Supporting the government sector to act early and strategically on bullying

The Public Service Commission's

__Action Plan__ 2016 - 17

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Executive Summary

We need to tackle workplace bullying in the NSW government sector. Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.[1] In 2014, 23% of NSW Government employees reported having been bullied in the last 12 months.[2] We know the costs to individuals, institutions, and the community are unacceptable. Being bullied can have profound impacts on all aspects of a person's health as well as their work and family life - undermining self-esteem, productivity and morale. For some, it can result in departure from the labour market and, in extreme cases, suicide. It can also undercut the productivity of an entire organisation, which incurs financial costs to employers and the national economy. The Productivity Commission estimates that the total cost of workplace bullying in Australia is between $6 billion and $36 billion a year, and costs employers an average of $17 000 - $24 000 per case. The evidence also tells us current responses are insufficient. We must try something different.

The NSW Public Service Commissioner is committed to working with the sector and other stakeholders to fundamentally reshape the way we think about, prevent and manage bullying in the workplace. His particular interest – consistent with leading practice and what we're hearing from agencies – is in ramping up, and improving the efficacy of, prevention and early intervention.

In line with the Commissioner's commitment, this Action Plan describes a suite of actions that the Public Service Commission (PSC) proposes to take in partnership with the sector. Our approach is designed to complement and support the considerable efforts that agencies, unions, sector leaders and employees already make to prevent and mitigate bullying in the workplace; and aligns with work being undertaken in other Australian jurisdictions.

It is not supposed to be a comprehensive strategy for the sector, or for public sector work health and safety. It does, however, put forward initiatives that have real potential to shift thinking and practice. The PSC's work in this area is primarily focused on lifting sector capability and commitment, and promoting healthy work cultures. We see this as a good complement to SafeWork NSW's role as the NSW work health safety regulator. We are working closely with SafeWork NSW, so that the sector receives consistent guidance and support.

We are keen to ensure that this work is properly grounded in the experience of agencies and their employees, so we will seek regular feedback on what we do. In preliminary consultations with unions and agencies, we've heard some consistent messages that we will consider in taking our work forward:

- Most effort should be directed toward prevention of bullying (identifying and managing risk factors), early identification and informal intervention where unreasonable behaviours occur.

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[1] This is the definition that the Commonwealth of Australia, *Workplace Bullying: We just want it to stop*, 2012, p.18, recommends be adopted nationally.

[2] Of those who responded to the biannual *People Matter Employee Survey* (PMES), noting that it was a representative sample of all NSW Government Sector employees.

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- In relation to prevention:
    - Managers must take active responsibility for the health of their team and workplace cultures.
    - Managers will need support to do this well.

- In relation to early identification and informal intervention:
    - All reasonable efforts should be made to resolve reports of unreasonable behaviour or bullying quickly and informally, before responding with formal investigation. Depending on the severity or complexity, some matters may need to be investigated.
    - Early intervention should focus on keeping people safe and resolving issues as soon as possible after becoming aware there is a problem, rather than apportioning blame.

- Reports of bullying may be made due to perceived unfairness in performance management or workplace conflict (differences of opinion and disagreements). There is a need to build employee trust in formal response systems e.g. improving the way they operate, and by being more transparent about policy and practice.

- Any guidance provided by the PSC should be principles-based and emphasise the above features.

Our proposed approach builds squarely on the available theory and evidence about what works. It is the result of our best thinking to date, informed by discussions held by the Commissioner's Roundtable on Bullying (established March 2014), feedback from agency heads, statutory and policy frameworks, anonymous information provided by government sector staff through the *People Matter Employee Survey* (PMES, 2012 and 2014), NSW public sector workforce profile data, recent Parliamentary Inquiries, and a review of the literature. It also builds on Safe Work Australia's *Guide to Preventing and Responding to Workplace Bullying*[3] and the *NSW Dignity and Respect in the Workplace Charter;*[4] and is based on the following ideas, most of which are about enabling earlier and more strategic responses to unreasonable behaviours and bullying.

We, as a sector:

- Recognise bullying as a work health and safety hazard to be managed, and a systemic issue which requires a systems response, rather than a collection of individual grievances.

- Will get best improvement if we invest the bulk of our effort in prevention, early identification and informal intervention.

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[3] Safe Work Australia's *Guide to Preventing and Responding to Workplace Bullying*, 2013
[4] Dignity and Respect in the Workplace Charter,
http://www.une.edu.au/__data/assets/pdf_file/0010/48088/respectcharter.pdf

Executive Summary

- Can use data to predict and help prevent bullying in the workplace. Research indicates there are a number of factors which may increase the risk of workplace bullying occurring in the workplace.[5] The PSC is developing a new analytical tool which will raise management flags when the conditions associated with bullying emerge.

- Will benefit from fostering a respectful 'speak up' culture in our workplaces, which encourages direct conversations about workplace conflict, unreasonable behaviours and related issues - without automatically presuming intent to harm, or being defensive when someone 'speaks up'. Staff should feel safe enough to speak up. Staff should be supported through this process.

- Could increase efforts to address unreasonable behaviours and bullying early and informally. This approach is more likely to facilitate a return to good working relationships.

- Must improve informal and formal responses to reports of unreasonable behaviours and bullying. This includes increasing transparency of process and outcomes e.g. reporting on the frequency and management of cases that have been responded to informally and formally.

- Should be leading practice in this area, both as an employer of choice and consistent with our core values of trust, integrity, accountability and service.

Even the most committed organisations are still working out how to prevent bullying in their workplaces. Good practice is evolving. What we *do* know is that bullying and unhealthy, unproductive workplaces go hand-in-hand; cultures of respect foster productive working relationships; there are some relatively straightforward changes we can make together to reduce the rate and impact of bullying at work; and true prevention requires robust information, innovation and sustained effort. As such, we will refine the directions, strategies, tools and resources described herein in response to feedback; and as we measure the impact of our actions over time.

We believe a significant cultural shift is required, and that the undertakings laid out in this paper will make a strong contribution to this effort.

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[5] Safe Work Australia's *Guide to Preventing and Responding to Workplace Bullying*, 2013, (p.9) notes that there are a number of factors which may increase the risk of workplace bullying occurring in the workplace, for example: presence of work stressors, autocratic and/or removed leadership styles, poorly designed and resourced systems of work, poor work relationships, and workers that have characteristics which make them more vulnerable to bullying. Further information at Section 3.1.

