



2003 was a huge time of change for the world, and MKA went through its own metamorphosis. For one thing, we are no longer working in the area of workers compensation. MKA has just completed a four year transition away from workers compensation and is now exclusively focused on risk mitigation. Risk mitigation is about the proactively preventing workers compensation claims by reinforcing safety.



2004 sees the distillation of four years research and fifteen years experience by our team to create systemic workplace assessment and

education products that enhance organisational performance by:

- Reducing absenteeism
- Reinforcing safety
- Revitalising quality of life for all employees.

Risk mitigation that works in theory, as well as practice is the theme for an awareness raising campaign that aims to educate the business community and employees about contemporary human resources practices (and to hopefully use our services!)

So where are we now?

Completing the product transition is not the only change that has occurred. We have also shifted offices and have a new fax number. MKA is now located near Martin Place at:

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Goodbye Workplace Bullying

Employer Responsibilities

The case of *Graham v Brisbane City Council*, concerned an employee whose "self-expression" included threats of physical reconstruction of his fellow workers. This case demonstrates the need to adequately deal with an employee who has clearly engaged in bullying, harassing and intimidatory behaviour. Failing to do so means the employer is not providing a safe workplace. However there have been several cases where an employee who has been sacked for engaging in bullying behaviour have sought reinstatement and asserted that their terminations were unfair and unreasonable. Employers have to tread the difficult line between preventing cases of genuine bullying and ensuring that those who are accused of bullying and harassment, are the target of vexatious complaints. The following information is general guideline only, and each matter of alleged workplace bullying will need to be dealt with on a case by case basis.

What strategies can be put in place to prevent bullying?

The first step is to develop a fully scoped policy on harassment and

discrimination; as well as creating a Code of Conduct for employees to follow. The next step is to provide training in these policies and to clearly outline the boundaries on what is unacceptable behaviour. For example, violence, physical aggression and verbally threatening to hurt a co-worker or an employee or a manager is never justifiable. Ongoing verbal teasing and swearing at another, when he/she is clearly emotionally distressed is not on either.

The third step in preventing bullying is to implement a process of consultation with the workforce. This means that managers and or organisers can raise the topic of job satisfaction and whether an employee feels comfortable, secure and safe at work. It is suggested that as part of the general consultation process that managers steer away from directly raising specific names and relationships. Managers and organisers need to use open questions and make general enquiries only. It is after all not unknown for consultation mechanisms to be abused and used for vexatious complaints. Managers and union delegates need to be aware of this, and make it clear in supporting policies that vexatious or frivolous complaints are not acceptable, nor is the process of defaming a colleagues character with false allegations.



Goodbye Workplace Bullying

How should a specific case of bullying be dealt with?

It is common sense to ask an employee making a complaint to put it in writing. This encourages people to think and reflect on exactly what the problem is. It also provides the starting point for an investigation into the matter. There is more chance of the matter being effectively solved through performance management, than termination, if the bullying behaviour is nipped quickly in the bud. This means conducting the investigation as quickly as possible, and interviewing only the relevant parties. All parties should be given the opportunity to have their union delegate or a nominated witness present.

Sometimes the nature of intimidation and bullying is so severe, that police involvement will be required. In these instances, an employer should seek legal advice to ensure that the way in which inhouse investigations are conducted are not going to be in conflict with police investigations.

How much information should an alleged perpetrator be given?

This question cannot be answered in a black and white fashion. It is suggested that the alleged perpetrator be asked in a general fashion to provide their version of events on specific dates. The alleged perpetrator should be provided with enough information to be able to respond to allegations; and develop an understanding of which specific behaviours are not acceptable. The decision to provide an alleged perpetrator with a copy of other witness statements needs to be balanced against whether this will completely destroy working relationships with their colleagues. Everyone differs in their capacity to receive critical feedback. If this capacity

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is exceeded then an individual will just become defensive and stop taking information in. Obviously this will not help the perpetrator to change his/her behaviour. It also needs to be made clear to a perpetrator that whilst they are entitled to present their case in the investigation, retaliating against the complainant is not an option.

What support should be given to both parties?

If it is determined that the allegations are true, the perpetrator should be asked about what support he or she needs in order to improve their behaviour. Support might include anger management, counselling or stress management training. The person being bullied should be offered professional counselling support, and such management support as is deemed appropriate. It is very important that both managers and union officials maintain a neutral and non-blaming stance with either party, and to listen carefully to what is being said. A judgmental attitude is not going to help the perpetrator change their behaviour, it is simply going to make them more defensive. A blaming attitude towards the recipient of

bullying behaviour can cause "secondary victimisation"; and may discourage others from coming forward and reporting similar incidents.

What is the ultimate prevention?

As an employer, consult, consult, consult, build a good relationship and credibility with your workforce. It will pay off in spades when a difficult situation like this comes up. People will only make change willingly in the context of a good relationship.

Call Martha Knox and Associates now for a free half hour consultation on your workplace needs.

Future Topics

- Fatigue to Energy
- Inspired Performance Management
- A Drug Free Workplace
- Adventurous workplaces without risk
- Positive Mental Health at Work
- Goodbye Chronic Pain
- Mediation that Works
- Safety Culture Plus
- Real Team Building



MKA: Risk Mitigation

Martha Knox and Associates

Specialist intervention in Risk Mitigation.

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Disclaimer This newsletter does not replace an opinion on a specific workplace nor does it negate the need to assess a workplace on a case by case basis.