

“It isn't big  
to make  
others feel  
small.”



# Bullying in the Workplace

Moving toward a  
Transforming Culture of  
Mutual Dignity

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FAIR WORK COMMISSION

AUSTRALIA'S NATIONAL WORKPLACE RELATIONS TRIBUNAL

This Handbook has been developed in response to the Australian Government's decision to outlaw workplace bullying.

The Fair Work Commission has jurisdiction over complaints regarding workplace bullying as at January 1<sup>st</sup> 2014.



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## Introduction:

Bullying in the workplace is sadly not a new phenomenon. That should not be a surprise. One of the biggest issues we find ourselves confronting within our education system is bullying at school.

There is regular “talk” about bullying, and the media are always reporting on bullying stories. You could be mistaken into thinking that bullying has become a virus within the Australian educational community. The evidence though is that the frequency of bullying, at least the traditional face-to-face type, is not actually increasing.

"It's a controversial area but with the effective communication of the message that bullying is unacceptable, it's just now more likely to be reported," says Dr Noble, a member of the National Centre Against Bullying, who works with the Australian Government on the National Safe Schools Framework.

"Cyber-bullying, on the other hand may be increasing with recent research suggesting that 1 in 10 kids have been cyber-bullied."



With this sort of stuff happening in our schools worldwide, no wonder we are seeing issues as well within our workplaces. Here are just some of the reasons bullying, and policies and strategies to deal with it, are such a major focus of attention for communities and governments:-

- One student in every four (25%) in Australian schools is affected by bullying, says recent research<sup>1</sup>.
- An estimated 200 million children and youth around the world are being bullied by their peers, according to the 2007 Kandersteg Declaration Against Bullying in Children and Youth<sup>2</sup>.
- Children who are bullied are three times more likely to show depressive symptoms, says the Australian Centre for Adolescent Health<sup>3</sup>.
- Children who were bullied were up to nine times more likely to have suicidal thoughts, say some studies<sup>4</sup>.
- Girls who were targets of bullying in their early primary school years were more likely to remain targets as they got older, according to UK research<sup>5</sup>.
- Children who were frequently bullied by their peers were more likely to develop psychotic symptoms in their early adolescence, says Further UK research<sup>6</sup>.
- Girls were much more likely than boys to be targets of both cyber and traditional bullying<sup>7</sup>.

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1 Mullis, I.V.S., Martin, M.O., & Foy, P. (with Olson, J.F., Preuschoff, C., Erberber, E., Arora, A., & Galia, J.). (2008). "TIMSS 2007 International Mathematics Report: Findings from IEA's Trends in International Mathematics and Science Study at the Fourth and Eighth Grades". Chestnut Hill, MA: TIMSS & PIRLS International Study Centre, Boston College.

2 <http://www.kanderstegdeclaration.com/original-in-english-2007/>

3 Glover, S., Patton, G., Butler, H., Di Petro, G., Begg, Beverly., Ollis, D., Cahir, S., & Watson, J. (2005), "Teaching resources for emotional well-being" Centre for Adolescent Health, William Buckland House, 2 Gatehouse Street, Parkville Victoria 3052 Australia

4 Kym, S., & Leventhal B. (2008), "Bullying and suicide. A review", International Journal of Adolescent Medical Health, Vol. 20, No 2, pp, 133-54.

5 Wolke, D., (2009), "Who escapes or remains a target of bullying in primary school", British Journal of Developmental Psychology, Vol 27, No 4, pp. 835-851

6 Schreier, A., Wolke, D., Thomas, K., Horwood, J., Hollis, C., Gunnell, D., Lewis, G., Thompson, A., Sammit, S., Duffy, L., Salvi, G. and Harrison, G. (2009), "Prospective study of peer targetisation in childhood and psychotic symptoms in a nonclinical population at age 12 years", Archives of General Psychiatry, Vol. 66., No 5, pp. 527- 536

7 Smith, P.K., Mahdavi, J., Carvalho, M., Fisher, S., Russell, S. & Tippett, N., (2008), Journal of Child Psychology and Psychiatry, Vol 49., No 4, pp 376-385

- Students bullied in Year 10 have been found to have an almost two-fold increase in likelihood of depressive symptoms in Year 11<sup>8</sup>.
- Year 10 students who admitted to bullying others were found to have a two-fold increase in likelihood of theft, violent behaviour and binge drinking in Year 11<sup>8</sup>.
- Children as young as three can become targets of bullying, says Canadian research<sup>9</sup>.
- Young people who bully have a one in four chance of having a criminal record by the age of 30<sup>10</sup>.

If these figures are not cause for concern, then we are not on the same planet.

A source of even greater alarm are the demonstrated relationships between bullying behaviour, and later anti-social and criminal behaviours as well<sup>11</sup>.

A very recent study has shown that there is a far greater prevalence of adult psychiatric diagnosis, and suicide, amongst persons who have been bullied by their peers in childhood and/or adolescence<sup>12</sup>. This just has to be really scary – and is just another reason why we need to be doing everything we can to stamp out bullying behaviours as soon as possible.

The related area of bullying in the workplace is one which has not received the level of attention that it should have. This is somewhat surprising, as apart from the obvious psychological damage that bullying in the workplace often creates, there is an enormous expense for the actual workplace (and the general community). For example the Western Australian Department of Commerce reports that an average of six hundred (600) workers compensation claims are lodged annually. These are all for behaviours consistent with workplace bullying etc. To put this in perspective, for every one (1) lodged workers compensation claim there might be over fifty (50) people who are experiencing similar behaviours, and electing to not take that somewhat confronting step of lodging a worker's compensation claim. Do the sums, six hundred (600) just became thirty thousand plus (30,000+).



Bullying in the workplace demands attention.

It is an economic imperative, and has the potential to save the workplace, and the governments of Australia, many billions of dollars annually. Failure to do so shall result in:-

- Reduced efficiency, productivity and profitability;
- Increased absenteeism, sick leave and staff turnover;
- Poor morale, erosion of employee loyalty and commitment;
- Increased costs associated with recruitment and training;
- Increased workers' compensation claims;

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- 8 Hemphill, S.A., Kotevski, A., Herrenkohl, T.I., Bond, L., Kim, M.J., Toumbourou, J.W., Catalano, R.F. (2011), "Longitudinal consequences of adolescent bullying perpetration and targetisation: A study of students in Victoria, Australia", Criminal Behaviour and Mental Health: Special Issue: Criminal Consequences of School Bullying, Vol 21, No 2, pp. 107-116.
- 9 Barker, E.D., Boivin, M., Brendgen, M., Fontaine, N., Arseneault, L., Vitaro, F., Bissonnette, C., & Tremblay, R.E. (2008), "Predictive Validity and Early Predictors of Peer-Targetisation Trajectories in Preschool", Archives of General Psychiatry, Vol 65, No 10, pp. 1185-1192.
- 10 Olweus, D., (2011), "Bullying at school and later criminality: Findings from three Swedish community samples of males", Criminal Behaviour and Mental Health: Special Issue: Criminal Consequences of School Bullying, Vol 21, No 2, pp. 107-116.
- 11 Renda, J., Vassallo, S., Edwards, B. (2011), "Bullying in early adolescence and its association with anti-social behaviour, criminality and violence 6 and 10 years later", Criminal Behaviour and Mental Health: Special Issue: Criminal Consequences of School Bullying, Vol 21, No 2, pp. 117-27
- 12 Copeland, W.E., Wolke, D., Angold, A., & Costello, J. (2013), "Adult Psychiatric Outcomes of Bullying and Being Bullied by Peers in Childhood and Adolescence", JAMA Psychiatry, Vol. 70, No 4. pp. 419-426

- Increased indirect costs such as management time, engaging mediators or counsellors;
- Adverse publicity and poor public image;
- An unsafe work environment and potential fines for breaches of the occupational health and safety legislation;
- Costs resulting from failure to meet legislative provisions including civil and criminal actions;
- Legal costs incurred defending a claim of workplace bullying;
- Vicarious liability and other associated employer liabilities;
- Potential increase to insurance and workers' compensation premiums.

It is an issue of humanistic necessity. No workplace should be allowing behaviours to be enabled which directly contribute to:-

- An increase in clinical depression within the workplace, and by extension, community;
- An increase in problematic levels of alcohol consumption;
- An increase in the usage of both prescription and non-prescription drugs;
- Increase in nicotine usage;
- Stress, anxiety or sleep disturbance;
- Panic attacks and/or impaired ability to make decisions;
- Incapacity to work, concentration problems, loss of self-confidence and self-esteem or reduced output and performance;
- Physical injury;
- Reduced quality of home and family life;
- An increase in domestic violence;
- General loss of enjoyment of life;
- Suicide.

## **The Australian Government's Response to Bullying in the Workplace.**

There have never been any serious attempts to deal with the issue of workplace bullying. I suspect it has always been seen as “all too hard”. Certainly there are lots of “grey” areas that make it a difficult matter to “prove”. Having made that point, when the Australian Productivity Commission issues a report<sup>13</sup> which estimates that the impact of workplace bullying on the Australian economy was anywhere between \$6 billion and \$36 billion annually – you just have to say, Ouch – something needs to be done.

Let's put that into some sort of perspective. The entire Australian economy recorded a cash deficit of \$18.8 billion for the 2012-13 financial year. Why do you think there is a continuing and intense politisation of the “deficit”, whilst an issue that is actually impacting the economy to a far greater extent seemingly receives scant, if any, attention?

Clearly the above situation could not responsibly be allowed to continue unfettered.

Historically, there have been some attempts to deal with this area under pre-existing OH&S legislation. After all there was a statutory responsibility to provide a healthy and safe workplace for all – or that's how it is supposed to be. Anyway it would be fair to say that this has never really worked. The Australian Broadcasting Corporation<sup>14</sup> (ABC) reported that in the financial years 2011-13 there were over twelve thousand (12,000) bullying complaints made to the NSW and Victorian OH&S Regulators. Of these, there were less than a handful of prosecutions – and even they were not always successful. It seems pretty clear that the Regulators lacked the resources, and/or the fortitude to take these complaints seriously.

Meanwhile,

- people are still suffering depression, and other forms of harm,
- families, and extended families, have no idea how to help,
- workplaces are becoming increasingly toxic as these things just keep happening, and
- the cost to the economy just keeps rising at exponential rates.

Some might think that the workers compensation framework could act as a “protection” from workplace bullying. Why not, surely if a business started having to “pay” for the treatment etc. for one (or many) of its staff, the message would begin to filter through the system. A nice thought – but would never happen, and didn't.

Workers compensation is, by definition, adversarial in nature. As such there are intense efforts to show that a “claim” is not legitimate. Many insurance company claims officers are told to “deny all stress claims” – unless there is a clear event that does not allow them to “dodge the bullet”. It then becomes a litigious exercise to determine whether or not this was a valid claim in the first place. The bulk of these claims that are pursued (many people just walk away psychologically fractured), result in a finding in favour of the employee – sadly by then, time has passed, the damage has been done, workplace relationships may be irrevocably damaged, and the likelihood of a successful return to work is significantly reduced. So there are no winners here.

