

House of Representatives Committee

Inquiry into Workplace Bullying

Submission by:

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We welcome the Parliament of Australia's efforts to address the issue of Workplace Bullying and seek to respond to a number of the inquiry's terms of reference. As a research team we are at the forefront of developing research models and interventions into workplace bullying in Australia and internationally (e.g., we were the first to explore upwards bullying, we are exploring the link with emotional intelligence etc.). Unfortunately, to the best of our knowledge many of the terms of reference, within the Australian context are still unknown, but indicators can be drawn from overseas research. Therefore, within this submission we will refer to research conducted both nationally and internationally in an effort to assist the Inquiry Committee to understand the phenomenon of workplace bullying in greater depth. Our aim in writing this submission is to draw attention to the complexities of responding to what is often a unique and emotional set of circumstances that can have devastating effects on individuals and organisations.

Background to Workplace Bullying:

In a recent publication by the first and third authors of this submission, Branch and her colleagues (see Branch *et al.* 2012b) provide a comprehensive review of the field and research that has been conducted in this relatively new research field. Specifically relating to this Parliamentary Inquiry the authors suggest that:

"In the past two decades especially, researchers have made considerable advances in developing conceptual clarity, frameworks and theoretical explanations that help explain and address this very complex, but often oversimplified and misunderstood, phenomenon. Indeed, as a phenomenon, workplace bullying is now better understood with reasonably consistent research findings in relation to its prevalence; its negative effects on targets, bystanders and organisational effectiveness; and some of its likely antecedents. However, as highlighted in this review, many challenges remain, particularly in relation to its theoretical foundations and efficacy of prevention and management strategies". (p. 1)

The following is an excerpt from this publication that summarises research undertaken in two key areas within the field, definition and prevalence. While defining workplace bullying is not a specific Term of Reference outlined by the Commission, we believe that defining what workplace bullying is, is central to understanding and dealing with the issue at a national level.

"Definition of workplace bullying

Perhaps owing to the complexity of the phenomenon, researchers and practitioners continue to struggle to develop an agreed definition of workplace bullying (Saunders *et al.* 2007), with some researchers questioning whether a uniform definition is possible (Rayner *et al.* 2002). Fevre *et al.* (2010) recently identified a 'constant tension' in locating a definition that appropriately reflects the nature of the phenomenon across a range of cultural contexts and also retains acknowledgement of the original academic work in the area (p. 75). Nevertheless, there does appear to be agreement in the academic community as to the essential characteristics that determine the phenomenon (Branch 2008; Nielsen *et al.* 2008).

These elements are captured in a widely used definition, which emanated from Scandinavia and was adapted from Olweus 's (1978; 1993) research into schoolyard bullying.

[Workplace bullying is] a situation in which one or more persons systematically and over a long period of time perceive themselves to be on the receiving end of negative treatment on the part of one or more persons, in a situation in which the person(s) exposed to the treatment has difficulty in defending themselves against this treatment. (Matthiesen and Einarsen 2007, p. 735)

In relation to the definition provided, 'period of time' first reflects the characteristic of persistence, or a pattern of behaviour (Einarsen *et al.* 2011b), which distinguishes bullying from a 'one-off clash' (Hoel and Cooper 2001; Saunders *et al.* 2007). Thus, workplace bullying is often subject to escalation over time (Caponecchia and Wyatt 2009; Zapf and Gross 2001). However, the intensity of some oneoff events, their potential for ongoing threat (Einarsen *et al.* 2011b), and/or single incidents being repeated with different individuals (Caponecchia and Wyatt 2009) means the issue of one-off events remains subject to debate.

Second, 'negative treatment' relates to the occurrence and perception of significant, inappropriate, negative or unreasonable behaviours as opposed to trivial behaviours (Einarsen *et al.* 2011b; Hoel and Cooper 2001; Saunders *et al.* 2007). Reaching absolute agreement on which are bullying behaviours, however, is virtually impossible because issues such as context, intensity and the existence of patterns of behaviour are important (Rayner 1997), as is a person's "subjective perception of being bullied", which can vary quite substantially across individuals (Agervold 2007, p. 163). Thus, for researchers, practitioners and, most importantly, targets of bullying, labelling specific workplace behaviours as acts of bullying is difficult. Furthermore, as technology develops, the tactics used by perpetrators are also likely to vary, requiring ongoing examination. For example, an Australian study that explored bullying in the manufacturing sector found that 10.7% of respondents had experienced cyberbullying (Privitera and Campbell 2009).

A target's *'difficulty in defending themselves'*, is the final, commonly agreed upon definitional element, which can be conceptualised as an imbalance of power between the parties. According to the definition, interactions between parties with equal power would not be labelled as workplace bullying (Einarsen *et al.* 2011b; Hoel and Cooper 2001; Rayner *et al.* 2002). Importantly, a target's diminished power to defend him/herself could be due to either formal and/or informal power

structures in which they work (Branch *et al.* 2007; Lamertz and Aquino 2004), or to the perpetrator's continuing inappropriate, negative behaviours, which wear down the target's ability to defend him/herself (Einarsen 2000)." (pp. 2-3)

"Prevalence of workplace bullying

Regrettably, research suggests that a significant number of people are exposed to persistent abusive treatment within the workplace (Keashly and Harvey 2006), with the majority of studies within Europe indicating between 10% and 15% of the workforce is exposed to workplace bullying (Zapf *et al.* 2011) with North American research reporting similar prevalence rates (Keashly and Jagatic 2011). However, depending on the definition of workplace bullying used (discussed below), its reported prevalence can vary quite dramatically. While some researchers define bullying as having occurred if the target has experienced bullying behaviours at least once or twice a week for 6 months (Leymann 1996), others measure a less frequent occurrence of the behaviours, sometimes with no nominated time duration (Zapf *et al.* 2011). This is a significant, ongoing dilemma for researchers and practitioners, for which agreed-upon resolution would be useful due to legal and policy implications (Einarsen *et al.* 2011b; Nielsen *et al.* 2011).

