



WORKPLACE BULLYING AND HARASSMENT ARE COSTS YOU CANNOT AFFORD

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OVERVIEW

Workplace bullying and harassment can cost taxpayers and consumers in many ways. In a typical case, direct and indirect costs can include:-

- Unsuccessful appeals (legal fees)
- WorkCover Statutory costs (to date)
- Damages (common law) - victim's claim
- Investigator fees
- Salary of officers (investigate, represent employer and instruct counsel, process outcomes)

Whilst some of these costs can be assessed as either proactive or reactive, many costs incurred in a case of workplace bullying or harassment are reactive i.e. the costs are only calculated after a claim has been lodged, and from compensation data. There could be a number of 'hidden' or reported and unidentified costs that are not being captured.

These costs can have direct impact on key operational activities within your organisation. This could impact on customer service delivery and business reputation. Employment opportunities may be reduced as budgets are spent defending claims. You might even miss out on that bonus you were expecting.

MANAGING WORKPLACE BULLYING AND HARASSMENT IS NOT EASY

Managing workplace bullying and harassment is not easy especially if you have no proactive or preventive strategies in place.

You need to know what policies, procedures and strategies your organisation has in place. Workplace bullying and harassment incidents can occur even when some of the basics have been addressed.

You might be in an organisation where a workplace bullying or harassment incident has been reported. How many times have you heard the comment "You could see that coming". Why was it allowed to escalate?

SOME BASIC QUESTIONS

Does your organisation have proactive and preventive strategies that help you answer the following questions?

- Do you **avoid** or defer difficult conversations about workplace bullying and harassment?
- Do you **resist** the need to resolve counterproductive behaviours before they escalate into workplace bullying and harassment?
- Does your workplace have a **culture** of tolerance or acceptability when it comes to workplace bullying and harassment?
- Are you **confused** about what is and what isn't workplace bullying?
- Do you know what is and what isn't **reasonable management**?

- How does your workplace organisation define **counterproductive behaviours** that could cost you your job?
- What price do you put on your personal **reputation** or that of your organisation?
- How has workplace bullying and harassment been addressed in your **risk management, business continuity, health and safety, audit or fraud and corruption prevention plans**?

EMPLOYER QUESTIONS

You may have some very good policies in place to prevent, detect and resolve workplace bullying and harassment. The advice that you get about the incidence of workplace bullying and harassment may not reflect the true situation.

Changes in work health and safety legislation, and increased publicity about workplace bullying and harassment could mean that different questions will be asked.

Litigation in Australia is taking some interesting approaches to age old issues. Individuals are engaging legal professionals who will use various strategies to test your knowledge in a Court, Commission or Tribunal. The responses that you provide could very well determine your current and future employment. Adverse publicity generated because you were not prepared could affect your personal credibility and reputation.

The following questions were developed as indicators of what could be asked in a Court, Commission or Tribunal. Of course, the media might also take it upon themselves to ask you the same questions.

How much:

- income did your organisation **earn** as the result of a single workplace bullying or harassment incident?
- did workplace bullying or harassment **contribute** towards achieving the aims and objectives of your organisation?
- business does a workplace bullying or harassment incident **generate**?

How does workplace bullying or harassment:

- **improve** customer service?
- **increase** productivity?
- **benefit** shareholders, investors or taxpayers?
- **add** value to your brand name or reputation?

What:

- does the preparation, dissemination, storage and archival of workplace bullying or harassment records **cost** your organisation?
- could your employees be better doing if they weren't **spending time** addressing workplace bullying or harassment?
- are your **competitors** doing whilst workplace bullying or harassment is taking place in your organisation?

- could your employees be doing more **productively** if they were not involved generating paperwork for Court, Commission or Tribunal hearings?

How does your organisation benefit from the **adverse publicity** generated from workplace bullying or harassment?

What are the short, medium and long term **affects** on other employees who are witnesses in grievance and tribunal proceedings?

Who and what are you **defending**?

What will have you **achieved** at the end of it?

