



# **Psychosocial Hazards: Bullying, Aggression and Violence**

Core Body of Knowledge for the  
Generalist OHS Professional



Safety Institute  
of Australia Ltd



Australian OHS Education  
Accreditation Board

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The Technical Panel established by the Health and Safety Professionals Alliance (HaSPA) was responsible for developing the conceptual framework of the OHS Body of Knowledge and for selecting contributing authors and peer-reviewers. The Technical Panel comprised representatives from:



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## Synopsis of the OHS Body of Knowledge

### **Background**

A defined body of knowledge is required as a basis for professional certification and for accreditation of education programs giving entry to a profession. The lack of such a body of knowledge for OHS professionals was identified in reviews of OHS legislation and OHS education in Australia. After a 2009 scoping study, WorkSafe Victoria provided funding to support a national project to develop and implement a core body of knowledge for generalist OHS professionals in Australia.

### **Development**

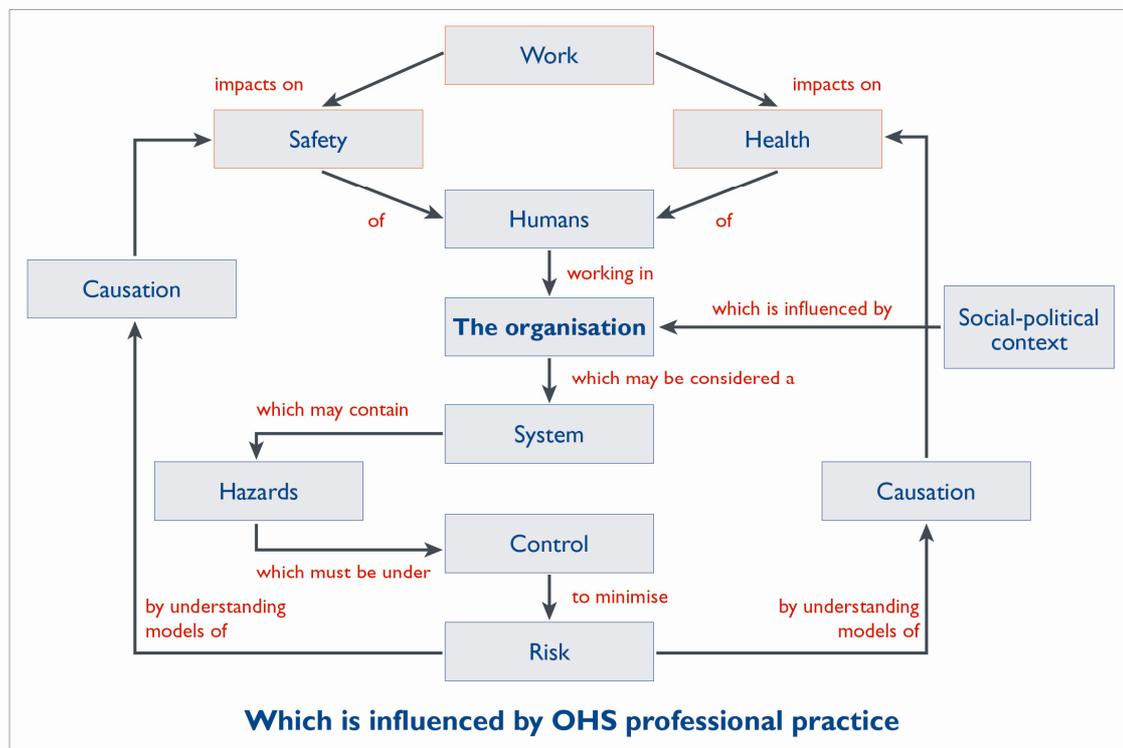
The process of developing and structuring the main content of this document was managed by a Technical Panel with representation from Victorian universities that teach OHS and from the Safety Institute of Australia, which is the main professional body for generalist OHS professionals in Australia. The Panel developed an initial conceptual framework which was then amended in accord with feedback received from OHS tertiary-level educators throughout Australia and the wider OHS profession. Specialist authors were invited to contribute chapters, which were then subjected to peer review and editing. It is anticipated that the resultant OHS Body of Knowledge will in future be regularly amended and updated as people use it and as the evidence base expands.

### **Conceptual structure**

The OHS Body of Knowledge takes a ‘conceptual’ approach. As concepts are abstract, the OHS professional needs to organise the concepts into a framework in order to solve a problem. The overall framework used to structure the OHS Body of Knowledge is that:

**Work** impacts on the **safety** and **health** of humans who work in **organisations**. Organisations are influenced by the **socio-political context**. Organisations may be considered a **system** which may contain **hazards** which must be under control to minimise **risk**. This can be achieved by understanding **models causation** for safety and for health which will result in improvement in the safety and health of people at work. The OHS professional applies **professional practice** to influence the organisation to being about this improvement.

This can be represented as:



### Audience

The OHS Body of Knowledge provides a basis for accreditation of OHS professional education programs and certification of individual OHS professionals. It provides guidance for OHS educators in course development, and for OHS professionals and professional bodies in developing continuing professional development activities. Also, OHS regulators, employers and recruiters may find it useful for benchmarking OHS professional practice.

### Application

Importantly, the OHS Body of Knowledge is neither a textbook nor a curriculum; rather it describes the key concepts, core theories and related evidence that should be shared by Australian generalist OHS professionals. This knowledge will be gained through a combination of education and experience.

### Accessing and using the OHS Body of Knowledge for generalist OHS professionals

The OHS Body of Knowledge is published electronically. Each chapter can be downloaded separately. However users are advised to read the Introduction, which provides background to the information in individual chapters. They should also note the copyright requirements and the disclaimer before using or acting on the information.

# **Psychosocial Hazards: Bullying, Aggression and Violence**

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# **Psychosocial Hazards: Bullying, Aggression and Violence**

## **Abstract**

This chapter – one of three dedicated to psychosocial hazards – presents key concepts related to workplace bullying, aggression and violence. Since the 1990s, research on these issues has proliferated along with increasing awareness of the extent of the associated health and safety problems and organisational effectiveness detriments. This chapter provides the Occupational Health and Safety (OHS) professional with information on the potential outcomes of workplace bullying, aggression and violence on individuals and organisations, useful conceptual models, the legislative environment, and risk assessment and control fundamentals. It considers the implications for OHS practice and stresses the importance for generalist OHS professionals to seek specialist advice on matters such as mediation and complaint investigation.

## **Keywords:**

bullying, aggression, violence, psychosocial

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## **1 Introduction**

The psychosocial hazards of workplace bullying, aggression and violence are relative newcomers to the Occupational Health and Safety (OHS) landscape. Whilst these issues have historically been present at the workplace and in other environments, it is only in the last decade or so that bullying, in particular, has been recognised as a significant workplace hazard and made subject to regulatory responses in Australia, including codes of practice, guidance, avenues for complaint, inspector interventions and prosecutions. In practice, this means that a line in the sand has been drawn regarding unacceptable workplace behaviours, and that persons conducting a business or undertaking (PCBUs) now have a clear articulation of the types of behaviours that may constitute a risk to health and safety. Although preventative actions required at the workplace level are clearly articulated and relatively straightforward, responding to complaints of workplace bullying can be a challenging affair for those involved. The need for organisations to adhere to principles of natural justice, work within confidentiality constraints, and provide emotional and practical support for complainants, alleged enactors, and witnesses of workplace bullying can be difficult to balance. Also, there are important health and safety and image/reputation considerations for the individuals, the workgroup and the organisation as a whole. On a broader societal level, one of the greatest challenges in the area of workplace bullying, when viewed through an OHS lens, relates to misalignment between the popular conception of workplace bullying and the more restricted definitions of bullying used for research and OHS regulatory purposes.

