

December 2016

Practice Group(s):

*Labour, Employment
and Workplace Safety*

They are Unhappy Out There

By Nick Ruskin

Many workplaces are not happy and bullying at the workplace appears on the rise, so the November 2016 Psychosocial Safety Climate and Better Productivity in Australian Workplaces Report and the Bullying and Harassment in Australian Workplaces Report tells us.

We may instinctively know this. It seems despite efforts by workplaces to address this malaise, and legislation to address bullying, the trajectory is going in the wrong direction.

Using the international definition of bullying which is reflected in the definition of bullying under the Fair Work Act, 10% of people reported that they had been bullied at work up from 7% five years ago. This does not account for the people who stated that they had been harassed: where bullying is repeated, harassment can be inferred from a single incident.

Only 52% of participants perceive their workplace to be mentally healthy compared to 75% who consider their workplace offered physical safety.

Bullying is more prevalent in Australia than in Europe and the cost of untreated psychological health problems on Australian workplaces is suggested to be about \$11 billion per year through absenteeism, presenteeism (where employees go to work but are not productive due to health related problems) and workers' compensation.

Yet the anti-bullying jurisdiction of the Fair Work Commission that has been in place since 1 January 2014 has made only a handful of orders to stamp out bullying with many claims lacking in substance or being misconceived.

We know that management action carried out in a reasonable way is not workplace bullying, yet the problem is that many people feel that they are inappropriately treated. They feel upset or undervalued or 'bullied' even though their dissatisfaction is not a product of bullying.

One of the key consequences is productivity. Unhappy, undervalued employees are obviously not productive.

The Psychosocial Safety Climate and Better Productivity in Australian Workplaces Report says that organisations attempt to lift productivity through negative means, by increasing pressure on their workforce, by reducing job control and limiting available job rewards. In its view, these methods are counterproductive and their outcomes are outweighed by the physical and psychological health problems associated with such demands.

So is it us or is it them?

What can employers do to address this increase in prevalence of apparent workplace bullying and workplace malaise?

Employers must be vigilant in stamping out bullying. Sometimes or often they are not.

Here's a checklist or reminders of what can be done.

- Employers must have a policy around bullying and harassment. They must say that this conduct is unlawful.

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- There must be training of staff but especially supervisors and leaders about the perils and consequences of bullying type conduct. The evidence shows that claims of bullying are most commonly made against supervisors. Is it crystal clear what is and isn't appropriate conduct under the bullying policy or code of conduct? Are examples given? Are training videos used?
- Is bad behaviour jumped on or just skirted around?
- Are allegations of bullying followed up quickly, taken seriously, subject of a proper investigation or a mediated outcome?
- If the conduct does not constitute bullying or harassment, that is hardly the end of the matter. It's really just the beginning. How does the organisation address the perception of it – what can be done to improve interpersonal relations?
- Should a cultural survey be conducted to determine whether there are organisational factors or pressures which have the effect of creating a culture of bullying and harassment or dysfunctional relations?
- Are there strategies in place to assess productivity and well considered action plans to lift it?

For all the regulation of the Australian workplace, for all the attempts to provide attractive working conditions and to manage reasonable hours of work, some would say that nothing beats a happy or even a 'not unhappy' workplace. Addressing workplace interactions, ameliorating overzealous or potentially bullying behaviours, and lifting the impediments to “a great place to work” will produce great productivity rewards and minimize legal exposure.

In politics it is said “it's the economy, stupid.” In the Australian workplace, “it's human relations, stupid.”

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