator and contact Officer in dealing with Workplace Bullying

6.2 Field Officers
- to ensure immediate action is undertaken when a complaint of Workplace Bullying is lodged with Statewide Group Training.
- to liaise with the complainant regarding the complaint
- to liaise with the Host employer
- to provide support to the complainant
- to determine appropriate behaviour

6.3 Health & Safety Committee
- To be made aware of a complaint having been made and to provide any assistance it can to the Apprentice/Trainee

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Examples of policies

6.4 Contact Officer
- to provide any advice, support or assistance needed to the Apprentice/Trainee
- the Contact Officer is not responsible to resolve a complaint

8.   **Relationship to other policies**
This policy should be read in conjunction with:-

- *Anti-Discrimination Policy*
- *Complaints Resolution Policy*
- *Grievance Policy*
- *Sexual Harassment Policy*

9.   **REVIEW OF POLICY**
This policy is to be reviewed annually, or as required due to changing circumstances within the company or OHS&W Act or Regulations.

Appendix 5
Examples of policies

**INFORMAL PROCEDURE TO DEAL
WITH WORKPLACE BULLYING
OF APPRECTICES/TRAINEES**

1.   **SCOPE AND PURPOSE**
This procedure defines the options available to informally resolve incidences of Workplace Bullying that may take place in any worksite to any of Statewide Group Training Apprentices/Trainees.

The informal options are no blame options. No disciplinary action will arise from this process. The focus is on reaching agreement about acceptable behaviour at the worksite that makes everyone feel safe.

An Apprentice/Trainee has the right to use the formal procedure if desired and can also seek external advice.

2.   **RESPONSIBILITIES**
2.1 Field Officers
- to facilitate support and advice to Apprentices/Trainees who make initial contact regarding Workplace Bullying in an informal manner.

2.2 Contact Officer
- to be available to provide advice, support and assistance as needed to the Apprentice/Trainee
- the Contact Officer is not responsible to resolve a complaint.

3.   **REFERENCES**
- OHS&W Act 1986 Section 19 & 21 (Duties of Employers, Duties of Employees)

4.   **PROCEDURE**
4.1 Contact
Contact can be made by an Apprentice/Trainee with a Field Officer/Manager or Contact Officer either in the form of:-
- telephone contact
- verbal contact on a visit to the workplace
- informal letter

4.2 Support Available
Support and advice can be gained by contacting:
- Field officer
- Manager
- Contact Officer
- Union representative

4.3 Support and Resolution options that will be available:-
An apprentice/trainee can select any of the options below to seek a resolution to the problem:-
- explanation of the meaning of Workplace Bullying and advice about the options to resolve the problem
- discussion about safety in the workplace e.g.:- **feeling safe**

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Examples of policies

- access to confidential counselling paid by Statewide
- talking to the person themselves about the behaviour that is causing the problem **(this should only be advised in early stages and where the apprentice/trainee has good support and feels confident to do this)**
- conciliation by an impartial and skilled conciliator if appropriate **(meaning talking to parties concerned individually to reach agreement about how they will behave at work)**
- deciding whether further action needs to be taken in a formal way and advice on the procedure for a formal complaint to be lodged

4.4. Confidentiality

- Issues raised with any of the support people will remain confidential. The person seeking a resolution to the problem they face at work will remain in control of the action to be taken

4.5 Monitoring

- Where an individual decides to take no action, a Field Officer or Contact Officer, aware of the problem, will increase monitoring visits of the workplace and will make regular contact with the apprentice/trainee to provide support.

- When a Field Officer, Contact Officer or Manager have participated in an informal resolution of a complaint of Workplace Bullying, they will remain in contact with the Apprentice/Trainee and increase monitoring visits to the workplace.

4.6 Keeping records

- If no further action is to be taken after contact has been made, the Field Officer, Manager, or Contact Officer is to advise the employee to keep a written note of the conversation and advice given for future reference.

- The Field Officer, Manager or Contact Officer will advise the Apprentice/Trainee that they will keep a note of the conversation and advice given, which will be placed on the Apprentice/Trainee personnel file.