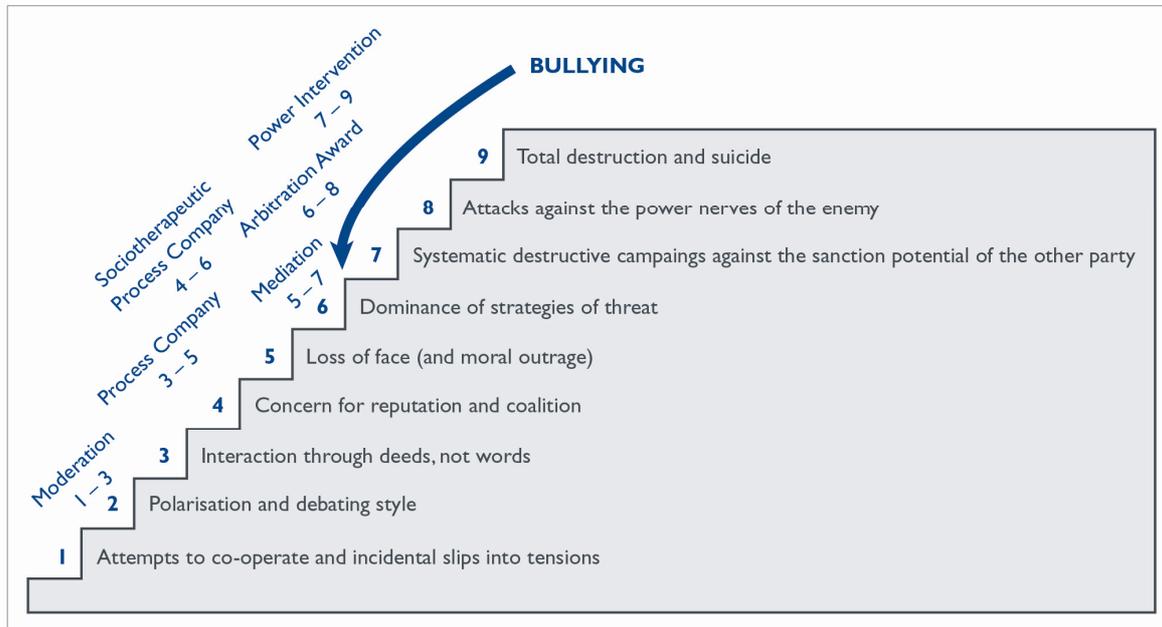
Historically, risk management specific to aggression and violence has been preoccupied with criminal activity related to theft and robbery (in, for example, the retail and banking industries). In some industries, such as health and education, exposure to aggression and violence has, until recently, been broadly accepted as ‘part of the job’ (e.g. UNISON, 2008). This chapter aims to provide generalist OHS professionals with a contemporary understanding of workplace aggression, violence and bullying with reference to potential outcomes, hazard identification and risk assessment.

### **1.1 Definitions**

#### **1.1.1 Workplace conflict**

It is necessary to distinguish between conflict, a normal workplace experience, and the more severe stressor of workplace bullying. Conflict, which can be defined as ‘a process in which one party perceives that its interests are being opposed or negatively affected by another party’ (Wall & Callister, 1995, p. 517), is a broader concept than ‘bullying,’ which must meet additional criteria as specified in section 1.1.2. However, as can be seen in Figure 1, lower-level conflict has the potential to escalate into bullying, which in turn, may escalate into violence and aggression. The potential for this escalation highlights the importance of early

intervention to eliminate such occurrences and, should they occur, to manage the outcomes to minimise risk to health and safety.



**Figure 1: Glasl's conflict escalation model (adapted by Zapf & Gross, 2001 p. 501)**

### 1.1.2 Workplace bullying

There has been much debate about definitions of workplace bullying. Definitional confusion arises from the existence of three classes of definition – one as understood by laypersons and the broader community, a second employed in the academic literature and a third applied by OHS regulatory authorities as listed in codes of practice and guidance material. Whilst the latter class of definition is most applicable to OHS practice, it is important to be aware that OHS practice-based and academic definitions are tighter in scope than what is commonly understood to be bullying in the community; lay definitions often do not require frequent or persistent behaviours and are more likely to include unfair or unprofessional conduct (Saunders, Huynh, Goodman-Delahunty, 2007).

#### *Academic definitions:*

Academic debate has reached a broad consensus regarding four characteristics important in any definition of workplace bullying:

- That the behaviour is repeated and occurs over a period of time
- That there is an escalation in the behaviour over time (of intensity or negative effects)

- That there is a power imbalance
- That the behaviour is unreasonable or inappropriate (Einarsen, 1999; Keashly & Harvey, 2005).

While there is debate about whether intent to harm is an important consideration in the definition, most definitions do not encompass intent due to difficulties in its determination (see, for example, Einarsen, Hoel, Zapf & Cooper, 2011).

Bullying can be directed at, or enacted by, individuals or groups. It can occur at all organisational levels and has been categorised as:

- Downwards bullying, where supervisors or managers bully their workers
- Sideways or horizontal bullying, where peers or co-workers bully other peers or co-workers
- Upwards bullying, where workers bully their supervisors or managers (Lewis & Sheehan, 2003; Branch, Ramsay & Barker, 2008).

#### *OHS regulatory authority definitions:*

Currently, OHS regulatory authority definitions of workplace bullying vary across jurisdictions in Australia. As part of the national OHS harmonisation process, a *Preventing and Responding to Workplace Bullying Code of Practice* has been drafted (Safe Work Australia, 2011a). Consistent with the European Agency for Safety and Health at Work definition (EASHW, 2002) that was subsequently adopted by some Australian jurisdictions, the definition of workplace bullying in the draft code of practice is:

Workplace bullying is *repeated, unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety.*

*'Repeated behaviour'* refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

*'Unreasonable behaviour'* means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening. (Safe Work Australia, 2011a, p. 4)

The draft code of practice identifies the following as *not* being workplace bullying:

A single incident of unreasonable behaviour...

Reasonable management action, carried out in a fair way...

Harassment and discrimination [which] are dealt with separately under anti-discrimination, industrial and human rights laws... (Safe Work Australia, 2011a, pp. 6–7)

'Reasonable Management action taken in a reasonable or fair way' has been the subject of much legal and policy debate; it remains the case that what one person perceives as bullying

may be perceived by another as reasonable management practice. Australian codes of practice and guidance material list types of ‘reasonable management action’ as:

- setting performance goals, standards and deadlines
- allocating work to a worker
- rostering and allocating working hours
- transferring a worker
- deciding not to select a worker for promotion
- informing a worker about unsatisfactory work performance
- informing a worker about inappropriate behaviour
- implementing organisational changes
- performance management processes
- constructive feedback
- downsizing (Worksafe Victoria & WorkCover NSW, 2009, p. 5).

The question of whether behaviour constitutes ‘reasonable management action carried out in a fair way’ is often the substantive question to be answered in bullying cases. To that end, it is important to be cognisant of the *two* components to this principle; firstly, whether the behaviour constitutes ‘reasonable management action’ and, secondly, whether the action has been ‘carried out in a fair way’ (i.e. has the reasonable management action followed the principles of procedural, distributive and interpersonal justice?).

To further help define the concept, discussions of workplace bullying typically list specific behaviours as examples of behaviours that, when part of a repeated pattern of behaviours, may constitute bullying (i.e. behaviours that a reasonable person may see as victimising, humiliating, undermining or threatening if part of a repeated pattern of behaviour) (see Table 1).

**Table 1: Examples of behaviours that, when part of a repeated pattern of behaviours, may constitute bullying (Einarsen, Hoel & Notelaers, 2009; Worksafe Victoria & WorkCover NSW, 2009)**

Direct or Overt Behaviours	Indirect or Covert Behaviours
<ul style="list-style-type: none"> <li>• Verbal abuse</li> <li>• Spreading rumours or innuendo about someone</li> <li>• Interfering with someone’s personal property or work equipment</li> <li>• Humiliating or ridiculing someone</li> <li>• Making insulting or offensive remarks about someone</li> <li>• Ignoring someone or giving a hostile reaction when someone approaches</li> <li>• Excessive teasing or sarcasm</li> </ul>	<ul style="list-style-type: none"> <li>• Unjustified criticism or complaints</li> <li>• Unreasonably excluding someone from workplace activities</li> <li>• Unreasonably denying access to information or other resources</li> <li>• Setting tasks that are unreasonably above or below a worker’s ability</li> <li>• Unreasonably changing work arrangements such as rosters and leave</li> <li>• Excessive scrutiny or monitoring of work</li> </ul>

### 1.1.3 Harassment

Some academic literature and policy documents emanating from Europe, and the OHS regulatory authority in Queensland, refers to ‘workplace harassment’ as an alternative term for what this chapter describes as ‘bullying.’ However, in other parts of Australia, and in the federal jurisdiction, ‘harassment’ is distinct from ‘bullying’. To meet the definition of ‘harassment,’ the negative behaviour must be related to a personal attribute of the target (e.g. race, gender, disability, pregnancy or religion) (see, for example, Caponecchia & Wyatt, 2009). Offences related to harassment and discrimination fall typically within the jurisdiction of anti-discrimination, sexual harassment, human rights or equal opportunities agencies and the exact wording for definitions, and the specified attributes, varies from jurisdiction to jurisdiction. It is important that organisations understand the difference between harassment/discrimination based on a specified attribute and workplace bullying, and have systems to manage these, either in combination or separately.

