



## **Handbook for delegates**

### **Creating a positive and healthy workplace – preventing and dealing with bullying**

## **Managing poor performance is not harassment, discrimination or bullying**

Managers have different styles, they face different challenges and need to deal with difficult issues. Sometimes the behaviour associated with management actions is wrongly considered to involve bullying e.g. a management style that requires results may generate stress in workers. A manager may be required to initiate change in a workplace and this may generate stress in workers. A manager may be required to speak to a worker about poor performance and this may generate stress in a worker. The presence of stress in itself is not indicative of the presence of bullying or harassment. e.g. A manager who has a results focus may have unrealistic expectations of all their staff, this may create stress but this is not necessarily the same as setting a person up to fail by overloading them with work or setting impossible deadlines

e.g. a manager who provides feedback is not the same as a person shouting at staff

a manager who identifies poor performance in an individual and indicates they need to improve in that area is not automatically the same as persistently picking on people in front of others or in private

a manager who does not provide a reference is not necessarily the same as one blocking promotion

a manager who chooses a small group to work on a project is not the same as one that regularly and deliberately ignores or excludes individuals from work activities

a manager who questions the basis of your actions is not the same as one consistently attacking a member of staff in terms of their professional or personal standing

A manager who regularly uses humour or shares jokes is not the same as one who regularly making the same person the butt of jokes

Managers are entitled to require to speak and provide feedback to staff if they have concerns about their performance, conduct or other work related matters. Managers are entitled to use a disciplinary process to identify consequences where behaviour or conduct is a serious breach of the required standards.

Natural justice must apply to these situations.

An allegation of bullying should always be handled at the lowest level i.e. at the place where it is happening and with the assistance of HR. This should be done as early as possible.

## **The following is not harassment**

Friendly banter, light hearted exchanges, mutually acceptable jokes and compliments

Friendships sexual or otherwise, where both people consent to the relationship

Issuing reasonable instructions and expecting them to be carried out

Warning or disciplining someone in line with organisation policy

Insisting on high standards of performance in terms of quality, safety and team cooperation

Legitimate criticisms about work performance (not expressed in a hostile harassing manner)

Giving negative feedback including in a performance appraisal and requiring justified performance improvement

Assertively expressing opinions that are different from others

Free and frank discussion about issues or concerns in the workplace, without personal insults

And targeted EEO policies, parental leave provisions or reasonable accommodation and provision of work aids for staff with disabilities.

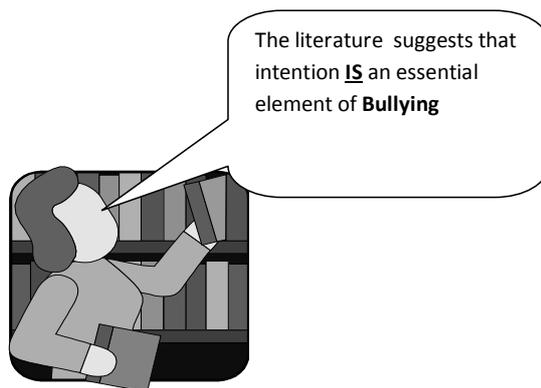
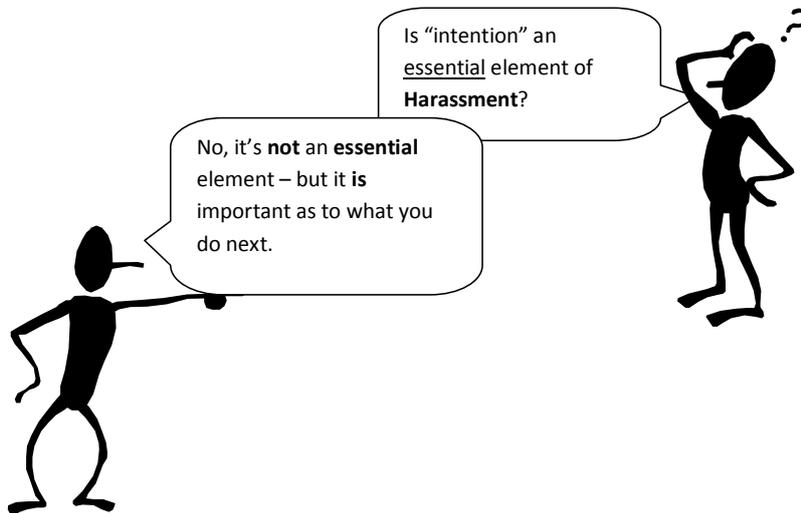
Addressing harassment should not be seen as an attempt to prevent managers from doing their jobs or to prevent people from having a reasonable amount of fun or good humour at work. It is about respecting the dignity of people and supporting their right to feel safe and respect at work. Occasional differences of opinion, conflicts and problems in working relationship are part of working life and do not constitute bullying. Workplace counselling, managing underperformance or other legitimate action in accordance with policy and procedures are not bullying or harassment.