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13 Australian Productivity Commission, “Performance Benchmarking of Australian Business Regulation: Occupational Health and Safety”, Research Report, March 2010

14 <http://www.abc.net.au/7.30/content/2012/s3597809.htm>

Another very important factor when considering any remedy under workers compensation frameworks, is that they are post-hoc in nature. In other words, the employee must have suffered a diagnosable injury. In the case of workplace bullying these injuries are almost always psychological in nature. Therefore this whole question of workers compensation becomes moot if there are going to be any serious attempts to try and deal with the question of workplace bullying from any sort of pre-emptive methodology. If you're having to wait for serious psychological damage to be done, before anything can be done, the reality is that very little shall be done – and what is done shall be generally too little, too late.

Anyway, where we ended up was that on May 31<sup>st</sup> 2012 the Commonwealth Government set-up a Parliamentary Inquiry into workplace bullying. The House of Representatives Standing Committee on Education and Employment was given the responsibility for conducting the inquiry.

The Committee received more than three hundred (300) submissions from a variety of sources, and it's Report, entitled "Workplace Bullying: We Just Want It to Stop", was provided to Government on November 26<sup>th</sup> 2012.

The Report made twenty three (23) recommendations to address workplace bullying, including that:

- a national definition of "workplace bullying" be adopted;
- a national advisory service be developed to provide advice to employers and employees about bullying;
- Safe Work Australia implement a Code of Practice for managing the risks of workplace bullying;
- an accredited training program be implemented to train managers and OHS representatives on how to deal with workplace bullying;
- the States and Territories implement laws that are at least as strong as Brodie's Law in Victoria; and
- an individual right of recourse be implemented to allow employees to seek remedies through an adjudicative process.

It is worth noting that the Coalition members of the Standing Committee disagreed with a number of the recommendations, and prepared their own Dissenting Report. Specifically, the three Coalition MPs declined to endorse the recommendation that a right of recourse be established for employees wishing to complain of workplace bullying. In other words they were opposed to any process where an employee might have their complaints independently heard. Their reasoning was that with the number of potential complaints, this could all become too unwieldy, and that employers might find themselves "in court" for inordinate lengths of time. We shall need to wait and see how those views may find themselves informing the current legislative framework over time.

The result of all of this was that on February 12<sup>th</sup> 2013 the relevant Minister (Bill Shorten) stumped up to Parliament and advised that the Government would support nineteen (19) of the twenty three (23) recommendations that had been made. The most significant reform was the one that gave the Australian Fair Work Commission jurisdiction over any workplace bullying complaints that might need to be made. Mr Shorten specially said<sup>15</sup>:-

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15 Australian Government, Australian Government Response to the Report, "Workplace Bullying: 'We just want it to stop'", February 2013



"The Government will amend the Fair Work Act 2009 to allow a worker affected by bullying at the workplace to apply to the Fair Work Commission to deal with a bullying complaint. The Fair Work Commission will be required to deal with any application as a matter of priority including by listing the matter for consideration within 14 days"

Workplace bullying has now been expressly defined in the Fair Work Act as:-

"repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety".

However, the legislation has also recognised that workplace bullying does not include performance management conducted in a reasonable manner. This is a quite reasonable exclusion and ensures consistency with the occupational stress provisions within national OH&S legislation.

## The Toxicity of Workplaces

Workplaces are a location where many of us spend way more time than we should. Consider this. In the scheme of things where do you prioritise “work”? Now using the same internal scale, where do you prioritise “family”? Now where do you spend most of your time?

The vast majority of us spend way more time in our workplace, or doing “work”, than we do in the company of our families. We will defend this position by saying words to the effect of “if I didn’t do this we could not have the lifestyle we want/need as a family”. In many societies nowadays it is considered an economic imperative that there are two (2) income earners. It takes that much to pay out the mortgage, and just eat?

Having acknowledged that we spend so much time at the workplace, it becomes a real problem when we find that the place where we spend all that time is not always healthy. That particular observation should not alone be a deal-breaker. After all, we are not always healthy ourselves. Where any unhealthy condition becomes chronic though, that is the point where we find ourselves delving into the realm of toxicity.

Now if you find yourself in a toxic relationship you always have the option (well, nearly always) of ending that relationship. The divorce rate in Australia currently stands at a tad over forty percent (40%), for marriages not lasting ten years. It gets worse when we then add the extra percentage for those marriages that make it to twenty (20) years and then fail. What this shows is how good we, as a society, at sustaining the relationships that we say we hold so dear? Imagine just how more difficult it becomes when we factor in the realisation that workplace relationships are not quite so important. Are we willing to do more (or less) to try and ensure they remain effective? Sadly the evidence points towards the latter scenario.

### What is a Toxic Workplace?



A toxic workplace displays two (2) key elements that separate it from healthier workplaces.

Firstly, it has a history of poor performance, and poor decision-making. Such poor performance will often continue despite staff changes – it is almost like the toxicity has become part of the workplace DNA.

Secondly, the toxic workplace is characterised by extreme levels of dissatisfaction and stress, that go beyond normal workload issues. The stress and dissatisfaction are commonly a result of very destructive human relations, equivalent to what one might see in a dysfunctional family. Workplace bullying behaviours are common throughout all levels of these

workplaces. As a result, toxic organisations often cause long term damage to employees and managers. In some cases this damage can last for years after people leave the toxic organisation. Persons who report having been bullied, or even survived within a toxic workplace, continue to report those experiences for decade’s beyond those experiences. In much the same way, as bullied school children often carry the “scars” throughout their lives.

### What Does a Toxic Workplace Look Like?

Toxic workplaces actually “feel” different from their healthier counterparts. At an intuitive level, employees and managers may consistently feel that they are:

- helpless in making things better
- not supported, emotionally or professionally
- unable to identify the causes of the discomfort and distress
- unable to solve problems permanently
- consistently under some form of attack

In terms of function and results, toxic workplaces also commonly look different. They may have some or all of the following characteristics:

- inability to achieve operational goals and commitments
- problem-solving processes that are driven by fear and rarely yield good decisions
- poor internal communication
- huge amounts of waste that result from poor decisions, and lots of rework
- interpersonal relationships are driven by manipulative and self-centred agendas.

In short, a toxic workplace generates elevated levels of distress, and pretty much guarantees any possibility that the organisation can accomplish much in the medium to long term.

### Conditions for Toxicity

Toxic workplaces tend to develop when certain climactic conditions exist. First, the toxic workplace is most often a relatively small work unit, where there is considerable face-to-face interaction among the respective employees.

This should be no surprise. It is the inter-personal relationships that are at the core of the sick organisation. If there is a low level of interaction, it is unlikely that a toxic organisation will emerge. Can still happen, just a lot tougher and more reliant upon the collaborations of toxic leadership as well.

In addition, the toxic workplace shall become an even greater disaster when most of the following also are present:

- high interdependence of members
- high number of people who have personal agendas that do not coincide with the needs of the organisation
- poor communication
- high identification with the organisation as a source of identity
- high degree of external pressure that threatens the jobs of members

At the pinnacle of a toxic workplace, the most important contributor to the toxic organisation is the manager or director. Toxic organisations rarely develop when there is a strong, competent leader. The reason this is the case is they recognise that things are not “right” and put in procedures to get things back on the straight and narrow.

## The "Toxic Leader"

For every toxic workplace, there is a toxic leader, a leader who, by virtue of his or her own issues, creates an environment that directly contributes to a culture of mayhem.

Emotionally, toxic leaders/managers tend to be quite labile and distant, or overly reactive and emotional. In both scenarios they behave this way because they lack the competency to deal with those around them in a constructive, supportive way. On more than one occasion it has been reported that a toxic leader/manager may slide from one emotional extreme to another, often with little sense able to be applied.

The toxic leader/manager is also inconsistent. They may regularly say one thing and do another. What they do and what they say just don't match. Decisions, direction, and instructions can seemingly change without any apparent rationale. At the heart of the toxic leader/manager is the transmission of mixed messages so that employees never know what is truly expected, and what will get their ^&%^ kicked..



The toxic leader/manager is, usually (though not always) an avoider<sup>16</sup>. They actively avoid contexts that may be emotionally challenging, such as conflict, or discipline, and they react very poorly to being challenged. Many toxic leader/managers avoid decision making until the real emergency is created<sup>17</sup> – often a crisis of their own making – if they had intervened it would likely have been resolved at mole-hill size.

## Toxic Workplaces and Bullying

With all my research into the whole question of workplace bullying, toxicity of workplaces etc. one of the most powerfully and well-crafted commentaries has to be that written by one of Australia's foremost employee relations lawyers, Josh Bornstein<sup>18</sup>.

Lawyers are known generally to have an ability to separate the emotion from the equation and just deal with "the facts" as they stand. Mr Bornstein acknowledges that observation below. For the purposes of clarity I have reproduced this commentary in full.

"...Before seeing my client, I am handed a folder of documents by a colleague who shakes his head at its contents. The folder contains a detailed description of a group of employees who appear to have ritually enjoyed degrading one of their co-workers.

It makes disturbing reading.

When I walk into the room to meet 'Jenny', I introduce myself. Jenny starts to sob loudly. I sit opposite her and look at her. The first thing she says to me is: 'I don't want to live anymore.' It takes my breath away.

My professional, dispassionate, calm demeanour starts to crumble. I feel tearful. I have to steel myself. How to respond? All I can muster is: 'No, no, no. You can't let those bastards do this. I am going to help you get through this.'

16 An avoidant leader might also be known by the Transformational Safety Leadership descriptor of "The Invisible Man"

17 This reactive leadership style might also be known by the Transformational Safety Leadership descriptor of "The Fireman".

18 Partner, Maurice Blackburn Lawyers, Melbourne, Victoria, Australia ([www.mauriceblackburn.com.au](http://www.mauriceblackburn.com.au))

With apologies to Neil Young, I have seen the bullying and the damage done.

And I have had a gutful on behalf of the procession of workplace bullying targets who attend my office seeking legal advice. Or, more accurately, break down in my office while apologising to me for doing so.

I have seen too many employees destroyed by sociopathic workplace bullies, their careers trashed along with their health. They work in all sectors and a surprising number are executives.

Much of my frustration is directed at the impotence of the law in dealing with bullying.

Workplace bullying involves degrading, belittling, humiliating and threatening behaviour; in some cases it spills over into violence.

It corrodes dignity, self-esteem, job satisfaction, motivation and ultimately mental and physical health. In particularly bad cases, employees who experience bullying are so damaged they are unable to return to the labour market. Years of workers' compensation or social security payments await them.



And then there are the employees such as Victorian hospitality worker Brodie Panlock, who was subjected to sustained workplace bullying until, in September 2006, she committed suicide.

The law in this area has one significant deficiency: workplace bullying is not illegal<sup>19</sup>.

It might come as a surprise to many but the statute books are silent on the subject. As critics of the “nanny state” are wont to say, there is no shortage of legislation dealing with an enormous range of real or perceived social problems. But nothing explicitly dealing with workplace bullying.

Given its corrosive impact on mental and physical health, the absence of an explicit legislative prohibition on bullying and harassment is anomalous.

The Productivity Commission reported in 2010 that the cost to the Australian economy of bullying and its close relative, harassment, ranged from \$6 billion to \$36 billion a year. These numbers are staggering.

I suspect the cost far exceeds the cost of unlawful industrial action each year, yet our statute books are teeming with laws dealing with it and allowing affected parties to sue.

The real cost of workplace bullying is much greater. The Productivity Commission does not measure the quality of life of targets or that of their colleagues, children, spouses and other family.

There are many workplace laws that enshrine important rights and protections, and provide employees with quick redress.