1 Introduction

This is the Public Service Commission's (PSC) action plan to FY16/17. It describes what the PSC is already doing to combat workplace bullying, and proposes a series of other initiatives that we would like to undertake in partnership with the sector.

It is informed by discussions held by the NSW Public Service Commissioner's Roundtable on Bullying (the Roundtable).[6] We wish to thank Roundtable members (who include public sector Unions and key sector representatives) for their generous and expert advice over a series of meetings.

The PSC further acknowledges the considerable efforts over many years which agencies, unions, sector leaders and employees have made to prevent and mitigate bullying in the workplace. These provide a strong foundation for further work.

The approach we propose draws on a broad range of available evidence on bullying and effective interventions. It is largely based on the psychosocial approach to bullying prevention, developed as a result of international and national academic research, for example by universities associated with the Australian Psychological Society's *Psychologically Healthy Workplace Program*[7] and the University of South Australia's Centre for Applied Psychological Research.[8] It is also informed by statutory and policy frameworks, discussions with the Roundtable, information from agency heads, NSW public sector workforce profile data, and anonymous information provided by government sector staff through the 2012 and 2014 PMES.

The paper is focused on where we're headed. It:

    a. Proposes long-term objectives and a set of ideas and principles to guide our efforts;

    b. Describes a suite of actions that the PSC is taking - and intends to take - in partnership with agencies and unions, to reduce the incidence and costs of bullying in the sector;

    c. Gives an indication of timing; and

    d. Suggests how we might define and measure our success.

An overview of the current state, the case for action, and initial 'scoping' steps taken by the Public Service Commissioner is provided at Appendix 1.

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[6] The Roundtable was created by the Commissioner to address the unacceptably high levels of bullying in the NSW Government Sector, as illustrated by the results of the 2012 and 2014 People Matter Employee Surveys. The Terms of Reference are at Appendix 2.

[7] See, for example http://www.psychology.org.au/publications/inpsych/2013/august/PHWP/, and the Australian Psychological Society's *Psychologically Health Workplace program* (http://www.psychology.org.au/publications/inpsych/2013/august/PHWP/)

[8] See, for example, University of South Australia's *Centre for Applied Psychological Research* http://www.unisa.edu.au/Research/Centre-for-Applied-Psychological-Research
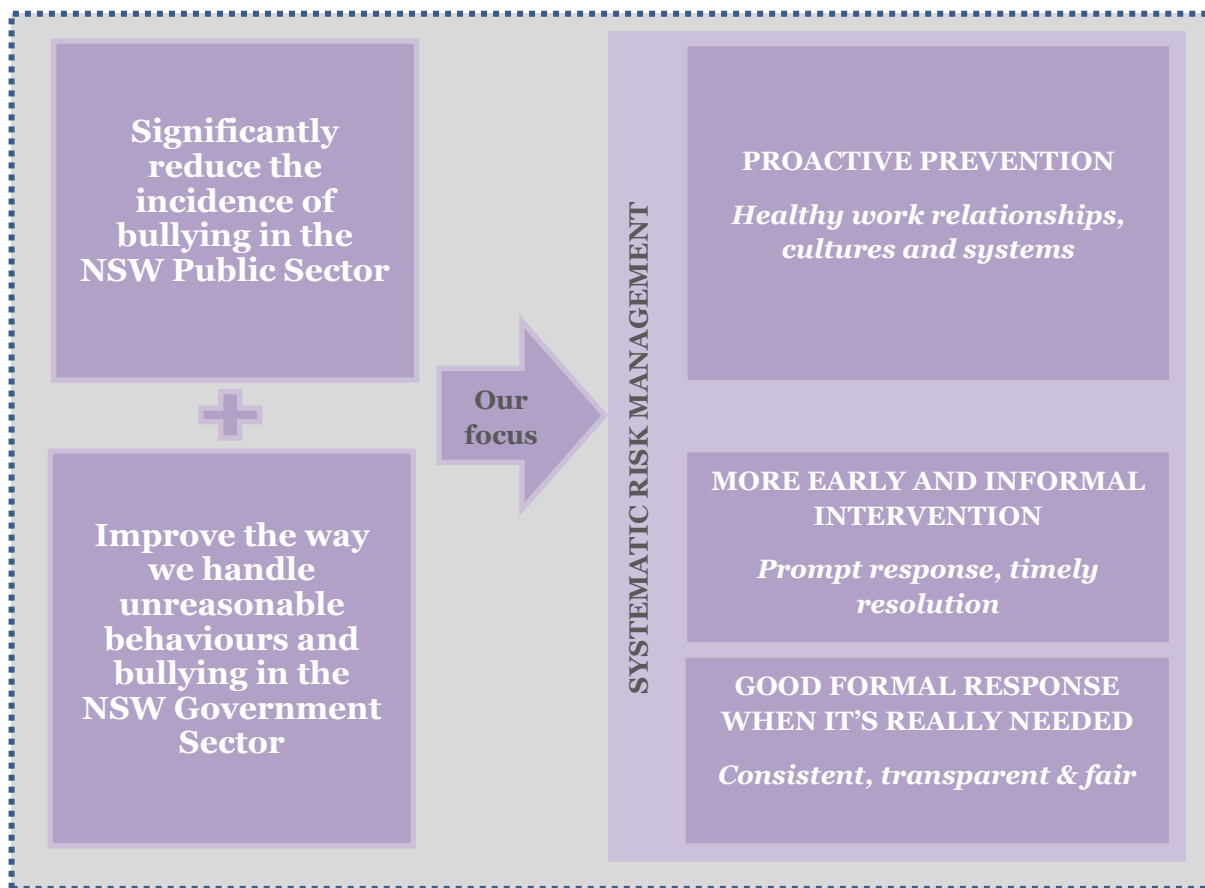
2   Where we're headed

The following gives an overview of the PSC's plans, and our goals and ideas in undertaking them.

2.1   Goals

Figure 1 describes our goals in doing this work, which are primarily to enable the sector to act early and more strategically on unreasonable behaviours and bullying. What does this mean in practice? In essence, a greater focus on evidence-based prevention and early intervention, through which both systemic and individual issues are identified and managed.

