

Inquiry into Workplace Bullying
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JE.

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RE: INQUIRY INTO WORKPLACE BULLYING

Dear Committee Secretariat

Please find attached my submission to the *Inquiry into Workplace Bullying*.

Kind Regards

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Inquiry into Workplace Bullying

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Summary

- Workplace bullying can be enacted in a covert or overt manner
- Workers in superior positions (e.g. managers) can disguise and embed bullying within legitimate workplace rules and procedures
- There is an association between workplace envy and workplace bullying
- The mere provision of a bullying policy does not prevent or deter bullying
- Regular monitoring and encouragement of reporting may deter bullying
- An early response to bullying is vital to deter an ongoing pattern of behaviour
- Better training and resources on workplace bullying should be developed
- The Australian vocational education and training (VET) system can potentially play an important role in the prevention of bullying through the development of accredited and holistic workplace bullying courses
- Under occupational health and safety legislation, organisations must provide a safe place of work, and hence, may deny the existence of bullying
- At present, many perpetrators are able to bully without fear of punishment
- As part of a holistic approach to tackling bullying, *Brodie's Law* may be a deterrent to perpetrators of bullying because they may have a greater fear of punishment

Introduction

The social group formed by colleagues at work is one of the most important social groups to adult individuals (Bjorkqvist, Osterman & Hjelt- Back, 1994). However interpersonal contact at work can have both positive and negative consequences for psychological wellbeing (McGrath 2012b). Workplace bullying appears to be common and workers in any position can be bullied. Horizontal bullying occurs between workers on the same level, for example, apprentice-apprentice; vertically by those in a superior structural position, for example, supervisor-apprentice, and in the 'upward bullying' of superiors. Informal bullying' behaviours can be employed by workers in any position, such as the spreading rumours, while formal power affords the perpetrator of bullying legitimate control over human and physical resources. An abuse of formal power (e.g. by managers) may result in behaviours such as deliberately setting impractical rosters, blocking opportunities for promotion or training, or removing responsibilities and areas of skill and expertise; particularly when an envied victim is perceived as a competitive threat (McGrath, 2010b).

Workplace bullying can be enacted in a covert or an overt manner. Covert bullying includes the range of behaviours in which the perpetrator can avoid detection and blame (e.g. the spreading of rumours). Many covert behaviours rely on group collaboration, or 'mobbing' and a group of workers may become involved in bullying, particularly where there is shared [albeit unspoken] envy toward the victim and there are personal benefits for aligning with a chief perpetrator in a superior position. On the other hand, in direct overt bullying, anger is openly expressed in face-to-face situations (e.g. yelling), so that the perpetrator is identifiable and their intention to harm the target is obvious (Kaukiainen et al., 2001). However, irrespective of its form, mode, or context, all bullying is characterised by an abuse of power; wherein vulnerable victims are pushed into powerless positions from which they have no avenue of escape (McGrath 2012a).

Victims of workplace bullying are often different in some way to the perpetrator or some homogeneity of their current work group. In Australia, McGrath (2010a) found a relationship between workplace envy and workplace bullying, suggesting that a worker's possession of comparatively superior traits to those of the perpetrator or group can be a risk for bullying. The results echo those of international studies, where victims were found to possess desirable difference traits such as being competent, engaged and motivated (Strandmark & Hallberg, 2007) or being better qualified than the perpetrator (e.g. O'Moore, Seigne, McGuire, & Smith, 1998). When such talented workers are envied, perpetrators of bullying may covertly sabotage their work, take credit for their work, remove their job responsibilities in their area of expertise, or withhold a deserved promotion. Sensitive people may be particularly vulnerable to such bullying. Given that victims of bullying often resign rather than report the bullying, the findings present an unmeasured loss of talent to the Australian economy. Indeed the true prevalence of workplace bullying in Australia is most likely obscured by the dearth of representative research data across the national population, the victims' reluctance to report the problem and the concealed nature of many workplace bullying behaviours.

1. 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.

The mere existence of a workplace bullying policy should not be seen as a *preventative* function (McGrath, 2010b). In some cases, bullying policies may only be shown to workers during 'induction', at the commencement of their employment, and in other cases, not at all. Employees such as apprentices can be unaware of their organisation's policy on bullying. Further, employers appear to be more likely to have policies in place for managing bullying, than for preventing bullying (Victorian Workcover Authority, 2005).