An employee who is misled about workplace bargaining can promptly go to court and seek penalties, damages and even an urgent injunction. An employee subjected to racial vilification or sexual harassment in the workplace has a case and the option of seeking wide-ranging remedies. An employee who makes a complaint to their employer about an issue in the workplace is protected from being sacked or otherwise prejudiced for doing so.

But for the thousands of others that endure bullying at work, there are no effective legal remedies that can be used to proactively stop the problem before it causes irreversible damage to health and career.

Many believe bullying is addressed by occupational health and safety laws. OHS laws impose obligations on employers to provide employees with a safe workplace. When bullying is sufficiently serious, a complaint can be made alleging the employer has failed in its obligations.

Once a complaint is made, an investigation may take place. If the outcome of that investigation identifies a breach of OHS laws, a prosecution of the employer and relevant employees may follow. This process can take several years.

Invariably, by the time this process has unfolded, the damage to a bullying target has been done, often irreparably.

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<sup>19</sup> As of January 1<sup>st</sup>, 2014 the Australian Government has outlawed workplace bullying and all lodged complaints fall under the jurisdiction of the Australian Fair Work Commission.

In the case of Brodie Panlock, court proceedings led to substantial fines against the workplace bullies who drove her to suicide. Those fines were levied about four years after her death.

Further, OHS laws are policed by government-funded inspectorates with limited resources.

The usual means of redress for employees suffering workplace bullying is workers' compensation. Again, even a successful workers' compensation claim does not compel the perpetrator to change their behaviour, nor does it compel their employer to address the behaviour.

Most importantly, such a claim can be made only after substantial psychiatric or physical damage is done.

In Victoria, criminal stalking laws have recently been changed to allow targets of extreme bullying behaviour another potential avenue. Although this initiative is perhaps symbolically important, I can safely predict it will have no impact on at least 95 per cent of genuine cases.

The existing legal options for targets of workplace bullying are too slow, impractical and reactive. Legislators should not pigeonhole the issue as a matter of personal injury or occupational health and safety.

Workplace bullying is above all, a matter of how we treat each other as human beings. It is illegitimate. It is toxic. It should be explicitly addressed in our statutes.

A national law that enables employees to seek urgent orders stopping the bullying conduct, and before the real damage is done, is well overdue.

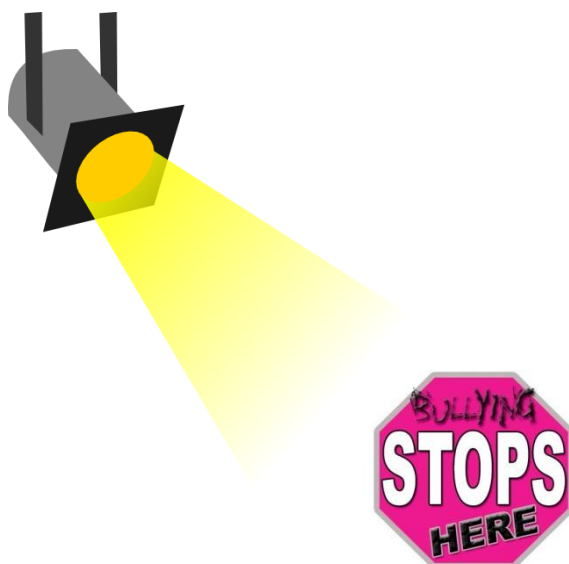
In part, the policy failure to properly tackle workplace bullying can be explained by our inability to understand and properly value mental health.

Just as expenditure on mental health services has continued to lag well behind other health expenditure, our laws continue to lag behind areas that should value and protect mental health.

An investment in an educational campaign about workplace bullying, together with legal reform, would reap a huge dividend by saving millions in lost productivity, healthcare costs and social welfare payments.

Bullying behaviour thrives in a culture of darkness. It can persist for years in workplaces that are not exposed to external scrutiny. The key to addressing bullying is for policymakers to legislate a practical means for employees to expose their work environment to external scrutiny in a court or tribunal.

Once the spotlight is activated on bullying behaviour, it tends to wither and die....."



## What is Bullying?

### A Definition of Workplace Bullying

Workplace bullying involves repeated negative actions and practices that are directed at one or more workers. These behaviours are unwelcome to the target and undertaken in circumstances where the target has difficulty in protecting themselves. The behaviours may be carried out as a deliberate act or even unconsciously<sup>20</sup>. These behaviours frequently cause humiliation, offence and distress to the target. The outcomes of the bullying behaviours have been shown to cause psychological distress which affects both personal and workplace behaviour/s.

The Australian Fair Work Commission defines Bullying as:-

Bullying occurs when:

- a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work

AND

- the behaviour creates a risk to health and safety.

Bullying does not include reasonable management action carried out in a reasonable manner.

If we were to take a slightly closer look at this definition we see that it is very wide, and might encompass an enormous range of behaviours, that when considered in their entirety, could well result in a valid complaint of workplace bullying.

It should also be noted that the “reasonable management action” quite rightly exists. Organisations should, and must, retain the right to properly manage the performance etc. of their workforce. As in the various OH&S Acts (inclusive of the National Harmonised Legislation), any reasonable management action is required to be carried out in a reasonable manner – this shall be the subject of many days of debate in the Fair Work Commission as employers argue that what they were doing was “reasonable”.

Consider for a moment the following examples. These are just some of the examples of behaviour that bullying might take – this list is certainly not exhaustive. If you see any of these occurring within your workplace then you have a reason to be concerned. If you see yourself participating in any of these behaviours then you have reason to be truly concerned.

- withholding information that affects other people's jobs
- humiliating or ridiculing others about their work
- ordering others to work below their level of competence for no reason
- removing areas of responsibility without consultation
- spreading rumours or gossip
- ignoring or sending others to the ‘back blocks’
- making insulting or offensive comments about others
- shouting and getting abusive with others
- pointing your finger, invading personal space, shoving, blocking or barring the way
- suggesting that others should resign
- constantly highlighting errors or mistakes made by others

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<sup>20</sup> Yes, it is possible for a person to “bully” another without being consciously aware that their actions are having that impact – this is an important point and reinforces the strong need for workplace based training.

- being hostile to others
- constantly criticising others' work and efforts
- ignoring the views of others
- playing practical jokes on people you don't like
- setting unreasonable tasks or deadlines
- making false allegations against others
- engaging in excessive monitoring of the work of others
- removing the rights of others
- threatening violence to others
- physically attacking others
- using malicious or insulting language.

### The Aspects of Bullying

If we deconstruct the definition of bullying even further we can find revealed some of the even more complicated aspects of bullying behaviour.

The negative behaviours most frequently identified with bullying (some of which have been indicated above) fall into four (4) main groups:

- personal insults (eg humiliation, personal criticism, ridiculing or demeaning comments)
- intimidation (eg threats of physical violence or psychological intimidation, misuse of power or position)
- work-related harassment (eg withholding information, having one's responsibilities removed, work overload, misrepresenting your work as their own)
- social exclusion (e.g. isolation, scapegoating, targetisation).

### Persistent

Bullying normally relates to negative behaviours that are repeated and persistent. Whilst it is unpleasant to be the target of someone's occasional aggressive behaviour, occasional behaviours are not *normally* defined as bullying. The exception is where the intimidating behaviour is so severe in magnitude (e.g. physical violence or threat of physical violence) that it leaves the target in a permanent state of fear.

### Long term

For some people the experience of bullying goes on for months or even years before it's recognised, while for others a single negative act can be experienced as bullying. It's quite *unlikely* that a single act would be recognised in the Commission as bullying, unless it involved a physical attack or severe personal threat. In this latter example the criminal law may be the appropriate course as this, in all likelihood, would be defined as an "assault" etc.



### Imbalance of Power

Bullying can happen when an unequal balance of power exists between two individuals in a conflict situation. Sources of power include:

- positional power – the power of a role or position
- relationship power – the power of a group
- resources power – the power to withhold scarce resources essential to one's role
- psychological power – the power of recognising an individual's vulnerabilities and exploiting this knowledge to the person's detriment
- knowledge power – the power to withhold information
- delegated power – the power to use your relationship with someone to undermine and/or threaten others.

### Intent

It is not the intention of the “bully” that is the defining factor in deciding whether bullying has taken place. The defining factor is actually whether the behaviour was unacceptable by reasonable normal standards of behaviour, and is disadvantageous or unwelcome to the person/people subjected to it. It is important to recognise the intention though, as this may be relevant to understanding the impact of their behaviour on the target, and in choosing the most effective mechanisms in order to resolve the situation. There might be considered three levels of intent:

- intentional – there was a behaviour that was directed at the target with the intention of causing actual occupational, physical or psychological harm
- instrumental – the negative behaviour was an unintended side-effect of a behaviour that was directed at achieving another goal
- unintentional – there was a lack of sensitivity or awareness of the negative impact of the behaviour.

## **The Complexities of Bullying Behaviour**

The true aetiology of bullying behaviour is very difficult to put ones finger on. As can be seen from the Introduction within this document, the amount, and magnitude, of bullying that occurs within our education system is horrific. Remember how much we will do to “protect” our children – clearly we are getting it seriously wrong somewhere. It should come as no surprise that we then find ourselves having to confront bullying in our workplaces.

Before we try and deconstruct some of the complexities of bullying behaviour let's take a step back to a watershed experiment conducted by world famous educator Jane Elliott<sup>21</sup>. Essentially Jane was so distressed by the assassination of Dr Martin Luther King that she developed a simple little experiment to explore how easy it might be to set up a segregated environment. For example, is it not one way to look at racism as a form of “culturally motivated bullying”. Anyway, Jane set up a distinction in her grade three (3) classroom on the basis of eye-colour. It did not take very long at all and Jane noticed that the behaviours of these young children was being significantly impacted (and not in a good way) by this totally irrational and innocuous distinction. There was clear evidence that the “superior” group (blue-eyed

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21 Elliott, J (2005), “Using Narrative in Social Research: Qualitative and Quantitative Approaches”, SAGE Publications

children) began to act “superior” to their brown-eyed counterparts. It did not take long for the blue-eyed kids to begin to actually “bully” their brown-eyed classmates.

There was another watershed behavioural experiment conducted by internationally renowned psychology professor, Phillip Zimbardo. This has become known as the Stanford Prison Experiment, and people who know very little about organisational behaviour, victimisation or bullying have often heard bits and pieces about this one.

The experimental design was deceptively simple. Phillip Zimbardo assessed seventy (70) male student volunteers, and selected what he thought to be the most normal, average people in the bunch. He randomly allocated the participants into two groups, guards and prisoners. Not only that, to keep things “real” he had the prisoners arrested, booked, and transported to a university building (Stanford) where a mock prison had been created for a two-week incarceration. The experiment lasted only five (5) days, however.

Within just a few hours, the guards — who’d been instructed that physical abuse was not allowed — had devolved into an horrific, psychologically abusive gang. One of the guards — nicknamed John Wayne — even created a Southern accent alongside his increasingly brutal and dehumanising actions.

An extremely critical observation here is that Professor Zimbardo, and the other researchers who designed and executed the experiment were drawn into their own “groupthink”. Zimbardo not only had the “role” of experimental lead, he was also the Governor of the mock prison — a toxic combination.

It wasn’t until an outside researcher turned up five days (5) in and saw what was going on that Zimbardo immediately stopped/cancelled the experiment. Thank goodness for that “visit”. Who knows what might have happened if it had been allowed to continue.

