

## WORKPLACE BULLYING IS A COST YOU CANNOT AFFORD

Workplace bullying can cost taxpayers and consumers in many ways. Did you know that in a typical case, the direct and indirect costs 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)

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 IS NOT EASY

Managing workplace bullying 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 incidents can occur even when some of the basics have been addressed.

You might be in an organisation where a workplace bullying 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?
- Do you **resist** the need to resolve counterproductive behaviours before they escalate into workplace bullying?
- Does your workplace have a **culture** of tolerance or acceptability when it comes to workplace bullying?
- 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 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. The advice that you get about the incidence of workplace bullying may not reflect the true situation.

Changes in work health and safety legislation, and increased publicity about workplace bullying 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 incident?
- did workplace bullying **contribute** towards achieving the aims and objectives of your organisation?
- business does a workplace bullying incident **generate**?

How does workplace bullying:

- **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 records **cost** your organisation?
- could your employees be better doing if they weren't **spending time** addressing workplace bullying?
- are your **competitors** doing whilst workplace bullying 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?

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?

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. 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 victims suggest they didn't think it would happen to them either.

Victims and alleged bullies want answers. Victims want to be believed.

Alleged bullies want someone to justify their actions.

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

Do you know:

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

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

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

As either a victim or even alleged bully, 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 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 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 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 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 1<sup>st</sup> 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. In the worst case scenario, you could face prosecution for a breach of workplace health and safety. 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.