

WORKPLACE BULLYING AND HARASSMENT



1. Acknowledgements:

Most information in this presentation is from:

- Human Rights Commission
- and/or 'Workplace Bullying' by Andrea Needham
- Various internet sources
- Professional/Personal Experience of writer

2. Harassment and Bullying:

- Five years ago the terms 'Workplace bullying' and 'workplace stress' were virtually unheard of.
- No legislation that covers all aspects of harassment and bullying.
- The grounds of the Human Rights Act, the Employment Relations Act and the Bill of rights are very limited – none effectively address bullying and/or harassment.
- Nevertheless – Harassment and Bullying are ethically and morally wrong
- All organizations should have harassment and Bullying policies that have zero tolerance of harassment and bullying on any grounds at all.
- Fortunately... The Health and Safety Act 2002 does offer some legal redress

3. The Health & Safety Act 2002:

- Workplace Bullying and Harassment usually leads to stress related illness and this is now covered under the Health and Safety Employment Act. In this way – the law is at least on your side.
- In May 2003, The Health and Safety Act 2002 was amended to extend the definition of 'harm' to include 'physical or mental harm caused by work related stress.'
- It further extended the term 'hazard' to include " a situation where a person's behaviour may be an actual or potential cause or source of harm to another person"
- And there have been some very important cases that have resulted in significant payouts for people being bullied and harassed and some hefty fines for organizations that have condoned such behaviour.

4. Harassment and Bullying can operate at all levels of an organisation – and in far too many organizations:

- Shareholders can Bully Owners/managers
- Owners/managers can bully everyday management
- Every Day Management can bully Team leaders
- Team Leaders can bully Team members
- Team members can bully the staff and clients in their care
- And the clients in their care can bully other clients
 - And in rare cases – this situation can be reversed eg – Managers can bully Owners
 - Team leaders can bully Managers
 - Team members can bully Team Leaders
 - Clients can bully staff and management
 - And any combination of these –
 - And then there are the families/whanau of clients – they can bully and be bullied.

5. So what is Workplace Bullying and Harassment?

- “Workplace Bullying is a continual and relentless attack on other people’s self-confidence and self-esteem.”
- “As with harassment, bullying is defined largely by the impact of the behavior on the recipient, not its intention.”
- Bullying and harassment are very much the same thing!
- It is the intimidation and undermining of a person with the insidious intention of making their life as miserable as possible.
- The bullying and harassment tends to be constant, and repeated over a period of time.

6. What is NOT Workplace Bullying and Harassment?

- Bullying and Harassment are not “tough” management; it is illegitimate behavior, unrelated to accomplishing productive work, so outrageous as to be the very opposite of what a ‘good’ employer values and encourages.
- Everyone must learn to differentiate between what can be firm, even assertive delivery of reasonable instructions and the expectation that these instructions be undertaken in an effective and efficient manner.
- The essential ingredient is fairness in the instructions themselves, their delivery and the expectations of outcomes.
- A firm or assertive person with instructions only has to be fair in their delivery and monitoring – he or she does not need to be pleasant or full of praise – they just need to be fair.

7. Sexual Harassment:

Two main types:

- A request for sexual activity, together with an implied or overt promise of preferential treatment or a threat of detrimental treatment
- Physical behaviour, language or visual material of a sexual nature which is unwelcome or offensive and either repeated or significant enough to have a detrimental effect on the person subjected to it.

8. What to do if you are being sexually harassed:

- Keep a record of the incidents that you find offensive
- Talk to someone you can trust about the harassment - you need support
- Do not confront the offender unless you feel confident to do so
- If you do feel confident – confront the offender – tell them that you are offended by their behaviour and ask them to stop it – otherwise you will make a complaint to a senior staff member. You can take this action by letter, email, in person, with a support person or other representative.
- More about this later...

9. If this does not work – seek advice from any of the following:

- A sexual harassment contact at work
- A senior Manager
- A Union Representative
- The Employment Relations Service
- The Human Rights Commission

- Taranaki Community Law Office
- The Police – if you have been sexually assaulted

10. Racial Harassment:

- Racial Harassment is behaviour that is racist, hurtful or offensive and is either repeated or serious enough to have a detrimental effect on a person.
- Racial harassment can include:
 - Making offensive remarks about a person's race, colour etc
 - Mimicking the way a person speaks
 - Making jokes about a person's race
 - Calling people by racist names
 - Deliberately mispronouncing people's names
 - **What to do if you are being racially harassed:**
 - Refer to "What to do if you are being sexually harassed"

11. The common themes in workplace bullying are:

- Verbal or physical - directed at a target – usually an individual
- Repeated and persistent
- Unreasonable and inappropriate
- Offensive, abusive, intimidating, malicious and insulting
- Target loses self-confidence, is threatened, upset, humiliated and vulnerable
- Distorts truth and reality – blames others for errors but may take credit for other people's work
- Is about power – positional, resources, physical or psychological
- A bully ridicules to destroy confidence and self esteem.