Despite this, extensive research has occurred into those who may be most at risk of being a target of workplace bullying. The majority of the research has focused on downwards bullying (as perpetrated by managers against subordinates); to a lesser extent on horizontal bullying (one colleague bullying another); and more recently on upwards bullying (a subordinate bullying a person in a managerial position; for a review of prevalence rates see Zapf *et al.* 2011). Thus, bullying can occur within all levels of an organisation. Additionally, despite some possible concentration in particular industries (Hubert and van Veldhoven 2001; Zapf *et al.* 2011), workplace bullying can be found in most organisations and industries (Lewis and Gunn 2007)." (p. 2)

Specific responses to the Terms of Reference:

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

While some studies of Australian samples have occurred they have been relatively small in sample size and have focused on particular groups (e.g., youth). The results of these studies would suggest similar prevalence rates for Australian working samples when compared with international studies. Although valuable research has been conducted both nationally and internationally that focuses on determining prevalence rates, we believe that the differing methods that are often used by researchers to collect and determine prevalence can be problematic. For example, in academic circles the prevalence of workplace bullying is calculated in several ways. First, respondents can be asked to respond to the question "have you been subjected to workplace bullying". Second, respondents can be provided a definition of workplace bullying and then asked to respond to the question "have you been subjected to workplace bullying". Third, rather than asking respondents to self-label themselves as bullied or not bullied, participants are provided with a checklist of behaviours inappropriate and unacceptable workplace behaviours. These checklists are then calculated to determine whether the individual has been subjected to workplace bullying behaviours. The presence of differing measurement methods has resulted in the reporting of different prevalence rates between studies, ultimately making the accurate pinpointing of prevalence rates problematic. We therefore support the assertions of many international researchers in the field that in order to understand the true prevalence of workplace bullying a

combination of measurement methods should be employed. With this in mind, Murray and Branch are currently collecting data that will inform prevalence rates within Australia using a combination of measurement methods. In addition, we are also quantitatively collecting data with regards to individual's perceptions of the process of workplace bullying. Through the collection of survey data that enables the entire workplace bullying experience to be captured we hope to be able to identify behaviours that signal the beginning of a potential workplace bullying episode therefore developing an 'early warning system' whereby bullying incidences in the early stages can be identified.

Prevalence and Affect of Upwards Bullying in Australia

Branch's doctoral study on the issue of upwards bullying was the first empirical study into upwards bullying and explored the dynamics of power in order to explain how a person in a position of authority can be bullied by a subordinate. Upwards bullying occurs when a supervisor or manager is bullied by a subordinate, it could also include individuals, such as teachers and lecturers who are bullied by students. Through two studies, an interview and questionnaire study, the nature of upwards bullying, including, the causes, behaviours, impacts, how it was managed and potential prevention and management strategies were explored. Within the questionnaire study a total of 138 managers (93 Male; 45 Female) completed the questionnaire with 22% of respondents self-identifying as having experienced upwards bullying. While this rate is higher than the expected 10-15% and should be considered carefully (with further survey data required to confirm the prevalence of upwards bullying), it does recognise the occurrence of upwards bullying. The following contains excerpts from Branch's thesis with regards to the affects of upwards bullying for the targets, the workgroup and organisation.

As expected, managers who were interviewed as part of an interview study (24 managers - 12 males; 12 females, from public and private organisations discussed either the general work environment and/or a specific experience of upwards bullying) reported a range of physical and psychological impacts. The majority of managers interviewed (including all managers who discussed an experience of upwards bullying and those who discussed the general managerial environment) reported some impact upon their health, including a number of physical conditions such as general ill health, eczema, shingles, and migraines, which the interviewees believed had been caused or exacerbated by their experience of inappropriate behaviours from staff and/or upwards bullying. Interviewees also reported a number of psychological impacts. Over half of the interviewees (including most of the managers who experienced an experience of upwards bullying) reported an increase in stress, along with anxiety symptoms such as shaking and sleeplessness. Interviewees also reported experiencing anxiety attacks and clinical depression.

In addition to health impacts, managers also indicated a number of personal impacts, such as intention to leave or leaving the workplace, not wanting to go to work, a loss of confidence, concern for safety and thinking they were insane. In addition to managers appearing wary about seeking support, a related personal impact was that over half of the managers seemed to be concerned about how being bullied by a staff member or an allegation of bullying (or similar) might affect their career. In addition to concern for their career, it also seems that the experience of inappropriate behaviours by a staff member or upwards bullying can affect how a manager behaves at work. Almost all of the managers interviewed described how their behaviour at work changed as a result of their experience of inappropriate behaviours or upwards bullying by a staff member. Changes expressed by managers included constantly bracing yourself for what was coming next, ensuring 'all their bases were covered', becoming protective of self, and becoming wary or reluctant to address behaviours in the future. Therefore, it appears that

the experience of upwards bullying impacts on a manager's confidence, and their ability to fulfil their day-to-day duties. In particular, managers expressed how their experience of feeling bullied by a staff member or witnessing others in upwards bullying situations made them wary or reluctant to address behaviours by staff in the future. Even managers who discussed the managerial work environment appeared to be wary about managing staff due to incidents of inappropriate or abusive behaviour. Thus, it appears that the experience of upwards bullying or the possibility of upwards bullying can make managers wary and protective while at work, and can have a substantial affect on their ability to function at work.

