

How the proactive use of assessment tools can help organisations identify counterproductive workplace behaviours

Introduction

The purpose of this paper is to offer officers and workers some insights into how the proactive use of assessment tools can help organisations identify counterproductive workplace behaviours.

Counterproductive workplace behaviours can include bullying, harassment and sexual harassment.

There are numerous media and online discussions regarding various aspects of counterproductive workplace behaviours, and a number of strategies or solutions are being offered. However, few suggest that organisations can be proactive by conducting periodic assessments to determine the level of possible exposure.

Background

The 2010 Productivity Commission Report found that “*the effects of workplace stress, including bullying, cost employers \$14 billion a year through absenteeism and diminished performance*”.

Some sources have put the cost of workplace bullying to Australian businesses at between \$3 billion and \$36 billion per year, whilst others suggest that the average successful claim is approximately \$20,000 with some exceptions.

In 2002, it was suggested that bullying cost somewhere between \$1600 and \$4900 per person per year. It seems that the costs depend on a number of variables including frequency and prevalence rates, and may not include ‘unreported’ incidents when individuals seek advice but take no other action.

There is little doubt that the past ten years have seen the public and private sector be put under increased industrial and work health and safety changes. The Work Choices legislation has now changed to Fair Work Australia legislation and the emerging Work Health and Safety Act 2012 will continue to put pressure on organisations and individuals.

Actions can arise under various areas of the law including:

- EEO, Human Rights and anti-discrimination laws
- Racial vilification laws
- OHS and Worker’s Compensation laws
- Unfair and constructive dismissal legislation
- Employment protection and contract law
- Industrial or workplace relations laws

- Common law claims for damages, negligence, or duty of care
- Personal injury law
- Laws relating to natural justice and procedural fairness
- Liability (personal and vicarious)
- Privacy laws
- Public sector ethics
- Defamation laws
- Whistle blowing and public interest disclosure laws

Implications and costs of counterproductive workplace behaviours

Whilst financial costs can be at the fore front of taking proactive steps to prevent allegations being made, there is an increased risk that there will be possible damages awards (or out of court settlements, litigation and legal costs) caused by or having an impact on:

- OHS exposures
- Adverse publicity
- Management down-time
- Recruitment and associated costs
- Employee morale
- Consequences for individuals (demotion, transfer, discipline, warning, termination of employment)

In addition costing the damage cause to organisational or individual reputations can be overlooked as a cost. However it is possible that counterproductive workplace behaviours can directly and indirectly have an impact on organisational reputation through:

- Negative or adverse publicity
- Litigation and increased workers compensation premiums
- Loss of 'employer of choice' status – employer brand
- Sabotage and failure to address legal risks
- Allegations of corruption
- Loss of productivity
- Downgrading of credit ratings and declining market share

Officers and workers who are involved in an involving counterproductive workplace behaviours such as workplace bullying should also be aware that their personal reputation can be impacted by:

- Adverse publicity
- Criminal charges, ligation, vicarious liability and defamation
- Branding as 'vexatious complainant'
- Legal, medical, physical and psychological costs
- Investigation costs
- Training costs

In many cases, the tentacles will reach beyond the workplace to the family and beyond, depending on the circumstances and allegations being made. In most work place cases, the following will be directly involved depending on the resolution options being taken by the victim/target.

- The victim/target
- The alleged bully
- The organisation (line manager/supervisor/HR Department)

In some cases, the resolution options will mean that the previous three groups will be expanded to include:

- The medical professional (can include internal support networks, counsellors, etc)
- The legal professionals (solicitors and barristers)
- The family, friends and associates (partners and work colleagues)
- The investigators (internal or external)
- The media (print and electronic, including Face Book, Twitter etc)

Counterproductive workplace behaviours

Officers and/or workers could be the targets of or witnesses to counterproductive workplace behaviours.

It is reasonable to suggest that organisations have a range of policies and/or procedures designed to detect, prevent and resolve various forms of counterproductive workplace behaviours.

However, it seems that a considerable amount of organisational resources are directed towards some proactive work in the form of training, and a considerable amount towards reactive work e.g. defending allegations, responding to adverse media publicity, and addressing the negative impact such as downtime, lost productivity and increased claims and investigations costs.

Given the changes to Work Health and Safety legislation that has occurred and continues to occur across Australia, it may be reasonable to suggest that officers and workers will have to be able to demonstrate that they have been both proactive and reactive in addressing the various forms of counterproductive workplace behaviours.

It is reasonable to suggest that officers and workers are busy people undertaking a myriad of tasks that may or may not mean that counterproductive workplace behaviours are both identified and addressed. In some cases the use of assessment tools can help those officers and workers identify workplace behaviours that need to be managed.