Will any of your actions result in **allegations** of unfair dismissal?

Does everyone in your organisation know and understand the **personal consequences** of workplace bullying or harassment?

Do you know how to **respond** to these questions?

Do you **know why** you should be able to respond to these questions?

- How will you respond if your claim or allegation is to be **resolved** in a Court, Commission or Tribunal?
- Will you be **prepared**?
- Will you respond in haste and pay the **penalty**?
- Will your actions result in findings of **unfair dismissal, breach of employment contract or financial penalties** being imposed by a Court, Commission or Tribunal?

These questions could only be the start of what you might be confronted with.

These are very important questions that might be put to you in a Court, Commission or Tribunal.

There might be a number of other questions that will be asked of you depending on how you respond to these.

Most people don't go to work to be bullied or harassed. They go to work planning on doing a fair days work for a fair days pay. You are no doubt one of them.

So far, you have not been involved in a workplace incident.

Does that mean it will never happen?

Unfortunately, given some survey results, it appears that:

- 1 in 3 workers will be bullied;
- 1 in 5 will be a bully, and
- the rest will be bystanders or witnesses.

When it happens, will you be prepared? My experience from speaking with targets/victims suggests they didn't think it would happen to them either.

Targets/victims and alleged bullies want answers. Targets/victims want to be believed.

Alleged bullies want someone to justify their actions.

If you are reading this as either a target/victim or as a person who may have been accused of being a workplace bully or harasser, you might like to consider these questions.

Do you know:

- what to do when you **have been** bullied or harassed?
- what to do if you are **accused** of being a bully or a harasser?
- how to **defend** an allegation of workplace bullying or harassment?
- know what **questions** to ask?

Does your organisation have a workplace bullying or harassment detection, prevention and resolution **policy**?

Sometimes, you may need to lodge a workplace injury claim because of the workplace bullying or harassment. You may also seek advice from a legal professional.

As either a target/victim or even alleged bully/harasser, you may not realise that the medical and legal professionals will ask you questions.

Do you know what type of questions:

- you will be asked when you seek **medical assistance**?
- your **legal professionals** will ask you?

Workplace bullying and harassment has direct and indirect implications on a wide range of people. It is not just a workplace issue. You may seek advice, guidance or support from your family, friends and associates.

Do you know what to **say** to your family, friends and associates?

If you lodge a workplace injury claim, an investigation will be conducted. You may find this process confusing or even threatening.

Sometimes the investigation will be conducted when you are still traumatised by the incident or even when you are receiving medical or psychological support.

Do you know:

- why investigations are **conducted**?
- how the investigation **process** works?

Do you know:

- what to say to support your claim?
- what not to say, and why?

You may work in an organisation where workplace bullying or harassment is rife. The more likely there is sexual content in the incident, the more chance the media will be interested. Even if you are not directly involved, the media might ask you for your views.

You might even take it upon yourself to use one of the popular social networking sites to discuss the incident.

Do you know how to respond to **media interest** in workplace bullying or harassment allegations?

EMPLOYMENT CONDITIONS

When you started with your organisation or even when you were promoted, you may have attended an **induction program**. You might have been asked to sign some paperwork.

When you started work, you may not have had time to think about all the paperwork. Practical experience tells me that you need to think about these questions.

- Do you have a current **job or position description**?
- Do you take part in the **performance management** process?
- Do you know and understand your **conditions of employment** (including compliance with Codes of Conduct)?
- Do you know **why** these questions are **relevant** for preventing, detecting and resolving workplace bullying?

Preventing, detecting and resolving workplace bullying and harassment is not easy. Sometimes you will find that resolution processes do not work for you. You may ask the question of a support person or even a consultant "Do you know a good Barrister?"

Legal professionals will ask you many questions. They will generally want to know about your conditions of employment, your workplace policies and procedures and many other issues that you may not realise are relevant.

OHS HARMONISATION

Many of you will realise that the OHS Harmonisation process has been underway for some time. It has been stated that the new Work Health and Safety Act 2012 will come into effect on the 1st January 2012. There are some important changes in this legislation that you need to be aware of. It does apply to the public and private sector.