However preventative workplace-based procedures may have the capacity to lessen the incidence of workplace bullying. McGrath (2010b) argues that organisations may monitor and prevent bullying by:

- Involving all workers in the formation of a policy and the *contextualisation* of examples of bullying behaviours to include organisation and/or occupation-specific behaviours. Such examples may assist workers to explicitly identify bullying behaviours (e.g. 'excluding relevant people from meetings and cc e-mail lists' in teaching is an example of 'isolation', while 'hiding tools' in trades may be an example of 'withholding resources').
- Regularly instilling in all employees that they do not tolerate bullying and are vigilant in monitoring the behaviour (e.g. via regular emails, anonymous audits and training). Bystander apathy also needs to be addressed.
- Given the personal shame associated with reporting bullying (e.g. Lewis, 2004) employers might encourage peer reporting on behalf of bullied colleagues in a 'support a mate' campaign.

2. 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.

Existing training on workplace bullying in Australia should be improved. Few nationally accredited workplace bullying courses are offered in Australia. There is thus a need for nationally accredited workplace bullying training to be developed by a committee of expert and public stakeholders. Extant generic awareness ('what is bullying?') work based programs are unlikely to deter perpetrators of bullying. To date, bullying is often only mentioned as one of several possible 'range statements' within some Australian training package units of competency. This option does not ensure that bullying is always given the due focus and specific attention it deserves.

National bullying training and resources should be developed and incorporated into vocational programs to *prepare* apprentices and trainees for work. Nationally accredited workplace bullying training should be developed by professional stakeholders so that national standards for bullying training are incorporated into all apprenticeship training courses. Although education providers prepare students for the

skills required to work, they may not always prepare them for the psycho-social occupational health and safety hazards of the workplace, including exposure to aggressive personalities. In addition to training which focuses on empowering apprentices and building a culture of respect between apprentices, a holistic approach should be undertaken – with compulsory bullying programs on appropriate standards of behaviour also developed for the apprentice *employer, trainer and supervisor*. Training institutions should also provide apprentices and trainees with information about bullying support networks *prior* to them entering the workplace. The development of free online web based bullying resources as well as a national ‘apprentice bullying information pack’ which provides apprentices with a range of contacts, counselling services and numbers of free telephone help lines is needed. It may also be that the anonymity of such services encourages help-seeking behaviour.

Nationally accredited workplace bullying training should be developed for all Australian workplaces. The Australian vocational education and training (VET) system can potentially play an important role in the prevention of bullying through the development of accredited bullying courses. A holistic approach (encompassing perpetrators, victims and bystanders) which focuses on changing thoughts and behaviours should be developed (McGrath 2009). A ‘one size fits all’ approach to bullying programs is unlikely to be effective. Rather, the contextualisation of training programs which are purposely tailored to the industry or specific workplace (McGrath, 2007) and delivered ‘on the job’ would be beneficial. Such bullying training should incorporate a range of strategies to assist workers to assertively respond to bullying and to cope with aggressive personalities at work. The field of applied positive psychology also offers opportunities to boost victims’ coping skills, such as drawing on sources of social support at work, strategies for developing resilience to threats to wellbeing at work and positive workplace practices (McGrath 2012b). It should also be remembered that bullying can be shameful - so that victims may be reluctant to talk about their experiences, or may even blame themselves. Better education on these issues is needed. In addition, given that envy is a powerful yet denied and concealed emotion which can motivate bullying (McGrath, 2011), strategies for dealing with angry feelings of workplace envy should also be incorporated into bullying training.

In terms of organisational support, the provision of *informal* ‘bullying support officers’ to assist victims who do not wish to make a formal complaint to their employer may be beneficial. Informal networks appear vital; international studies show that victims may not report bullying because they believe that their organisation will not take any action and because they fear retaliation (e.g. Keashly, 2001).

In larger organisations, given the increasingly complex role that human resource staff are expected to play in preventing and responding to bullying, all such staff should undergo some form of workplace bullying training. For example, a victim’s sick leave and underperformance can be a *response* to being bullied; whereas untrained personnel may misinterpret such behaviour as justifying the perpetrator(s) claims. Perpetrators can also fabricate the dire consequences of a victim’s behaviour for the organisation (e.g. the creation of unnecessary work), knowing that such claims are likely to encourage personnel to side with the perpetrator. ‘Bullying grievance management’ and ‘positive workplace practices’ should thus be incorporated into all human resource management courses. Indeed the required qualifications of human

resource managers and staff in Australia may vary. Equally, human resource staff should have expertise in the recruitment of managers with true leadership skills.