Figure 1: Overarching goals and focus of PSC work

Significantly reduce the incidence of bullying in the NSW Public Sector

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Improve the way we handle unreasonable behaviours and bullying in the NSW Government Sector

Our focus

SYSTEMATIC RISK MANAGEMENT

PROACTIVE PREVENTION

Healthy work relationships, cultures and systems

MORE EARLY AND INFORMAL INTERVENTION

Prompt response, timely resolution

GOOD FORMAL RESPONSE WHEN IT'S REALLY NEEDED

Consistent, transparent & fair

Note: this paper does not address return to work obligations and processes, workers compensation or other tertiary interventions.

Where we're headed

2.2   Foundation ideas

The actions we are taking, and propose to take, assume that we as a sector:

- Recognise bullying as a systemic issue which requires a systems response; and understand it as a work health and safety risk to be managed, rather than solely an individual conflict or grievance issue.

- Will get best improvement if we invest the bulk of our effort in prevention and early intervention.

- Can use data to predict – and thereby better avert - bullying in the workplace. We know, for instance, that there are a handful of psychosocial workplace factors which correlate with the incidence and severity of bullying. The PSC is developing a new analytical tool which will raise management flags when the conditions associated with bullying emerge.

- Will benefit from fostering a respectful 'speak up' culture in our workplaces, which encourages direct conversations about interpersonal issues - without automatically presuming intent to harm. Staff should feel safe enough to raise difficulties, and be supported to resolve them as early and informally as possible.

- Could increase efforts to address poor conduct and other interpersonal difficulties early and informally. This approach is more likely to facilitate a return to good working relationships.

- Must improve formal handling of workplace issues, including the way they are investigated and reported. This includes increasing transparency of process and outcomes e.g. reporting on the frequency and management of cases that have been through a formal process.

Understanding and managing psychosocial factors: a key to effective prevention and early intervention

'Psychosocial factors at work refer to those aspects of work organisation that are of human design and construction, that have the potential to cause psychological or physical harm' (Dollard, M.F et al Psychosocial factors at Work in the Asia Pacific 2014 pp4). Research shows there may be a higher chance of bullying in workplaces where particular factors are present. Knowing this means efforts to prevent bullying can be far more targeted and evidence-based. Psychosocial factors include (but aren't limited to):

- *Work stressors* – high job demands, limited job control, organisational change, role conflict and ambiguity, job insecurity, an acceptance of unreasonable workplace behaviours or lack of behavioural standards, unreasonable expectations of clients or customers

- *Autocratic and/or removed leadership styles* –
  - autocratic behaviour that is strict and directive and does not allow workers to be involved in decision making
  - behaviour where little or no guidance is provided to workers, or responsibilities are inappropriately and informally delegated to subordinates

- *Poor systems of work, under resourced* – lack of resources, lack of training, poorly designed rostering, unreasonable performance measures or timeframes

- *Poor work relationships* – poor communication, low levels of support or work group hostility

- *Presence of more vulnerable individuals or groups* – some workers are more likely to be exposed to bullying - including casual workers, young workers, new workers, apprentices/trainees, injured workers and workers on return to work plans, and workers in a minority group because of ethnicity, religion, disability, gender or sexual preferences. – *paraphrased from* Safe Work Australia's 2013 *Guide to Preventing and Responding to Bullying*, p.9

- Should be leading practice in this area, both as an employer of choice and consistent with our core values of trust, integrity, accountability and service.

2.3   Operating principles

Our approach is based on the following principles and assumptions (which draw on those identified by Safe Work Australia's *Guide for preventing and responding to workplace bullying* and the *NSW Dignity and Respect in the Workplace Charter*).

- **We treat everyone with fairness and respect**.
- **Workplace bullying is unacceptable**.
- **Every member of the sector is responsible** for making the sector – and their workplace in particular - a safer place to work. This includes leaders, managers, and all employees; including those that experience bullying and those that witness it.
- **We recognise bullying as systemic work health and safety issue**, requiring a systems response. Wherever possible, we measure and anticipate risk, so that action can be taken before bullying occurs.
- **Prevention is better than cure**. We actively promote positive, healthy and productive work environments as one of the most effective ways to prevent bullying.
- **We measure and anticipate risk**, so that wherever possible action can be taken *before* bullying occurs.
- **We actively encourage people to respectfully 'speak up'** when they experience or observe unreasonable behaviours.
- **We don't prematurely assume intent to harm, or get defensive** unnecessarily when someone 'speaks up'.
- **We act promptly** to resolve bullying and other unreasonable behaviours.
- **We respond to issues in a way that enables satisfactory resolution** for all parties involved, including a return to good working relationships where possible.
- **We are transparent** about our practice standards and Organisational performance, **but keep the experiences of individuals confidential**.
- **We consult** as a way of managing risk, facilitating continual improvement and promoting employee engagement.
- **We are procedurally fair** when dealing with allegations against a person.

2.4   Actions

The PSC takes primary responsibility for delivering on the actions described below. However, all actions require agency support for successful implementation. *Together, they should enable agencies to act earlier and more strategically on bullying*, addressing both systemic and individual matters. We propose to take a number of actions (mostly non-statutory) to help agencies to achieve the goals set out in at section 2.1. Our aim is to give agencies what they need to tailor approaches appropriate to their workforces and work contexts.

This part is split in two: first, a description of the 'flagship' work; then a full list of strategies and actions we propose to take over the next couple of years.

2.4.1 Flagship initiatives
Our four flagship initiatives for FY15/16-FY16/17 are:

Where we're headed

a. **A 'positive, respectful and productive workplace cultures' web presence** (a discrete part of the PSC site): a holistic and accessible resource on bullying prevention and intervention for the NSW government sector that features PSC-owned content, links to other resources, facilitates cross-sector collaboration, and showcases existing good practice. The website content will be created and promoted as part of a communications campaign (see initiative 2, below), and its content would evolve over time in consultation with stakeholders. As a start, we anticipate the site would feature:

   - Communications campaign messages and supporting information about respectful work cultures and response to bullying (commissioned by PSC, see below);
   - Information about psychosocial factors and their relationship to safe and healthy workplaces;
   - Showcase of strategies to promote healthy work cultures, especially in relation to key psychosocial factors;
   - Showcase of best practices for building capability at organisational and individual level, including case studies, useful ideas and lessons learnt to share with the sector (commissioned by PSC);
   - The NSW Government guide to handling bullying (commissioned by PSC, see below);
   - Research and advice on handling unreasonable behaviours and bullying that involve members of especially vulnerable parts of the workforce (commissioned by PSC); and
   - Links to related legislation, policies, research, and advice (e.g. *Behaving Ethically* resources, SafeWork NSW's toolkits, Safe Work Australia's Guide).

