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Inquiry into workplace bullying

I respectfully make this submission from a personal perspective.

As a scholar, I have conducted extensive literature searches and reviews on workplace bullying, and I am currently undertaking research into workplace bullying. This document draws on unfinished academic papers.

I believe that the management of bullying issues is confused not by a lack of clear definition, but by a reluctance to accept the subjective, but nevertheless valid, aspects of the experience of workplace bullying. Therefore, here I focus on the definitional aspect of workplace bullying, and I respectfully submit that it is important to distinguish between two broad approaches to defining and understanding workplace bullying. It is my sincere hope that this submission will assist in defining the issue more effectively, and hopefully make a modest contribution to the formulation of effective legislation and management practices.

DEFINING WORKPLACE BULLYING

In my reading of it, the literature is categorised along two broad definitional dimensions:

- The first is highly empirical, and directed by a positivist desire to quantify bullying in order to 'prove' its existence or otherwise. One such popular definition is that the behaviour is to be observable, documented and ongoing for at least six months.
- The second approach to defining WPB is to focus on the target's perspective, the effects on the target's health and wellbeing, and their contextual/environmental workplace setting.

THE EMPIRICAL DEFINITION

The empirical (quantitative) approach suits the managerial imperative which, I am afraid to say, in Australia is still embedded in perspectives derived from scientific management – i.e., "If you can't see it, touch it, prove it – then it doesn't exist". The approach to address WPB which uses the empirical definition is likely to lead to the following:

- This approach invariably places the onus on the target to 'prove' they have been bullied and harassed. This requirement is most always qualified with a warning that vexatious claims will be severely punished.
- The target must submit evidence of bullying which is acceptable (and often pre-defined) to the decision-makers before the matter is investigated.
- Evidence must be quite obvious, quantifiable, and consistently occurring over lengthy periods of time. One or a few occurrences of behaviour unacceptable to the target are not taken to be sufficient proof of bullying, regardless of the impact on the target.
- Unless perfectly obvious (setting an apprentice on fire, for example), illness or injury must be clearly linked to workplace bullying. Especially in the case of psychological injury, conditions such as depression, anxiety and post-traumatic stress are often attributed to individual pre-dispositions and/or personal circumstances rather than workplace bullying. An example

would be if the target has just experienced a marital separation – the target is assumed to have experienced depression because of this rather than bullying, while their claim that bullying at work has contributed to the separation is likely to be refuted (because it can hardly be ‘proven’).

- The bully is treated as ‘innocent until proven guilty’, and often given advance notice of accusations levelled against them. This allows them time to prepare the ground before any investigations take place, which often includes embarking on a campaign to discredit the target (we can see how this unfolds even in the wake of tragic consequences of bullying, like in the case of Brodie Panlock, where some are drawing our attention to the nature of the relationship between the target and one of the bullies!).
- Time is used as a means to encourage the target to leave (and ‘solve the problem’). This typically means that very lengthy periods of time are used in investigations – in order for them to be carried out ‘properly’.
- The target is asked to attend ‘mediation’-type meetings with the bully, which are used to re-frame bullying into a ‘misunderstanding’ for which the target and bully are ‘equally to blame’.
- The target is often seen as problematic, for instance they might be labelled as ‘too sensitive’, and training to remedy this is imposed on them.
- The target is moved to another part of the organisation, often disadvantaging them in terms of conditions, and a need to acculturate to a new work environment.

The empirical definition, narrowly followed, is problematic - not simply because of a narrow focus on ‘evidence’, which obviously must be part of any investigation, but because it is likely to enable damage done to both the target and the organisation/business to persist. Furthermore, the empirical approach assumes that a matter of justice arises and therefore the organisation/business must ensure that those accused of bullying must be accorded due processes and the benefit of doubt, and because of this they must be afforded protection until the matter is proven otherwise.

The gathering of ‘sufficient’ evidence and the often unbearable length of time it takes to do so, means that the target continues to suffer without proper support or empathy, whilst the organisation continues to maintain and thus encourage a workplace context and environment which fosters workplace bullying (the literature tells us that the bully maintains their position, and are often promoted – something which I have personally witnessed). The ‘investigation’ may take months, and often years, during which the target is likely to have left the workplace, the organisation continues to experience the risk of workplace bullying occurring again, or (as we have seen in some cases) leading to individuals suffering extensive injuries, and even death. The problem with the empirical approach is that it is likely to be used as a ‘tool’ for managing people who report workplace bullying. The evidence within this approach may even become a suitable arrangement of objective facts through which the matter is managed, and the target is further marginalised.