Furthermore, according to those interviewed, the impact of upwards bullying appears to go beyond the manager. Comments by interviewees suggest that the manager's workgroup and the organisation are also affected. Naturally, as the manager becomes protective and wary, this impacts upon their own productivity and, as a result, upon the organisation's productivity. Two-thirds of the managers interviewed (the majority being those who described an experience of upwards bullying) explained how their productivity was reduced as a result of their experience. This was mainly through involvement in disciplinary or grievance investigations which took them away from their normal duties, or through constant challenges to the manager. Others described the reduction of their productivity as due to their concern over what could happen next or because they didn't want any contact with the staff member.

Moreover, over half of the managers in the present study (including almost all of those who described an experience of upwards bullying) perceived that the workgroup was affected because they too were involved in the investigation or the conflict itself. In a number of the experiences described, it appeared that members of the workgroup were at times supporting one to three central individuals by participating in the bullying or inappropriate behaviours. As a result, half of the managers interviewed stated that this contributed to increases in tension within the workgroup. A third of those who discussed an experience of upwards bullying reported that the group was divided into two, those who supported the manager and those who supported the staff member. A general increase in stress and an adverse affect on productivity was also reported by a third of those who had an experience of upwards bullying. Finally, a number of managers who described an experience of upwards bullying attributed the departure of staff from their workgroup directly to the bullying the manager experienced. Interestingly, a number of these findings were reflected predominately by managers who had experienced or witnessed upwards bullying. It may be that as the experience intensifies so too does the affect on the workgroup as they are drawn into the conflict.

In summary, it appears that upwards bullying impacts on the health and work environment of those who experience and those who witness it, as well as affecting the workgroup. As one of the participants who reviewed the findings of this study, as part of the member checking process, stated: *our area* [*is*] *still experiencing long term deep resentment by some staff and* [*a*] *supervisor left to take up another position because of the attitude towards him*. It appears that the impact of upwards bullying or inappropriate behaviour by staff can have similar impacts to other forms of workplace bullying; that is, negative effects on health as well as long term work related effects.

The questionnaire study also confirmed that upwards bullying negatively affects a managers' job satisfaction and organisational identification, and increases their intention to leave. Results from a one-way between-groups multivariate analysis of variance suggest that managers who self-identified as having experienced upwards bullying feel less supported by their manager and colleagues than those who have not had an experience of upwards bullying.

Overall, this research program indicates that upwards bullying is a disturbing social phenomenon that is unrecognised in many organisations. Upwards bullying may have substantial costs to organisations financially, as well as negative health impacts on the manager and functioning of the workgroup. Importantly, it needs to be made clear to both managers and staff that, just as bullying behaviours are unacceptable when perpetuated by a manager or colleague, these behaviours are also unacceptable when carried out by a staff member(s) and directed towards a manager. Organisations need to initiate policies and intervention strategies to prevent incidences of upwards bullying and to assist managers who are targeted. Additional research into upwards bullying as a form of workplace bullying and the efficacy of preventive organisational interventions to address upwards bullying is required.

The Experience of Targets of Workplace Bullying

As outlined above, Murray and Branch are currently conducting research using a combination of measurement methods to explore the prevalence of workplace bullying within an Australian context. As part of this project we have specifically been asking targets of workplace bullying to qualitatively explain their experiences. The following quotes provide an indication of the varying types of behaviours that individuals who are exposed to workplace bullying behaviours are subjected. Identifying information is withheld to protect the anonymity of respondents:

Respondent A: "Exclusion from decisions; repeated threats of formal complaints; persistent criticism; removal of material or facilities thus causing difficulties in carrying out work; humiliation by criticism in front of workgroup or to other members of workgroup".

Respondent B: "Myself and my co-worker are often excluded, harassed and bullied by our direct superiors. My co-worker has had serious levels of abuse (including threats, shouting, intimidation, etc). Fear of negative repercussions stop us from reporting it".

Respondent C: "Being ignored and ridiculed when offering strategic advice on the basis of long experience of relevant issues. Having my research performance ridiculed in front of other colleagues. Having the suitability of my appointment questioned and ridiculed by colleagues".

Respondent D: "Embarrassing me in front of customers and staff. Stopping me outside the workplace to reprimand me. Telling me I talk 'bullshit' to customers and then saying this is a compliment. Accusing me of things that everyone knows is not true. Gossiping".

Respondent E: *"Exclusion, withholding essential information, treating me as if I was invisible, unfair allocation of workload, denigrating what I did and praising others who did far less".*

In addition to gaining an insight into the experiences of targets of workplace bullying we also collected data to determine the impact of workplace bullying on other organisational outcomes. In particular, we found that bullied individuals reported significantly lower job satisfaction levels, increased intention to leave, higher workplace tension, greater perceptions of uncertainty of change occurring in their workplaces, and lower levels of social support from their superiors. These results are indicative of existing research examining workplace bullying in a variety of workplace settings.

In terms of responsible parties in the bullying experience, respondents reported that workplace bullying behaviours were generally perpetrated by a supervisor and a small group (one or two) of related individuals. Targets also reported that they were often not the only recipient of bullying behaviours and that others within, or their entire workgroup were also experiencing similar behaviours at the same time. Regarding types of behaviours experienced, withholding of information which affects an

individual's performance, having opinions ignored and being exposed to unmanageable workloads were the three most frequently experienced workplace bullying behaviours. These findings are consistent with international bullying research conducted in a variety of public and private organisations (see Einarsen *et al.* 2011a for summary of research).