b. **A 'positive, respectful and productive workplace cultures' communications campaign** tailored to and delivered by individual agencies/clusters. We will engage a provider to set up the 'positive, respectful and productive workplace cultures' website, and to design and produce materials for a campaign (in consultation with the sector). Agencies will be asked to deliver a campaign with a few core messages, but will have the capacity to tailor the rest as they see fit. The campaign will likely:

   - Be explicit about how we expect government sector employees to behave toward one another and how the individual organisations must address psychosocial risk factors;

   - Use the consistent and national definition of workplace bullying (which uses the term unreasonable behaviour); Be clear that bullying will not be tolerated in government sector workplaces;

   - Foster a safe and respectful 'speak up' culture;

   - Encourage honest and direct conversations focused on reconciliation, noting that often times harm is unintended; and

   - Direct employers and employees to information and other supports.

c. **An Understand Bullying app on the Workforce Dashboard**: an innovative management tool that is intended to monitor areas of risk associated with bullying. We see an opportunity to reduce the incidence and severity of workplace bullying through this initiative. The PSC has access to data and is developing improved analytical capabilities. We are well-placed to provide regular and meaningful management data to agencies, enabling them to create and monitor positive work cultures; and make targeted and effective interventions that respond to signs of risk. Monitoring key psychosocial factors will help agencies focus interventions to reduce the risk.

Drawing on a series of sources (e.g. the People Matter Employee Survey, Workforce Profile and Self-Insurance Corporation) it will regularly track:

- Workplace health: key workplace factors that are most related to the incidence of bullying, including the support provided by leaders, team morale, and performance feedback practices.

- Workforce information: population factors, which may be related to workplaces where there are higher incidences of bullying such as age, gender, ethnicity, disability, role type and grade.

- Bullying incidence: the incidence of bullying, measured by employee reports of witnessed and experienced bullying, and formal complaints made about bullying.

- Potential costs: in the future may also include Self-Insurance Corporation data on issues that may arise as a result of bullying, including increased sick leave, turnover, workers compensation claims, anxiety and depression.

When risk factors are on the rise, it will give managers and other leaders a clear indication of where to focus intensive preventative and remedial effort within their individual agency and the aspects of workplace health that need attention. It will also report cluster and agency performance against the sector and past results; and be presented in a succinct visual format, giving time-poor managers an easy way to monitor bullying and associated workplace health.

d. **A principles-based NSW government sector guide** to handling bullying and unreasonable behaviours (informally and formally). The guidance we provide will be developed in consultation with the sector, will be consistent with statutory requirements, aligned with relevant WHS policy, and should be helpful as a reference point for agencies in refining their own policies, strategies and procedures. The Guide will:
   - Be more principles-based than prescriptive;
   - Recognise bullying as a systemic issue rather than simply a matter of individual grievances;
   - Set a clear sector-wide expectation that wherever possible, work conflicts should be dealt with immediately, informally, and remedially (rather than seeking to assign blame);
   - Cover off on key expectations of formal processes (note, though, that the Guide will not deal with how to handle cases that would constitute misconduct if proven to be true);
   - Showcase an initial set of strategies to promote and resource the advocated approach. This component will be extended and reinforced by the best practice review of capability building strategies planned for FY16/17; and
   - Build on Safe Work Australia's *Guide for Preventing and Responding to Workplace Bullying* and the key principles of the *NSW Dignity and Respect in the Workplace Charter*.

It may also feature:
   - Advice about how to prevent, identify and interrupt 'low level' incivility in the workplace;
   - Practice expectations – e.g.:
       o Considerations and key questions at each stage
       o Identifying and controlling system-level risks
       o Ideas about how and when to get external help
       o Standards for appointment of investigators; and
   - Organisation/system-level requirements (including to report incidence and resolution rates) to promote integrity, accountability and trust.

Where we're headed

2.4.2 Full action plan

The following table and figure describe the suite of actions we are taking and propose to take over the next couple of years. Most of our work is about enabling rather than regulating, although these actions will assist government sector agencies to comply with their WHS legislative duties to manage the risks of workplace bullying.
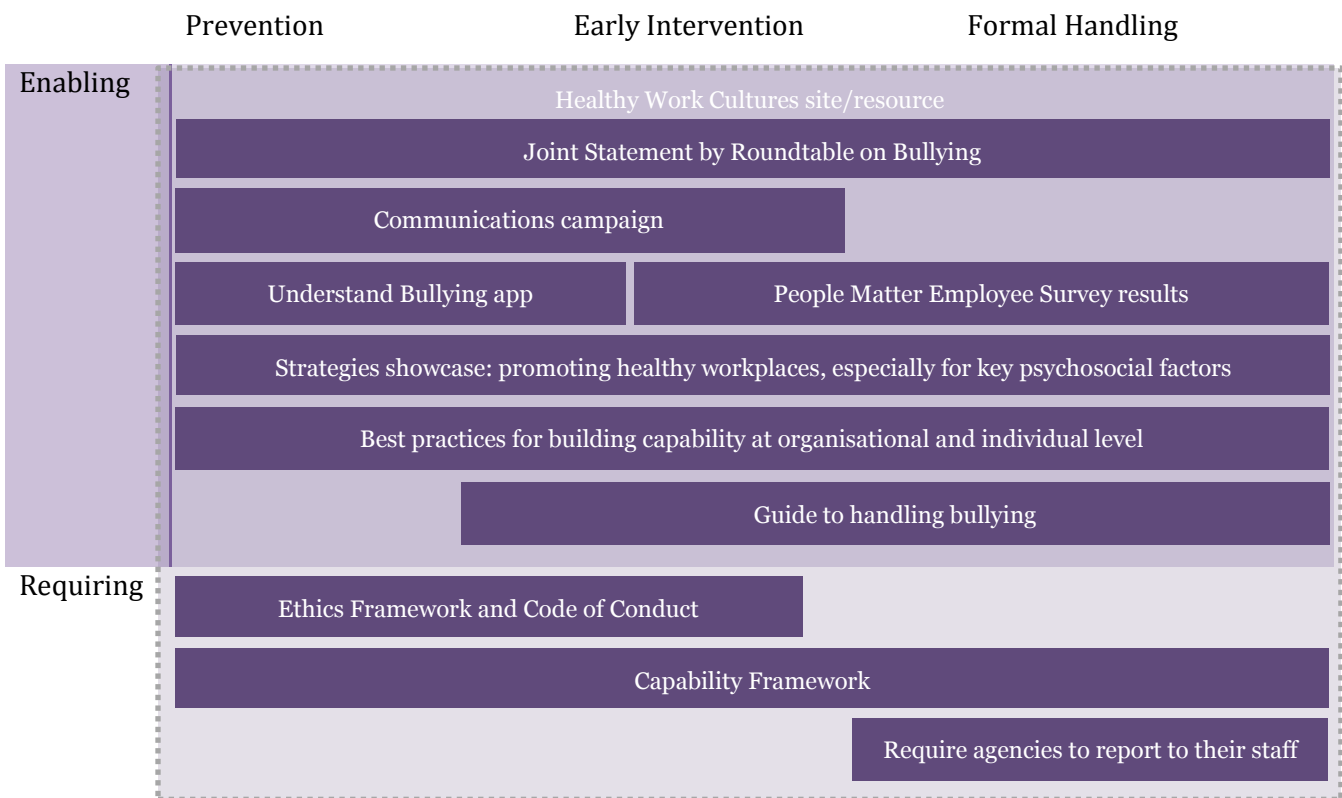
Table 1: Action plan