## Elements of harassment or bullying

- Behaviour that is not legitimate or warranted in the circumstances  
**and is**
- Unwanted by the receiver  
**and is**
- Repeated or of a significant nature  
**such that there is**
- Detrimental effect on the work environment or performance in some way

### Note:

1. With harassment and bullying, **power** is usually an element
2. Sexual harassment requires that there is behaviour of a sexual nature



## What is bullying?

Bullying is defined as repeated, unreasonable behaviour, directed towards an employee or group of employees, that creates a risk to health and safety.

This may take the form of one or a combination of the following.

- Being overloaded with work, or not being given enough work to do
- Being required to perform tasks without proper training
- Unreasonable overtime, unfair rostering, being asked to perform non-work related tasks.
- Being excessively supervised or criticised
- Being subjected to constant ridicule and being put down in front of other workers
- Damage to or interference with personal belongings, sabotage or undermining of work
- Being subjected to loud and abusive language in front of others
- Open or implied threat of the sack or demotion
- An oppressive work environment used to coerce or intimidate workers
- Intimidation or threats not to report, or complain about incidents
- Offensive messages left on email or voicemail
- Malicious exclusion or isolation from workplace activities
- Humiliating gestures, or sarcastic racist or derogatory comments
- Gossip or false rumours spread with malicious intent.

### Workplace Action

It is important to build a workplace culture where bullying is not tolerated. Some suggestions are:

- Encourage workers to support their colleagues – don't accept inappropriate behaviour.
- Have a 'dignity and respect in the workplace' charter signed locally with management and have it displayed prominently in the workplace
- Support workers to speak out against inappropriate behaviour
- Display relevant information on noticeboards in common work areas.
- Hold anti-bullying information sessions.
- Ask management to provide anti-bullying training for staff and encourage members to undertake that training.
- Ensure that grievance procedures and policies make specific reference to the issue of bullying in the workplace and have clear guidelines to deal with complaints.

***If you receive a complaint from a member about bullying, maintain confidentiality, and follow your workplace policies and procedures. If a bullying complaint involves a member as the victim and a member as the perpetrator, you need to ensure that each member has a different union representative. In representing the alleged perpetrator, the union is not condoning the alleged actions but ensuring that appropriate processes are followed.***

## Harassing or bullying behaviour may include....

- Jokes
- comments
- innuendo
- suggestions
- invitations - verbal or written
- looking / leering / ogling
- posters, screen savers, e-mail
- language - eg-swearing, racist, exclusionary,
- touching
- exposure
- space-invading
- rubbing
- hugging
- kissing
- yelling
- patting
- pornography
- racist literature
- insults
- mocking
- "picking on"
- racist graffiti
- taunts
- exclusion from a group
- derogatory name calling
- ridicule because of a cultural difference
- deliberate mispronunciation of names
- mimicking
- verbal abuse
- insults
- being ostracised
- unfair workload
- threats of detrimental treatment
- promises of preferential treatment
- setting impossible deadlines
- humiliating and demanding conduct in front of others
- assault
- rape
- molestation
- stalking
- obscene phone calls
- physical attack
- sexual violation or sexual coercion