A number of organisations conduct Staff Satisfaction or even Organisational Health surveys. There may also be a few specific audit or assessment tools used in some organisations to review various aspects of policies and procedures.

The following questions can be used by officers and workers.

- Which of the following effects of counterproductive workplace behaviours have you seen in your workplace?
- Which of the following effects of counterproductive workplace behaviours have impacted on you in your workplace?
- Which of the following consequences of counterproductive workplace behaviours have you seen in your workplace?
- Which of the following consequences of counterproductive workplace behaviours have impacted on you in your workplace?
- Which of the following contributors to counterproductive workplace behaviours have you observed and/or personally experienced in your workplace?
- Which of the following strategies have you seen and/or personally used to address counterproductive workplace behaviours in your workplace?
- Please comment on policy and procedures to address counterproductive workplace behaviours in your workplace.

These questions acknowledge that very often officers and some workers have to manage the effects and consequences of counterproductive workplace behaviours. These same officers and workers may also have to make critical decisions regarding the contributors, and may also be required to take proactive action in relation to the various organisational strategies.

In some cases, mini assessments can provide officers and/or workers with indicators that some behaviours fall outside organisational standards, and if left untreated, can result in conflict leading to Court, Commission or Tribunal appearances.

Mini assessments can form a small part of more detailed and extensive assessments that are designed to identify even apparently insignificant counterproductive workplace behaviours. In some cases, the mini assessment results can mean that there are significant issues requiring immediate evaluation, and perhaps even a more detailed examination using the extensive assessments.

In some situations, it might also be appropriate to conduct detailed face to face interviews, particularly when an allegation has been made and the matter is destined for a Court, Commission or Tribunal.

Risk or hazard factors

Bullying may thrive where:

- Poor people management, practices and skills exist
- There is inappropriate management style or lack of supervision
- Overwork happens
- Role ambiguity occurs
- Poor consultation processes occur
- There are inconsistent work flows and reporting procedures
- The level and nature of training is inadequate
- There are unreasonable performance expectations
- There are work places with high levels of job dissatisfaction

Some organisational systems or processes that can play a role in how well the risk or hazard factors are controlled include:

- Job/role description
- Staffing
- Rostering
- Time management
- Support from co-workers
- External pressures
- Generational gaps
- Office politics

Risk management and bullying

Most organisations will use either the ISO 31000 Risk Management Standard or Risk Management Codes of Practice or Guidelines linked to State Work Health Safety Legislation. In some cases, both frameworks are used.

However, whilst risk management has beneficial applications, sometimes line managers or supervisors and even workers do not know how to apply either framework when it comes to workplace bullying. In some cases, risk management is perceived as:

- Reactive rather than proactive, or
- The management of risks associated with workplace bullying is not seen as a core business activity

This situation can develop when:

- The organisation focuses only on operational activities,
- There is a lack of understanding about what is and what is not workplace bullying,
- There is a culture of tolerance leading to acceptability,
- The lack of data showing extent, magnitude or costs of workplace bullying
- There is a lack of reporting and lack of action
- Managers and staff are not trained to get to bottom of incident
- A top down approach taken in relation to risk management
- There is a lack of consultation (with employees or clients/customers) – silo mentality

In addition, individual and organisational understanding about how risk management should be used in relation to risk management can depend on negative experiences rather than positive applications. This may have developed because of unsystematic and inconsistent training or implementation of the organisational policy or procedure.

The positive application of risk management may be more difficult when the organisational culture tacitly supports or condones workplace bullying. It may be that part of the organisation where it is malignant – toxic, institutionalised and under the radar, is systemic and infects the whole system.

Depending on individual and organisational understanding of how and why risk management should be implemented and applied, the reality is that there are organisational politics of reporting workplace behaviours particularly if individuals perceive that doing so, can cost people their job. It appears that in some cases, workplace bullying is the 'dirty little secret no-one wants to talk about.'

Systemic and cultural failures

Operating large public or private sector organisations is not easy. However, some of the systemic and cultural failures that impact on the prevention, detection and resolution of workplace bullying can include:

- Systems and processes not integrated
- Lack of systems or processes
- Stand alone or silos
- System owners may not understand relationship between claims and workplace bullying
- Capturing data and information
- Determining cost of allegation when behaviours have been ongoing
- Consultation processes are limited
- Top down 'consultation' defining the 'risks'
- Denial that bullying is an issue
- Written off as a 'personality clash'
- Failure to conduct a risk assessment

A consultative team approach results in the facilitation of *'truthful, relevant and understandable exchanges of information, taking into account confidential and personal integrity aspects'*. ISO 31000 .