12. Examples of bullies who have authority:

- Threatens the security of your employment – with bad evaluations etc
- Makes your working life as difficult as possible by:
- acts such as misinterpreting what you say; excluding you from meetings and decision making, changing work conditions, overloading with work, taking away prime jobs, keeping you waiting; failing to respond to your calls etc
- Undermines your confidence by
- demeaning your role, suggesting that you are incompetent; misinterpreting what you say to make you look bad; suggesting that you are overly sensitive or that you have emotional problems etc...

13. The effects of workplace Bullying and Harassment - within the organisation:

- We have all at least witnessed the insidious nastiness and cruelty of bullying. It is commonplace in too many Taranaki workplaces.
- It is responsible for:
 - A reduction in staff morale, creativity, performance and productivity
 - A lack of respect for management and Team Leaders
 - A potential breakdown in staff relationships
 - Increased absenteeism due to anxiety, panic attacks, fear, depression, stress and ill health
 - Increased staff turnover
 - Increased time for management to be involved in dealing with complaints, damaged reputation, legal costs and staff recruitment costs

- Loss of career options, self-confidence and esteem for ‘targets’ and supporters of targets.

14. The effects of Bullying and Harassment:

Can be the difference between living with the most dignity and respect they can enjoy or living their last days with fear, stress, suspicion, misery and a total lack of dignity.

15. Forms of Bullying and Harassment include:

- Personal insults
- Uninvited physical comments/contact
- Inappropriate touching
- Sarcastic jokes and put-downs
- Treating people as if they were invisible
- Constant humiliation and/or ridicule
- Withholding information
- Constantly overriding responsibilities
- Blocking promotion, training etc
- Withholding needed services
- Unfounded ‘criticisms’
- Sabotaging and lying about outcomes
- Invading co-workers/residents personal space
- Threats and Intimidation – verbal and non-verbal
- Inappropriate and/or offensive racist/sexist ‘humour’.
- Public shaming and rude interruptions
- Offensive humor derogatory to the person
- Excessive supervision/monitoring of minor tasks
- Setting impossibly difficult work targets
- Reducing/removing coveted responsibilities
- Exclusion from discussions and decision making
- laughing at people behind their backs
- Diverting needed resources to do the job
- More interesting work diverted to someone else

The object of all this is to increase the bullies sense of power and superiority and to paint the target as incompetent and unworthy – particularly in the eyes of the management, their peers and residents.

Workplace bullying is usually of a repetitive nature. Each incident by itself may appear trivial, but when added together, they usually create a serious problem.

*If you are a target – **do** recognize that you are being bullied and that it is **not** your fault.*

16. Why do people put up with workplace bullying and harassment?

- Too emotionally stressed to deal with it
- Afraid of losing their job
- Feel that nothing will change – probably just get worse
- It may force them to such a point where they feel leaving their job is the only way to preserve their sanity
- But this is not always possible and some can become trapped in a miserable working environment

17. Who are likely to be the bullies?

- The workplace bully has two ‘faces’ The charming, “aren’t I great” that bosses and fellow workers see; and the sadistic one that they turn on their target.
- Workplace bullies do not usually use physical intimidation as their primary method. Their real power lies in the psychological damage they can do. They will do whatever it takes to humiliate, undermine the target’s confidence and belief in themselves and their abilities.
- It may force them to such a point where they feel leaving their job is the only way to preserve their sanity.
- But this is not always possible and some can become trapped in a miserable working environment.

18. (2) Who are likely to be the bullies?

- The bully usually works alone, although they will encourage others to join in the persecution if they can. They will try to separate the target from friends and support.
- They are often very friendly with senior managers, giving the target little chance of having their grievances dealt with fairly or even taken seriously.
- Even if the bully succeeds in the removal of their target from the workplace, that is not the end. Workplace bullies are always repeat offenders.
- If something is not done about their behaviour, they will always be looking out for their next target. And so a workplace gets a reputation as being one to avoid.
- Everyone benefits if workplace bullying is dealt with.

19. Who are likely Targets of bullying and harassment?

- Anyone can be a target of workplace bullying and harassment
- Targets are often popular, intelligent and, very often, good at their job, possessing qualities that the bully, often subconsciously, envies and perceives as a threat.
- Or they may simply be perceived as being vulnerable and therefore an easy target.
Bullies are always happy to focus on any physical or personality differences they perceive in a target.