## **Why it's good for the employer to investigate complaints of harassment or bullying**

- 1. Legal reasons:** Clearly there are legal requirements on the employer to investigate any properly laid complaints of harassment. Failure to do so could result in further legal action against a tardy or recalcitrant employer. Big costs can come from this in both direct and indirect terms.
- 2. For the worker being harassed or bullied:** There will be satisfaction for the complainant in having their complaint taken seriously, and dealt with seriously and expeditiously. Even though the resolution of the situation may not be entirely to the complainant's liking, it can provide some sense of closure and an opportunity to resume normal activities, without having to continue to contend with perceived or actual harassment.
- 3. For the alleged harasser or bully:** A full, impartial review of the complaint can ensure that the respondent has the opportunity to respond fully to all allegations - they get "their day in court". Rumour does not then abound. If the complaint is against a manager, and is upheld, then subordinates who may have been subjected to the same behaviour are likely to now get on with their work more effectively. The respondent (bully or harasser) will now have behavioural expectations fully clarified.
- 4. For observing workers in the same area:** Appropriate action will enhance the perception of the employer as being concerned about the workers' well-being, open to discussions about employees' concerns, willing to look into facts in a neutral, objective way, and prepared to take action based on the findings. Over time this can enhance trust in the employer.
- 5. For the Employer:** By dealing effectively with harassment complaints, the employer is more likely to have workers come internally if there are issues, rather than take them externally. By "walking the talk" the employer can build up an environment of stabilised productivity (contribution to the bottom line), and savings in matters being handled internally. The employer may also see, over time, a lessening in the number of complaints, once harassers see that their actions are not going to be swept under the carpet.

## Points to consider in developing a response

### Nature of Allegation

- Is the allegation one of 'serious misconduct' or 'misconduct'?

Note: for 'serious misconduct', instant dismissal is an option.

Note: SUSPENSION? The employer may seek to suspend the member while conducting the allegation, if the allegation is sufficiently serious. The employee should still have the opportunity to respond. Contact the PSA organiser.

### Previous Warnings

- Are there previous warning(s)? If so, are the relevant and current? How long ago were they received, and did they have an explicit expiry date?
- Check Personal File to get copies
- May need to check performance appraisals also

### Facts

- Get member's side of story
- Check for consistencies and inconsistencies with other evidence
- Check against allegations

### Evidence

- Check that have all relevant evidence – check that management have spoken to the relevant people
- Scrutinise evidence provided – is it consistent; relevant; accurate?

## Understand Context

### Awareness of requirements

- Check member knew of organisation's requirements
- Check when / how informed

### Work context

- Consider:
- Workloads / work demands
- Breaches of other relevant procedures which may have contributed (eg lack of supervision; nature of staffing – new; casual; unskilled...)
- Job Description – how allegation relates to work requirements under the Job Description
- Training: Did member have appropriate training & experience to deal with situation?

### Consistency

- Check that employer is being consistent and fair in approach – test is whether employer was aware of others engaging in similar behaviour, and did not take disciplinary action

### Relevance to others

- Identify the underlying issues, and check whether they are relevant to other members
- If relevant, or likely to be relevant, check with other delegates / members
- Take 'underlying issue(s)' as workplace issues to organise members around

### Personal situation

- What personal / family circumstances may have contributed to the allegations?

### Potential impact of disciplinary action

Note the possible impact of disciplinary action on work; home; career – consider whether the punishment is potentially far greater than the misconduct.

## When Members Have an Issue at Work: Delegate's Checklist

**NB.** Check that the person is a member, and then arrange a meeting at a convenient place and time.

**Comment [c1]:** I would have more specific and related name for this checklist

### 1. Establish what's happening

- ✓ Listen to the story first.
- ✓ Find out who's affected and what their concerns and needs are.
- ✓ Explore and check for more information.
- ✓ Ask open questions and listen reflectively.
- ✓ Record the facts.

### 2. Seek Information

- ✓ Talk to others in your workplace (while maintaining confidentiality).
- ✓ Collect data to support the issues.
- ✓ Check the Collective Agreement.
- ✓ Check the intranet for any relevant policies.
- ✓ Check the legislation if necessary.  
(you can call the PSA Organising Centre for help with this)
- ✓ Check your information with other delegates and/or your manager  
i.e. confirm the information you have collected.

### 3. Check the Issue

- ✓ Use the information you have to decide exactly what the issue is.
- ✓ Check your understanding with the member.
- ✓ Contact the PSA Organising Centre or local PSA Organiser to discuss and request assistance.

