

**Submission
No 89**

INQUIRY INTO EMERGENCY SERVICES AGENCIES

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Submission to the inquiry into emergency services agencies

Legislative Council Committee Number 4

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Introduction

Thank you for the opportunity to make a submission to this important inquiry which will focus on workplace bullying and harassment in NSW emergency services agencies.

I firstly wish to draw the committee's attention to the fact that there have now been several inquiries into workplace bullying and harassment in NSW over the last 10 years. These include:

- *The Management and operations of the Ambulance Service of NSW 2008 (GSPC 2; and review in 2010)*
- *Allegations of bullying in Workcover NSW 2014 (GSPC 1; and review in 2014)*

Further, the Garling Report into NSW health in 2008, which included consideration of the NSW Ambulance Service, devoted a whole chapter to bullying, and famously documented how reporting bullying in Health was akin to "*professional suicide*" (Chapter 12, page 406).

Taken together, these indicate that workplace bullying has long been a problem in NSW, and that it has long been known about. The advent of this inquiry in 2017 into bullying across the emergency services indicates that it still is, and sadly, suggests that little has been done to fix the problem, despite strong recommendations from these inquiries, regular review, and the opportunity for related public sector agencies to learn from these experiences.

It is frustrating, to say the least, that yet another inquiry into bullying in the NSW public sector is required. I provided evidence to the panel at both the Ambulance and Workcover inquiries mentioned above. That this inquiry is necessary reflects that there is a system-wide failure to protect the psychological health and wellbeing of public service employees, in this case, in the emergency services. It also appears to indicate that recommendations from this inquiry need to be comprehensive and bold.

I've included in this submission some background information which may help orient the committee regarding the topic of workplace bullying, as well as some considerations for

ways forward. This primer on current workplace bullying theory and practice could be useful for the committee as they receive evidence from other stakeholders, and I'm happy to provide more information of this nature should it be necessary. A summary of my qualifications and expertise are included in an appendix to this submission.

Background issues

Definition

The definition of bullying that should be used is that featured in the National guidance material, *Guide for preventing and managing workplace bullying*, which has been adopted in NSW (and updated in 2016). Public sector agencies should be using definition and material available in this document.

Briefly, the criteria for behaviours to be considered bullying comprise that the behaviour(s) must be:

- Repeated
- Unreasonable
- Create a risk to health and safety

These criteria have been in place in relatively unchanged form in NSW since about 2004.

There are differences between bullying, harassment, violence, discrimination, though they often co-occur, and can sometimes be difficult to disentangle (see Caponecchia & Wyatt 2009). These differences are important as there are different management strategies, different legal issues, and different methods of redress for targets of the behaviours. This is especially important in the context of initiations and hazing, which are so often more appropriately categorised as violence.

Prevalence

Most recent studies in Australia have reported that 9.7% of the Australian working population has been bullied in the last 6 months (Potter, Dollard & Tuckey, 2016). Many other studies report rates close to 20% (e.g. NSW Productivity Commission). It should be noted that the methodology used to index bullying is known to have a major impact on the prevalence rate (Nielsen et al., 2010). Most of the rates listed as around 20% are self-labelled bullying from a single question, and sometimes do not ask respondents to use a supplied definition of bullying (or use a different definition, making them harder to compare).

Prevalence in the NSW emergency services is difficult to identify from the available figures, though there may be some data available from within the services. However, it should be remembered that there is likely to be under-reporting, even if good data were available.

Ownership

Organisational (dis)ownership of the problem is a major stumbling block that needs to be removed early. Several inquiries related to workplace bullying in Australia have recommended that organisations must begin with an acceptance of their role in contributing to workplace bullying, and responsibility to manage it should it occur. An example of this is the recent inquiry into bullying at CSIRO in 2013 where Dennis Pearce writes:

“we encourage CSIRO to make a small but very significant shift. We encourage CSIRO to make each and every instance and report of workplace bullying the Organisation’s problem, in the same way that it would a physical injury” (page x).

I mention this because a lack of ownership of the problem was evident at the 2014 Workcover NSW inquiry, and it’s likely that this will be the case again. There is an understandable desire by senior managers to deny or minimise the extent of the bullying problem: it reflects very poorly on them, their management team, their competence and performance. It makes people not want to work in their organisations, and it harms their staff.

One method of minimisation is to view bullying as an individual/interpersonal issue. This is both misleading and inappropriate. Bullying behaviours are far more complex than simple arguments between individuals, or what is characterised as a “personality clash”. Bullying can occur as group-mediated behaviour, be used as a form of payback for undesirable actions, or consist of covert behaviours that can be hard to prove.