### 1.1.4 Occupational violence/workplace aggression

Although there are some important distinctions between ‘workplace aggression’ and ‘violence’, the terms are often used interchangeably in OHS contexts. Consequently, definitions tend to encompass both concepts. For example, the European Commission definition, which is used most commonly in the UK and Australia, refers to workplace violence as:

Incidents where persons are abused, threatened or assaulted in circumstances related to their work...(Wynne, Clarkin, Cox & Griffiths, 1996, p. 1).

Examples of behaviours that qualify as occupational violence and aggression, may include:

...verbal, physical or psychological abuse, punching, scratching, biting, grabbing, pushing, threats, attack with a weapon, throwing objects/furniture, sexual harassment or assault, and any form of indecent physical contact. (WorkSafe Victoria, 2009, p. 2)

In the OHS context, intent to harm is not relevant when managing the risk associated with occupational violence and aggression. This allows consideration of risks associated with scenarios such as robberies, but also, for example, health care workers exposed to violence or aggression from clients demonstrating violent behaviour as a symptom of a health condition (e.g. dementia or other neurological conditions).

The following classification of workplace aggression and violence may be of particular use when assessing risk and determining control measures:

- Type 1: criminal/external source of aggression/violence where the enactor has no connection with the workplace except to commit a crime (e.g. armed hold-up, robbery)
- Type 2: client, customer or patient source of aggression/violence where workers are at risk from those to whom the employer provides a service (e.g. prisons, healthcare, social services)
- Type 3: co-worker source of aggression/violence where workers are at risk from present or former employees (Cal/OSHA, 1995).

The notion of conflict escalation (as proposed in models such as Figure 1) may be a useful framework for risk assessment and management of Types 2 and 3 sources of violence/aggression, as it highlights the importance of early intervention and possible risk-control options along the continuum.

## **2 Historical context**

While bullying is not a new phenomenon, it was not considered a significant social problem before the 1970s. In 1973, Swedish researcher Dan Olweus published the results of the first large-scale study of bullying in schools; this influential book was later published in the United States as *Aggression in the School: Bullies and Whipping Boys* (in Carpenter & Ferguson, 2009). In 1976, Brodsky identified five types of workplace harassment – name calling, scapegoating, physical abuse, work pressures and sexual harassment. Although a pioneering work, unlike the schoolyard focus of Olweus’s work, Brodsky’s efforts in the occupational sphere had little societal effect. It was not until the 1990s that research on bullying, aggression and violence in the workplace began to proliferate, making it a young body of knowledge. In 1999, Perrone observed that the widespread contextualisation of workplace violence as “an occupational reality...a permissible, systemic work-related risk...[was] deflecting attention away from possibly negligent working environments and practices” (Perrone, 1999, pp. 2, 3)

In the last decade, there has been a steady stream of developments in Australia, and internationally, which have kept this topic in the media and, increasingly, in employers’ sights. Significant strides have been made in responding to the growing level of community concern about bullying, aggression and violence. Development of legislation, codes of practice, guidance notes, the formation of bullying taskforces, the conduct of ombudsman reviews, and some high profile legal cases continue to drive the evolution of policy and practice. Furthermore, the proliferation of electronic platforms as another medium for bullying (‘cyberbullying’) necessitates management of the risks of workplace bullying and aggression associated with the misuse of cyberspace. Also, there has been much recent work in improving risk-management systems in identified high-risk industries, in particular the health care and services industries (See, for example, ILO, 2003; Worksafe Victoria, 2009).

### **3 Extent of the problem**

Multiple studies have reported incidence of workplace bullying e.g. Hoel & Cooper, 2000; Quine, 2001; Rayner, 1997). Variability in the prevalence of workplace bullying is evident in research findings; for example, Leymann (1996) reported that 3.5% of a sample of the Swedish working population was subjected to bullying while Quine (2001) found that 44% of a population of nurses had experienced bullying over a 12-month period. While sample population characteristics are no doubt responsible for some of this proportional variability, different definitions of bullying are also implicated.

In the first national survey of exposure to workplace hazards in Australia in 2008, 14% of respondents (N=4500) reported ever experiencing bullying in their current workplace (Safework Australia, 2009). Analysis of Australian Public Service data revealed that 17% of employees reported being subjected to harassment or bullying during 2009–10 (APSC, 2010). The *People at Work Project*, a large-scale Australian study that assessed the risk of work-related psychological injury, found that 3.1% of respondents (N=6513) reported being subjected to workplace bullying/harassment in their workgroup in the previous month, with a frequency of ‘often’ or ‘almost daily’ (Jimmieson &, Bordia, Hobman & Tucker, 2010).

Estimates of the economic cost of workplace bullying to Australian businesses and the economy range from \$6 billion to \$36 billion in 2000. (Productivity Commission, 2010). According to Sheehan, McCarthy, Barker and Henderson (2003):

Direct costs result from absenteeism, staff turnover, legal and compensation costs, and redundancy and early retirement payouts. Hidden direct costs include management time consumed in addressing claims for bullying, investigating allegations of bullying through formal grievance procedures and workplace support services such as counselling. Other costs include the loss of productivity resulting from: reduced performance of victims who continue to work; replacing victims with initially less experienced and so less productive staff; and internal transfers, and loss or absenteeism of co-workers (Productivity Commission, 2010, p. 288).

While it is recognised that not all workplace conflict is negative, of relevance is a much cited 1976 study where it was demonstrated that managers spent about 20% of their time (18% for chief executive officers and 26% for middle managers) in conflict management (Thomas & Schmidt, 1976). In 1996, Watson and Hoffman reported that managers spent up to 42% of their time preoccupied with conflict management. More recently, a 2007 survey by the US Center for Creative Leadership (Working Dynamics, 2009) found that “More than two-thirds of managers spend more than 10 percent of their time handling workplace conflict, and 44 percent of managers spend more than 20 percent of their time on conflict-related issues.”

Despite some recent improvements in availability of data relating to types of occupational violence, data that elucidates non-fatal violent events is limited. An important international assessment of workplace bullying, aggression and violence that identified patterns across

industry sectors is the International Labour Office's *Violence at Work*, the third edition of which was published in 2006 (Chappell & Di Martino, 2006). In 2000, the authors of *Violence at Work* estimated the annual incidence of workplace homicide in Australia to be 4.88 per 100,000 workers compared to 1.41 and 8.95 per 100,000 workers in the UK and US, respectively (Chappell & Di Martino in Paterson, Ryan & McComish, 2009). In other words, 0.07% of all workers or approximately one person per month is a victim of workplace homicide in Australia (Mayhew, 2005 p. 34). The most recent Australian workers' compensation data suggested that in 2008–09 workplace bullying accounted for 1.1% of all serious<sup>1</sup> claims for compensation in Australia, and 'being assaulted by a person or persons' accounted for 1.7% (Safe Work Australia, 2011b). It should be noted, however, that workers' compensation statistics are recognised as a poor indicator in this area; a widely accepted estimate is that only 1 in 5 incidents is reported (Turnbull & Paterson, 1999; LaMar, Gerberich, Lohman & Zaidman, 1998; Barling, 1996; Warshaw & Messite, 1996; Wynne et al., 1996). Occupational groups at high risk of physical violence include:

- police officers;
- healthcare workers (e.g. nurses);
- social workers;
- taxi drivers and public transport drivers;
- hotel and catering employees;
- teachers;
- security personnel;
- retail employees; and
- employees in insurance and pension funds (Di Martino, Hoel & Cooper, 2003, p 37).