The new Act may have some impact on how you respond to allegations of workplace bullying and harassment. In the worst case scenario, you could face prosecution for a breach of workplace health and safety and perhaps even imprisonment. You need to think about your preventive and proactive strategies to reduce this risk. You should be able to answer the following two questions.

Will you be an '**officer**' under the Work Health and Safety Act 2012?

Do you know what you will have to do to **meet** your **obligations** and show that you can meet **due diligence requirements**?

The prevention, detection and resolution of workplace bullying and other forms of inappropriate behaviours depends on the action that you take. The questions and issues that you have been reading about are only part of the response. You should be aware that there are many left field questions that I have not included. You should know that your answer may provide a lead as to another question.

CONTROLLING WORKPLACE HAZARDS SUCH AS BULLYING, HARASSMENT, SEXUAL HARASSMENT AND OTHER FORMS OF CONFLICT

Organisations and individuals have obligations they must meet in relation to all forms of harassment.

Employees are required to comply with a wide range of organisational policies and procedures.

GETTING STARTED

If you have read all the questions and identified a number of areas where you are not able to provide a response, you may wish to consider conducting the following strategies:

Audit/assessment

- This would involve conducting an audit/assessment of current policies and procedures, employee knowledge, review of systems and processes required to maintain currency of knowledge regarding trends and issues, and Court/Commission or Tribunal decisions

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Risk assessment

- This would involve conducting an organisational risk assessment to determine the effectiveness of existing controls that are being used to minimise the risk of physical or psychological harm to employees or others who may enter into the workplace.

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Training

- This would involve review current training methods and processes, delivery, and implementation of policies and procedures.

Work health and safety is one of the many risks that organisations are required to manage on a daily basis. Many organisations can be faced with workplace claims stemming from workplace conflict, communication or other management practices that have resulted in allegations of bullying or harassment. Some organisations, managers and employers have been prosecuted under State work health and safety legislation when a workplace death has occurred.

The Model Work Health and Safety Act 2012 will place an increased emphasis on the role of officers and there will be an expectation that they meet due diligence requirements.

THE ROAD TO CHANGE

EGL I ASSESSMENTS PTY LTD is an independent company specialising in:

- Presentations and workshops on organisational terrorism and the destructive costs of counterproductive behaviours including:
 - workplace bullying and harassment, and sexual harassment
- Workplace audits and assessments in relation to inappropriate workplace behaviours including:
 - workplace bullying and harassment, and sexual harassment
- Situational based workshops designed to prepare 'officers' and employees for Court, Commission and Tribunal appearances
- Helping employers and employees identify and gather evidence and data about:
 - detecting, preventing and resolving inappropriate workplace behaviours
 - the detailed cost of inappropriate workplace behaviours such as bullying and harassment and sexual harassment.

ASSESSMENT, AUDITS AND REVIEWS

- **EGL I ASSESSMENTS PTY LTD** has extensive experience managing, developing, coordinating, and implementing plans relating to operational assessments, business unit assessments and audits, and management reviews.
- We use a structured model to identify the 'hidden' and unreported costs of inappropriate workplace behaviours such as bullying and harassment and sexual harassment.
- Our practical experience provides us with the skills required to provide, advice, guidance and support to victims, alleged bullies and managers/supervisors in the prevention, detection and resolution of workplace bullying and harassment and sexual harassment.
- We provide you with tools and strategies to suit your specific needs and requirements.

FEES AND PRICING

Our fees reflect the different types of services and presentations we provide. We:

- offer value for money and services provided
- recognise the need to provide quality customer service that enhances business and operational activities
- will discuss with you a fee for work undertaken that reflects your specific needs and expectations.

These fees are tailored to meet your organisational or your individual needs. We respect your right and the right of organisations to maintain confidentiality about the level of investment you make in relation to any work that we provide.

CONTACT DETAILS

For an obligation free consultation, please phone 0419 661 421