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

Within Branch's doctoral research into upwards bullying the causes and management of upwards bullying was explored. The following are excerpts from her thesis (note: names provided are pseudonyms with limiting contextual factors provided).

Work Environment as a Cause

Branch found that three themes, current workplace environment, change, and power emerged from the analysis. Theme 1, the work environment, emerged as a concern for managers. A number of sub-themes emerged within this theme and will be expanded upon here.

The amount of pressure, in relation to large workloads for managers and staff, emerged as a sub-theme in the analysis. As Greg who discussed the managerial work environment described it: *we're getting more and more pressure put on us, to lift our performance and lift our production*. Toni who reported an experience of upwards bullying stated how, when issues with the staff member began to occur, the workgroup had an enormous workload. Discussion also related to the general work environment and how that environment was in some way ineffective. For example, Jan referred to how unresolved issues from the past had created a work environment that was full of conflict: *There was a lot of buck-passing and a lot of blame laying and that sort of thing. But again that all came from past stuff.* Such environments can, in some way, lead to disharmony in the workplace; this was another theme that emerged in the analysis. Issues of work groups generally being unhappy, or not talking constructively about issues, were raised by the managers interviewed. Another manager, who referred to an experience of upwards bullying, described how the general work environment was disharmonious:

The stuff with [Admin Officer] was only a part of what happened at [the organisation]. That feeling of disharmony and covert violence was endemic. It was in the walls. There was always someone backstabbing or making waves, putting wedges between workers or stirring the pot. (Brenda)

Similarly, a manager who reported an experience of upwards bullying referred to how the team in general was feeling disappointed and under-valued: *some of the employees weren't feeling as valued as what they once were...There was definitely an organisational change occurring and employees were feeling less valued* (Annie).

It appeared that for a number of the interviewees, the acceptance or tolerance of inappropriate behaviour by some within the workplace was creating a work environment where inappropriate behaviour was condoned. One manager noted how the acceptance or tolerance of inappropriate behaviour by the previous manager created an environment that was difficult to work in: *My predecessor in [region] condoned it, he was probably part of it...So I guess his actions set the precedent...He actually sort of condoned it* (David). Interestingly, interviewees also expressed concern over the lack of power or resources managers have to address and deal with inappropriate behaviour or

productivity issues. As Peter stated: *I do believe [supervisors are] more at risk because traditionally they've got less resources made available to them, and less of a degree of understanding of what the issues are.* When Jack discussed an experience of upwards bullying, he emphasised how difficult it was to deal with inappropriate behaviour or performance issues, particularly when senior managers do not understand what it is like for front line managers.

[They have] never had any experience with dealing with abusive people, or non- performing people in the workplace, where you've got both hands tied behind your back...They don't understand what exists down there, and they rarely, if ever, want to get their hands dirty.

Management of Upwards Bullying

Throughout the interviews, the researcher enquired about the helpful or unhelpful actions of the organisation, including the Human Relations Department. While the majority of the managers interviewed expressed frustration or that the actions of the organisation were unhelpful, just under half of the managers related helpful actions from both the organisation and Human Relations Department.

One of the unhelpful actions that emerged was that it appeared concerns about a staff member's disruptive, inappropriate or intimidating behaviour was allowed to continue and not dealt with in a timely manner. A number of the managers who discussed the managerial work environment, but referred to inappropriate or bullying behaviours from staff at times, indicated a range of issues in relation to how the disciplinary system is unable to address inappropriate behaviour. For instance, managers commented on how staff with a history of inappropriate behaviour were moved to another area within the organisation, for instance:

...they put him in another group to try and help him, because the organisation is trying to rehabilitate, or [trying] to encourage people to change or help them along their path if they have troubles...He rebelled in that group, or misbehaved in that group again, and then they put him somewhere else and he [did] it again, and it just extended from there. So he had a lot of opportunities to change, but he didn't. But the organisation still persisted on keeping him on. (Greg)

This statement, however, draws attention to the frustration of those within the organisation (as well as the individual staff member involved) when there is a lack of fit between the environment and person. Moving the person to another workgroup is a short term solution to an issue that may require more attention from the organisation. Essentially, such action sets up the individual, and each new manager, for potential conflict. Managers who related an experience of upwards bullying also raised similar issues. Like those who discussed the managerial work environment, there appeared to be a history of inappropriate behaviour that had been addressed by moving the staff member to another area. As suggested earlier, the manager's reluctance to address inappropriate behaviour, due to fear of reprisals such as an accusation of bullying may have, contributed to this issue as well. Like managers, it seems that organisations are also concerned about taking action.

Furthermore, the related topic of how investigations into accusations or complaints, which are found to be unsubstantiated, fail to address the underlying conflict emerged for some of the managers interviewed. In essence, only investigating the accusation, and not putting in place some form of conflict resolution between the parties involved, fails to address the underlying conflict that will still exist despite the result of the investigation, as noted by Robert:

For example having an investigation and then finding nothing and saying it is all over has done nothing to resolve the issues between the parties and indeed may make it worse as the parties have even less

trust...Therefore the process used in fact kills off even the slimmest hope of solving the problem between the parties.

Furthermore, the issue of staff members not being disciplined for submitting unsubstantiated grievances, which are later found to be frivolous (and even possibly malicious), was also raised. For a third of the managers interviewed, the majority of whom had discussed an experience of upwards bullying; it appears that the system was unable to deal with false complaints.

