

Individual use of basic assessment tools to document counterproductive workplace behaviours

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Introduction

The purpose of this paper is to offer readers some insights into individual self-assessments in relation to counterproductive workplace behaviours.

Some individuals who have been or are being subjected to counterproductive workplace behaviours may not have kept any form of records or details about the behaviours. For example, whilst being subjected to the behaviours, an individual may not realise the importance of keeping details such as times, dates, locations, who said or did what, or even details of the behaviours.

In many organisations, the decision to pursue action lies with the individual. In some cases, however, the incident may involve behaviours that could be classified as official misconduct, misconduct or breaches of discipline. In cases such as these, investigators will look to the person making the complaint for evidence or supporting information that justifies the allegation.

Given the nature of counterproductive workplace behaviours that could include workplace bullying, harassment or sexual harassment, how then does an individual identify 'evidence' that may support their claim?

When an individual goes to a support person, to their line manager, to HR or even to a legal professional, the question "What behaviours were used against you?" will invariably be asked.

If you are an individual who has been subjected to such behaviour, what will you say and how will you back it up?

It is important to understand who might be involved in a workplace bullying incident.

In many cases, the following will be either directly or indirectly involved:

- The victim/target
- The alleged bully
- The organisation
- The medical profession
- The legal profession
- The family, friends and associates
- The investigators
- The media

The changing environment

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

Workplace policies and procedures may be written to reflect the legal requirements outlined in the areas above. In some cases, the workplace policy will indicate that the 'aggrieved' i.e. the victim/target should follow the following resolution options:

- Do nothing
- Take action themselves
- Speak to their supervisor/manager
- Lodge a grievance

- Seek Union support
- Lodge a complaint with a body such as the Anti-Discrimination Commission
- Take legal action

In any of these resolution options, it is important to have evidence or supporting information. Self-assessments provide a useful way of documenting the behaviours, listing the severity and frequency (how bad and how often) and the action taken by the individual.

It is also important to realise that given changes to Work Health and Safety legislation across Australia, officers and workers may be required to do more in relation to the prevention, detection and resolution of workplace bullying and harassment.

Self-assessment tools can be used by bystanders or witnesses to identify counterproductive behaviours in the workplace.

Issues to consider

In some cases the person being subjected to counterproductive workplace behaviours may have been experiencing such behaviours for some period of time without realising what has been happening. In other cases, the individual may know the organisational policy and procedures and have the capacity to deal with the issue before it escalates.

However, for those who have over a period of time become exposed to the negative impact, they may have sought medical advice e.g. GP, counselling, etc. In many cases they may have spoken to internal support personnel such as EAS/EAP, Harassment Referral Officers etc.

At some point in time, they may decide to formally action a complaint. Unfortunately in some cases, the individual may not have kept any notes about the behaviours etc and because of their current state of anxiety, they are not able to recall or even record exactly what was said or done.

If the individual is required to participate in an investigation, then they will be asked to provide very precise information about the incident or events leading up to their complaint. If they are taking legal action, it is fair to expect that the legal professional will ask a barrage of questions so that they can

provide the best possible legal advice in the circumstances.

What is a self-assessment tool?

A self-assessment tool is simply a way that an individual can record types of behaviours, frequency and severity, and actions taken.

It is important for an individual to be able to convey evidence about the behaviours e.g. physical, verbal or even non-verbal. It is also important to convey how often this behaviour has been occurring and the actions taken.

For example, an individual may have been subjected to a specific behaviour over a period of time e.g. sexually offensive language, and every time this occurred, the individual started crying. In some cases, individuals are not able to clearly express the behaviours so they need a self-assessment tool that may act as a guide.

Sometimes the individual may be completing a self-assessment tool and the words used in the tool cause the individual to remember exactly what was said, particularly if they are completing the tool several months after the first incident.

Self-assessment tools can be very basic with a minimal number of questions, and others may be more detailed. In some cases, some of the tools might only be a 'snap-shot' of longer and more detailed tools. Some assessment tools can be self-directed and available for self-completion, whilst others require face to face interviews.

When should an assessment tool be completed?

As mentioned previously, in some cases an individual may not realise that they have been subjected to counterproductive workplace behaviours some time. It is not until they are not feeling well, are off the mark at work, or seek advice from a support person or others that someone points out what has happened.

Having access to an assessment tool is important. Whilst some people do keep very detailed diary notes about what has been happening to them, others may need to complete the assessment tool as a prompt.

In some cases, the individual may go to a support person and say "I have been bullied."

The support person will generally say “Tell me what happened.”

It is important for the support person to know exactly what has happened as this may impact on the advice given. If an organisation has made a self-assessment tool available to all workers, the individual might be able to complete the tool before seeking advice. This helps them be more specific about what has happened.

Officers and workers should also consider using a self-assessment tool if they see or suspect counterproductive workplace behaviours are present in the workplace.

How should the assessment tool be used?

In many cases, the self-assessment tool will be used as a reminder or prompt for more involved discussions or even during interviews particularly if a WorkCover claim is lodged.

It might well be the case that an individual completes a mini-self assessment tool and realises that other behaviours may have been directed at them, or even witnessed by them.

In the case of an officer or worker who witnesses such behaviours in the workplace, completion of an assessment tool, the results could be used as a prompt for further actions e.g. tool box talks, review training, increase training, performance interviews.

As far as possible, the self-assessment tool should remain confidential, unless required to disclose the contents. If organisations provide such tools online, it might be reasonable to expect that the organisation will issue guidelines regarding their use.

In some cases, individuals will access and use the self-assessment tool to determine whether or not the behaviours being used against them or even witnessed, are cause for concern.

Who should use an assessment tool?

It depends on the assessment tool, what it has been designed for and whether or not either the individual or organisation sees any real benefit.

It is important for individuals who believe they are being subjected to counterproductive workplace behaviours to keep some record of what has or is happening to them.

There are also times when bystanders/witnesses may see behaviours that occur on a regular basis, and in some cases, it will come up during investigations (or even in online forums) where they may say “I didn’t realise that was bullying”. As mentioned earlier, changes to Work Health and Safety legislation may mean that bystanders/witnesses need to be more involved in preventing and detecting workplace bullying.

Line managers and supervisors are generally busy people and in some cases, what they see in the workplace may be inadvertently overlooked unless they have some way of recording or documenting what they see. Assessment tools provide a way of recording physical, verbal or even non-verbal counterproductive workplace behaviours.

Benefits of using assessment tools

Individuals can win or lose their case based on what they have or have not recorded. It is important for individuals to know that when they make an allegation about any form of counterproductive workplace behaviours, they might find getting a resolution extremely difficult.

It may well be the case that without well documented notes, either through a diary or through a self-assessment tool, that others may find it difficult to support their beliefs. The self-assessment tool can help to show what behaviours were unreasonable and were in fact, workplace bullying, harassment or even sexual harassment.

A well completed and recorded self-assessment may give an individual more confidence and belief in their own ability to resolve behaviours either directed towards them or witnessed by them.

Summary

Self-assessment tools by their very name imply that they can and should be used by individuals.

In the case of counterproductive workplace behaviours, there are a number of different tools that can be used ranging from a mini self-assessment through to more detailed self-assessments.

There are also face to face interview tools that are time consuming but valuable particularly when an individual may be required to attend a Court, Commission or Tribunal in relation to a workplace bullying allegation.

Where to from here?

A free mini self-assessment tool has been provided with this paper. Individuals who complete the mini self-assessment tool and are looking for more information about self-assessments should contact the author.

The next paper in this series about self-assessments will discuss the issue from organisation view point. An organisational mini self-assessment tool will be provided with that paper.

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