5. RECORDS
Notation of meeting to be placed on personnel file

It should be noted that an Apprentice or Trainee has the right at any stage, to seek external advice about their rights at work, and the resolution of the problem whether through their union or from the Accreditation and Registration Council (ARC)

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Appendix 5
Examples of policies

FORMAL PROCEDURE TO DEAL WITH WORKPLACE BULLYING OF APPRECTICES/TRAINEES

1. SCOPE AND PURPOSE

This procedure defines what action is to take place to manage Workplace Bullying that may take place in any worksite to any of Statewide Group Training Apprentices/Trainees.

An Apprentice/Trainee has the right to use the formal procedure and can seek external advice at any stage.

2. RESPONSIBILITIES

2.1 Field Officers/Managers/Contact Officer
• to facilitate support and advice to Apprentices/Trainees who wish to make a complaint about Workplace Bullying in a formal process.

2.2 Chief Executive Officer
• to facilitate a resolution with a Host employer

2.3 Host employer
• to facilitate a resolution with the Statewide Group Training employee and their employee

2.4 Contact Officer
• to be made aware of a formal complaint being made and provide any assistance needed to the Apprentice/Trainee
• the Contact Officer is not responsible to resolve a complaint.

3. REFERENCES

• OHS&W Act 1986 Section 19 & 21 (Duties of Employers, Duties of Employees)

4. PROCEDURE

4.1 Formal Complaint Received
• A written complaint is received from an Apprentice/Trainee
(an apprentice/trainee has the right to seek advice and representation to write a complaint)
• A formal complaint can be lodged in other forms if the Apprentice/Trainee is unable to compile a formal written complaint.

4.2 Investigation
• an independent investigator is appointed by Statewide Group Training to interview the employee
• the employee is advised of their rights and interviewed by the investigator
• the employee can nominate a person to be present at this meeting e.g.:- union representative, counsellor, friend
• the investigator will determine if there is a case to investigate
• if the complaint does not constitute Workplace Bullying the matter is to be referred to the Field Office or Chief Executive Office to resolve with the complainant.

If the Apprentice/Trainee does not feel safe to return to the workplace during the investigation Statewide Group Training will maintain their salary for period of time to be determined by the Management Team of Statewide Group Training.

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Examples of policies

4.3 Action to be undertaken if there is a case of workplace bullying
- complainant will receive a letter that acknowledges receipt of the complaint and outlines the steps to be taken and their rights and timeframes
- the Host Employer will receive a letter detailing the complaint, including the name of the complainant, the behaviour involved including dates and locations
- a request will be made by Statewide Group Training that the Host Employer conducts an investigation into the matter
- the Host Employer is to provide Statewide Group Training with an undertaking outlining the steps they will take to ensure the safety of the Apprentice/Trainee and a commitment that the behaviour will cease
- the Host Employer will give Statewide Group Training an assurance in writing that the Apprentice/Trainee will not be subjected to any victimisation or discrimination arising from the complaint.

4.4 Resolution of complaint with a Host Employer
- if the Host Employer refuses to participate in an investigation, **Statewide Group Training will remove the Apprentice/Trainee from the workplace**
- if the Host Employer investigates and states there is no case to answer, the matter will be referred to the Chief Executive Officer of Statewide Group Training who will provide a copy of the response of the Host Employer to the complainant and seek the complainants views
- a meeting will be held between Statewide Group Training and the Host Employer
- if the Chief Executive Officer feels the complainant will still be at risk in the workplace, the complainant will be placed with another Host Employer.
- if an alternative Host Employer can not be found immediately the Apprentice/Trainee is to be paid by Statewide Group Training for a determined period by the Management Team of Statewide Group Training.
- if the Chief Executive Officer determines that the complainant is to return to the Host Employer workplace and the complainant is unhappy with that decision, then the complainant **has the right to lodge a complaint with the Dispute Resolution Committee of the Accreditation and Registration Council (ARC)**
- *Statewide Group Training will closely monitor the return to work of their Apprentice/Trainee and provide any necessary ongoing support.*

4.5 Complaint against a Field officer or other employee of Statewide Group Training
- an independent investigator will be appointed
- a letter will be sent to the person being complained about, detailing the complaint, including the name of the complainant, the behaviour involved including dates and locations. A date will be advised requesting that person to attend an interview. This letter is also to outline the rights of the person the complaint is about.
- the person being complained about will be interviewed and advised of their rights and the process that is to be followed