	STRATEGIES	ACTIONS	Timeframe
ENABLING	Setting sector-wide standards	Roundtable on Bullying's Joint Statement.	FY14/15
	Promoting partnership	• Work with the Roundtable. • Invite agencies to work with the PSC to deliver and build on the initiatives laid out in the Action Plan.	*FY14/15-FY16/17*
	Giving best practice advice on preventing and responding to bullying	• Identify and showcase strategies to promote healthy workplaces, especially in relation to key psychosocial factors. • Develop a Guide to handling bullying. • Develop specific advice and/or initiatives to improve prevention and early identification and intervention in relation to particularly vulnerable groups.	Guide: *FY15/16* *The rest: FY16/17*
	Raising whole-of-sector awareness and promoting behaviour change	Develop a strategy, collateral and deliver advice for a 'positive, respectful and productive workplace cultures' communications campaign.	*FY15/16*
	Providing/recommending effective tools and supports	• Develop and provide access to the Bullying Dashboard. • Identify and showcase best practices for building capability at organisational and individual level, including case studies, useful ideas and lessons learnt to share with the sector. • Conduct an alternative dispute resolution trial.	*Dashboard: FY15/16* *Best practices capability development: FY16/17*
	Providing/recommending training and other skill building exercises	• Commission the capability development initiative (as above). • Develop specifications/guidance on training and other skill building for key groups. This may complement the best practice capability initiative described above.	*FY16/17*
	Regular monitoring and reporting	• Conduct regular PMES to track incidence and trust in responses to bullying.	*FY14/15-FY16/17*
	Promoting strong and transparent evaluation	Develop evaluation advice for agencies (on 'positive, respectful and productive workplace cultures' site).	*FY15/16*
REQUIRING	Setting ethics and general conduct expectations	Promote the Ethical Framework, Core Values, *Behaving Ethically* Guidance, and the Code of Conduct.	*FY14/15-FY15/16*
	Setting expectations of core capabilities	• Promote and embed use of the Capability Framework (which features core values and people management capabilities). •	*FY15/16*
	Making and	Not the domain of the Public Service Commissioner or PSC. The PSC's work in this	

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enforcing statutory WHS requirements and compensation arrangements	area is primarily focused on lifting sector capability and commitment, and promoting positive, respectful and productive workplace cultures. We see this as a good complement to the role of SafeWork NSW as the work health safety regulator. We are working closely with SafeWork NSW, so that the sector receives consistent guidance and support.

Figure 2: Key actions and their contribution to prevention, early intervention and good formal handling

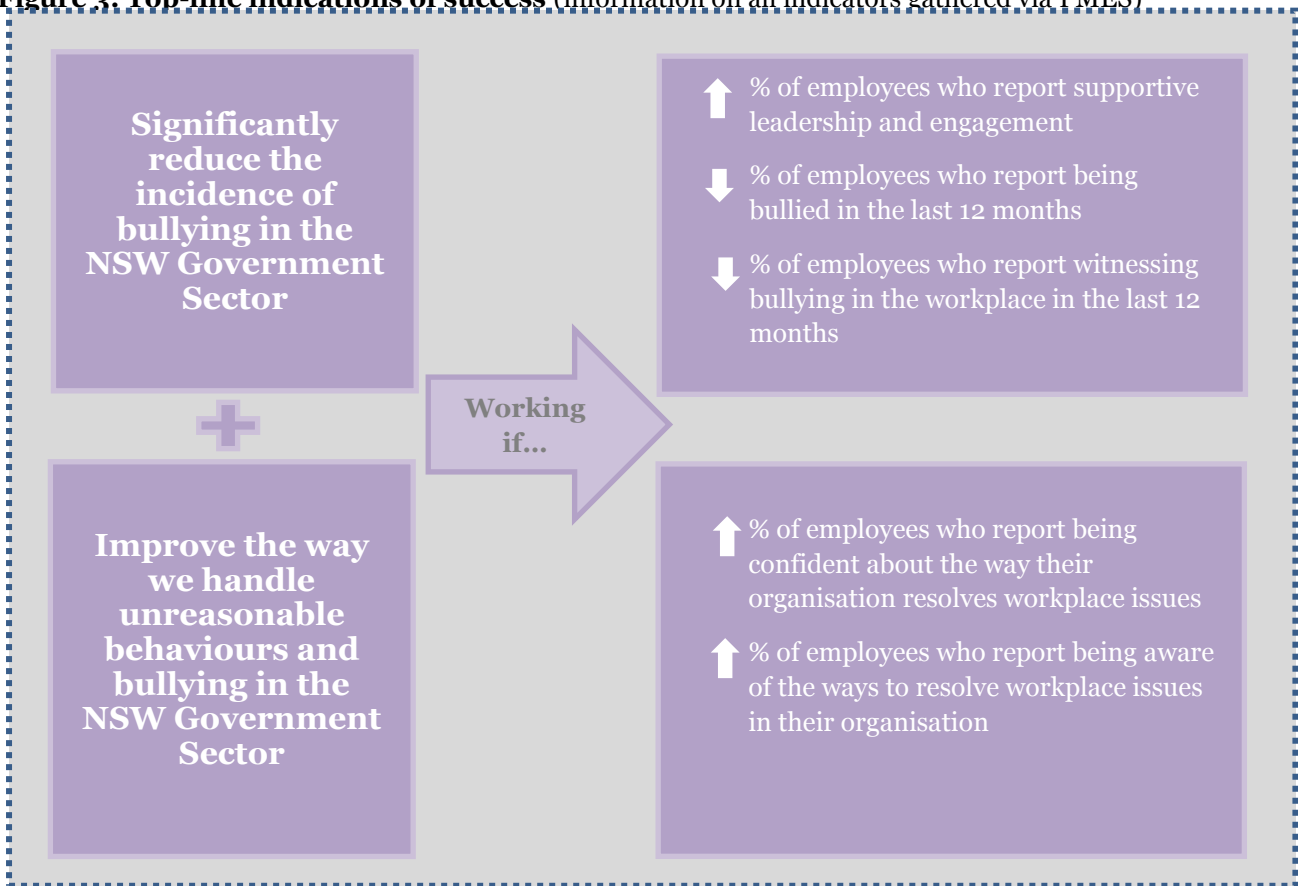|	Prevention	Early Intervention	Formal Handling
Enabling	Healthy Work Cultures site/resource		
	Joint Statement by Roundtable on Bullying		
	Communications campaign		
	Understand Bullying app	People Matter Employee Survey results	
	Strategies showcase: promoting healthy workplaces, especially for key psychosocial factors		
	Best practices for building capability at organisational and individual level		
		Guide to handling bullying	
Requiring	Ethics Framework and Code of Conduct		
	Capability Framework		
			Require agencies to report to their staff