For a number of managers who were interviewed for this study, a significant concern appeared to be the message that is being sent throughout the workplace; that is, 'you can get away with this type of behaviour' (using the system or behaving inappropriately). For Will, who discussed a situation where one of his supervisors was accused informally of bullying a staff member, his concern was: *how others in the workplace perceive all of this. If you end up allowing [staff members] to get away with this then you set a precedent for others to use in the future*. However, as Brad explained, it is not easy to discipline someone for submitting a frivolous grievance or accusation:

...I suppose you'd have to prove malicious intent, and it's very difficult. If they believe, they can just say well we believe that it was fair, what can you do, because you can't victimise anyone because they put in a grievance.

Brad is expressing the difficulty of situations where an accusation of bullying is made. For instance, in the cases described here it appeared that staff were reacting to change that resulted in a loss for them (such as, loss of role and wages) and thus they may have felt victimised and vulnerable. Disciplining someone in this case would seem inappropriate. However, a number of managers felt that while there had been no resolution to the situation, that is, the underlying issue or conflict has not been addressed, the organisation still expected them to go back to work 'as if nothing had happened'. The lack of a clear resolution could also be seen as a cause of further inappropriate or bullying behaviour due to the belief that 'you can get away with it'. This would again suggest further action is necessary on the part of the organisation to address the issues underlying the grievance or conflict.

Over half of the managers within Branch's doctoral study expressed concern over how accusations, grievances or complaints, and disciplinary action were dealt with. For each manager, a number of these concerns appeared to be specific to their case. However, one sub-theme that emerged for a third of the interviewees (the majority of whom discussed an experience of upwards bullying) was that even after an accusation of bullying (or similar) or a grievance investigation had begun into accusations of bullying, the manager was still expected to manage the staff member. At issue here is the protection of all involved in the grievance investigation, including the staff member and manager. Where bullying by a manager has been occurring, it would be considered inappropriate for them to continue to manage the staff member, at least until the investigation had been concluded. Alternatively, if the accusation is malicious or frivolous it places the manager in a situation of limited power in terms of managing the staff member, especially until the investigation has been concluded. It would seem for the safety of all parties, there is a need to separate the parties or in cases where this is not possible, implement safeguards until an outcome has been reached.

Not all actions by the organisation or Human Relations Department were seen as unhelpful, with half of the managers reporting a number of actions they felt were helpful. Included in the helpful actions was either senior management or Human Relations Department deciding not to allow the situation to continue and addressing the inappropriate behaviour. This action would seem to address the concern raised by managers that the situation was ongoing and not dealt with. A further helpful action was the

support offered through the Human Relations Department or the counselling service. For a number of the managers, this support allowed them to talk through the issues. However, a few of the managers stated that this support only helped them at an emotional level and not at the practical level. Alternatively, a number of other managers said that support from the Human Relations Department and counselling services assisted them in developing management and coping strategies. A number of managers who discussed the managerial work environment stated that they used the Human Relations Department a lot for advice when it came to the policies and processes to follow.

A number of the managers commented on how directions from their senior managers, either asking them not to address the behaviours at the current time, or countering their decisions, made it difficult for them to manage or address inappropriate behaviours. In addition, Heather, who described an experience of two key individuals who were disruptive and abusive towards her, and made accusations against her, stated how their senior manager, when approached for assistance, said: *just...deal with it*.

Lack of support. Despite the suggestion that managers would be reluctant to seek support, in most cases described the interviewees sought support from either their senior manager or Human Resources staff. However, a significant number of the managers interviewed expressed frustration that there was little assistance available for them when they sought support. In particular, half of the managers interviewed expressed a concern about the lack of support that was available for managers. For example: *…you feel pretty isolated, you're the manager, you're there by yourself, but where do you go with it…if I rang my manager and said one of my staff is harassing me, he'd say, you sort it out. You're isolated. Where do I go to?* (Bob).

I said to him [senior manager] I feel bullied what's there for me and he goes disciplinary action—You're the manager your response to someone bullying you is to take full disciplinary action and I said was it? it's different cause when you read all the policies and everything it's not that same perceptual issue. If you look at the codes of bullying...it's about how the person receives it—it might not be something that you think is harassing it's about how the receiver is [perceiving it]. It really makes you think of how's that person feeling or responding to it, as opposed to the disciplinary action which is rules....The only people I could talk to about it were my supervisors...And they kept it very professional—sort of for their own protection. Very careful about what they said no leading statements, no gossip, about their view, or anything like that, they kept it very upfront. Yeah so I had no emotional support except from my partner at home. So you feel very isolated. (Sally)

Indeed, Sally raises a significant issue here, there is a difference between disciplinary action and a grievance based on bullying. While a grievance based on an accusation of bullying relates to how the target perceives the behaviours, disciplinary action is based on the rules of the organisation. Essentially, within Sally's case her feelings of being bullied by her staff member were not considered, placing her in a vulnerable and isolated position.

Alternatively, over a third of the managers referred to helpful actions by their senior manager(s). Included were demonstrations of support and advice. Thus, support and assistance appear to play an important role in resolving the situation for the managers and in turn the staff member as well.