3. 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.

There are several issues with workplace bullying policies which should be addressed to enhance workforce protection against bullying. Firstly, an early response to bullying is vital to deter an ongoing pattern of behaviour. However the research definition of bullying as 'repeated behaviour' has been adopted in many workplace bullying policies, suggesting that some pattern of behaviour needs to be established to be considered bullying. Challenging this view, some workers have sought to interpret single traumatic workplace incidents as bullying (e.g. Lee, 1998) and "a single serious incidence of such behaviour that has a lasting harmful effect on an employee" is included as 'harassment' in Quebec (see Cox, 2010, p. 55). Indeed single incidences; such as being unfairly denied an annual promotion by an envious manager, or being excluded from infrequent [albeit important] meetings, can have ongoing ramifications and a lingering impact on victims.

In addition, Australian workplace codes of practice can state that bullying excludes performance management processes and the provision of performance feedback to subordinates, when performed 'legitimately' (McGrath, 2010b). However the question of legitimacy can be difficult to assess, since 'formal bullying' by workers in superior positions (e.g. managers) can be disguised and embedded *within* legitimate workplace rules and processes, such as 'unfairly allocating the most unpleasant tasks' to subordinates and inconsistently applying rules (McGrath, 2010c). In such cases, targets may perceive that it is futile to lodge a bullying grievance about tasks they are expected to do. International studies thus report that bullied workers often just leave the organisation as a result of bullying (e.g. Keashly 2001; Rayner, 1998), although there is little such data in Australia; which may further obscure the true prevalence rate of workplace bullying.

There are also issues related to the treatment of workplace bullying in occupational health and safety (OHS) legislation. Bullying requires different risk control measures to other OHS hazards. Workplace bullying can consist of subtle behaviours which gradually escalate, whereas other occupational hazards "may be identified by a direct, immediately known multi-sensory threat (e.g. smell of chemicals, appearance of equipment) to known long term physical harm (e.g. asbestos), so that the conditions for stopping work are much more apparent" (McGrath, 2010b).

In addition, under occupational health and safety (OHS) legislation, organisations have an obligation to 'provide a safe place of work'; which can also mean that organisations can have a conflict of interest in conducting their own internal grievance procedures and may deny the existence of bullying in response to victim complaints. This potential lack of support can cause additional harm to victims of bullying. Managers and heads of departments may also exacerbate the situation by denying the existence of bullying in their work unit, to avoid 'discrediting' their own leadership abilities (Bjorkqvist et al., 1994). Perpetrators can have an intuitive understanding of

such protection and may sense that their actions will go unpunished, which sets the tone for repeated and learned behaviour, in which a 'culture of bullying' can develop. So even when a formal bullying complaint is made to an organisation, victims may lose faith that the organisation will take meaningful or supportive action. Rather, employers may need to move the victim elsewhere in the organisation as a resolution to bullying (e.g. Queensland Council of Unions, 2001) or may view the victim as 'the problem', rather than punish the perpetrator(s). International studies also show that organisations may view bullying as a 'personality conflict', thereby deflecting responsibility back to the parties (e.g. Keashly, 2001). Cox (2010) also explains that in Quebec there is "a disturbing trend in recent case law where a finding that the vexatious conduct came about in the context of a 'work conflict' appears to trump the legal definition of psychological harassment..." (p.78).

In light of these issues, the national introduction of 'Brodie's Law' could be a greater deterrent to workplace bullying because perpetrators and their allies may have a greater fear of the personal consequences of their actions. At present, many perpetrators are able to bully *without fear of punishment*. In addition, individuals who are unlikely to bully alone may participate in bullying within the 'safety net' of a group; perhaps reasoning that any punishment will be apportioned between members of the group. An awareness of Brodie's Law could thus make every participant in bullying responsible for their behaviour. However legislation should not be seen as a stand alone solution to workplace bullying in Australia; a holistic approach to tackling workplace bullying is needed. In particular, organisations need to be proactive in actually preventing bullying and nationally accredited workplace bullying training should be developed, including authentic strategies to assist workers to cope and assertively respond to bullying at work. Such strategies can then be applied by employees throughout their working life.

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