2.5 What we'd expect to see if we succeed

Figure 3 (over page) provides an indication of the kinds of changes we might expect to see as we work with the sector to develop our culture and practice around bullying. We will draw on a range of sources including operational data and PMES results.

Figure 3: Top-line indications of success (information on all indicators gathered via PMES)

Significantly reduce the incidence of bullying in the NSW Government Sector

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Improve the way we handle unreasonable behaviours and bullying in the NSW Government Sector

Working if…

↑ % of employees who report supportive leadership and engagement

↓ % of employees who report being bullied in the last 12 months

↓ % of employees who report witnessing bullying in the workplace in the last 12 months

↑ % of employees who report being confident about the way their organisation resolves workplace issues

↑ % of employees who report being aware of the ways to resolve workplace issues in their organisation

Appendix 1   Where we are now

What is workplace bullying?

The Australian work health & safety national definition is: Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.[9] The Australian Parliament's 2012 report *Workplace Bullying: We just want it to stop* recommended that this be the national definition.

The Australian Parliament's 2012 report *Workplace Bullying: We just want it to stop* describes the range of bullying behaviours – "...from subtle actions that seek to exclude, isolate or marginalise, to extreme acts of physical violence resulting in death or serious injury."[10]

The report goes on to note that:

- Many targets of this behaviour struggle to identify it as bullying. It is often only when they ask others for support or advice that they see that their experience is causing damage to, or creates a great risk to, their health and wellbeing. Like reactions to other stressors, individuals' responses to bullying are diverse.

- Under the definition of bullying given above, "...the intent of the perpetrator is not required to be established. Dr Sheryl Ramsay and Dr Jane Murray, researchers in the area of workplace bullying, observed that in their research, many workers are not aware of the effect of their behaviour in the workplace and consequently, bullying can be seen as 'accidental' or unintended."[11]

The case for action

Concern about bullying in Australian workplaces has been growing for many years, and has been the subject of considered research and practical efforts for over a decade. It has been the subject of examination by: the Productivity Commission, the Australian Parliament (House of Representatives Inquiry into Workplace Bullying), state and Commonwealth public service commissioners (through annual state of the sector reports or their equivalents), state parliaments (including a NSW Legislative Council Inquiry into bullying in WorkCover), and myriad employers and employee organisations through surveys of, respectively, staff and members.

It is time to revise our approach as a sector because:

- Agencies have a duty of care to provide a healthy and safe working environment for their workers, and workers have a duty to ensure that they take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons. The personal, institutional and public costs incurred are unacceptable.

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[9] This is the definition that the Commonwealth of Australia, *Workplace Bullying: We just want it to stop*, 2012, p.18, recommends be adopted nationally
[10] Commonwealth of Australia, *Workplace Bullying: We just want it to stop*, 2012, p.2.
[11] Ibid, p16, referring to Dr Sheryl Ramsay, Senior Lecturer, Griffith University, *Committee Hansard*, Brisbane, 18 July 2012, p.8

- Although workplace bullying can occur wherever people work together, it is more likely to happen in work environments that exhibit systemic cultural issues, including toleration of incivility and other poor conduct. There is evidence[12] to show that behaviours of this kind reduce the productivity of individuals, workplaces and agencies.

- The evidence needs to be systematically applied to the design of interventions and measurement of their effectiveness.

Costs of bullying in the workplace

We know that bullying costs, and that these costs are largely avoidable. The impact is felt by individual workers, employers, government, and the community as a whole.

For individuals subject to bullying, the costs can be severe and include – among other things - loss of self-confidence, reduced quality of life, depression, panic attacks, fatigue, post-traumatic stress disorder, social isolation (withdrawal from family and friends), loss of job opportunities, anxiety and suicidal ideation.[13]

Costs to agencies include: time lost in dealing with serious and long-standing workplace issues, workers compensation (NSW public sector bullying claims exceeded $12 million in 2013/14[14]), damaged working relationships, reduced productivity, lower employee engagement and trust in leadership, absenteeism, presenteeism, and high turnover – all resulting in diminished organisational capacity to deliver.[15] There is also a growing body of research that says strong workplace cultures with low incidences of bullying are linked to higher retention, greater productivity and employee wellbeing.[16]

In 2010 the Productivity Commission estimated that workplace bullying cost the Australian economy between $6 billion and $36 billion every year. We note that part of that cost is assumed by governments, which provide health services, income support and other benefits to individuals who prematurely depart the workforce based on their bullying experience and injuries suffered from it.[17]

In addition to the range of costs identified above, workplace bullying has the potential to damage the broader reputation of the sector as a professional and values-driven workforce, and our capacity to deliver the Government's policy agenda.