As indicated earlier, the actions of the manager also appeared to be unhelpful in managing the situation with the staff member in some instances. Half of the managers expressed actions on their part that were counter-productive to resolving the situation. A number of managers (the majority of whom discussed an experience of upwards bullying) commented on how they attempted to try to address the situation with the staff member directly, an action which proved to be unhelpful. Others commented on

how they asked for help from their senior manager and how that was unhelpful: *I think I did try and talk to him about it, but he was so pre-occupied with other things, outside work, that he just wasn't available to help* (Annie). Another action on the part of some of the managers was to doing nothing, withdrawing or avoiding the situation: *I guess it was, when I had my first death threat, I pulled right back...I didn't go down into the workplaces that much, I stayed in my office a lot* (Dan). Finally, a couple of the managers recognised that their unwillingness to address the situation further allowed the inappropriate behaviours to continue. As one manager stated: *So probably someone who wasn't such a peacemaker would have just said to hell with this, I'm dealing with it now. But I let it go to a point where then it was pretty hard to change my tactics and pull back...I'm sure I exacerbated it* (Heather).

Finally, not all actions by the manager proved to be unhelpful. Over half of the managers interviewed (the majority of whom discussed an experience of upwards bullying) described helpful actions that they carried out. A number of managers said that documenting behaviours, incidents, and meetings helped. Similarly, targets of workplace bullying are often recommended to document the actions of the perpetrator (e.g., ACT WorkCover, 2004; Field, 1996; WorkSafe Victoria, 2005). However, a couple of managers stated that their documentation was then considered suspicious by the Human Relations Department or the independent investigator, in that they were questioned about why they were keeping notes about these individuals and not others. These managers stated they had a feeling, as a result of the staff member's behaviour, that something was not right and so began documenting incidents that involved the staff member. As one of the managers stated: *…it was probably within six months I started keeping file notes on him. I recognised that something was wrong I wasn't happy with the meeting and...I wasn't getting anywhere with him so I started keeping file notes (Sally). Thus, although documentation would often be considered useful, there can be risks or difficulties associated with keeping a record of events for managers.*

Managers also stated that becoming self-protective, for example documenting meetings with staff and not having one—on—one meetings with staff, proved to be a helpful strategy. A number of managers also reported that seeking support from family, colleagues, Human Relations Department and others was worthwhile (both of these helpful actions were referred to mainly by managers who discussed an experience of upwards bullying). Interestingly, two managers who discussed the managerial work environment but referred to inappropriate or bullying behaviours and one who reported an experience of upwards bullying, commented on how distancing themselves from the staff member was helpful. Perhaps in these less severe situations, distance provides both parties with an opportunity to reflect on what has occurred, and allows for an easier resolution to the situation.

In general, the actions of family, friends, and colleagues were positive. Just under half of the managers reported receiving some form of support from a family member, friends and colleagues (the majority of these managers discussed an experience of upwards bullying). For the managers interviewed, the support from home appeared to relate to being able to discuss what was happening for them.

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

The adequacy of existing education and support services to prevent and respond to workplace bullying have already been touched on with the previous reference item, with regards in particular to upwards bullying. However, while there may be specific issues that managers face when bullied by a subordinate,

research would suggest that the inability of management and organisations to respond in a proactive and problem solving way to incidents of workplace bullying is common.

Multi-faceted approach to addressing bullying in the workplace

Within a recent publication (Branch *et al.* 2012a) we argue, as do others within the field, that a multifaceted approach to addressing the phenomenon is needed. However, while interventions do exist, "fragmentary information" of their effectiveness is only now beginning to emerge (Saam 2010, p. 6). Indeed, comprehensive solutions to such a complex phenomenon are not easy to develop, implement or test. Within this publication we outline a comprehensive program, consisting of awareness raising, personal development training of all staff as well as an organizational wide change to how complaints/grievances are addressed. Below is an extract from this publication:

"It has been suggested previously in this chapter, that the term 'bullying' can and has been used as a weapon against others in the workplace (Einarsen 1999) or to voice dissatisfaction with organizational issues (Liefooghe and Davey 2001). This would indicate a need to assist employees to voice this dissatisfaction in a more functional manner and for managers to be able to hear and address the concerns of staff in an empathetic way. Thus, awareness and skills training for all staff in relation to the nature of bullying may assist in reducing the number of frivolous grievances and accusations. In other words, there would be a decreased misuse of the term 'workplace bullying' to categorise all forms of interpersonal conflict indiscriminately. This would occur due to a better understanding of the meaning of the term along with the skills to express concerns about organizational issues in an appropriate way, as supported by a number of researchers (see McCarthy *et al.* 2002; Richards and Daley 2003; Vartia *et al.* 2003). In addition, skills training would also contribute to the ability of all within the workplace to be able to support individuals involved in a case of bullying, with supervisors and managers, in particular, developing the skills to support and manage cases of bullying (McCarthy, et al., 2002; Richards & Daley, 2003).

As such, training would be one step in the management of workplace bullying (McCarthy, et al., 2002) and may assist in the way organisational discontent and conflict in general is addressed in the workplace. However, in order to be able to change "the social norms" and develop "mechanisms that enable and reward individuals engaging in healthier, [and] more effective behavior", a wider framework is required (Fox and Stallworth 2009, p. 225). As a result, we propose that a framework of restorative justice be utilised to inform the dispute systems designed within organisations.

Used extensively in the justice system, restorative justice is a formal framework of flexible processes and practices that enables the needs of the target to be met, holds the perpetrator to account, and provides a process for reparation and restoration (Maxwell and Hayes 2006). It is "a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future" (Marshall 1999, p. 5). Restorative practices have also been used successfully for some time in schools to help reduce and manage bullying processes. Restorative justice anti-bullying programs tend to combine community discussions, which include students, parents and teachers developing preventative solutions to bullying as well as mediation for individual cases (Braithwaite 2002). Studies support the strength of these programs, with one study in Norway reporting a 50 percent reduction of bullying (Olweus 1993). Furthermore, it has also been suggested that the benefits of school restorative practices can extend into the home, with children transferring conflict resolution skills they learned and developed at school to home, resulting in a reduction in conflict with siblings (Gentry and Benenson 1993). If a similar approach to addressing workplace bullying could also be included within the workplace we suggest the potential to assist employees is high.