These two examples demonstrate how easy it might be for anyone to become caught up in bullying behaviour/s. It is something we need to remain eternally vigilant against.

Many people believe that the difference between schoolyard and workplace bullying is maturity etc. As we get older, we arguably get “smarter” — not really sure that’s the correct word to use here. The above experiments blow that false belief out of the water.

Once we also add in the variance of organisational culture, what was already complex, becomes the equivalent of a maze of mirrors. Consider that the bullying involves more than just the bully and the target. There might be more multiple simultaneous targets. Indeed there may be more than one bully as well. All of these people have their own “histories”, both personal and occupational, that may also impart both direct and indirect influence on the bullying behaviours that are being played out within the fabric of the workplace.

Every complaint of bullying should be thoroughly and responsibly explored. Failure to do so only adds further to the development of a potentially toxic bullying culture. A bullying investigation is not a simple affair. Given the nature of the issues raised, and the potential involvement of the Australian Fair Work Commission, there is great value in using an external specialist to support the organisation through any investigative/explorative process.

## Types of Bullying?

### Individual Bullying

When we stroll through much of the literature about bullying we frequently find ourselves looking at descriptions of individualised bullying, with a single bully involved in bullying one or more targets.

The bully is often described by the target as behaving in ways that are, at best, dysfunctional and, at worst, psychopathic. Regrettably when we look at many of the bullying behaviours, they are seemingly common in occupational life – certainly more common than we would like to acknowledge. It's only when the target of the negative behaviours finds that they are regular, inescapable, intentional or an abuse of power that they become bullying<sup>22</sup>.

In order to effectively tackle workplace bullying, it can be helpful to try to identify the nature of the bullying behaviour. Individual bullying usually falls into a number of types:

- predatory
- dispute-related
- escalating.

#### *Predatory Bullying*

Predatory bullying happens when the target of the bullying has done nothing to justify the negative behaviour to them. The bully may be using the innocent target to demonstrate their power to others, or the target may belong to a separate group and is attacked as a representative of that group. Predatory bullying is more common in organisations where the prevailing culture permits or sometimes even rewards this kind of behaviour<sup>23</sup>, and the bully feels they are unlikely to be punished for their bad behaviour. Targets of predatory bullying find it hard to understand what they have done to cause the problems. However, the target doesn't need to have done anything wrong to find themselves on the receiving end of the bullying.

E.g. A health surveyor joined a local government organisation working for a senior manager. Within a few days, he felt that his manager was behaving quite abruptly etc. towards him. The manager would criticise his work, pointing out errors in front of colleagues (and more than once in front of members of the public at the enquiry counter). He would become quite curt whenever he was kept waiting – though he had no issues keeping others waiting. The health surveyor then found out that this manager had behaved this way with all his staff and that no one stayed around long.

#### *Dispute-Related Bullying*

Dispute-related bullying has its aetiology out of a perceived slight or conflict that may have got somewhat out of control, infecting the general climate within the workplace. One person believes that the other has wronged them, so this conflict escalates into a personal vendetta where the destruction of the opponent becomes the goal.

Dispute-related conflict involves intense emotions leading each side to experience feelings of fear, suspicion, resentment, contempt and anger. An allegation of bullying is often used as a tactic between the opponents. Investigations of dispute-related bullying often find that both parties are knee-deep in the mud.

E.g. Two development planners had been working together on a large shopping centre project. One of the planners found a significant error in the foundation plans. He discussed it with his colleague and they both had the same view. The planner then raised it at the next level of the business and failed to mention that there had been any joint discussion. The second planner felt as though he had been deliberately excluded from this very important conversation. From that time, the two men would not work together and continually seemed to look for

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<sup>22</sup> It can also be when an independent third party witnesses the behaviour and sees that behaviour as one of bullying.

<sup>23</sup> How many examples do you know of where a person who you think is a bit of a bully, gets promoted.

opportunities to undermine each other. The situation got so intolerable that they were relocated to different planning teams.

### *Escalating Bullying*

Escalating bullying also often commences its journey via some perceived slight, be it ever so inconsequential. There can be a lot of individual perception and misunderstanding here. By the time there is any form of recognition it is way too late. The horse has bolted and other behaviours have been enacted which have escalated the situation way past the initial mediocre infraction.

It is not uncommon, in situations like this, that each party shall accuse each other of bullying.

Consider these examples of some more complex workplace bullying scenarios.

### Bullying by Proxy

There are times when the person who is being accused of bullying behaviour has absolutely no idea what they are up to. This is usually because they have been put up to it by somebody else, commonly a more senior employee.

Bullying by proxy occurs when the target has been “presented” as being a “problem child”. They may have been described as being lacklustre in performance, lazy/lethargic, etc. Once this “mindset” has been created by the more senior employee it is only a hop, skip and a jump to the next level. Encouraging the proxy bully to take that next step and “whip them into line” becomes a surprisingly reasonable ask?

The most common corrective actions that may be applied would be “close monitoring”, removal from the normal work area eg “isolation”, and/or the consistent application of unreasonable “stretch” goals. It is pretty normal in this type of situation that the proxy bully shall be required to regularly report “progress” to the senior employee who put them up to it in the first place.

It is very common to find an allegation of bullying to be made against the proxy bully. This is unfortunate as the naiveté of the proxy bully, and their unwitting involvement in the machinations of someone else, has left them unnecessarily exposed. The true bully in this circumstance is the puppet-master pulling the strings.

### Bystander Bullying

Bystanders are in quite a different place from either targets or bullies. This is because they have pretty much decided to put themselves on the outside of the situation. This can also be quite psychologically distressing for the bystander as they may feel compelled to “step up”, yet for a whole range of reasons they feel powerless to do so. There could be a bit of self-survival here as well. Whilst someone else is “copping it” that allows them to not be “seen” and “duck for cover”.

It is difficult to describe what makes a person a bystander. There are several things a person does, or does not do, that can make them a bystander.

- purposefully ignoring the event entirely,
- witnessing the event and choosing not to take the appropriate actions,
- witnessing the event thinking something on the lines of, “at least that person wasn’t me.”

Unfortunately, many people believe that being a bystander is the best option to take. This is unfortunate, as it is nearly always the case that workplace bullying does not occur in isolation. There are always people who “know” what is going on. They may elect to “stay put” because they know issues have been raised before, and the

organisation closes ranks around the bully (particularly if they are a more senior employee). This is a cultural milieu that must change. All people within the organisation must be actively encouraged to take a no-tolerance attitude to bullying. As the organisation demonstrates it is taking a genuine and unbiased approach to managing workplace bullying, the number of “bystanders” shall be significantly reduced.

### Circular Bullying

Circular bullying is a very strategic approach to bullying. Nearly everyone has seen this play out at least once in their occupational life. What happens is that the bully works on one or two people at a time. As things escalate, they often move onto another member of the group. By moving from person to person they often keep the overall temperature to just below boiling. In other words, just as a person might feel things are so bad they need to lodge a complaint, the bully moves on to someone else. The bullied person breathes a sigh of relief and is often happy to try and fade back into obscurity. Can you see where they have ended up? They are now hiding in the bystander cluster. Circular bullying can be organisationally very damaging as, by the time it is finally acknowledged and addressed, some very serious damage can be done within the functional relationships inside the organisation.

### Workplace Mobbing

“Mobbing” is a term that has its origins within the study of animal behaviour. Within the animal context mobbing is an anti-predatory behaviour, where smaller animals shall often “gang up” on a stronger predator. In contrast in the case of pigeons it is not uncommon to find many pigeons picking on (mobbing) another pigeon. Often this pigeon may be quite a bit smaller, have some other impediment, or might have just not been quick enough to “get the chip”.

In the workplace context we are seeing an increase in the pigeon like mobbing behaviours. The worst cases of workplace mobbing are when a bully actually seeks to “enlist” other employees in an ongoing campaign against their target, in other words, enlists proxies.

This workplace mobbing leaves the target reeling, with often no idea what happened or why. It takes away a person’s safety in the world, dignity, identity and belonging and seriously damages his or her mental and physical health.



Because an employee is being targeted, any attempt at self-defence may lead towards a reputation as a “troublemaker” by others, and thus they can be further ignored and isolated by otherwise quite reasonable people. Former supporters can end up turning against them and their internal networks of social support (survival) may devolve from an oasis to a mirage.

Gossip and innuendo can spread like a bushfire before the target is aware of what’s actually happen here. Previously supportive co-workers might be “recruited” to provide personal information that might vaguely add credibility to often very questionable gossip.

Mobbing is more likely to occur when a cacophony of workplace factors are similarly present. E.g., some publicly listed companies facing increased financial pressure due to market demand being in decline are more mobbing-prone. These organisations are powerfully motivated by the almighty dollar (more so in periods of decline) and

accountable only to shareholders and directors. This contributes toward the development of toxic workplaces where managers etc. turn a blind eye to bullying and mobbing and may even encourage it<sup>24</sup>.

### Good Cop / Bad Cop Bullying

One of the cruellest forms of bullying is the good cop / bad cop approach. What happens here might also be thought of as “tag team bullying”. The only difference to the “wrestling” is metaphor is within that environment you know that when one person tags the other, you are about to get a fresh flogging. After all, that’s the rule of the game. With good cop / bad cop bullying it takes on a whole new dimension. What happens here is that the bullies shall each have a role. The good cop shall often seek to foster a relationship of support with the target. They shall then be in a unique position to see and hear the emotional consequences of the bullying taking place. They shall then convey this information to the “bad cop” who is then in a far more powerful position to target the bullying behaviours.

This type of bullying is extremely damaging as the target feels (quite rightly) that the bully has some pre-cognition as how best to destroy them. They rarely put two and two together. After all this is such a malevolent strategy. You might be terminated to believe that this would not happen. You would be wrong – it does.

### Subordinate Bullying (aka Upwards Bullying)

When people think of bullying they almost always think of bullying as being vertically hierarchical, i.e. the bully is *a/ways* the more senior member of the relationship and the target is *a/ways* the person with less “power”. This might be the more “usual” bullying framework, yet it needs to be recognised that the opposite also is known to occur.

One of the difficulties here is because it is not your “standard” bullying it is often difficult to put your finger on. Since bullying is often seen as an abuse of power, then the fact that the bully is the junior partner in the power dynamic throws the rule-book out the window. Even in this case where this type of bullying is taking place, it is often written off as “poor supervision” and the target gets the blame again. In this case the “boss” has not been good enough, and probably brought it upon themselves. This is usually a long way from the truth.

Some of the methods that a subordinate may use to get to the “boss” could be constant and deliberate procrastination, or undermining, publicly challenging at every opportunity, deliberately withholding crucial information from, or failing to pass on important messages to their manager.

Often when an individual subordinate is attempting to undermine and bully their boss they shall strategically try and recruit allies to the cause (mobbing). It is also common that they may try and recruit one or two of the targets own peers who function at the same level within the power dynamic.

The challenge here is that often if the target attempts to deal with the issue/s those efforts might well come across as being bullying behaviour in themselves. This is a difficult scenario to resolve and almost always requires the involvement of an external professional to try and unravel the web of misinformation that is being peddled here.