Bullying in the NSW government sector

The 2012 NSW State of the Public Sector Report – *How It Is* – was the first detailed report on NSW government sector perceptions about bullying (as found by the 2012 PMES). The results were sobering:

- Almost one-third (29%) of respondents said that they had experienced bullying at work in the last 12 months;

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[12] Cotton, *Current Issues in the Prevention and Management of Bullying and Psychological Injury*, presentation to RTW Working Group, 2010

[13] Mellington, 2004

[14] Data provided by the Self-Insurance Corporation. In 2013/14, 464 NSW Government Sector employees made workers compensation claims related to bullying.

[15] Ibid

[16] Grawitch, Trares and Kohler, 2007

[17] Commonwealth of Australia, *Workplace Bullying: We just want it to stop*, 2012, p.10.

- Almost half (48%) said that they had witnessed bullying at work in the last 12 months; and

- 10% said they were experiencing bullying at the time of the survey.

The NSW public sector is not alone in facing this issue. A comparative study in 2010 showed that the level of bullying reported in public sector employee surveys is fairly similar across Australia.[18]

The Survey also asked about employees' awareness of, and confidence in, ways to resolve bullying matters. In response to these findings, the Commissioner set several processes in motion to better understand the issue and to work with agencies, unions and other stakeholders to determine how we might address it. These actions are set out in Table 2 (over page).

When the PMES was conducted in 2014, the results were better - but still unsatisfactory. It found that reports of being subjected to bullying decreased noticeably across the two surveys (from 29% down to 23%);[19] and likewise, there was a lower proportion of people who reported witnessing bullying in the workplace (from 48% down to 41%).

According to the 2014 PMES results: the most common source of bullying was one's immediate manager, and the most commonly described behaviours were negative body language, devaluing work efforts, avoiding or ignoring, and mistreating other co-workers.

In relation to the way organisations handle bullying, the 2014 Survey found 84% of respondents were aware of ways to resolve workplace issues, and 54% were confident in the way that their department resolves workplace issues. However, only a small proportion of staff who said they had been bullied had submitted a formal complaint (21% - unchanged from 2012). Of these, only a fraction of people (19%) were satisfied with its resolution.

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[18] State Services Authority, *Trends in Bullying in the Victorian Public Sector People Matter Survey 2004–2010*, State Government of Victoria, 2012, Melbourne, p.30

[19] In 2012, the question referred to survey respondents having personally experienced bullying at work in the last 12 months. In 2014, this has been changed to clarify the original intention of the question, which was to understand the extent of bullying experienced directly by respondents rather than bullying experienced indirectly by respondents witnessing a friend or colleague being bullied.

Where we're headed

Table2: Action by the Public Service Commissioner following the 2012 PMES bullying results

Action by the Commissioner	Date	Outcome
Directed agency heads to report on what they were doing to understand the extent of bullying in their organisations and the specific measures they had or were planning to put in place to combat it.	Mar 2013	All agencies responded to the Commissioner's direction in May 2013. Based on their responses, all agencies have basic policies to prevent or counter bullying and have, to varying degrees, implemented their policies through communication and training. All stated they have some form of complaints handling system that records incidents and issues (including bullying), and report relevant facts to management. Most agencies advised that they reported the results of the *People Matter Employee Survey* to their employees, and have developed action plans with strategies – or modified existing plans to include strategies – to address issues brought up in the survey, particularly bullying. Some agencies emphasised policies and procedures within a broad culture change framework that includes developing a more 'respectful workplace'.[20]
Convened a Roundtable on Bullying to advance the Commissioner's understanding of – and responses to – bullying in the workplace. Members include key Government and Union representatives. The Roundtable consults subject matter experts on an as-needs basis.	Mar 2014	The Roundtable will issue a formal statement to the sector, and provides valuable advice to the PSC about how it can best work with agencies and unions to effect change.
Sought further (and more precise) information on bullying in the 2014 PMES.[21]	2014	The Survey tracked change since 2012, and made the question about having personally experienced bullying clearer. In 2012, the question referred to survey respondents having personally experienced bullying at work in the last 12 months. In 2014, this was changed to clarify the original intention of the question, which was to understand the extent of bullying experienced directly by respondents rather than bullying experienced indirectly by respondents witnessing a friend or colleague being bullied.
Developed this Action Plan.	Jan 2015	This document is a draft for discussion. It will be finalised and implemented following stakeholder feedback.

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[20] NSW Public Service Commission, *Getting Into Shape: State of the NSW Public Sector Report*, 2013, p.30
[21] In 2014 the PMES bullying questions were expanded to better understand the extent, source, and nature of bullying across the NSW Public Sector.

Appendix 2 Commissioner's Roundtable: Terms of Reference

The Roundtable is convened by the Public Service Commissioner and consists of public sector leaders invited by the Commissioner and employee representatives nominated by the Secretary of Unions NSW along with relevant experts as required. The members of the Roundtable work collaboratively to tackle the issue of bullying in NSW public sector workplaces.

Aims

The aims of the Roundtable are to assist the Commissioner to:

- Identify the major risk factors associated with bullying in public sector workplaces at both a system and workplace level by improving the quality of information about the incidence and experience of bullying. Use this information and current research to develop guidance around strategies which work in terms of preventing and managing the risks associated with workplace bullying.
- Identify the key elements which contribute to workplace cultures which have low levels or are free of workplace bullying. This should include consideration of system and workplace culture in order to promote cultural change at all levels.
- Assess and review current strategies for dealing with complaints of workplace bullying. This should include consideration of the fact that 81% of the respondents to the "People Matter Survey" who reported they had been bullied in the last 12 months had not complained.
- Identify good practice and develop improvements and/or alternatives to current practice which emphasise sustainable working relationships between the people involved and maintaining safe workplaces.
- Consider how the investigation of complaints of workplace bullying can be improved to ensure that both complainants and respondents are treated fairly. In addition consider improved and standardised approaches to investigating complaints across the sector including complaints of misconduct.

Appendix 3   Detailed definition of workplace bullying

NOTE: The following is an excerpt from Safe Work Australia's *Guide to Preventing and Responding to Workplace Bullying.*[22]

What is workplace bullying?

