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## **HR: Blocking the bullies in your workplace**

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Some people are actually unaware that their behaviour fits into the definition of bullying. Given the important role education plays in prevention, it is very important that partners and staff understand the personal behaviours that are bullying. It is also important for law firm leaders to be aware of the organisational factors that contribute to a culture of bullying. This article provides an overview of this important safety, wellbeing and productivity topic, as well as further resources.

Education plays a key role in the prevention of bullying, so it is very important that partners and staff understand the personal behaviours and organisational factors that contribute to these behaviours. This article provides an overview of this important topic, as well as further resources.

Bullying in the workplace has been linked to myriad health issues, including distress, anxiety and disrupted sleep. It can also lead to a decrease in productivity and increases in absenteeism and staff turnover. With an increasing number of bullying complaints, it is important for law firms to have a good understanding of this safety issue.

The current state and territory Occupational Health and Safety Acts and the incoming national Work Health and Safety Act state that the employer must ensure, so far as is reasonably practicable, the health and safety of their employees. Risks to health and safety must be eliminated or reduced. Health is defined as physical and psychological health. Workplace bullying creates an unsafe work environment for employees and is a risk to their health.

### **What is bullying?**

The legislation does not mention the word 'bullying'. The various government safety agencies (e.g. WorkCover, WorkSafe and Comcare) have produced guidelines that provide useful definitions for employers and employees alike.

A simple definition is "bullying is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety". Bullying may be direct or indirect and whether intended or not, the impact of bullying behaviour can be very serious. Examples of direct bullying include:

- verbal abuse

- putting someone down
- spreading rumours or innuendo about someone
- physical abuse.

Examples of indirect bullying include:

- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- deliberately denying access to information or other resources
- setting tasks that are unreasonably above or below a worker's ability
- setting timelines that are difficult to achieve
- excessive scrutiny.

When thinking of law firm examples of bullying, one scenario could be poorly delivered feedback in the form of abusive, harsh criticism of a junior lawyer who could not be expected to perform at a higher level. Another example could involve undermining a colleague by making nasty comments about them behind their back (or on Facebook).

### **What is not bullying?**

Legitimate and reasonable management actions are not bullying. This includes performance management. A well-designed and reasonable performance management and discipline process, fairly administered and applied, goes a long way to ensuring performance management does not degenerate into bullying.

In my experience, frustrated supervising partners, senior lawyers or managers who are ill equipped to manage poor performance or inappropriate workplace behaviours can find themselves unintentionally bullying staff.

Some employees may be under the misapprehension that any form of performance feedback that is critical of them is bullying – clearly it is not and firms need to ensure that those giving and receiving feedback are aware of the differences.

Other examples of reasonable management actions that are not bullying include:

- setting performance goals, standards and deadlines
- informing an employee about unsatisfactory work performance
- informing an employee about inappropriate behaviour
- implementing organisational changes
- giving constructive feedback
- deciding not to select an employee for promotion.

### **The risk factors**

The risk factors that can contribute to bullying have been identified by the WorkCover authorities and include organisational change, negative leadership styles, lack of appropriate work systems and poor workplace relationships. Assessing your firm against these risk factors is an important step in controlling this risk.

A classic example of negative leadership style is a partner who is unaware of the impact their moody and aggressive behaviour has on staff in their team. Unresolved conflict between secretarial staff is a risk factor, as is a high level of competition between lawyers vying for promotion.

Well-written policies will not counter the negative day-to-day workplace experiences. It is important to remember that it is the lowest level of inappropriate behaviour tolerated – not the policy document – that sets the standard in your culture.

### **A checklist**

Despite partners and managers usually being aware of these obligations, bullying continues to occur in law firms. Here is a checklist that will help ensure your workplace is taking the necessary steps to prevent bullying, and to respond appropriately if it does occur.

- ✓ Your firm has been assessed against the risk factors and appropriate steps taken to address any risks
- ✓ Partners lead the way by providing positive examples
- ✓ All partners, managers and employees understand what bullying is
- ✓ There is a well-written and communicated 'Preventing Bullying' policy
- ✓ There are well-written and communicated grievance resolution procedures

- ✓ It is clear with whom people can raise bullying concerns and these people know how to respond
- ✓ Preventing bullying is part of induction training
- ✓ The need for a safe workplace is regularly reinforced, including physical and psychological safety
- ✓ People who manage staff are skilled in the core practices of good people management
- ✓ There are external experts the firm can contact if they need assistance.

#### **Where to find more information ...**

“Preventing and responding to bullying at work” is a joint 2009 publication by WorkSafe Victoria and Workcover NSW. It provides good information for law firm employers across Australia including definitions, case studies and checklists for assessing the bullying risks in your workplace. It can be found at

<http://www.worksafe.vic.gov.au/wps/wcm/connect/wsinternet/WorkSafe/Home/Forms+and+Publications/Publications/Preventing+and+addressing+bullying+at+work>

It is advisable to develop and implement a policy on bullying prevention for your workplace. WorkSafe also provides examples of policy documents at

<http://www.worksafe.vic.gov.au/wps/wcm/connect/wsinternet/worksafe/home/forms+and+publications/tools/preventing+bullying+at+work+-+sample+policies>

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