Internationally, significant research attention has focused on workplace violence in the health sector; in Australia, it was found that 67% of a sample of public health employees (N=400) had been verbally abused, 10.5% had been bullied and 12% had been assaulted in a 12-month period (Mayhew & Chappell, 2005).

#### **4 Understanding workplace bullying, aggression and violence**

This section provides a knowledge base to inform the practice of generalist OHS professionals in preventing and managing workplace bullying, aggression and violence. It examines potential health and wellbeing outcomes, presents frameworks for conceptualising workplace bullying, aggression and violence and addresses hazard identification and risk assessment.

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<sup>1</sup> "Serious claims involve either a death; a permanent incapacity; or a temporary incapacity requiring an absence from work of one working week or more" (Safe Work Australia, 2011b, p. 1).

## 4.1 Potential health and wellbeing outcomes

Health effects from exposure to workplace conflict and bullying are mediated through the body's psychological and physical stress response.<sup>2</sup> Much has been written about the physical, psychological, behavioural and personality impacts that can result when this stress response is activated for prolonged periods, or too frequently. According to Quick, Quick, Nelson and Hurrell (as cited in Way, Jimmieson & Bordia, 2011, p. 196): "Conflict brings obstruction in one's goal directed actions which may trigger feelings of increased uncertainty and reduced control, conditions that act as prerequisites for a stress response." Bullying exposes a victim to repeated negative interpersonal acts that can place high demands on coping resources. Also, bullying is a form of conflict that is "a causal antecedent for negative emotions which can affect self-esteem, self-worth, sense of self, and similarity with others, and subsequently, be related to physiological and psychological strain" (De Dreu, van Dierendonck & De Best-Waldhober, 2003 and Frone, 2000 in Way, Jimmieson & Bordia, 2011, p. 196). Some authors have used existing occupational stress frameworks to explain the relationship between health outcomes and conflict and bullying (Baillien, Rodríguez-Muñoz, de Witte, Notelaers, & Moreno-Jiménez, 2011; Jones, Bright, Searle & Cooper, 1998).

### 5.1.1 As a result of conflict

Interpersonal stressors are among the more detrimental work stressors (e.g. Jex, 1998; Jex & Beehr, 1991; Smith & Sulsky, 1995). In a community sample, Bolger, DeLongis, Kessler and Schilling (1989) identified interpersonal conflicts as the most upsetting of all daily stressors, accounting for more than 80% of daily mood variance. There is empirical evidence demonstrating that the occurrence of interpersonal conflict at work results in:

- A decline in physical and psychological functioning (see Spector & Jex, 1998, for a meta-analysis)
- Psychological disturbance beyond variates of age, health practices, stressful work events, support from work and home, and stressful life events (Gilbreath & Benson, 2004)
- Frustration, anxiety, the emotional subset of burnout, physician-diagnosed psychiatric morbidity, and physical complaints (Dijkstra, van Dierendonck & Evers, 2005; Frone, 2000; Leiter, 1991; Rahim, 1983; Richardsen, Burke & Leiter, 1992; Romanov, Appelberg, Honkasalo & Koskenvuo, 1996; Skogstad, Einarsen, Torsheim, Aasland & Hetland, 2007; Spector et al., 2000; van Dierendonck, Schaufeli & Sixma, 1994).

### 5.1.2 As a result of bullying

There is convincing evidence for a link between exposure to bullying and employee ill health. For example, employees who experienced or witnessed bullying reported more symptoms of:

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<sup>2</sup> See *OHS BoK: The Human: Basic Psychological Principles*

- Anxiety, depression and somatisation (the production of recurrent and multiple medical symptoms with no discernible organic cause); and levels of salivary cortisol on waking similar to post-traumatic stress disorder and chronic fatigue sufferers (Hansen, Hogh & Persson, 2011; Hansen, Hogh, Persson, Karlson, Garde & Orbæk, 2006; Kivimaki et al., 2003; Vartia, 2001)
- Disturbed pattern and decreased quality of sleep (Hansen et al., 2006; Neidhammer et al., 2009)
- Cardiovascular disease (Kivimaki et al., 2003)
- Suicidal ideation (Brousse et al., 2008; Pompili et al., 2008)
- Substance use (Traweger, Kinzl, Traweger-Ravanelli & Fiala, 2004; Vartia, 2001)
- Musculoskeletal pain (Einarsen, Raknes, Matthiesen & Hellesoy, 1996)
- Fear, irritability, social withdrawal, guilt, low self-worth and self-contempt (Hogh, Mikkelsen & Hansen, 2010).

A meta-analysis conducted by Bowling and Beehr (2006) demonstrated clear negative association of workplace harassment with victim wellbeing; for example, workplace harassment was positively associated with negative emotions at work, frustration, burnout, job satisfaction, depression, anxiety and physical symptoms, and was negatively associated with job satisfaction, organisational commitment and perceptions of organisational justice. Furthermore, research has demonstrated that witnesses of workplace bullying suffer health outcomes (Hansen et al., 2006; Vartia, 2001).

### 5.1.3 As a result of occupational aggression and violence

Potential outcomes of occupational aggression and violence include:

- Fatality
- Physical injury
- Depression
- Anxiety
- Decreased self-esteem
- Guilt
- Social withdrawal
- Post-traumatic stress disorder (PTSD) (e.g. Mayhew & Chappell, 2007).

## **5.2 Potential organisational outcomes**

Organisational outcomes related to workplace bullying, aggression and violence can include:

- Absenteeism

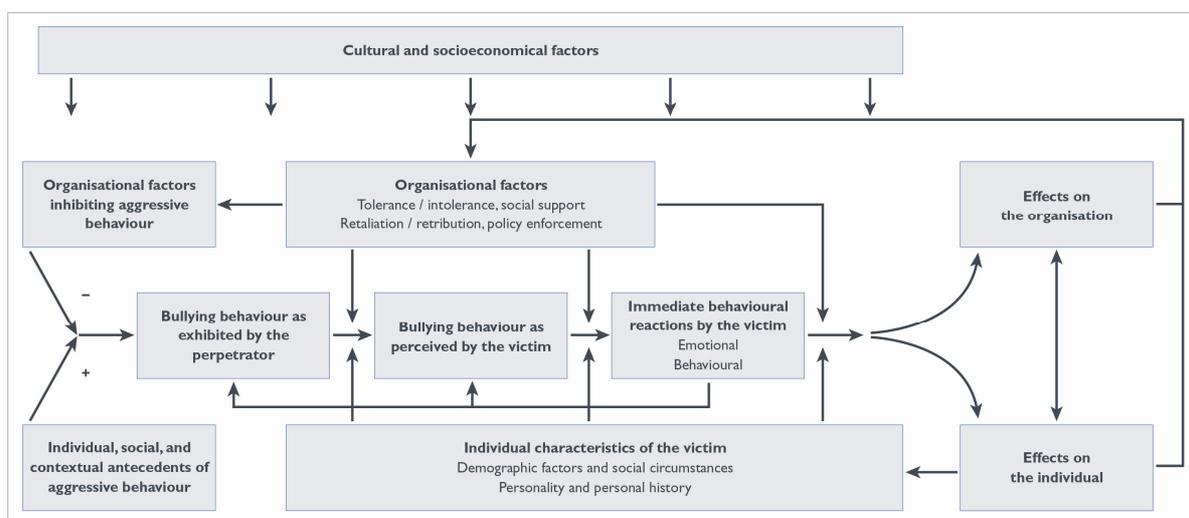
- Turnover and replacement costs
- Reduced productivity
- Medical and claim costs
- Costs associated with investigators', managers' and HR practitioners' time
- Witness interview costs
- Transfer-related costs and litigation costs (e.g. Hoel, Sheehan, Cooper & Einarsen, 2011).

### 5.3 Frameworks for workplace bullying, aggression and violence

The individual experience of workplace bullying, aggression and violence has been the subject of significant research; while we now have a deeper understanding of perpetrator and victim attributes, there has been a shift away from an individual focus to a wider view of antecedents at the workgroup, organisational and societal levels. To illustrate this systems view of the problem, and to facilitate accurate assessment and management of the risk of bullying, aggression and violence, some key frameworks and models are presented below.