Workplace bullying is defined as *repeated* and *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 involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are **repeated, unreasonable** and **create a risk to health and safety** include but are not limited to:

- abusive, insulting or offensive language or comments

- unjustified criticism or complaints

- deliberately excluding someone from workplace activities

- withholding information that is vital for effective work performance

- setting unreasonable timelines or constantly changing deadlines

- setting tasks that are unreasonably below or beyond a person's skill level

- denying access to information, supervision, consultation or resources to the detriment of the worker

- spreading misinformation or malicious rumours

- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

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[22] pp.4-5

What is not considered to be workplace bullying?

Reasonable management action taken in a reasonable way

Persons conducting a business or undertaking may take reasonable management action to direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines

- rostering and allocating working hours where the requirements are reasonable

- transferring a worker for operational reasons

- deciding not to select a worker for promotion where a reasonable process is followed

- informing a worker about unsatisfactory work performance in an honest, fair and constructive way

- informing a worker about inappropriate behaviour in an objective and confidential way

- implementing organisational changes or restructuring

- taking disciplinary action, including suspension or terminating employment.

Discrimination and sexual harassment
Unreasonable behaviour may involve discrimination or sexual harassment which in isolation is not considered to be bullying.

Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people. For example, it would be discriminatory not to hire or promote a woman because she is pregnant or may become pregnant.

Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature.

Discrimination and sexual harassment in employment is unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

The WHS Act includes specific protections against discriminatory conduct for people raising health and safety concerns or performing legitimate safety-related functions.

It is possible for a person to be bullied, sexually harassed and discriminated against at the same time.

Workplace conflict
Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

Appendix 4   PSC data analysis

Purpose
To outline the process that has been taken by the Public Service Commission (PSC) for examining workplace bullying across the sector.

Methodology
The PSC conducted analysis on a range of data sources in order to examine the issue of workplace bullying. These sources included the People Matter Employee Survey (PMES; 2012), the Workforce Profile (WP; 2013), and Industry-level data obtained from Self Insurance Corporation (SICORP).

The objectives of this analysis were to:

1. Examine the **incidence** of workplace bullying across the sector.

2. Identify **demographic risk factors** for workplace bullying.

3. Explore **associated indicators** of workplace bullying relating to behaviour and performance.

4. Identify **potential outcomes** of workplace bullying.

Results
Incidence of Workplace Bullying

The incidence of workplace bullying is currently measured on a two-yearly basis in the People Matter Employee Survey, and the most current collections were undertaken in 2012 and 2014. These surveys ask public sector employees about their experiences of working in the sector, including their experiences of bullying. Results indicated that in the 2013/14 financial year:

*   23% of respondents experienced bullying (↓ **6**% since 2011/12).

*   41% of respondents witnessed bullying (↓ **7**% since 2011/12).

*   For those who experienced bullying the most common perpetrators were an immediate manager/supervisor (28%), a senior manager (23%) and a fellow worker at the same level (23%).

*   For those who experienced bullying the most frequent forms (occurring more than 5 times) were directing negative body language, gestures or glances (44%), avoiding or ignoring (43%), mistreating one or more co-workers (41%), withholding important information (33%) and devaluing work efforts (32%).

*   For those who experienced bullying the most common role types were direct service delivery (58%), administrative support (11%), other service delivery (8%) and corporate service (8%).

*   21% of those who experienced bullying submitted a formal complaint (~ **0**% since 2011/12).

    o   19% of complaints were successfully resolved, 19% of complaints were awaiting resolution and 62% of complaints were unresolved.

Where we're headed

Demographic risk factors

Demographic factors were considered as possible risk factors for experiencing bullying, using the 2012 and 2014 People Matter Employee Survey collections as data sources. Results for the 2013/14 financial year indicated that the proportion of:

- Female employees who experienced bullying was 5% higher than the proportion of male employees (↓ **3**% since 2011/12).

- Aboriginal and Torres Strait Islander employees who experienced bullying was 10% higher than the proportion of non-Aboriginal and Torres Strait Islander employees (↓ **4**% since 2011/12).

- Employees with disability who experienced bullying was 14% higher than the proportion of other employees (~**0**% since 2011/12).

Workplace health factors

Based on recent research investigating associated indicators of workplace bullying (Balducci, Fraccaroli & Schaufeli, 2011; Cotton, 2010), certain items from the 2012 and 2014 People Matter Employee Survey collections were examined. Related data items were combined to form Indexes including supportive leadership, team morale, performance feedback, role clarity, work demands, engagement and stress.

Results indicated that for employees who experienced bullying, compared to employees who did not experience bullying, in the 2013/14 financial year:

- Mean Supportive Leadership scores were 25% lower.

- Mean Team Morale scores were 19% lower.

- Mean Stress scores were 17% higher.

- Mean Engagement scores were 15% lower.

- Mean Performance Feedback scores were 15% lower.

- Mean Work Demands scores were 14% higher.

- Mean Role Clarity scores were 7% lower.

Similar findings were also identified at Cluster-level.

Sector-wide results indicated that for all employees (i.e. no longer comparing employees who experienced bullying with those who did not), between 2011/12 and 2013/14:

- Mean Supportive Leadership scores increased by 2%.

- Mean Team Morale scores increased by 1%.

- Mean Stress scores decreased by 10%* (different question used in 2011/12).

- Mean Engagement scores increased by 4%.

- Mean Performance Feedback scores increased by 3%.

- Mean Work Demands scores decreased by 27%* (different question used in 2011/12).

- Mean Role Clarity scores increased by 1% (different question used in 2011/12).

Potential Outcomes

The 2013 Workforce profile collection was used as a data source to investigate sick leave and turnover. Results indicated that during 2012/13:

- The average number of hours paid sick leave was 2 hours higher for females than males.
- The average number of hours paid sick leave was 12 hours higher for Aboriginal and Torres Strait Islander employees than non- Aboriginal and Torres Strait Islander employees.

2014 SICORP Industry-level data was used as a data source to investigate workers compensation claims related to bullying and harassment. Results indicated that during 2013/14:

- The number of claims purely due to 'work related harassment and/or bullying' was 464, with the total incurred cost being over $12 million.
- 43% of these claims were related to anxiety and/or stress.

As a result of these findings, the PSC has developed a Workplace Dashboard with an Understand Bullying app, which visually summarises the relationships between workplace bullying and harassment, associated psychosocial indicators, demographic risk factors and potential outcomes.

References

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