A systems view which acknowledges a range of contributing factors, including individual variables as well as organisational acts and omissions is now widely advocated in the international literature (D’Cruz et al., 2014; Einarsen et al., 2009; Caponecchia & Wyatt 2011). This means thinking about how the whole organisation, (for example, its structure, reporting lines, policies and procedures, culture, stated and practiced values, etc), has an impact on whether and how bullying occurs, rather than simply blaming two individuals who “just don’t get along”.

It is also really important to once again make the point that bullying is a workplace health and safety issue. It is silly that this needs to be said, but it does. Employers have a duty to provide safe systems of work, and this includes ensuring psychosocial safety. Many employers still manage this problem as though it is merely a Human Resources issue. This leads to an entirely different framework and set of assumptions in relation to reporting and resolution compared to a WHS approach. Broadly speaking, WHS is preventative in nature: identifying and managing risks before harm occurs, while other approaches tend to be characterised by more reactivity and without real consideration of ongoing risk to those involved. These frameworks and assumptions may need to be explored by the committee when assessing the adequacy of the systems currently in place across the emergency service agencies.

The importance of context

Working in the emergency services has long been acknowledged as being stressful, though the relative contributions to that degree of stress have often been misinterpreted.

The primary cause of this stress is often thought to be the situations to which emergency service personnel are exposed (such as deaths, violence, accidents etc., Newman & Rucker-Reed, 2004). However, several studies, particularly with police, suggest that organisational aspects of work are as important in causing stress as the nature of the events to which police are called (Newman & Rucker-Reed, 2004; Evans & Coman, 1993; Morash et al., 2008; Barron, 2008). This distinction is sometimes referred to as the “job content” (deaths, violence, injuries) versus “job context” (work policies, relationships with supervisors, organisational support etc) distinction (Evans & Coman, 1992).

When considering the issue of suicides following workplace bullying in the NSW Ambulance service, The NSW Legislative Council General Purpose Standing Committee No.2 heard evidence that reflected this:

“suicides and attempted suicides within the Service are a result of bullying and harassment and a lack of support from management, rather than because of what paramedics ‘see on the road’.” (Parker, 2008 pp.22).

The relevance of this information is that it highlights that we often default to thinking about job *content* issues in emergency services, with little attention to *context* issues. A shift in thinking is required.

Protecting emergency service workers from the potential psychological harm that may result from the content of their job (the trauma) is already a priority in the emergency services, and must remain that way. It’s time, however, for the same emphasis on stopping psychological harm that can come from the *context* of emergency service jobs. This means the quality of supervision and support, mentorship, professional development, feedback, flexibility, and social relationships are all important for workers safety and wellbeing.

Harm from these context factors of work is predictable, preventable and unacceptable. That emergency service workers won’t be psychologically harmed due to their supervisor, colleagues, or central service support needs to become part of the community’s expectations, alongside the operational expectations we already have. This expectation needs to be shared by senior service management, and by government. It is already expected under WHS law.

Other issues

There are a range of other issues that may be presented to the committee on which I am happy to provide further information, from the perspective of current theory and practice. These include:

- The issue of perception and perceived bullying
- How workers can assess what is “unreasonable”
- Training programs for workers and competency assessment for senior managers
- The role of the workplace health and safety regulator
- The (in)adequacy of “zero tolerance” policies
- The use/misuse of various interventions (e.g. mediation, investigation, monitoring) and their relative appropriateness
- The dynamics of bullying behaviours – how seemingly minor events combine to create injury

Ways forward

Reporting systems are a key issue

Fixing the reporting of workplace bullying is a linchpin to this problem.

Reporting is so important, because the nature and integrity of the reporting and follow-up system determines the adequacy of the organisation’s actions in relation to bullying, far more so than their policy or obligatory statements of commitment.

There are many complications in most reporting systems that render them unreliable and inadequate when dealing with workplace bullying. Consequently they do not get used, and statistics based on reporting do not represent the true number of underlying cases. These complications include:

- Conflicts of interest in the reporting system - particularly an issue if staff are instructed to “follow the chain of command”
- A tendency for some staff to prefer “informal” reports - which are prone to not being followed up, being forgotten, or having no accountabilities or recorded actions
- Staff not being adequately trained in how to receive and respond to reports
- Inadequate training and support in the report process, expectations, and likely outcomes
- Fear of payback for making a report - from the organisation or other individuals involved
- Payback for making a report - from the organisation or other individuals involved
- Perceptions that “interpersonal issues” should be dealt with personally rather than through the organisation
- A lack of timely follow-up of the report
- An inadequate response or attempted resolution to the report

Related to these issues, the procedures following a report are also particularly problematic, and often contribute to making the problem far worse. They include:

- Unclear procedures regarding the possible processes, actions and outcomes following a report
- Lack of communication about progress of the actions (e.g. investigation)
- Real or perceived conflicts of interest in administering the actions follow the report
- Adherence to fair process
- Issues of confidentiality
- Return to work processes that potentially further endanger parties
- Adequacy of ongoing monitoring or follow-up post resolution

I recall that in the 2008 Ambulance inquiry, considerable confusion was present about the process for making any kind of report (called a complaint or “grievance” at the time – note that “report” is used here consistent with the national guidance on workplace bullying referred to above, and consistent with WHS practice). It may be useful for the committee to actively map the reporting process in each of the services by going through the process of making a “dummy” report. This could be done by shadowing an existing worker in each service subject to this inquiry.