#### 4.3.1 Einarsen, Hoel, Zapf and Cooper's theoretical framework

Einarsen et al.'s (2011) conceptual framework considers individual and organisational aspects of bullying within a cultural and socioeconomic context. It distinguishes between bullying behaviours as exhibited by the perpetrator and as perceived by the victim, and acknowledges the complexity of antecedents that, combined with lack of organisational inhibitors, can result in bullying behaviour, and that feedback loops may occur in organisations leading to tacit acceptance of bullying.



**Figure 2: A theoretical framework for the study and management of bullying at work (Einarsen et al., 2011 p. 29)**

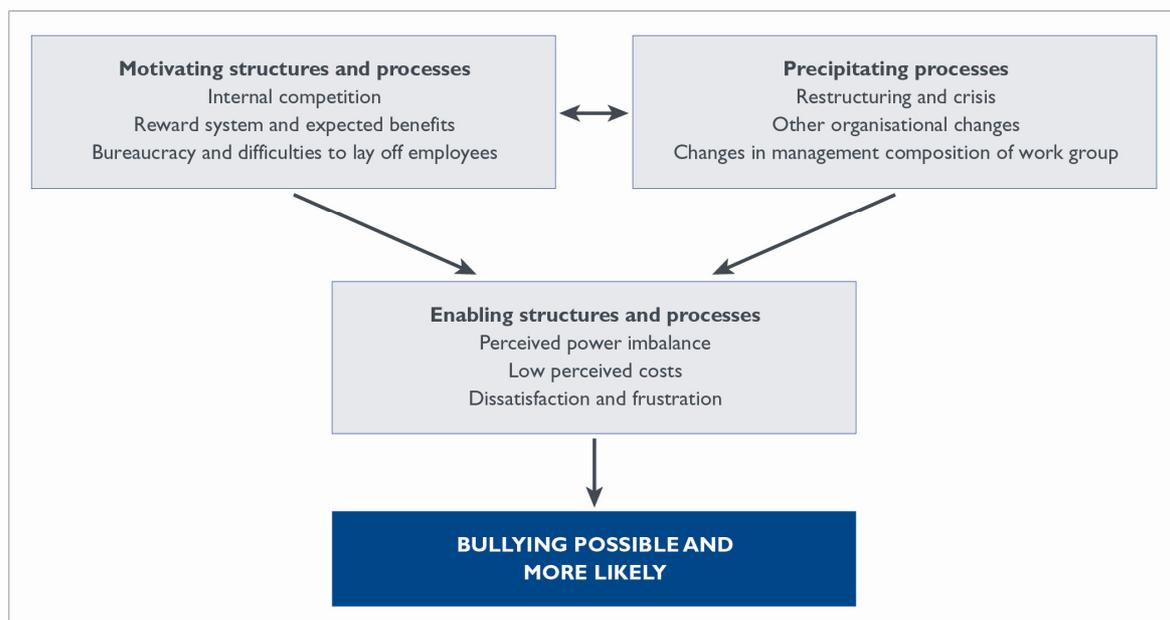
### 4.3.2 Leymann's four factors in eliciting bullying

Leymann (1993), one of the first researchers to look beyond individual personality factors, proposed a four-factor organisational-level approach to the antecedents of bullying:

1. *Deficiencies in work design* (i.e. jobs with high work demands, low job control and low autonomy)
2. *Deficiencies in leadership behaviour*
3. *A socially exposed position of the victims* (i.e. anti-bullying policies may not be protecting workers)
4. *A low moral standard in the department* (i.e. bullying is accepted by management and workers and there is limited awareness of what constitutes acceptable and fair behaviour).

### 4.3.3 Salin's work environment factors

Salin's (2003) model focused on organisational antecedents of bullying. It outlined three groups of structures and processes – enabling, motivating and precipitating – associated with bullying behaviour. Enabling factors are necessary antecedents of bullying, motivating factors are incentives for a worker to engage in bullying behaviour, and precipitating factors are triggering circumstances (Salin, 2003). This model conceptualised bullying as the result of interaction between all three sets of structures and processes and acknowledges that some organisations may motivate and enable bullying through their internal systems.



**Figure 3: Salin's (2003, p. 1218) work environment factors contributing to bullying**

#### 4.3.4 Chappell and Di Martino's interactive model of workplace violence

Based on the 1988 work of Poyner and Warne, Chappell and Di Martino proposed a model that highlighted the increased likelihood for violence to occur as a result of the interaction between people with certain personal characteristics, given the existence of certain workplace risk factors. This model “strongly emphasizes the difficulty of eliminating violence once it is in place and the absolute necessity of combating violence by preventative action tackling all the elements involved in an integrated way” (Di Martino, 2003, p. 6).

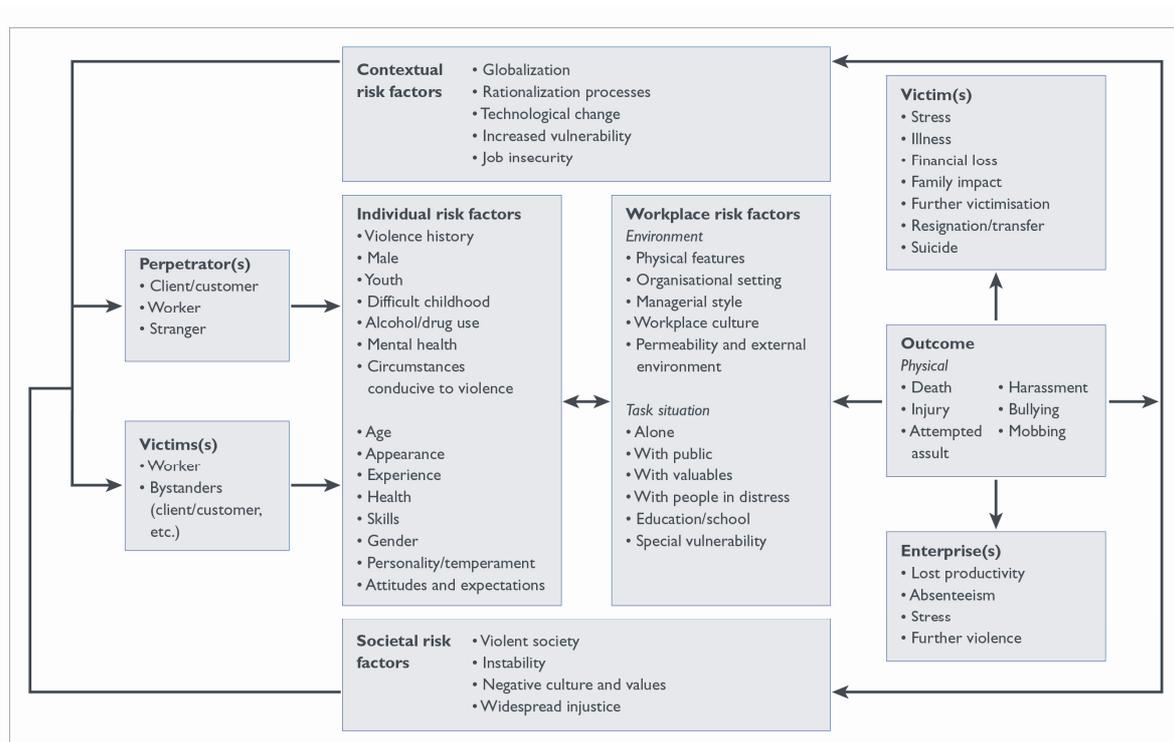


Figure 4: Interactive model of workplace violence (Chappell & Di Martino, 2006 p. 123)

## 5 Legislation and standards

Whilst there is no single Act dedicated to Workplace Bullying in Australia, there are a number of legal avenues that are open to workplace bullying complainants and that are relevant to occupational violence. These include Commonwealth and/or State based legislation related to:

- workers' compensation,
- criminal acts of bullying or violence (e.g. stalking, assault or grievous bodily harm)
- anti-discrimination (e.g. where bullying is related to an attribute specified in these laws)

- breach of employment contracts
- breach of duties under work health and safety legislation
- unfair dismissal and industrial disputes which can be pursued under relevant state industrial relations legislation or the *Fair Work Act, 2009*
- Standards of conduct for specific sectors or occupations (e.g. public servants, apprentices and trainees) and associated avenues of legal redress in relation to misconduct such as bullying behaviour.