Appendix 5
Examples of policies

- the person being complained about will be treated as innocent until a case has been proven against them
- notes of the meeting must be taken and placed on the personnel file of both parties
- if the complaint is proved, the investigator will provide a report to the Chief Executive Officer for action which may include appropriate disciplinary action
- the Chief Executive Officer may allocate a different Field Officer to the complainant
- if the complaint is not substantiated upon investigation, the complainant and the person about who the complaint has been made, will be notified in writing by the Chief Executive Officer
- the Chief Executive Officer will meet with both parties to clarify the outcome of the investigation and discuss how to resolve the issue e.g.:- allocate another Field Officer, Apprentice/Trainee transfer.

4.6 Right and responsibilities:-
All parties to a complaint of bullying have the right:-
- to be listened to and taken seriously
- to representation by their union or a person of their choice
- to external advice
- to have a formal complaint read by an independent and impartial investigator
- to receive full written details of complaints against them or responses to their complaints
- to the right of reply
- to be presumed innocent until otherwise established
- not to be victimised or disadvantaged for making a complaint
- that any action arising from the complaint is reasonable and appropriate in the circumstances
- where organisational factors have contributed to the problem that these be addressed as part of the resolution
- that the matter be treated with confidentiality and that all parties be made aware of their responsibility in relation to those
- that the matter be dealt with quickly and fairly
- to confidential counselling paid for (in the case of their employees, apprentices or trainees) by Statewide Group Training
- that appropriate steps be taken to ensure the safety of all parties throughout the investigation (including where necessary and agreed by the apprentice or trainee their removal from the worksite with pay maintained for a determined time by the Management Team of Statewide Group Training)

4.7 Records
- Meeting notes
- Personnel Files
- Copies of letters

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Examples of policies

4.8 EXTERNAL OPTIONS

It should be noted that at any stage a person experiencing workplace bullying has the right to seek external advice and to lodge a dispute with the ARC (ACCREDITATION AND REGISTRATION COUNCIL).

An Apprentice/Trainee can seek advice from their union or ARC in relation to these procedures.

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Examples of questions
to ask an external mediator

- What is your understanding of workplace bullying?

- How many mediation sessions involving workplace bullying have you conducted so far?

- What qualifications do you have?

- Are you accredited as a mediator and if so, who with?

- How do you maintain confidentiality?

- Can parties bring support people with them?

- What information do you give each party before the mediation? Do you meet with each party separately first?

- Do you ask parties to enter a pre-mediation agreement?

- Do you initially meet with each party to explain the process to them?

- Are your sessions conducted 'without prejudice' or are there conditions attached to the outcomes? (The threat of disciplinary action depending on the outcomes for instance may taint the mediation process.)

- How do you assess if parties are ready to mediate?

- What do you do if one party feels unsafe to begin or to continue in mediation?

- How long do you expect a mediation session to go for? (There needs to be some flexibility for all parties including the mediator. It is important to note that mediation sessions that go on for a long time can be very tiring. This could affect any decisions or agreements.)

- Can you explain your process – ie how you mediate?

- What do you charge per hour?

- Do you get parties to sign an agreement at the end of the mediation?

- If yes, what sorts of things would be covered in this agreement?

- What happens if parties can't reach agreement?

- Do you provide a written report after the mediation and if so who gets to see this?

- Are there any issues that may come out in the course of a mediation session that you would feel bound to report?

- What records do you keep and what happens to these records?

Appendix 7   Examples of questions to ask an external investigator

• What is your understanding of workplace bullying?

• How many cases of workplace bullying have you investigated before?

• What qualifications do you have to conduct investigations?

• How do you maintain confidentiality around the complaint you are investigating?

• What sort of things will you look at in the course of your investigation?

• What records will you need access to?

• Do you explain the process to each party before you begin the investigation?

• What information do you give them?

• When you interview each party do you advise them to have someone with them (friend, union rep, advocate)?

• How long will the investigation take?

• What sort of records do you keep and what happens to these?