In order to support the implementation of a restorative justice framework within the workplace, we argue the development of interpersonal skills and emotions-focused skills is vital, especially given a centrepiece of the framework involves conferencing skills, which requires the bringing together of different parties under complex circumstances. Thus, we propose the development of a personal skills program within organisations which would include training in workplace bullying awareness, restorative justice practices, emotional intelligence (Murray and Jordan 2006) and interpersonal skills (Dick 1991). These skills would assist individuals to identify when bullying occurs, how to successfully cope and access organizational supports and processes, support someone involved in a case of bullying, and more importantly, resolve the issues.

The promotion of coping skills and resilience is suggested as essential to assisting targets to handle workplace bullying experiences (McCarthy, et al., 2002). Recent research has found that emotions-focussed training can assist in increasing the emotional intelligence skills and abilities of individuals within organisations (Murray & Jordan, 2006). As has been found with interpersonal skills training (McCarthy *et al.* 1995) we expect that emotional intelligence training will further assist targets and bystanders to develop resilience and come to possess a deeper understanding of the escalating nature of workplace bullying.

Tehrani (2003) suggests that, during times of high stress and when a relationship is perceived as negative, small incidents (e.g., not responding to someone) may be interpreted as aggressive acts. She surmised from her experience of counselling targets and perpetrators of workplace bullying that the "bully/[target] relationship" is not always clear (Tehrani, 2003, p. 280). Instead, she suggests that an accusation of bullying is often triggered by the individual's responses to a series of interactions that are built up over a period of time (Tehrani 2003). Being able to step back, reframe and manage emotions, and take the perspective needed to recognise the escalation of behaviors will be beneficial to cases of workplace bullying. Specific emotions-focussed skills such as: building awareness of self and others' emotions; use of reflective diaries; mind mapping to assist in perspective taking; examining the impact of emotional contagion; emotional progressions; emotional triggers; strategies for emotional repair; and building psychological and physical resiliency will assist individuals in these areas.

In addition, we propose that interpersonal skills training will also assist in the building of a suite of skills to counter the negative effects of workplace bullying. Previous research has demonstrated the link between emotional intelligence and interpersonal skills (see Jordan *et al.* 2005; Murray and Jordan 2006). Examples of interpersonal skills that could be trained include: supportive communication; conflict resolution; and goal setting skills. We argue that a personal skills program will help employees to consider the emotional components of their experiences, potentially avoiding the development of inaccurate inferences about others in the workplace, and enabling employees to develop the skills to voice their dissatisfaction appropriately while also considering the feelings of others. Furthermore, informing staff of the organizational processes for voicing dissatisfaction, through the awareness training, may assist in avoiding the use of the term 'workplace bullying' for what can be an organizational issue of a different kind (Liefooghe and Davey 2001; Mc Carthy 2004; McCarthy *et al.* 2002)". (Branch *et al.* 2012a, pp. 189-191)

Raising Awareness

In relation to raising awareness in particular, if conducted in isolation to other responses it needs to be done in a way that does not create a 'moral panic'. Sheehan *et al.* (1999) in their review of responses to workplace bullying highlight how the media has played an instrumental role in raising awareness of workplace bullying to the wider public, but has there been a cost to this? While media attention drew attention to workplace bullying (Lee 2000), it could have fed a sense of panic (especially in the UK; Einarsen *et al.* 2011b). Lee (2000) even suggests this may have created "a situation with similarities to a moral panic" (Lee 2000, p. 600). Similar, doomsday suggestions have also been identified by Einarsen *et al.* (2011b), for example: "disaster mentality has been seen both in media headlines and in claims by union representatives that bullying is the most profound work environment problem of our time" (p. 8). While we would never argue that action is not needed the question remains whether 'moral panic' is effective in achieving a balanced response to the phenomenon?

In 1999 Liefooghe and Olafsson warned that an increase in attention may result in counter effective approaches to the phenomenon. The risk of creating panic may have resulted in the current situation whereby there is an increasing tendency to use the term 'workplace bullying' as a way of capturing a sense of distress or resentment (Mc Carthy 2004) and voicing dissatisfaction about organisational issues (Liefooghe and Davey 2001). Some have warn of the "potential for employees to project their fears and resentments into the construction of managers as bullies, whether deservedly or not, is high" (McCarthy *et al.* 2002, p. 536). It has even been suggested that staff may actually be using the term bullying as a weapon against management (Einarsen 1999) whom they see as responsible for the changes in the workplace, as indicated in Branch's doctoral research (as presented above). As a result, community forums or other methods intended to raise awareness about workplace bullying need to be conducted carefully, in that we cannot be sure we are not complicating an already complex phenomenon.

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

There is always scope to improve the connections between governments, regulators, health service providers and other stakeholders to address and prevent issues like workplace bullying, indeed the complex nature of workplace bullying suggests that no one body can address the phenomenon alone. Last year Griffith University (Key Centre for Ethics, Law, Justice and Governance) hosted the first meeting of The Australasian Workplace Bullying Research Network with the goal of coordinating the efforts of researchers, practitioners, government representatives and other relevant stakeholders. This meeting achieved its goal and saw attendance from members of each of the groups outlined above. Attendees of the meeting are now connected through an email distribution list moderated by Dr. Carlo Capponeccia from The University of New South Wales. The next meeting of this network is planned for June of 2013 (contact Dr. Branch for more information about this network).