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24 Duffy, M. & Sperry L., (2014), “Overcoming Mobbing: A Recovery Guide for Workplace Aggression and Bullying”, Oxford University Press

## What to do about Workplace Bullying

### Individual Responses

Dealing with a situation of being bullied is considered one of the most difficult things that an individual can be required to do in their working life. There are a number of things that the target of a workplace bully/s can do to try and minimise the impact of this unconscionable behaviour and also to try and have it extinguished. Some of these are:-

- Try and get enough sleep - often one of the first physical effects of being bullied is that the target begins to suffer from early morning awakening, nightmares and eventually insomnia. Sleep is a critical requirement to be able to maintain basic levels of functioning and decision making. At the first sign of any sleep disturbance<sup>25</sup> the person should consult with their preferred medical adviser.
- Get some exercise – one of the associated impacts of a bullying situation is the depletion of a number of neuro-chemicals that are required for the stabilisation of mood (how we feel). The most commonly understood of these is called Serotonin. This particular neuro-chemical is also commonly associated with the experience of Depression. It has been shown that regular aerobic exercise (4-5 times per week) can assist in the optimisation of Serotonin levels within the brain.
- Speak to their GP – Bullying behaviour takes its toll. That toll can often be physical (and not just sleeplessness). It is important that a GP is able to monitor general health during this very difficult period. Should the effect on the person be so great that they cannot attend the workplace then the records of the GP shall be crucial in acting as evidence toward whatever direction that might be undertaken.
- Talk to someone – bullying frequently results in isolation, so it is important to try and deal with this early. Identify someone (preferably outside of the workplace) who is trusted and share what is happening with them. They may not be able to impact the situation, though they shall be able to provide an independent supportive ear.
- Maintain records – It is important to have good records of what behaviours have been enacted that support (when considered in their entirety) any allegation of workplace bullying. Quite often a target knows only too well the emotional damage that they have experienced. Yet, when they are asked to substantiate what has been happening (which is only reasonable) it has all become “muddled”. Times, dates, parties, etc. might all be out of place. It is important that when a person needs to “stand up” against bullying they are able to say “...on January 7<sup>th</sup> Fred screamed at me for using the wrong colour ink on the form at the public enquires counter...”
- Seek advice – It is important to have the right advice. If a workplace has a grievance support officer, or someone similar, then that may be the appropriate course. It is important that a person seeks advice from the most appropriate source – that is not other employee's, as even the bully has a right to privacy during any investigative or “fact-finding” process.
- Speak to HR – if the workplace has a human resources (HR) department then this is often a first port of call. Sometimes the HR person can try and resolve the situation before it gets out of hand.
- Escalate if necessary - In those situations where HR lacks the resolve, competency etc. to deal with the situation it may need to be escalated. Bullying is very rarely extinguished without some sort of intervention. There are a number of ways that the issues can be escalated:-
  - Speak to an employee representative (union, HSE rep etc).
  - Speak to a solicitor (bullying is unlawful)
  - Lodge a complaint with the Australian Fair Work Commission.

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<sup>25</sup> Generally any sleep disturbance exceeding more than five consecutive (5) nights should act as a trigger that something is not right and result in a GP visit for initial review.

## Organisational Responses

Bill Eddy<sup>26</sup> is a lawyer, therapist, mediator and the President of High Conflict Institute. He is on record as saying that individuals are able to do very little to resolve a bullying situation. The key to resolving circumstances of workplace bullying requires the development of a culture of mutual dignity. There are a number of mechanisms that may contribute to that powerfully positive outcome:-

- Develop an anti-bullying policy – It is critical to recognise workplace bullying as a potential hazard within the organisation. The first step is to acknowledge this by developing and actively promoting a comprehensive anti-bullying policy.
- Train/Educate All Staff – An organisation needs to invest in educating its workforce as to what constitutes both acceptable and unacceptable behaviour within workplaces under its control. It is imperative that employers provide adequate training<sup>27</sup> in the definitions of bullying, how to identify bullying behaviours, possible resolutions to workplace bullying, and the protections now existing within the Fair Work Act (2009). Failure to do so shall likely contribute to a negative finding for any organisation that experiences a bullying complaint.
- Train/Educate senior managers – It is important that senior managers (and others of defined responsibility) receive additional training. The purpose of this more specialised training is to ensure they have a greater sense of awareness on how to recognise bullying behaviours in the workplace, how to intervene in a pro-active manner to ensure their extinction, and how to appropriately support staff who are being bullied.
- Promote a culture of mutual dignity – It is not enough to go through the motions of having a Policy and then doing some training. An anti-bullying culture needs to be proactively advocated throughout all levels of the organisation. This means email/web campaigns, genuine addresses by senior leaders, visual campaigns around the workplace, genuine response to issues raised/observed etc.
- Conduct a Workplace Bullying Pulse Survey – Set a line in the sand and conduct a staff culture survey with specific focus on workplace bullying. Provide open and transparent feedback to all staff on the results, and act on those results.
- Ensure adequate employee support – Make sure that there are suitably qualified professionals available to support a person, should workplace bullying be identified. This might be by using an EAP program, or workplace funding a private mental health professional.
- Develop a Workplace Bullying Response Team – The Fair Work Act (2009) provisions for workplace bullying have established a timeline of fourteen (14) days from the time of initial report to a response – this demonstrates the urgency of workplace bullying resolution. It is important that organisations have a well-defined process to properly investigate an allegation of workplace bullying. Whilst this team might make use of internal resources, it should be “chaired” by an independent outside party<sup>28</sup>. Attempts to try and manage this “in-house” could lead to further allegations of organisational bias, conflict of interest etc.
- Be seen to be seen – the most powerful influencing vehicle to extinguish workplace bullying from a workplace exists within the senior leadership of the organisation. The leadership must, at every opportunity, be seen to be supporting the anti-bullying stance of the workplace. They must also consistently lead the organisation by example. They must “be seen to be seen” to be doing something. If they are not then success is unlikely to be seen either.

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<sup>26</sup> www.highconflictinstitute.com

<sup>27</sup> It is the view of TransformationalSafety.Com that online training is insufficient to pass the adequacy test. The very nature of workplace bullying is so embedded within flawed workplace relationships that training should allow the interactivity of group discussion and sharing of experiences with a suitably qualified trainer. Such cannot be adequately achieved via the omnidirectional nature of online PowerPoint based methods.

<sup>28</sup> Preferably a suitably qualified mental health professional with demonstrated experience in resolving these sorts of situations.



**SAMPLE Workplace Bullying Survey Tool**

Source: Adapted from CIPD, Bullying at work: beyond policies to a culture of respect, 2006

Work Area \_\_\_\_\_

*This questionnaire has been designed to assess the impact of work and working relationships on employee well-being. The questionnaire should be completed and returned anonymously so that the strictest confidentiality can be assured.*

Age: Up to 25 ☐ 26-35 ☐ 36-45 ☐ 46-55 ☐ 55+ ☐Sex: Male ☐ Female ☐

In the following questions, circle one number in response to each statement where you're given a choice of 1 to 5, or answer Yes, No, or N/A as appropriate.

**How good or bad is your work?**

The way my manager/supervisor treats me  
Freedom to decide how to do the job  
The number of changes at work  
Having the right tools, equipment or clothing for the job  
Training to do the job  
Opportunity to use my skills  
Level of pay  
Praise for a job well done  
Volume of work  
Performance targets  
Opportunities for appropriate breaks

Very Good	Good	OK	Bad	Very Bad
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5

**Working relationships**

Have you been bullied or harassed in the past year?  
Did the bullying or harassment involve a manager?  
Did the bullying or harassment involve a non-manager?  
Did the bullying or harassment involve a member of the public?  
Do you know anyone else who has been bullied?  
Was the bullying or harassment related to race?  
Was the bullying or harassment related to sex or sexual orientation?  
Was the bullying or harassment related to a physical characteristic or disability?

Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A

**If you have been bullied or harassed, which of the following happened to you?**

Unpleasant personal remarks?  
Intimidation?  
Ganging up (mobbing)?  
Physical attack?  
Malicious gossip?  
Bad language?  
Threats?  
Public humiliation?  
Demeaning tasks?  
Micro-managing?

Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A
Yes	No	N/A

## Reporting bullying or harassment

Did you report it to your manager?

Yes	No	N/A
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If you didn't report the bullying or harassment what was the reason?

I did not think it would be taken seriously

Yes	No	N/A
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My manager was the bully

Yes	No	N/A
-----	----	-----

It would have made things worse

Yes	No	N/A
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## Quality of Support

Training or counselling to deal with stress, bullying and harassment

Very Good	Good	OK	Bad	Very Bad
1	2	3	4	5
1	2	3	4	5

The way your employer deals with bullies and harassers

## The Fair Work Commission Process – Flow Chart

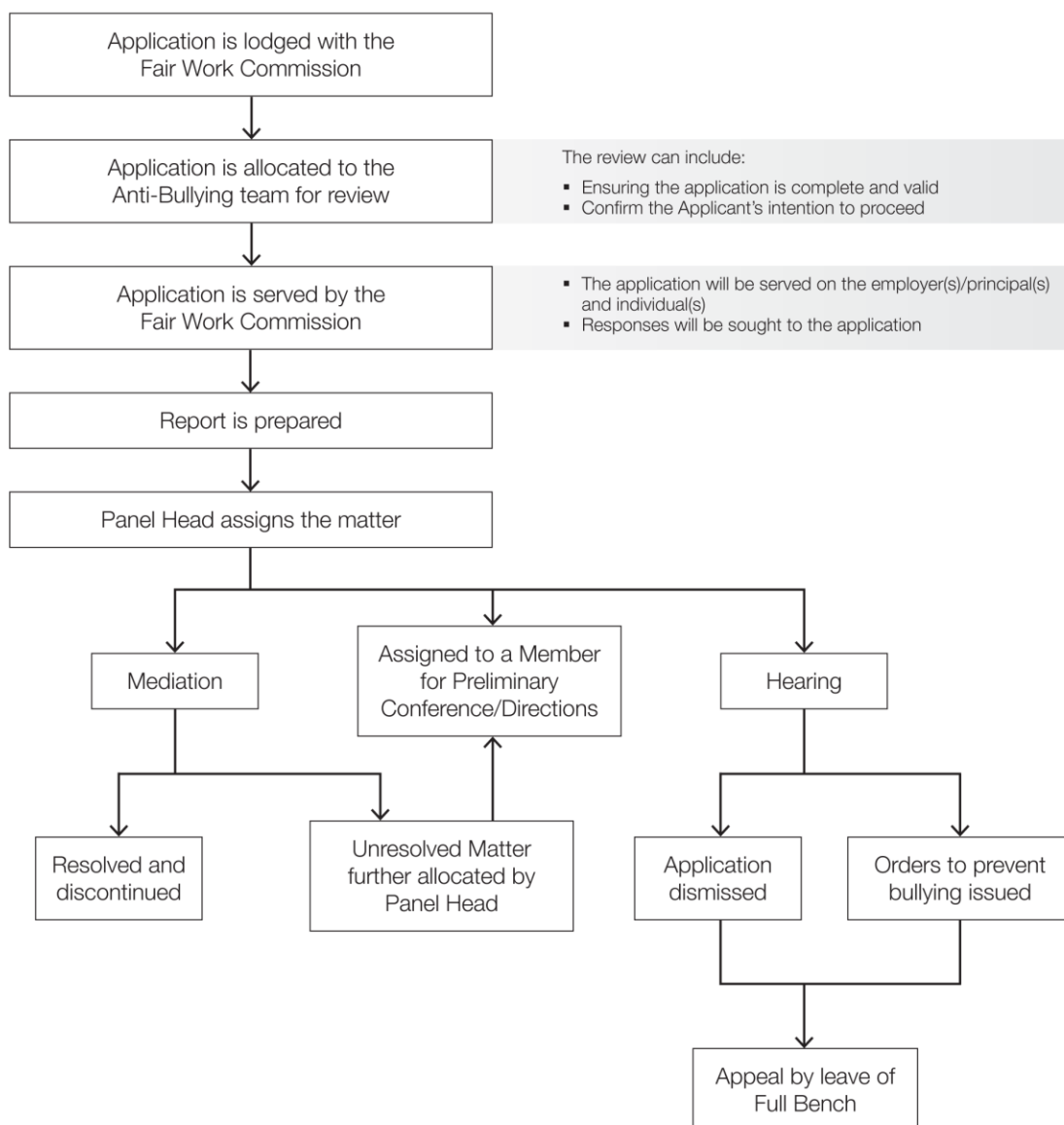


### Guide

### Flowchart of the anti-bullying process

This flowchart outlines the process followed by the Fair Work Commission in dealing with anti-bullying matters.