• If information arises during the course of an investigation which indicates that illegal activity has taken place (eg fraud, child sexual assault) what do you do about this?

• What do you do if parties wish to change their statements or add to them?

• Do you provide a written report at the end of the investigation and if so who (provide their names rather than a general title like 'Management') has access to it?

• An investigation process can take a long time. Do you provide progress reports?

• If yes, who receives these reports and how often do you provide them?

• Do you keep each party informed of the progress of the investigation?

• What happens if the complaint of bullying is substantiated?

• What happens if the complaint is not substantiated?

• What will the investigation cost?

• Do you factor in regular breaks when you meet with each party?

• When there is more than one alleged bully will they be interviewed as a group or separately?

Appendix 8 **Example of an evaluation proforma**
Workplace Bullying Project —
Questionnaire

Over the last 12 months your organisation has participated in a project to address workplace bullying. The project steering committee would like to hear your views on this workplace issue and the project.

Please return the questionnaire in the reply paid envelope by _____

Please circle your response to the following statements:

---

1. *I feel confident that a complaint of bullying **would be taken seriously**.*

1	**2**	**3**	**4**	**5**
Strongly Disagree		**Agree**		**Strongly Agree**

---

2. *I feel confident that a complaint of bullying **would be resolved effectively**.*

1	**2**	**3**	**4**	**5**
Strongly Disagree		**Agree**		**Strongly Agree**

---

3. *Do you know your organisation's procedure for reporting and dealing with workplace bullying?*

Yes   **No**

---

4. *Is your employer providing the following in relation to workplace bullying?*

Training: **Yes**   **No**   **Don't know**

Information: **Yes**   **No**   **Don't know**

Policy: **Yes**   **No**   **Don't know**

*Other:*_____

---

5. *In relation to workplace bullying do you need more:*

Training: **Yes**   **No**   **Don't know**

Information: **Yes**   **No**   **Don't know**

Policy: **Yes**   **No**   **Don't know**

*Other:*_____

---

6. *Have you **personally** experienced bullying in your workplace during the last 6 months?*

Yes   No

(a) if yes, did you report it?

Yes   No

(b) if yes, was it resolved to your satisfaction

Yes   No   Still being addressed

(c) if no why didn't you report it?

_____

_____

_____

7. *Have you **witnessed** bullying in your workplace during the last 6 months?*

Yes   No

8. *Any other comments:*

_____

_____

_____

*The following questions are **optional**, however they will greatly assist to understand your organisation. If you are prepared to answer some or all of them, **please circle** the relevant answer.*

9. *What is your age?*

Under 25   25-35   36- 45   45 and over

10. *What is your length of service?*

Under 12 mths   1-2 yrs   2-5 yrs   6 yrs or more

11. *What is your gender?*

Male   Female

Thank you for your time in completing this questionnaire.

Appendix 9

What do people who have been involved in implementing strategies to address workplace bullying say?

- Take the plunge.

- Establish a committee.

- Consult with workers.

- Get involved.

- Ensure there is a safe environment in which to express feelings about this issue.

- Increase people's awareness.

- Don't have too many senior managers on the committee.

- Take your head out of the sand – workplace bullying is a real issue.

- Everyone needs to develop the policies, procedures and the definition together and everyone needs to be happy with them.

- Confidentiality is important when people come forward with an issue.

- Involve everyone in the organisation.

- Communicate your message about workplace bullying widely.

- Don't let it die out – keep the issue upfront.

- Ensure people feel listened to.

- Look at what practices might be promoting workplace bullying.

- Value what people are saying.

- Having an outside person to guide the process is important.

- The PROCESS is critical. You need to understand WHY and HOW to address this issue. You have to go through the process not just adopt a policy.

- Union involvement was really important to the success of this project. We were surprised by this but it has promoted greater understanding on both sides.

- It's about relationships and working effectively and efficiently.

- Don't get stressed by different agendas of individuals or conflicts within a group.

- Think about putting an employee assistance program in place.

- It's not all easy but at least you will have something in place to address issues when they arise.

- Doing this work will help you change the culture and work practices in your workplace.

- Workplaces that are going somewhere have good policies and procedures. They present as prepared and professional.

- If people aren't happy they'll leave.