The term ‘workplace bullying’ is not used in the national *Model Work Health and Safety Act* or *Model Work Health and Safety Regulations* (Safe Work Australia, 2011c), however the Act does specify that ‘health’ includes physical and psychological components (WHS Act s 4). The *Model Work Health and Safety Act* requires persons conducting a business or undertaking (PCBU) to ensure the health and safety (including the psychological health) of workers and others by managing workplace risks, including workplace bullying and violence. A national *Preventing and Responding to Workplace Bullying Code of Practice* has been drafted (Safe Work Australia, 2011a) to provide guidance in managing risks to health and safety associated with workplace bullying. Further a *National Guide for Preventing and Responding to Violence at Work* has also been drafted.

In 2011, the Parliament of Victoria made amendments to the *Victorian Crimes Act, 1958*, via the *Crimes Amendment (Bullying) Bill 2011*. These changes, made in response to a suicide of a 19 year old waitress (Brodie Panlock) who had been bullied by three co-workers, have come to be known as ‘Brodie’s Law’. The amendments broaden the stalking provisions with the aim of making bullying a criminal offence under the Crimes Act. Stalking provisions similar to these exist in many other Australian States.

As can be seen above, there are a large number of legal instruments that may apply to workplace bullying and violence. While reactive legislation aimed at providing avenues of legal redress for complainants is essential, the presence of these do not reduce obligations for workplace stakeholders to proactively manage risks to health and safety associated with bullying and violence.

## **6. Hazard identification and risk assessment**

Factors that increase risk associated with bullying, aggression and violence should be considered in any hazard identification and risk assessment. The risk assessment process is similar to that for other hazards and may include, for example, worker surveys, direct feedback from workers or managers, interviews or focus groups (if appropriate), direct observation, exit interviews and investigations as well as analysis of patterns of absenteeism, staff turnover, incident and injury rates, reduced productivity, grievance data, and employee-assistance-program usage. The importance of worker participation in these processes cannot be understated. The following sections are supplemented with case studies that demonstrate

the importance of ensuring that accurate and comprehensive hazard identification and risk assessment inform effective risk management.

## **6.1 Workplace bullying**

As discussed above, systemic work design and management issues often contribute to the risk of workplace bullying. Therefore, it is important that any risk assessment for workplace bullying considers these factors as well as the frequency and severity of current exposure. Specifically, risk assessment should include consideration of:

- Frequency of exposure to negative workplace behaviours
- Types and severity of negative workplace behaviours that workers may be exposed to (e.g. direct versus indirect)
- Adequacy of conflict management (Are leaders and workers trained in how to respond in conflict situations?)
- Job and task design (Are jobs poorly defined? Are job demands excessive and/or fast paced for long durations? Are the task requirements/performance targets within the time and capability of workers? Is there uncertainty or conflict regarding roles?)
- Selection and professional development processes and whether these give due consideration to leadership skills and behaviours
- Organisational communication (Are workers made aware, in an appropriate manner, of job and task requirements and relevant changes? Is communication respectful and adequate? Are consultation processes in place?)
- Organisational change (Has there been a recent restructure, change of job requirement, or change of leadership or team membership? Does the organisation have adequate systems to manage such change?)
- Management commitment and courage to manage bullying
- Vulnerable groups that may be more at risk of workplace bullying (e.g. young or new workers, disabled workers, workers from ethnic or religious minority groups or for whom English is a second language)
- Current systems and their effectiveness, including the appropriateness/effectiveness of complaint handling responses, policies, training, instruction, monitoring and review.

### **Case Study (WorkSafe Victoria, 2002)**

“A company director was today convicted and fined \$8,000 after admitting to bullying one of his workers.

Kenneth Joachim Wosgein, the owner of a Campbellfield company trading as All About Sheetmetal pleaded guilty under the Occupational Health and Safety Act to failing to provide a safe system of work and failing to provide adequate supervision of his employees. The Broadmeadows Magistrates’ Court heard that Mr Wosgein had bullied and harassed one of his workers between October 2001 and February 2002.

When interviewed by WorkSafe Victoria investigators, the worker alleged that he had been called “a wog, or chocolate frog”, that sexual comments had been made about his fiancée and family and that he had been assaulted on a number of occasions. The worker told investigators he had been punched, and burnt with cigarette butts. Mr Wosgein subsequently admitted calling the worker a “chocolate frog”. Mr Wosgein also admitted to burning the worker with a cigarette, and to burning his tracksuit pants using an aerosol can.”

## **6.2 Aggression and violence**

A number of occupational factors can put workers at increased risk of violence and are therefore relevant to risk assessment. These include:

- working with the public
- handling money, valuables or prescription drugs (e.g. cashiers, pharmacists)
- carrying out inspection or enforcement duties (e.g. government employees)
- providing service, care, advice or education (e.g. health care staff, teachers)
- working with clients with a history of aggressive or violent behaviour (e.g. social services, or criminal justice system employees)
- working in premises where alcohol is served (e.g. food and beverage staff)
- working alone, in small numbers (e.g. store clerks, real estate agents), or in isolated or low traffic areas (e.g. washrooms, storage areas, utility rooms)
- working in community-based settings (e.g. nurses, social workers and other home visitors)
- having a mobile workplace (e.g. taxicab)
- working during periods of intense organizational change (e.g. strikes, downsizing) (CCOHS, 2008).

Clearly, the type of work being conducted (e.g. night work, investigative work, protective work), the client mix and the work location (e.g. remote or isolated work, buildings or car parks, high-volume entertainment areas such as pub or club districts) can elevate risk of exposure to occupational violence. Consequently, there is a need for risk assessment to also focus on:

- Workplace design (e.g. lighting, physical barriers, access, noise attenuation, building security, surveillance systems, ‘Crime Prevention through Environmental Design’ (see, for example, Comcare, 2010b)
- Work practices (e.g. wait times and methods for handling complaints/service disagreements, transparent triaging systems)

- Worker skills (e.g. training and competencies in handling customer enquiries, defusing conflict)
- The effectiveness of current policies, procedures and training.

Also, in determining risk it is important to consider the frequency of exposure to violence/aggression and the types of violent/aggressive behaviour workers may be exposed to (e.g. violence with weapon, extreme physical violence, threats of violence, verbal abuse).

### **Case Study (Siow & Hor, 2008)**

#### *Employer held vicariously liable for shooting*

##### **Background**

Mr Pavkovic and his colleague, Mr Lee, worked together at Gittani Stone as stonemasons. Mr Lee was described as a 'violent, irrational man' who frequently swore and was aggressive to his colleagues. On one occasion in 2000, Mr Lee committed an unprovoked assault on Mr Pavkovic, punching him in the head and picking up a heavy bar with the intention of striking him, before others intervened. Gittani Stone did not take any meaningful disciplinary action against Mr Lee or investigate the incident.

In December 2001, Mr Lee again became angry and aggressive towards Mr Pavkovic. After an altercation, a director of the employer made the two employees shake hands, but took no other disciplinary measures against Mr Lee, even though he remained obviously angry. Mr Lee left the workplace without permission and was heard threatening that he would wait for Mr Pavkovic. Later that evening, as Mr Pavkovic was sitting in his car (which was parked outside his place of employment), Mr Lee shot him three times, seriously injuring him.

Mr Pavkovic sued Gittani Stone for negligence and succeeded at first instance. Gittani Stone appealed the decision.

##### **Decision**

The NSW Court of Appeal held that the employer breached its duty of care to provide a safe workplace because it was reasonably foreseeable that Mr Lee might inflict serious harm on his co-workers. Gittani Stone's failure to dismiss Mr Lee after the first serious assault on Mr Pavkovic exposed his fellow employees to risk of injury by irrational acts of violence. While it might not have been foreseeable that Mr Lee would have used a gun, his behaviour in previous incidents indicated that he was a 'sinister menace' on the workshop floor and that he was ready to resort to violence. The fact that Mr Lee's act was committed outside work hours in a public street did not mitigate against an employer's liability. Gittani Stone's appeal was dismissed, and the original judgment, in which Gittani Stone was ordered to pay Mr Pavkovic \$861,197 in damages, was upheld.