#### The Process



## The Fair Work Commission Process – Fact Sheet



### Guide

## Anti-workplace bullying

### 1. About bullying at work

A worker may apply to the Fair Work Commission (the Commission) for an order to stop bullying at work from continuing. This right comes from the *Fair Work Act 2009* (the Fair Work Act).

#### What is bullying at work?

Bullying occurs when:

- a person or a group of people **repeatedly** behaves unreasonably towards a worker or a group of workers at work

AND

- the behaviour creates a **risk to health and safety**.

Bullying **does not include reasonable management action** carried out in a reasonable manner.

Bullying behaviour may involve for example any of the following types of behaviour:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner.

However, this behavior must be repeated and unreasonable and must create a risk to health and safety in order for it to be bullying.

#### What is 'reasonable management action'?

Reasonable management action carried out in a reasonable manner does **not** constitute bullying.

Reasonable management action may include for example:

- performance management processes
- disciplinary action for misconduct
- informing a worker about unsatisfactory work performance or inappropriate work behaviour
- directing a worker to perform duties in keeping with their job

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- maintaining reasonable workplace goals and standards.

However, any reasonable management actions must be conducted in a reasonable manner. If not, they could still be bullying.

For more information on the ways to manage workers who are not performing their job as required, download the Fair Work Ombudsman's *Managing underperformance best practice guide* from [www.fairwork.gov.au](http://www.fairwork.gov.au).

## 2. What to do if there is bullying, or reports of bullying, at work

### Try to resolve the issues at the workplace

Where possible and safe, workers should try to address issues of bullying at work within the workplace. There may be processes already in place in the workplace to deal with issues of bullying.

Workers are encouraged to raise the issues with their:

- supervisor and/or manager
- health and safety representative
- human resources department.

Workers can also speak to their union for information and advice on how to raise and deal with the issues in the workplace.

Federal, State or Territory work health and safety (WHS) regulators may be able to provide information on how to raise issues of bullying at work. Contact details for your local regulator can be found in section 8 of this guide *Where to get help*.

**Employers and principals** are encouraged to respond quickly and appropriately to the issues being raised. They have a duty of care to provide a safe workplace under WHS laws.

An **employer or principal** is:

- the person or business that employs or engages the worker who is alleging they are being bullied at work, and/or
- the person or business that employs or engages a person against whom bullying has been alleged.

Employer organisations, industry or trade groups registered with the Commission, chambers of commerce and peak industry bodies may be able to provide information on how to resolve issues of bullying at work.

The Department of Business (or equivalent) in most States and Territories often has information to assist small businesses manage their staff, resolve disputes and develop HR policies (including policies that deal with bullying). Contact details for the relevant Department in your State or Territory can be found on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

Many of the State or Territory WHS regulators have guides for employers/principals on how to deal with bullying at work, which can be found on their websites. Details of these websites can be found in section 10 of this guide: *Where you can get help*.

### Take care of your health and wellbeing

Bullying at work is a serious issue that can affect people in a number of ways. If you have been assaulted or fear that you may be assaulted you may wish to consider contacting the police.

If you are feeling anxious or depressed it is important to speak to someone. Some options are:

- many workplaces have an employee assistance program (EAP) that can offer confidential support and assistance
- make an appointment to visit your doctor
- call **Lifeline** on **13 11 14**. Lifeline is a 24 hour service.

### 3. What can the Commission do to stop bullying?

The Commission can make an order to prevent a worker being bullied at work if satisfied that:

- the worker has been bullied at work by an individual or group of individuals, and
- there is a risk that the worker will continue to be bullied at work by that same individual or group.

The Commission is a tribunal, and is required to hear from all relevant parties before making orders. It does not conduct investigations into allegations of bullying at work.

#### What is an order?

An **order** is a ruling made by a Commission Member after he or she has heard and determined a matter. Once an order has been made, anyone bound by that order must comply with it. Courts can impose substantial penalties on parties who fail to comply with orders.

In bullying matters, a Commission Member can make any order the Member considers appropriate to prevent the worker being bullied.

The focus of any orders the Commission may make must be to prevent further bullying. Actions that the Commission might consider could include:

- requiring the individual or group of individuals to stop the specified behaviour
- regular monitoring of behaviours by an employer or principal
- compliance with an employer's or principal's bullying policy
- the provision of information and additional support and training to workers
- review of the employer's or principal's bullying policy.

However each case will be considered on its merits and parties should consider the specific circumstances of the workplace when seeking orders or responding to proposals for orders.

The Commission **cannot issue fines or penalties** and **cannot award financial compensation**.

Before making an order, the Commission must take into account:

- any outcomes arising out of an investigation into the alleged bullying conducted by another person or body
- any procedures available to the worker to resolve the alleged bullying and any outcomes arising from those procedures.

#### How do other agencies deal with bullying at work?

Information on the other agencies that deal with bullying at work can be found in the section called *Where to get help* on page 8 of this guide.

### 4. Who can apply to the Fair Work Commission?

The national anti-bullying laws only apply to certain workers in Australia. To make an application for an order to stop workplace bullying, a person must:

- be covered by the national anti-bullying laws, and

- meet the definition of a 'worker'.

A **worker** includes:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work in a particular business or organisation
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer.

Workers are only covered by the national anti-bullying laws if they are at work in a 'constitutionally-covered business'. This includes a business or undertaking conducted by:

- a constitutional corporation—for example, a proprietary limited company or an incorporated association conducting trading or financial operations (this includes foreign corporations formed within the limits of the Commonwealth)
- the Commonwealth or a Commonwealth authority
- a body corporate incorporated in a Territory
- a business or organisation principally in a Territory or Commonwealth place.

#### **Who is not covered by these anti-bullying laws?**

Workers are only covered by the national anti-bullying laws if the bullying occurs while they are at work in a constitutionally-covered business. Businesses that are not constitutionally-covered may include businesses or undertakings conducted by:

- sole traders or partnerships
- state government departments and some state public sector agencies
- some local government organisations
- corporations whose main activity is not trading or financial.

Members of the Defence Force are not covered by these laws.

The Commission may dismiss an application if the Commission considers that the application might involve matters that relate to Australia's defence or national security.

The Commission can only make an order if there is a risk that the worker will **continue** to be bullied at work by the particular individual or group. Accordingly, orders cannot be made where the worker is no longer engaged in connection with the workplace where they alleged the bullying conduct occurred or for some other reason is no longer exposed to bullying by the individual or group at work.

If you are not covered by the national anti-bullying laws, read section called *Where to get help* on page 8 of this guide.

## **5. How to apply for an order to stop bullying**

A worker who reasonably believes he or she has been bullied at work may make an application to the Commission for an order to stop bullying conduct.



If there is more than one worker who believes they are being bullied, each worker will need to make a separate application. Related applications may however be heard together where appropriate.

### The application form

The form used to make an application for an order is Form F72— Application for an order to stop bullying. This form can be completed using the form which is available on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

The application form is also available:

- by calling the Commission on 1300 799 675
- from the Commission's public counters in each capital city.

The Commission will inform those people who might be affected by your application that you have applied for a workplace bullying order.

This will include providing a copy of your application to:

- your employer or principal
- the person or people you allege are bullying you
- the employer or principal of this person or people (if different from your employer/principal).

### The application fee

There is an application fee of **\$65.50**.

If the fee will cause you serious financial hardship, you can apply to have the fee waived. You must lodge the waiver form at the same time as you lodge your application.

Copies of the waiver form are available:

- on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au)
- by calling the Commission on 1300 799 675
- from the Commission's public counters in each capital city.

### Time limits

There is no time limit on making an application. However, **a worker must still be exposed to bullying by the same individual or group**—the Commission can only make an order if there is a risk that the worker will **continue** to be bullied.

## 6. How to respond to an application for a workplace bullying order

After a worker has made an application for an order to stop bullying at work, the Commission will ask for a response from:

- the employer or principal who employed or engaged the worker, and
- the person or people the worker has alleged is bullying them.

The response should be made by completing the relevant response form. This is the first opportunity the parties will have to respond to the allegations outlined in the worker's application. There will be an opportunity to make further responses as the matter progresses.



### Response from an employer or principal

An **employer or principal** is:

- the person or business that employs or engages the worker who has made an application, and/or
- the person or business that employs or engages the person or people against whom bullying has been alleged.

Once an application has been received, the Commission will send the employer/principal a Form F73—Response from an employer/principal to an application for an order to stop bullying.

The Commission will also send them a copy of the worker's application form, so that the worker's allegations can be addressed.

The employer/principal must complete its response form and send it to the Commission **within 7 days**. The employer/principal must also send a copy to all of the parties to the matter. This includes:

- the worker who has made the application
- the person or people the worker has alleged is bullying them
- any other employers/principals involved (if any), and
- any legal or other representatives.

### Response from the person(s) alleged to have bullied the worker

The Commission will in most cases send any person the worker has alleged is bullying them a Form F74—Response from a person against whom bullying has been alleged to an application for an order to stop bullying. The Commission will also send a copy of the worker's application form, so that the worker's allegations can be addressed.

The person must complete the response form and send it to the Commission **within 7 days**. The person must also send a copy to all of the parties to the matter. This includes:

- the worker who has made the application
- the person or business who employs or engages the worker
- the person or business who employs or engages you (if different),
- any other person who is alleged to have bullied the worker; and
- any legal or other representatives.

### Disputing an application

If you are responding to a worker's application for a workplace bullying order, you can dispute to the application on a number of different grounds. These would include that:

- alleged bullying behaviour has not occurred or has not occurred repeatedly
- the worker is not covered by the national anti-bullying laws
- the action taken was reasonable management action carried out in a reasonable manner, and/or
- the application is frivolous, vexatious or has no reasonable prospects of success.

You should record any objections you have to the application on your response form.

If you are objecting to an application, you will still need to complete all sections of the response form. The Commission will need this information before it can determine whether to uphold your objection.

## 7. What happens at the Commission?

Once the Commission has received the application form, a staff member will call the worker to confirm the details of the application.

The Commission will then send a copy of the application form to:

- the employer(s)/principal(s), and
- in most cases, the person or people against whom the bullying has been alleged

and will ask them to respond in writing. (See section 6 of this guide *How to respond to an application for a workplace bullying order* for more information.)

The Commission will then decide how best to deal with the matter.

### Mediation

If appropriate, the Commission will schedule a mediation session for the parties involved to try to help them resolve the dispute themselves.