20. Signs that you may be being 'bullied':

- You begin to dread going to work even though the actual work is ok
- You feel tense and uncomfortable at work and making more mistakes than you normally would because you are overly stressed and distracted.
- When around the bully you feel like you are working on eggshells, choose your words carefully and try to get on with the bully
- You are quieter than you normally are, choosing silence rather than give the bully a reason to have a go at you
- You have more headaches, feel more depressed and lack your normal degree of self-confidence – at work and home
- You are more irritable than usual at home, have trouble sleeping and switching off from work

21. What can you do if you suspect that you are being Bullied/Harassed?

- 'Targets' need to learn how to recognize bullying and harassment, what is happening to them and what they can do about it.
- Keep a written record of all incidents no matter how trivial they seem. It is the number, regularity and pattern of behavior that reveals bullying, not the incidents themselves. Keep any memos, letters or emails the bully sends you, and ask that any complaints about your work be made in writing.
- If the workplace bully is aware you are recording her/his actions, bullying may cease or increase – that is a risk factor. Certainly the bully will want to get hold of your records – so keep them safe – preferably at home.
- Seek legal counsel – initially from the Taranaki Community Law Trust – so that you are aware of options open to you and where you may seek additional legal advice and support.

- Try to develop a Plan A about an ideal solution to your predicament – but also develop a Plan B in case Plan A does not work for you.
- Look after your health. If you see your doctor, make sure your symptoms are documented, along with your concerns about your work situation. This may later be used as evidence/confirmation of the effects the bullying is having on your health.
- Consider seeking professional counseling to help you through this difficult time and to assist you to plan your way through it.
- Never confront the workplace bully alone. A confrontation is just another opportunity to feed off you. Make a formal complaint to someone at senior level, as high as you have to go.
- Get as much support as you can, from colleagues, friends and your union. If the bully has other targets besides you, try to support them too. Tap into www.beyondbullying.co.nz – a local website, or www.hrc.co.nz – a national website.
- Keep your partner or valued ‘mate’ aware of your workplace concerns and enlist their support to get you through this period of difficulty.
- Decide on whether, in the end, it is worth maintaining your present employment – keep as many options open for changing jobs as you can.

22. Changing a culture of workplace bullying and harassment:

- Workplace bullying and harassment is costly and damaging to businesses:
It leads to:
 - Loss of self-confidence for target
 - Loss of respect for management
 - Higher staff turnover
 - Legal costs for personal grievances
 - Costs to losing trained staff
 - Loss of staff morale
 - Reduced team spirit
 - loss of productivity
 - damage to organization’s reputation
 - Increased sick leave
 - increased staff recruitment problem
 - Costs to train new staff
 - Costs to rebuild staff morale
 - reduced services to residents

23. An Employer’s responsibility includes:

- Strong, competent leadership that is visible and openly accountable and one that is willing to confront difficult issues between people.
- Active promotion of a positive working environment for its employees and residents.
- Taking the matter seriously, recognizing the damage it does to workplace morale and service delivery and developing appropriate strategies to tackle this problem – and in this process, promote safer, healthier and more productive workplaces.

24. Healthy Workplaces are places where:

- Staff feel valued and safe and secure
- Leadership is consistent
- Mutual respect is shown
- Successes are acknowledged
- Workloads are realistic
- Being listened to
- Communication is clear
- Teamwork is valued
- Cooperation is the norm
- low staff turnover – high staff morale
- Consultation at all levels
- Conflict resolution processes in place

- Family friendly
- Loyalty of management and staff
- Work-life balance encouraged
- Staff development available and valued

25. Healthy Workplaces are places where:

- There is zero tolerance of workplace bullying and harassment anywhere – within management, staff or clients.
- Development, with staff, of policies and procedures to recognize and appropriately deal with workplace bullying and harassment
- Evidence that these policies and practices are in place and working effectively

26. What you can do to stop Workplace Bullying and Harassment:

- Have the knowledge and confidence to recognize workplace bullying and harassment – wherever and whenever it occurs
- Have the courage to support the workmate or resident concerned
- Have the courage to support the target to take the matter to management – as high and as assertively as you need to.
- Never turning your back on workplace bullying and behaviour – **zero tolerance!!!!**

27. If a complaint about Workplace Bullying & Harassment is Made – an employer should:

- Confirm with the person making the complaint that the behaviour is real – and not imagined.
- Access and review any written evidence the complainant has
- Provide the complainant with support and protection and ensure that they have a safe reporting arrangement
- Undertake a thorough investigation that ensures fairness
- If proved, deal quickly, directly and precisely with the bully
- Make explicit the zero tolerance policy

28. People you can turn to for assistance with Workplace Bullying & Harassment:

- A person who has responsibility for bullying and harassment in your organisation
- A senior Manager within your organisation
- A Union representative
- Your Employment Assistant Programme (EAP – If your organisation has one)
- Council of Trade Unions 04-385-1334 www.union.org.nz
- Employment Relations Authority: 0800-20-90-20 www.ers.govt.nz
- State Services Commission 04-495-6600
- Human Rights Commission 0800-496-877 www.hrc.co.nz
- Working Women's Resource Centres 09-379-7906
- Taranaki Community Law Trust 0800-529-878 tlct@xtra.co.nz
www.beyondbullying.co.nz
- National Equal Opportunities Network www.neon.org.nz

Good luck!!!

**Gordon Hudson, Manager, Like Minds Taranaki
– promoting mental health in the wider Taranaki community
April, 2010**