It might be that for consultation to have been considered effective when developing a risk management approach to workplace bullying, then targets/victims, alleged bullies, organisational representatives, medical and legal professionals, family/friends and associates, investigators, and the media might also be 'consulted'.

Reporting barriers

Many organisations may have well defined and documented systems and processes for reporting various forms of counterproductive behaviours. However, in reality, not all incidents are reported.

Some organisations and even managers or supervisors may perceive that workplace bullying is not a major issue of concern. They may hold this perception for many reasons including:

- Lack of uniform definitions regarding bullying/harassment
- Lack of uniform data collection model or processes
- Workplace culture and practices
- Tolerance leading to acceptability

- Lack of policy, procedure and training in how to report bullying
- Policies and procedures are outdated and there is no effective or ongoing evaluation of training
- Mistaken belief by targets, managers/supervisors and support personnel of what is required to report an incident
- Informal versus formal reporting
- Resolution options that provide an option of 'doing nothing'
- Target/victim has to make the decision
- Fear and perception
- Repeat victimisation
- Reward for alleged bully
- Failure of organisation to effectively manage complaints
- Not conducting timely investigation
- Failure to manage 'post investigation'

Gap identification

A traditional approach to addressing workplace bullying may place considerable reliance on data that is collected from a variety of sources including:

- Standard Operating Procedures (SOPS)
- Workplace bullying policies and procedures
- Induction/onboarding programs
- Performance Management and Appraisal systems
- Discipline policies and procedures
- Employee contracts/ terms and conditions
- Enterprise bargaining agreements and similar
- Codes of Conduct
- Training plans and training attendance records
- Complaint records
- Hazard/incident report forms (hard copy or online)
- WorkCover claim forms
- Rehabilitation plans
- Staff surveys
- Health and safety investigation
- Discipline investigation

In some cases, the data may have been collected through HR and reported to the CEO.

However, depending on the size of the organisation, there is potential for auditors to be involved in conducted a detailed analysis across the depth and breadth of organisational systems and processes to 'detect' potential high level risk exposures.

Whilst some organisations may have in the past place considerable faith in standard data collection and reporting processes, the current trends and issues, along with Court, Commission and Tribunal decisions are resulting in a constantly evolving landscape regarding a host of workplace relations issues, including bullying.

What is the problem?

Some organisations may perceive that workplace bullying is the problem that has to be addressed. In some cases, the root causes that lead to the bullying complaints or allegations get passed over because of the reactive model e.g. must do training because there was a complaint.

Whilst it is important to take a proactive approach towards the prevention and detection of bullying, training can represent a significant organisational investment. From a business point of view, it might make more sense to address the causal factors that reduce the risk of bullying occurring in the first place.

Identifying the problem can be conducted in a variety of ways. However, sometimes it is important to engage someone independent to the organisation, so that issues of conflict of interest can be addressed. It might also allow workers (and officers) to open up about the 'real' issues. People who perceive that they are expected to answer in a 'certain way' or who perceive that their responses will be used against them, may give skewed responses.

Using self-assessment tools

Some organisations may decide to provide access to all officers and workers to self-assessment tools in which case ownership may rest with the particular organisation.

The organisation should have a clearly defined policy regarding the assessment tool e.g. how and when it can or should be used, what happens with completed copies etc.

Individuals who access the tool for personal reasons may find that using these tools points them in various directions to either confirm or refute their beliefs about the counterproductive workplace behaviours. The assessment tool might be used as a reference point when seeking or taking advice from either an internal or external source.

From a managerial point of view, if the organisation uses the assessment tool whereby it is provided electronically as a way of conducting periodic assessments, the results could alert officers and managers as to possible issues that need to be addressed.

For individuals who may have to represent their organisation when an allegation is being heard in a Court, Commission or Tribunal, the assessment results may mean that a face to face interview is required to prepare for the day in Court. It may also mean that the individual will need to do some work to ensure that they can respond appropriately.

Summary

It is an individual as to whether or not to use any Assessment tools. However, given that some assessment tools could be used to identify opportunities for improvement

or to highlight critical areas that divert officers or workers away from their usual tasks, the tool should be used appropriately.

The assessment tool provided with the paper is from a larger assessment tool. Depending on the results you find from using the Mini Assessment tool, it may be advantageous to conduct a more detailed assessment.

Bernie **Althofer** AFAIM
Managing director

M Ed (Leadership & Management)
M A (Justice Studies)
Cert IV Assessment and Workplace Training
Grad Cert in Applied Management
Certificate 111 in Investigative Services

p 0419 661 421
e enquiries@egliassessments.com
PO Box 776, Spring Hill Q 4004

www.egliassessments.com

abn 67 126 789 884

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