THE SUBJECTIVE DEFINITION

The subjective (qualitative) approach assumes that bullying is an experienced phenomenon, and thus relies on the experience of the target to determine whether bullying occurs. To an experienced and trained assessor, there are specific and quite reliable ‘signs’ for when bullying occurs:

- At times, the target might appear incoherent, and this is often at odds with her/his normal self, which is likely to be that of a highly performing, articulate worker. This is because often the target is still trying to work out what is happening to them (especially when the bullying is psychological). The bully or bullies often focus on this, highlighting the target’s indecisiveness and vagueness as proof that they are making things up or exaggerating the situation.
- There has been a change in supervision arrangements, often coupled with organisational restructure. The target experiences vague instructions, communications and feedback.

Communications between the bully and the target might be characterised by specific nuances, discernible mainly to the target and those that know the target well – but to others it might appear as the (bully) manager or co-worker is just being straight-forward, or a tad too blunt, or a little careless in how they formulate their communications. Being very busy, and under the pressure of things like deadlines may be quoted as reasons for such communications.

- The target seeks out support and empathy from their workplace colleagues, which is then interpreted as him/her 'spreading rumours' about the bully, which is held against them.
- The target voices concerns about the practices and behaviour of the bully, which often do not get properly investigated, but result in the target being marginalised instead.
- The target is likely to be a good to very good worker, holds high ethical principles, and is reliable. He or she may display a tendency for 'speaking up' in defence of colleagues and others.
- The target is likely to start using their accumulated sick leave, often for undefined reasons, such as 'personal illnesses'.
- The target experiences onset of medical conditions, which may be new or represent aggravated pre-existing conditions. These may include higher blood pressure, rectal bleeding, heart palpitations, digestive problems, migraines.
- Psychiatric injuries are common, manifested through clear behavioural and cognitive changes which are likely to be seen as worrisome and problematic by family members and friends. These may include an obsessive focus on work issues, depression, agoraphobic tendencies, a sense of surrealism, nervousness, tearfulness, unreasonable anger.

Unfortunately, most of these signs are not acceptable or attributable within the empirical approach to defining and managing workplace bullying, thus serving to marginalise or neutralise vital evidence. Social researchers know that subjective forms of evidence are important, indeed vital to better understanding complex issues of social organisation and power relationships. The subjective nature of this evidence is balanced by the sheer persistence of such evidence; that is, there are numerous subjective experiences, not simply an incidental one here and there – we can observe a pattern, and we can link this pattern to outcomes.

Overlying this is a moral imperative: Because the damage to the individual can be so great, the risk of a vexatious claim must be balanced with a concern for the wellbeing of the individual, in which (if we value the life and wellbeing of the individual more than the efficiency of the organisation, or the profit of the business) the later must take precedence. To further illuminate these points, I would like to next point briefly to a comparison between domestic violence and workplace bullying.

PARALLELS BETWEEN DV AND WPB

In my research, some targets of bullying immediately drew parallels between their experiences with domestic violence and their subjection to workplace bullying. Just as when they experienced domestic violence and reporting it to the authorities, and when seeking support and empathy from those that had the power to help them (normally managers), they met with negativity, doubt, marginalisation, lack of empathy – and made to wait lengthy, often interminable periods of time before arriving at any decision (if any at all) to provide assistance. During this time they received little support, and experienced a sense of insecurity, and ill health.

In society we have arrived at a point where we readily accept a claim from a victim of domestic violence and expect that immediate support and protection is offered to the victim, regardless of whether there is 'proof' of abuse. We don't wait for the 'hard evidence' to provide them with protection, police can immediately issue Protection Orders which can be used by victims until the court determines whether there is a need for ongoing protection – when probable cause is acceptable. This is because we now understand well the likely consequences if such protection is not

afforded to victims. There is little if any evidence that most claims of DV are vexatious, and mandated protective measures have demonstrably worked to help and assist victims of DV.

It is my strong belief that, just as with domestic violence, society will come to see workplace bullying as unacceptable to the point where the target's word will take precedence over the priorities or 'rights' of the organisation/business. It is only thus that workplace bullying will come not to be tolerated in the workplace.

WHAT WILL MAKE A DIFFERENCE?

In my view, the following will be crucial aspects of any measures to effectively address workplace bullying:

- Targets of bullying should have a right to refer their claims to independent and properly trained assessors. Managers and human resources staff often have no experience or training in assessing whether workplace bullying has occurred. In addition they are likely to have a vested interest in dismissing claims and properly investigating claims in a timely manner.
- A system of professional recognition, training and licencing of independent WPB assessors should be mandated by legislation. If they are to determine whether WPB has occurred, courts need expert evidence – in my opinion, there is little expertise and few experts to draw on. Clearly, society will benefit from investing in research, training and professional recognition of expertise in WPB assessment.
- Cases of WPB which cause harm of individuals should be defined as crimes.