## **7 Risk control methods**

Evidence-based interventions that organisations can implement to manage risk associated with workplace bullying, aggression and violence can be made at the levels of the worker, the manager/supervisor and the organisation. Interventions at all three of these levels can foster an organisational culture that does not tolerate bullying, aggression or violence. It may be useful to categorise control measures using the three stages of the Haddon matrix (Haddon,

1980), 'pre-event, during event and post-event', to ensure control measures are holistic. Table 2 provides examples of risk controls for each phase.

**Table 2: Risk control measures for workplace bullying, aggression and violence**

Stage	Bullying Control Options	Aggression and Violence Control Options
Pre-event	<p><b>1 Top-down commitment</b> To the prevention of bullying, the provision of adequate resources and to following policies and procedures, including applying consequences when bullying occurs</p> <p><b>2 Policies and procedures</b> Should be developed, documented, implemented and followed, involving worker consultation, and training and instruction; recommended content for workplace bullying procedures can be found in several of the references listed at the bottom of this table.</p> <p><b>3 Job design and management</b> Address job design and management issues that may be contributing to an increased risk of bullying (e.g. change-management strategies, role conflict, excessive workloads, line manager communication and leadership skills)</p> <p><b>4 Instruction, competency-based training and supervision</b> <i>All employees</i> should receive instruction in: acceptable and unacceptable behaviours, distinctions between bullying behaviours and tension/conflict, what is reasonable management practice, bystander intervention, policies and procedures <i>Managers</i> should also receive instruction in eliminating or managing upstream risk factors for bullying, giving feedback both formally and informally; procedural, distributive and interactional justice; monitoring for workplace bullying and how to respond to allegations of workplace bullying in their teams <i>Support-role personnel (HR, OHS, etc.)</i> should also receive instruction in: detailed control, response, and support strategies and practices</p> <p><b>5 Complaint-handling procedures</b> Specific formal and informal complaint-handling procedures should be developed, documented, implemented and followed; training and instruction in their use should be provided</p> <p><b>6 Support and coaching</b> For performance appraisal processes and responding when there are allegations of workplace bullying</p> <p><b>7 Regular auditing/monitoring for bullying and adequacy of control</b></p>	<p><b>1 Physical workplace design</b> Ensure adequate lighting, physical barriers with safe glass, way finding (signage, etc.), maintenance of appropriate egress for staff, prevention of client access to cash/drugs/dangerous implements and items that could become weapons or be thrown, maintenance of line of sight and visibility for staff, attenuation of noise, a pleasant environment, presence of surveillance systems, availability of safe room</p> <p><b>2 Communication/alarm systems</b> Ensure alarms/communication devices are accessible and monitored for activation, systems are tested and maintained, utilisation of system for communicating/flagging client history of aggression or violence, presence of reporting systems and a system for handover and information exchange between staff</p> <p><b>3 Work practices</b> Ensure management of wait times, transparent and timely methods for handling complaints/service disagreements, transparent triaging systems</p> <p><b>4 Staffing levels and worker skill mix</b> Ensure adequate staffing in high-risk areas, adequate training and competencies in handling customer enquiries and defusing conflict or responding to aggression, client visits in pairs, with escort, or 'buddy' system</p> <p><b>5 Policies and procedures</b> On, for example, reporting, responses to aggression/violence, responsible serving of alcohol, working alone or in isolation, working after hours, cash handling, uncontrolled environments, home visits, client history of aggression, opening/closing, emergency evacuation</p> <p><b>6 Instruction, competency-based training and supervision</b> Ensure instruction and training needs are matched to tasks; may include relevant policies and procedures, defusing conflict/aggression, situational awareness, communication and work</p>

Stage	Bullying Control Options	Aggression and Violence Control Options
	<b>measures</b>	practices to minimise risks, restraint techniques and associated legal issues, general awareness of client issues/conditions/potential triggers <b>7 Regular auditing/monitoring for aggression and violence, and adequacy of control measures</b>
During event	<ol style="list-style-type: none"> <li>1 Act early; as bullying is an escalating process, it is important to take action to control the risk as early as practicable</li> <li>2 Report in line with policy and procedure</li> <li>3 Institute informal procedures (e.g. self-management; conflict moderation, management or conflict coaching) or formal procedures (e.g. investigations)</li> <li>4 Ensure policies and procedures are followed, with application of procedural, distributive and interpersonal justice principles</li> <li>5 Ensure access to organisational and professional support is available for those involved</li> </ol>	<ol style="list-style-type: none"> <li>1 De-escalation if possible</li> <li>2 Alarms/communication devices are activated, including calling/reporting to police and/or emergency services where required</li> <li>3 Escape techniques/egress/emergency-evacuation plans implemented</li> <li>4 Staff supervision</li> </ol>
Post-event	<ol style="list-style-type: none"> <li>1 Mediation or investigation using principles of procedural, distributive, interpersonal and natural justice</li> <li>2 Employee assistance/counselling for those who have been targets, witnesses or who have had allegations made about them</li> <li>3 Rehabilitation and return-to-work plan, if relevant</li> <li>4 Ensure policies and procedures are followed, including consequences for those cases where bullying has been found; this may include coaching, new work arrangements, transfer, demotion or dismissal</li> <li>5 Organisational development and implementation of improvements in control measures</li> <li>6 Contact OHS or other agencies if appropriate</li> </ol>	<ol style="list-style-type: none"> <li>1 Provision of physical and psychological first aid (see ACPMH, 2007)</li> <li>2 Reporting policy/procedure enacted, including reporting to police and OHS regulatory authorities where required</li> <li>3 Incident analysis and investigation</li> <li>4 Implement any required improvements in control measures.</li> <li>5 Implement policy/procedure-related sanctions where relevant (e.g. where a co-worker is the source of aggression)</li> <li>6 Rehabilitation and return to work plan, if relevant</li> </ol>
	See for example: regulatory guidance; Caponecchia and Wyatt (2011); Erdogan (2002); McCarthy, Mayhew, Barker & Sheehan (2003); Saam (2010); Salin (2009); Vartia and Leka (2011)	See for example: regulatory guidance; Chappell and Di Martino (2006); Di Martino, Hoel and Cooper (2003); McPhaul and Lipscomb (2004)

## **8 Implications for OHS practice**

Until relatively recently, bullying, aggression and violence in the workplace have tended to be perceived as Human Resources (HR) or security issues. Clearly, however, the discussion of the health impacts of bullying, aggression and violence (section 4.1) and recent legislative developments identify the role for OHS professionals. The generalist OHS professional has a key role in ensuring that intervention strategies for workplace bullying aggression and violence are an integral part of the OHS management system and other relevant management processes, such as HR, IR, RTW and security. Also, they should be cognisant of when to seek specialist advice and have established networks for obtaining such advice. Management systems, HR management and specialist support implications for OHS practice are discussed below.

### **8.1 Management systems implications**

Common failures in management systems that subsequently escalate the risk associated with bullying, aggression and violence include:

- Failure to ensure that line managers have the required knowledge and skills to effectively monitor for workplace conflict
- The inability of systems to quickly identify and respond to an incidence or increased risk of bullying, aggression and violence (e.g. arising from lack of regular auditing or other monitoring and review strategies)
- Failure to adequately train, instruct and/or supervise.

Other issues that have practical implications for the generalist OHS professional include cyberbullying, interface with external agencies, persistent and vexatious complainants, and return-to-work programs.

#### **8.1.1 Cyberbullying**

Given the potential for social media and other networked platforms to be a vehicle for bullying behaviours, it is important that organisations include these issues in any bullying, aggression and violence related policies and procedures, and that the effectiveness of these is monitored and reviewed. Workers and leaders should receive instruction regarding acceptable behaviours (see, for example, CQR Consulting, 2009).