Mediation is an informal, voluntary, private and generally confidential process facilitated by a Commission Member or by one of the Commission's anti-bullying mediators. The Members and mediators are independent and do not take sides.

The style of each Member and mediator may vary but, in general, mediation will include the following steps:

- the Member or mediator explains their role and the manner in which mediation is to be run
- each side briefly outlines their story including what happened, any relevant facts, and what they want
- the Member or mediator may ask questions and may speak with the parties separately
- the Member or mediator will try to help the parties reach an agreement by identifying common ground and suggesting possible options for resolution, and
- if an agreement is reached, the Member or mediator can assist the parties to record their agreement in writing.

The mediation may take place in person, by telephone or by video conference.

Given the nature of the jurisdiction and the orders available, the Commission will not be promoting or recommending the resolution of these applications on the basis of monetary payments.

### Conferences & hearings

If the Commission thinks that the matter is not suitable for mediation, or if the matter can't be resolved by the parties at mediation, the Commission may hold a conference or hearing.

The purpose of a conference or hearing is to enable the Commission to determine whether an order to stop workplace bullying should be made. A conference is generally conducted in private, while a hearing is generally open to the public.

The Commission may also hold a preliminary conference designed to better inform the Member about the parties and issues involved.

The Commission will write to the parties with the details of any conference or hearing. The notice will include the time, date and location of the conference or hearing. It may also include instructions (also known as 'directions') for the lodgment of written material with the Commission.

### Adjournments

If you can't attend on the date of the mediation, conference or hearing, or there is any other reason why you think the matter should be delayed, you can apply for an adjournment.

An application for an adjournment must be made in writing, and you must provide full reasons as to why the adjournment should be granted. Adjournments will only be granted where there are substantial grounds.

Any request for an adjournment should be made as soon as you become aware that the date is unsuitable.

Where a party does not attend a hearing when required, orders may be made in their absence.

For more information on hearings and conferences, including information on what will happen on the day, read the fact sheet *About hearings & conferences* which can be found on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au)

### 8. Costs

In general, parties to a workplace bullying application will bear their own costs.

However, the Commission may order a party to pay some or all of the costs incurred by another party if the Commission is satisfied that:

- the application or response to the application was made vexatiously, or without reasonable cause, or
- it should have been reasonably apparent that the application or response to the application had no reasonable prospects of success.

### 9. Privacy

In general, applications for orders to stop workplace bullying and discussions in private conferences are confidential between the parties. Details will usually only be disclosed to the parties directly involved or their representatives.

Where formal hearings are conducted, these are open to the public unless the Commission determines otherwise.

The Commission is required by law to publish its decisions. Decisions are published on the website [www.fwc.gov.au](http://www.fwc.gov.au) and generally include the names of parties to the matter.

If parties do not want their matters heard in public or their names and other details published in decisions, they will need to make an application for the Commission to make an order to that effect. This application can be made in writing to the Member of the Commission dealing with the matter.

### 10. Where to get help

#### Interpreters

The Commission can arrange for an interpreter to be present at your mediation session, conference and/or hearing at no cost to you. However, you must notify the Commission as early as possible of your need for an interpreter, and provide details of the required language.

#### Legal or other representation

Representation is where another person (such as a lawyer, union official or family member) speaks or acts on your behalf.

There is no requirement for you to be represented when you appear at the Commission. In any conferences or hearings, you will need the permission of the Commission Member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- one of your employees or officers (if you are an employer/principal) or
- employed by a union or employer organisation, a peak union or peak employer body.

If you decide to represent yourself in proceedings you will need to make sure you are well prepared. You are welcome to bring one or more individuals with you for support. There are generally no objections to this, although in a private conference you should be prepared to tell the Commission why you would like the person to be present.

Different arrangements apply when voluntary mediations are conducted by staff of the Commission and you will be advised of these in advance of any such process.

### **Commission staff & resources**

Commission staff cannot provide legal advice or advice on how best to run a case. Commission staff can, however, can give you information on:

- processes in the Commission
- how to make an application to the Commission and how to respond to an application that affects you
- how to fill out forms
- where to find documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website [www.fwc.gov.au](http://www.fwc.gov.au) also contains a range of information on workplace bullying that may be of assistance.

### **Where else can I go to have my bullying at work issues dealt with?**

Workplace bullying can be a breach of health and safety laws, which are administered by regulators Federally and in each State and Territory. Regulators may decide to respond to complaints of workplace bullying and can prosecute for breaches of health and safety laws. Like the Commission, the regulators cannot award financial compensation. Contact details for the State and Territory regulators can be found on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

If you think you are being bullied for a discriminatory reason, this may be a breach of equal opportunity laws. Contact details for anti-discrimination and equal opportunity bodies in each State and Territory can be found on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

Other specific laws also apply to some particular workers, such as public servants and defence personnel.

## Author Biography

David G Broadbent is one of the World's foremost speakers on Safety Culture and Safety Leadership and how these things fundamentally affect our workplaces.

In 2004 David was asked to offer his thinking about leadership practices and their effects on workplace health and safety at the International Congress of Psychology in Beijing, China – so you guessed it – this guy's a Psychologist as well. It was after that presentation that he was asked to further develop his thinking and he created the globally recognized Transformational Safety Culture / Leadership Survey.

He has also presented the Keynote Address, and other presentations, at many national and international corporate conventions. He is highly sought after globally as someone who can make the complex simple, and do so with a sense of "fun".

In the latter part of 2008 David was involved in a near fatal cycling accident. You would not believe this accident occurred less than one week before he was due to return to South Africa, to work with the senior leadership team of one of that country's largest industrial support businesses. David has been told that whilst he was laying semi-conscious in the "emergency room" he was heard to keep saying to the attending Doctors, "you need to put me back together I'm going to South Africa next week". Well, as you can imagine, he never got there.



This accident resulted in David experiencing a multi-punctured lung, and multiple fractures - they stopped counting at 24 – he should not be alive. The surgeon described David's injuries as though "a hand grenade had exploded on the inside". He was literally screwed back together; his upper left arm/shoulder is now largely Titanium. David suggests that his net worth goes up & down with the stock market. David is forever grateful to the global mining community for their efforts in providing the metal that holds him together.

David is one of only a handful of safety professionals, in the global safety community, who can speak with experiential authority on the accident causation sequence, risk tolerance, trauma recovery etc. (and maybe even human error).

David has also developed (2010) the SAFE-T-SOS Behavioural Systems. He did so because the majority of BBS systems have been shown to either fail (+70%) or not be sustained in the medium to long term (+80%). By leveraging the "power" of behavioural psychology and integrating Transformational Safety Leadership (TSL) competencies throughout the behavioural paradigm, the SAFE-T-SOS Behavioural Systems are able to deliver unprecedented and sustained organisational outcomes.

Since David was rebuilt he continues his own journey working globally with many people and companies in support of improved health and safety performance.





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## PROFILE

A highly experienced and innovative corporate and counselling psychologist who has synthesised these frameworks into a value adding experience for a large and varied customer base. David is very focused upon the needs of his customers and this is evidenced by a business that continues to prosper within a referral network created by customer satisfaction.

David has highly developed interpersonal and groupwork skills and this has resulted in recognition both nationally and internationally for his pragmatic ability to deliver the most complex information in an entertaining and successful style.

David's expertise in the world of occupational safety is highly regarded and he is regularly sought after as a speaker at conference venues and corporate events throughout the World.

David is the Creator of the internationally recognised Transformational Safety Model and regularly assists organisations assess and develop their safety management systems toward world's Best Practice.

## SKILLS SUMMARY

- Metallurgist, in a "past life", makes David one of the very few Safety Psychologist's in the world with such a **powerful industrial history**.
- Highly experienced **Groupwork Facilitator**.
- Demonstrated **Program Development** skills within a variety of industrial environments.
- **Leadership Development** and **Change Management** strategist within organisational settings.
- Developed and implemented the **POWER® Management Systems**; an integrated management skillset collection.
- Development and provision of **Safety Management Systems** for both domestic and international consumption.
- Creator of the **SAFE-T-NET Technologies**; which is an integrated suite of safety products that place safety system development within an empirically based psycho- behavioural framework – and in multiple languages as well!
- Creator of the SAFE-T-SOS Behavioural Safety Systems; one of the most highly integrated BBS platforms available, and fundamentally grounded within the Transformational Safety Leadership (TSL) framework.
- Internationally recognised as one of the foremost commentators on **Full Range Leadership** and associations with corporate and safety outcomes.
- **Industrial History** and a pragmatic ability to relate within all levels of an organisation; from the Stock Room to the Board Room.
- Industry leader in the development of **Trauma Recovery Solutions** within organisational frameworks.
- **Experienced presenter** to both small groups and large convention centres.

## CAREER HIGHLIGHTS

- Director of Strategic Management Systems; a customer focused organisational psychology practice.
- Development of a trauma education package for one of Australia's largest multi-national corporations.
- Creator of The Transformational Safety System<sup>®</sup>; the World's only integrated safety culture assessment system incorporating Transformational Leadership<sup>®</sup> Theory.
- Creator of the SAFE-T-NET Technologies; a fully integrated multi-lingual relationship based safety development system.

## QUALIFICATIONS

- Bachelor of Arts (Psych-Hons)
- Certificate IV in Assessment & Workplace Training
- Advanced Trauma Specialist – International Critical Incident Stress Foundation
- Advanced Coach – MLQ Leadership Development Systems

## SOCIETY MEMBERSHIPS

- Fellow - International Safety Quality Environment Management Association
- Fellow - Australian Institute of Management
- Member - Australian Psychological Society
- Member - Society of Petroleum Engineers
- Member - International Association of Coaches
- Member - International Critical Incident Stress Association

## EMPLOYMENT HISTORY

### **Managing Director - Strategic Management Systems Pty Ltd**

Incorporating: TransformationalSafety.Com – Integrated Safety Culture Analysis and Reporting  
DG Broadbent & Associates – Organisational and Counselling Psychologists

### **Key Deliverables:**

#### **Leadership Development**

- Designed the Lead to Succeed<sup>®</sup> Program - An outcome oriented leadership development program incorporating Full Range Leadership principles.
- Developed Good to Greater<sup>®</sup> - The Asia-Pacific's first experiential workshop incorporating the seminal works of Jim Collins' Good to Great.
- Developed Project to Success<sup>®</sup> - A Project Management education primer with particular emphasis upon integrated leadership competencies.
- Created the ATLAS<sup>®</sup> Paradigm: A leadership competency framework for developmental coaching.
- Developed the Transformational Safety Leadership (TSL) System – the world's only safety specific leadership model founded within the transformational framework.

### **Safety Culture Analysis**

- Developed and implemented the Integrated Safety Culture Assessment<sup>®</sup> model drawing upon contemporary safety culture research.
- Regularly provides strategic advice to both domestic and international clients in regard to safety enhancement programs.
- Developed and provides a cross-cultural multi-lingual safety culture assessment system.
- Created The Transformational Safety System<sup>®</sup>: The world's first fully integrated safety culture enhancement system incorporating Full Range Leadership Theory.
- Created the Process Safety Questionnaire (PSQ) – the World's first integrated Process Safety perception survey instrument.