If a coordinated approach to prevent workplace bullying is to occur, we believe that strong support in how to make this happen is required. While collaboration between different stakeholders has for a long time been suggested within the health and welfare sectors they often fail due to the lack of support that enables collaborations to occur (Kania and Kramer 2011). The Pathways to Prevention Project at Griffith University has developed the Pathways Model of Collaborative Preventive Practice which is based on 10 years experience of coordinated and collaborative practice and is designed to provide the backbone support required to enable any collaboration to function effectively. The Pathways Model of Collaborative Preventive Practice bullying and

would be beneficial to any coordinated approach to address workplace bullying. (Contact Dr. Branch for more information about the Pathways Model of Collaborative Preventive Practice)

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

As raised in the second reference item the use of the grievance system in particular, through what appeared to be at times vexatious complaints, was perceived by managers as playing a role in the upwards bullying process. The following is an excerpt from Branch's thesis that supports this assertion:

Clearly one identified aspect involved in staff bullying managers is the use of accusations or the grievance system against managers. Naturally, just as this approach can be used against managers it could also be used against colleagues and as such is a significant issue for all organisations. Training that clarifies the use of the term workplace bullying may assist in reducing the use of this term for dissatisfaction within the workplace. In addition, personal skills training may assist targets of upwards bullying to manage occurrences of bullying, as well as potentially prevent them. However, awareness and training may not reduce the occurrence of malicious grievance claims. Thus, it appears that there is a need to reassess and strengthen grievance systems to protect against malicious and even frivolous grievances.

However, as there is a significant issue with the under-reporting and lack of use of the complaints or grievance procedures by many targets of workplace bullying, the strengthening of the grievance system would require balancing the need to encourage targets of workplace bullying to come forward and developing a system that reduces the occurrence of malicious and frivolous claims. In some of the cases described in the interview study, a number of the grievances, which resulted in six month long and longer investigations, were only very brief and lacking in detail about the behaviours which allegedly had been occurring. In other cases, issues that were not raised in the initial grievance were raised through the course of the investigation, and some of these did not relate to the accused. The study by Mesch and Dalton (1992) in which a 'fact-finding' investigation stage was introduced to the grievance process of a public utility company presents one method by which the grievance system can be strengthened while also encouraging targets to come forward. Importantly, while it is essential that organisations take accusations of bullying or harassment seriously, the principles of social justice are also central for all involved in grievances. Additional research into different interventions to strengthen the grievance system is required, along with the appropriate training and development processes necessary to support changes to the system.

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

While regulatory frameworks are not our area of research we do believe that individuals considering regulations and policies need to recognise that bullying in the workplace is not homogeneous. Indeed, it is recognised that that there are at least two forms of bullying, dispute-related and predatory bullying (Einarsen 1999). Dispute-related bullying "develops out of grievances and involves social control reactions to perceived wrong-doing", while with predatory bullying, the target essentially has done nothing to provoke the perpetrator (Einarsen, 1999, p. 23). In this case, the "predator either is demonstrating power or in other ways is trying to exploit an accidental [target] into compliance"

(Einarsen, 1999, p. 23). With this in mind the approach to preventing and managing different types of bullying would need to be different, due to the fundamental differences in why the two types of bullying occur.

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

It is important to recognise that bullying occurs in all organisations and industries, indeed the workplace is a microcosm of conflicts that occur within society as a whole. In this regard it is difficult to ensure bullying culture or behaviours are not transferred from one workplace to another as the occurrence of workplace bullying is in some way a reflection of our society. Indeed some researchers even question if the nature of our capitalist society encourages and promotes bullying culture (Beale and Hoel 2011). Furthermore, research demonstrates that the experiences of targets and bystanders continue to be with them for a long time, and that they often bring remnants of these experiences into new organisations.

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

One difficultly for researchers within Australia and internationally, if comments from the recent 8th International Conference on Workplace Bullying and Harassment¹ are an indicator, is the lack of direct access to workplaces or workforces with which to conduct research. Indeed, the authors of this submission have faced many hurdles in gaining access to organisations to conduct empirical research. We find organisations are concerned the outcomes of research may be perceived as negative by the public (i.e., they have a bullying problem when most organisations would have some form of bullying occurring). We believe that providing incentives to organisations for partnering with academic researchers in research would be extremely beneficial in extending and enhancing the current national evidence base on workplace bullying.

In addition, we have many concerns about the lack of evidence base with regards to programs that are used to address workplace bullying, e.g., awareness building, training, policy etc. As such more focus on testing the efficacy of interventions designed to address workplace bullying is needed. Importantly, in order to do this a better understanding of the theoretical foundations of workplace bullying is also needed (Branch *et al.* 2012b).

As outlined in point 4 of this submission, here in Australia a number of researchers have begun to bring together researchers, practitioners, government representatives and other relevant stakeholders with the view to creating links and opportunities for partnerships. The first meeting of this group, The Australasian Workplace Bullying Research Network, was hosted by Griffith University (Key Centre for Ethics, Law, Justice and Governance) and organised by Caponecchia and Branch, with the next meeting planned for June of 2013. Support for this network would be helpful in progressing action with regards to workplace bullying.

To conclude, we welcome that the House of Representatives has formed a committee with the sole purpose of exploring workplace bullying in Australia. As has been outlined in this submission, considerable

¹ Held from June 12-15th, University of Copenhagen, Denmark - attended by Branch and Murray Branch, Murray and Ramsay

research has been and is currently being conducted both within Australia and in the international context to enhance our understanding of this very complex phenomenon. We look forward to the opportunity to work more closely with governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying in Australia.

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