## Case Study (FWA, 2011)

### *O'Keefe v Williams Muir's Pty Ltd T/A Troy Williams The Good Guys [2011] FWA 5311*

An employee was terminated for serious misconduct when he used his Facebook page to post a comment, stating: "... wonders how the \*\*\*\* work can be so \*\*\*\*ing useless and mess up my pay again. \*\*\*\*s are going down tomorrow." The employee confirmed that this online comment was directed towards the operations manager, who was responsible for paying employees. The employer believed that the comment "\*\*\*\*s are going down tomorrow" was a threat to its operations manager.

The worker outlined that he had been paid incorrectly over a period of approximately six months, and that he had raised complaints with the operations manager. The employee also claimed that his Facebook page had a privacy setting of 'maximum' that only 70 'friends' and 11 workmates would have had access to the comment, and that he made no direct reference to his employer anywhere in the status update.

Fair Work Australia (FWA) noted that the worker knew his update would be accessible by his workmates and that the employer had policies regarding offensive language and the personal abuse of other staff. It also had policies relating to sexual harassment and workplace bullying. FWA accepted that the employee's actions were serious misconduct and justified a termination of employment. They also found that "The fact that the comments were made on [the employee's] ... home computer, out of work hours, does not make a difference."

### 8.1.2 Interface with external agencies

In cases of workplace bullying, aggression and violence, it is not uncommon for there to be involvement of external agencies, such as the police, OHS regulatory authorities, workers' compensation agencies, Fair Work Australia, anti-discrimination commissions and unions. Implications for practice include:

- The need for generalist OHS professionals to be aware of the role of these agencies, of the types of investigations they conduct, of the legislation underpinning their work, and of who may have the lead role in investigations
- Consideration and management of the wellbeing of those involved in any investigations including the number of times they are required to relay statements about events they have found emotionally distressing
- That processes determining workers' compensation liability (and subsequent findings) can sometimes drive inaction in relation to OHS risk management, resulting in a lost opportunity for early intervention and return to work. Furthermore, when decisions are made to reject workers' compensation claims, organisations can perceive 'there is no problem here' or 'it's not our responsibility to change things.' These attitudes and beliefs can result in failures to adequately identify and manage the risk in organisations.

### 8.1.3 Persistent and vexatious complainants

Guidance regarding the management of complainants whose behaviour, persistence, demands, lack of cooperation or arguments are unreasonable is provided by the NSW

Ombudsman's (2009) *Managing Unreasonable Complainant Conduct Practice Manual*. This manual provides a framework of strategies and practical advice for managing such conduct, but stresses that the use of these strategies should be based on the understanding that:

- every complainant deserves to be treated with fairness and respect
- no complainant, regardless of how much time and effort is taken up in responding to their complaint, should be unconditionally deprived of having their complaint properly and appropriately considered
- a complainant whose conduct is unreasonable may have a legitimate complaint
- the substance of the complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour (NSW Ombudsman, 2009, p. 12).

#### 8.1.4 Injury Management and Return-to-Work Programs

The support of OHS professionals may be also required in injury management and return-to-work programs for those who have been affected by bullying. Knowledge of work design and management-related risk factors for workplace bullying (and how these risks can be controlled) are particularly important when designing a supported return-to work program.

## **8.2 HR management implications**

Performance management is an essential part of the modern organisational environment and for effective employee development and performance improvement, within organisations (Alders, 2002; Randell, 1973). It can include formal processes as well as informal daily feedback. Individual differences in how managers implement and utilise performance-management techniques can be related to the work environment, workplace culture, and/or the manager's level of experience and skill, personality and even gender (Lizzio, Wilson, Gilchrist & Gallois, 2003). The different ways that performance management processes are implemented can lead to marked differences in emotional, cognitive and behavioural responses of employees, including justice perception (Erdogan, 2002), and employee withdrawal behaviours (Kanungo & Mendonca, 2002) and other negative outcomes (Elicker, 2001). With increasing awareness of the concept of workplace bullying, employees are reporting aspects of performance management as bullying behaviour (Vartia, 2001). Indeed, Taylor and Pierce (1999) found that following the introduction of a performance management system, workers who received lower-than-expected personal performance ratings tended to attribute blame to their supervisor, the organisation or the performance management system. With the increase in bullying allegations arising from performance management, organisations need to be skilled in balancing these two aspects of working life.

Within the large body of performance management research, there is abundant advice relevant to ensuring performance appraisals constitute 'reasonable management action

carried out in a fair way.’ Erdogan (2002) identified antecedents of justice perceptions in the performance management context. These included:

- Due process characteristics (adequate notice, fair hearing and judgment based on evidence)
- Pre-appraisal leader-member exchange (performance appraisal occurs within the context of an ongoing relationship between leader and member)
- Perceived organisational support (a perception that the organisation values employee wellbeing)
- Impression management behaviours of raters
- Perceived bias in leader-member exchanges
- Perceived type of information (consistency, distinctiveness, consensus) that raters use (Erdogan, 2002).

Research focused on the relationship between the quality of leader-member exchanges and reactions to feedback demonstrated that workers had positive reactions (such as satisfaction, utility, motivation to improve and accuracy) when they had “presence of voice and justification during the appraisal discussion” (Elicker, 2001), when supervisors had a helpful and constructive attitude, when job problems that hindered performance were solved, when future performance improvement goals were set and when there was open communication and acceptance of subordinate disagreements (Burke, 1970; Burke, Weitzel & Weir, 1978, 1980)

#### **Case Study (APSC, 2011; p.23)**

The matter *Hill V. Minister for Local Government, Territories and Roads (2004)*, PR946017 relates to reasonable management action (i.e. performance counselling) becoming bullying when handled in an unreasonable way. A General Manager conducted a performance management meeting with a middle manager who was working in a hospital on Christmas Island. At this meeting, she asked the worker to return the following day with a plan for improving his performance in a particular area. At the subsequent meeting, she repeatedly yelled at him when discussing his performance improvement strategies. The worker stated he and other workers were fed up with her harassment and bullying. Although she demanded his resignation, the worker was certified by his doctor to be unfit for work due to a stress-related illness. At a later date he was terminated for performance issues. It was found that his termination was unlawful and the employer was ordered to reinstate him.

### **8.3 Specialist support**

#### **8.3.1 Mediation in workplace bullying cases**

Mediation is a specialist task that requires training and experience. While there is debate about the appropriateness of mediation for workplace bullying cases (e.g. Namie & Namie,

2009), it is still the most common intervention type (Saam, 2010). The draft *Preventing and Responding to Workplace Bullying Code of Practice* identifies mediation as a potentially useful early-intervention tool for resolving workplace conflict that has not yet escalated into bullying (Safe Work Australia, 2011a). When assessing the appropriateness of mediation as a means of resolving any particular instance of conflict or alleged bullying, various contextual factors need to be considered in order to make an informed decision. For example, where conflict has become destructive or violent, or where one of the parties has limited capacity to participate in the process, mediation is not appropriate (Jenkins, 2011). Further, mediation should not constitute the sole intervention, but it can contribute to a sustainable resolution within a broad range of controls addressing the known antecedents (e.g. job design and management, workgroup and organisational factors) (Jenkins, 2011).

### 8.3.2 Investigating workplace bullying complaints

As with mediation, the investigation of workplace bullying complaints is a specialist task requiring training and experience. More information on the characteristics of good workplace bullying investigations can be found on the regulators' websites. Often it is prudent to engage an external investigator if there is some concern about perceived objectivity of internal parties. Einarsen et al. (2011, p. 30) stressed that:

Although bullying at work may to some degree be a subjectively experienced situation in which the meaning assigned to an incident will differ, depending on the persons and the circumstances involved...[it is necessary] for any strategy against bullying to take the perceptions and reactions of the victims seriously and as a real description of how they experience their work environment.

## 9 Summary

In addition to far-reaching effects on the individuals involved, organisations can face negative consequences if they fail to implement effective risk-management controls for workplace bullying, aggression and violence. This chapter has presented information relevant to contemporary OHS risk management of workplace bullying, aggression and violence. Equipped with knowledge of potential individual and organisational outcomes, conceptual frameworks and risk-control methods, the generalist OHS professional will be in a position to minimise exposure to these challenging psychosocial hazards, utilising specialist advice when necessary.

### Key authors and thinkers

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