### **Occupational Health and Safety**

- Assisted a key regional employer reduce their workers compensation exposure from \$1,200,000 to \$60,000 across three (3) years.
- Assisted a key regional employer improve their occupational injury return to work rate from 35% to 100% within a twelve (12) month cycle.
- Developed an integrated EAP/Injury Management System for a high stress work environment which improved return to rates from 0% to >80% within a twelve (12) month cycle.
- NSW Workcover accredited Rehabilitation Provider with the highest sustained Return to Work Rate for the preceding fifteen (15) years.
- Has assisted global corporations with review and design of safety management systems.
- Designed and implemented the globally recognised SAFE-T-NET Technologies – an internet based safety system library targeted at maximising employee engagement with “The System”.
- Internationally qualified to audit against ISO18001: Occupational Health Management System Development and Implementation.
- Nationally qualified to audit against AS/NZS 4801:2001: Occupational health and safety management systems - Specification with guidance for use.

### **Coaching**

- Foundation Member of the International Association of Coaches (IAC).
- Regularly provide corporate interventions using industry recognised coaching frameworks; eg GROWE, ACHIEVE, and the IAC-15 Proficiencies.

### **Risk Assessment**

- Development and implementation of Australia's only risk management training programs based upon Operational Risk Management (ORM) principles: the risk management protocols utilised by the US Navy Seals.
- Regularly conducts Risk Assessments/Incident Investigations for numerous organisations.

### **Trauma Management**

- Provider of Trauma Recovery Solutions throughout Australia
- Advanced qualifications in Critical Incident Stress Management (CISM)
- Technical Adviser to the AMCOR Global Trauma Education Program – involved film scripting, on - camera involvement, and individual training of actors etc
- Creation and publication of the “Managing Trauma in the Workplace” Employers Guide – individually licensed to workplaces.



## PAPERS PRESENTED

**“The Influence of Human Factors in the Accident Causation Chain – The Need for a New Way”**, The Cairn Energy Global HSE Conference, Taj Palace Hotel, NEW DELHI, INDIA, September 26<sup>th</sup> 2013

**“Organizational resilience following a major disaster”**, The Cairn Energy Global HSE Conference, Taj Palace Hotel, NEW DELHI, INDIA, September 27<sup>th</sup> 2013

**“Safety at the Sharper End: The application of the HRO Hallmarks to historical workplace disasters - processes which save lives”**, The 3<sup>rd</sup> Annual South African Academy for Occupational Safety and Health Conference, Emperors Palace, Kempton Park, SOUTH AFRICA, 17<sup>th</sup> May 2013

**“The recognition of Human Error as a fundamental contributor within the accident causation process”**, IRCA Global Oman Seminar Series, Crowne Plaza Hotel, MUSCAT, OMAN, April 15<sup>th</sup> 2013

**“Developing optimal behavioural safety within an Indian Oil Refinery – the application of Transformational Safety Leadership competencies”**, Essar Oil, JAMNAGAR, INDIA, March 20<sup>th</sup> 2013

**“Developing safety systems within emerging economies – The place of culture and Transformational Safety Leadership competencies”**, Global Leadership Development Series, Duke – Corporate Education, The Langham Hotel, SHANGHAI, CHINA, February 27<sup>th</sup> 2013

**“The Process Safety Risk Management & Leadership Series”**, Oil & Gas Skills, The Fairmont Hotel, Heliopolis, CAIRO, EGYPT, January 14<sup>th</sup> – 17<sup>th</sup> 2013

**“Take a Second Look – An Exploration of the simplicities of Human Error and their contribution to Workplace Failure States”**, Australian Foundry Institute National Conference, Crowne Plaza Hotel, COOGEE, AUSTRALIA, October 21<sup>st</sup> – 25<sup>th</sup> 2012

**“Transforming Safety Leadership: Using Science to Inform Leadership Competencies and reinforce Safety Culture Development”**, Safety Institute of Australia New South Wales Conference, Sydney Conference and Exhibition Centre, HOMEBUSH, AUSTRALIA, October 23<sup>rd</sup> – 25<sup>th</sup> 2012

**“SAFE-T-LEADER: The application of Transformational Safety Leadership (TSL) competencies within a multinational Indian operation”**, ESSAR Projects, MUMBAI, INDIA, October 19<sup>th</sup> 2012

**“Transforming Safety Leadership within the Hydrocarbon Sector - A Global Analysis”**, SPE/APPEA International Conference on Health, Safety, and Environment in Oil and Gas Exploration and Production, The Perth International Convention Centre, PERTH, AUSTRALIA, 10<sup>th</sup> – 13<sup>th</sup> September, 2012

**“Managing Critical Incidents in a School Based Environment”**, Crisis Management Conference, The Association of School Business Administrators State Conference, The Country Club Resort, Prospect Vale, Launceston, Tasmania, AUSTRALIA, 1<sup>st</sup> - 2<sup>nd</sup> August, 2012

**“Safety at the Sharp End: An analysis of the RMS Titanic disaster, and the Costa Concordia, with reflections toward an HRO cultural framework”**, Managing the Unexpected. The 2<sup>nd</sup> Annual South African Academy for Occupational Safety and Health Conference, Emperors Palace, Kempton Park, SOUTH AFRICA, 25<sup>th</sup> – 26<sup>th</sup> April 2012

**“The Tolerance of Risk: We should be scared, or should we?”**, The American Society of Safety Engineers (ASSE) – Middle East Chapter, DHARHAN, SAUDI ARABIA, 20<sup>th</sup> September 2011

**“Leading the Way to Optimal Safety Performance”**, A Global Developmental Workshop for the International Council of Mining and Metals, The One Great George Street, LONDON, UNITED KINGDOM, 24<sup>th</sup> - 25<sup>th</sup> March 2011

**“Developing a Functional Safety Culture through High Reliability Operations”**, Health & Safety: Cultivating High Reliability Organisations in Africa: South African Academy of Occupational Safety and Health, Southern Sun Grayston Hotel, SANDTON:JOHANNESBURG, SOUTH AFRICA, 26<sup>th</sup> – 27<sup>th</sup> January 2011

**“The Development of The Transformational Safety Culture Improvement System and its application to safety improvement within the Petrochemical Sector”, XXVIII<sup>th</sup>**

International Congress of Applied Psychology, MELBOURNE, AUSTRALIA, 11<sup>th</sup> – 16<sup>th</sup> July 2010

**“Transformational Safety Leadership: It all comes home to South Africa – From Bass to Broadbent”,** A Professional Development Workshop convened by Murray & Roberts Cementation, Lonmin Resources and the South African Chamber of Mines, Lonmin Game Farm, RUSTENBURG, SOUTH AFRICA, 23<sup>rd</sup> September 2009

**“Situational Awareness and Collective Mindfulness: A powerful combination to address Human Error outcomes in South Africa”,** The 6<sup>th</sup> Annual SAFEmap Africa Competency Based Safety Conference, JOHANNESBURG, SOUTH AFRICA, 18<sup>th</sup> September 2009

**“Culture & Leadership: An exothermic business transaction”.** TRANS-NET Professional Development Symposium, Corporate Training Centre, JOHANNESBURG, SOUTH AFRICA, 17<sup>th</sup> September 2009

**“Developing an effective Safety Culture framework within a global business identity”,** The Vesuvius Asia Pacific Safety Symposia, The Sarjuna Resort, KUALA LUMPUR, MALAYSIA, 4<sup>th</sup> – 7<sup>th</sup> August 2009

**“Effective Safety Leadership - Transforming Safety Leadership within High Reliability Organisations”,** The 4<sup>th</sup> Total Safety Culture Conference, Amora Hotel, SYDNEY, AUSTRALIA, 28<sup>th</sup> – 31<sup>st</sup> July 2009

**“Oh !@#\$, Where did that come from”,** Keynote Address, Safety Institute of Australia Queensland Conference, Brisbane Conference and Exhibition Centre, BRISBANE, AUSTRALIA, June 18<sup>th</sup> 2009

**“Misdirection, misperception, and misunderstanding: An experiential journey through some of the “white noise” surrounding behavioural safety systems,”** 2nd Annual BBS in Heavy Industries ASPAC Conference, Rendezvous Hotel, MELBOURNE, AUSTRALIA, 27<sup>th</sup> – 28<sup>th</sup> November 2008

**“Transformational Safety and Local Government: The Challenges of Transitional Environments,”** The Workplace Health and Safety Conference 2008 ; The Times They Are A Changing, Local Government Association of Queensland, Gold Coast International Hotel, Surfers Paradise, Queensland, AUSTRALIA, 7<sup>th</sup> – 9<sup>th</sup> May 2008

**“Transforming Safety on the Veldt: A safari through the land of safety leadership with special reference to the South African context?”** The SAFEmap Africa Competency Based Safety Symposium, Airport Sun International, Johannesburg, SOUTH AFRICA, 14<sup>th</sup> September, 2007

**“Leading Lean: Transforming your Safety Culture within Manufacturing during the 21<sup>st</sup> Century?”** The Association for Manufacturing Excellence – Pacific Rim Conference, Sofitel Convention Centre, MELBOURNE, AUSTRALIA, 14<sup>th</sup> – 17<sup>th</sup> August, 2007

**“Safety Culture, Employee Participation and Engagement “,** SAFEGUARD National Health and Safety Conference, Sky City Convention Centre, AUCKLAND, NEW ZEALAND, 30<sup>th</sup> April - 1<sup>st</sup> May 2007

**“What kind of Safety Leader are you?”,** SAFEGUARD National Health and Safety Conference, Sky City Convention Centre, AUCKLAND, NEW ZEALAND, 30<sup>th</sup> April - 1<sup>st</sup> May 2007

**“Transforming Safety – Beyond Behaviour and Towards Belief”,** Keynote Address, New Zealand National Workplace Health & Safety Awards, Sky City Convention Centre, AUCKLAND, NEW ZEALAND, 1<sup>st</sup> May 2007

**“Safety Leadership and the Cultural Framework: Breaking Through the Glass Ceiling of Safety Performance”,** Safety in Action 2007, Melbourne Convention and Exhibition Centre, MELBOURNE, AUSTRALIA, 20<sup>th</sup> – 22<sup>nd</sup> March 2007

**“Leading your business toward the Holy Grail: A transformational exploration of how your leadership impacts safety performance”,** The Safety Conference 2006, Sydney Olympic Centre, SYDNEY, AUSTRALIA, 17<sup>th</sup> – 19<sup>th</sup> October 2006

**“Leading your Safety Culture toward Best Practice: Integrating the Transformational Safety Culture Improvement System within traditional BBS Programs”,** Safety in Action 2006, Melbourne Convention and Exhibition Centre, MELBOURNE, AUSTRALIA, 16<sup>th</sup> – 18<sup>th</sup> May 2006

**“Maximizing Safety Performance via Leadership Behaviours”,** 28<sup>th</sup> International World Congress of Psychology, BEIJING, CHINA, 8<sup>th</sup> -13<sup>th</sup> August 2004

**“Leadership Styles and their Impact upon Safety Outcomes”,** Transfield-Worley Best Practice Conference, ADELAIDE, AUSTRALIA, 22<sup>nd</sup> – 23<sup>rd</sup> March 2004

**“Managing Traumatic Incidents in the Workplace”,** Futuresafe 2001, Brisbane Convention and Exhibition Centre, BRISBANE, AUSTRALIA, 6<sup>th</sup> -8<sup>th</sup> June 2001

**“Critical Incident Stress Management in the Workplace”,** Huntersafe 2001 - Managing Workplace Risk, Newcastle City Hall, NEWCASTLE, AUSTRALIA, 8<sup>th</sup> – 9<sup>th</sup> March, 2001