Obtaining a map of current reporting systems is critical to improving them, though this process will need robust testing (and someone playing “devil’s advocate”) to account for the full range of variables that may impact on a workers’ use and experience of these reporting systems (e.g. gender, rank, supervisor, language, literacy, location, availability of technology, experience, nature of report, level of evidence available etc). This would also help assess whether workers have actually been trained in these processes. Training in the complex reporting systems is commonly found to be lacking in many of the cases on which I have been asked to opine. I’d be very happy to assist in examining the reporting process from a real workers’ viewpoint if it would be useful to the committee.

Recommendations

The committee may be able to determine whether responses to bullying in NSW public sector agencies have improved, following the numerous inquiries that we have now had. However, as mentioned previously, the fact that we are having another inquiry would suggest that little has changed, and if it has, it has not been widespread.

Strong action is required now if we are not intending to waste time on the same inquiry on the same issue every 5 to 10 years.

I recommend that the following strategies be considered.

1. A mechanism for reporting and managing follow-up of workplace bullying reports that is independent of emergency service agencies

This would mean that emergency services personnel could report bullying in a system that was outside of their chain of command and outside their service. Reports would be acknowledged and receipted, and assigned to relevant personnel for follow-up. The follow up may then be managed over time by the external reporting agency, who may or may not

provide additional services in the follow up stages. This arrangement can eliminate many of the problems in reporting outlined above, and ultimately drive cultural change.

I note that in other inquiries where independence or external advice has been recommended in relation to workplace bullying, namely the Legislative Council's 2013/4 Workcover NSW inquiry, another existing government agency was suggested as being able to undertake investigations into workplace bullying. At the time of the review of that inquiry I did not see that as appropriate, nor adequate (nor independent). The committee may be able to assess the effectiveness of that arrangement, if it has been used.

I would reiterate that a completely independent reporting mechanism is required – one that is not run by one of the emergency services agencies, nor by an existing government agency.

2. Requiring transparent and meaningful feedback

Emergency services already report a range of information to the public each year. In line with comments above regarding placing work context issues on par with other priorities, a range of de-identified data should be made available regarding how workplace bullying and related issues have been managed during the given report period.

This should include:

- The number of reports received
- The time taken to resolve reports
- General outline of actions taken
- Number of senior staff who have completed relevant competency based professional development and been assessed as competent

Publishing these data not only requires accountability, but internally it demonstrates commitment which can make people feel safer to report, and discourage the behaviours in the first place. It would also help track the effectiveness of this inquiry.

I hope these comments have been useful. I am happy to provide further information on these issues and recommendations, reflect on other evidence submitted to the inquiry, or take questions on notice from the committee.

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Appendix

Qualifications and expertise

Dr Carlo Caponecchia

I hold a PhD in Psychology from the University of NSW, and an Honours degree in Psychology from the University of Newcastle (Australia). My Phd was in the area of stress and health. I have worked as an academic for several years at the UNSW, teaching in workplace health and safety programs, and conducting research on psychosocial hazards at work, and in human factors. In my current position at the School of Aviation, UNSW, I am continuing my human factors research as well as maintaining research in psychosocial hazards in the context of workplace safety. My teaching responsibilities include teaching safety risk management to postgraduate students, and basic workplace safety to undergraduate students.

I have contributed to training and development on workplace bullying for several organisations and professional associations. I often assist courts as an expert witness in workplace bullying and harassment matters, including several involving emergency service agencies. The book I co-authored with Dr Anne Wyatt, *Preventing Workplace Bullying: An evidence based guide for managers and employees* (2011, Allen & Unwin) summarises our collective work on workplace bullying.

I have been involved in several public inquiries into workplace bullying, providing evidence at the 2008 NSW Legislative Council's inquiry into the operations of the NSW Ambulance Service, the 2012 Federal House of Representatives inquiry into workplace bullying, and the 2013/4 NSW Legislative Council's inquiry into allegations of workplace bullying at Workcover NSW.

I acted as an expert adviser to Safe Work Australia following the first round of public comment on the proposed code of practice on workplace bullying (2011-12), which became the National guide on preventing and managing workplace bullying, which has been adopted in NSW.

I am currently a board member of the International Association on Workplace Bullying and Harassment (IAWBH), which is a professional association of scholars and practitioners; and I am a member of the International Commission on occupational Health (ICOH) and the Human Factors and Ergonomics Society of Australia (HFESA).