### 4. Clarify the desired outcome

- ✓ Find out what's wanted.
- ✓ Find out what's needed.
- ✓ Decide what you can change.
- ✓ Decide what you can't change.

### 5. Identify the options

- ✓ Generate options.
- ✓ Keep away from solutions at this stage.
- ✓ Assess which options best meet the needs of the member(s) and the manager.
- ✓ Agree with the member and the manager which options would be appropriate solutions.
- ✓ Check with any other people affected.

### 6. Plan your actions

- ✓ Write up the possible solutions.
- ✓ Decide who needs to be involved – member, manager, another delegate, organiser?
- ✓ Decide on the time frame.
- ✓ Decide what you can do if you can't get the result you're looking for.

- \* Don't panic
- \* Follow the steps
- \* Don't rush into solutions
- \* Ask for help from other delegates, organisers, PSA organising centre
- \* Always check the Agreement
- \* Remember – the problem belongs to the member
- \* Keep member informed and involved
- \* The matter is confidential unless the member agrees otherwise

## Legislation

*The following is a summary of the main relevant parts of the legislation. If you were involved in a particular complaint, you would need to ensure that you got the full text of the legislation.*

### **Human Rights Act 1993**

**Section 21: Prohibited grounds of discrimination** - including race, colour, national or ethnic origin, sex, marital status, religious or ethical belief, sexual orientation, disability, family status, employment status and political opinions.

**Section 61: Racial Disharmony** making public any words (written or verbal) which are threatening, insulting or abusive, and being words likely to excite hostility against, or bring into contempt any group of persons on the grounds of their colour, race, national or ethnic origins of that group, is contrary to the Act.

**Section 62: Sexual harassment** - occurs where either

- a request for sexual activity with implied or overt promise of preferential treatment, or threat of detrimental treatment; or
- behaviour of a sexual nature that is unwelcome or offensive, and either repeated or of such a significant nature that it has a detrimental effect on the complainant.

**Section 63: Racial Harassment** - language, visual material or physical behaviour which expresses hostility against, or brings into contempt or ridicule a person on the ground of race etc; and which is hurtful or offensive, and either repeated or of such a significant nature that it has a detrimental effect on the complainant.

### **Employment Relations Act 2000**

#### **Part 9 - Personal Grievances - Sections 101 - 118**

**Section 101: Personal grievance defined** - includes situations where an employee has been unjustifiably dismissed; disadvantaged through some unjustifiable action, discriminated against, subject to sexual or racial harassment or subject to duress regarding union membership.

**Sections 104 & 105: Discrimination defined** - covers the same definitions and grounds of discrimination as the Human Rights Act

**Section 108: Sexual Harassment defined** - similar definition to the Human Rights Act, relates to actions by employer or "employer representative" (ie manager).

**Section 109: Racial Harassment defined** - again a similar definition to that used in the Human Rights Act

**Section 116: Special provision where sexual harassment alleged** - no account is to be taken of the complainant's sexual experience or reputation

**Section 117: Sexual or Racial Harassment by person other than the employer** - Discusses that sexual or racial harassment can take place in the forms identified in sections 108 and 109 of the Act, by a person other than the employer (eg other employee, customer or client) and that a personal grievance will lie against the employer where the employer has had the chance to investigate a complaint, but has not taken any practicable steps to prevent a repetition of the behaviour.

**Section 112: Choice of procedures** - an employee may **either** lodge a complaint with the Human Rights Commission, **or** lodge a personal grievance. **They may not do both.**

## Possible Resolutions or Outcomes

### **For a worker being harassed or bullied**

- apology
- counselling
- assertiveness training
- transfer
- monetary compensation
- change in conditions - eg different shift
- reinstatement of leave
- reinstatement of position / job

### **For an alleged harasser or bully:**

- behavioural contract
- counselling
- change in conditions eg different shift
- change in nature of duties (eg moved off being member of a particular team)
- demotion
- transfer
- move sideways
- contribution to monetary settlement
- disciplinary procedures - formal warning; final warning; suspension
- dismissal

### **For the Organisation:**

- policy / procedure development or revamp
- education - warning /protection for potential harassers/harassees
- training for managers in their role in prevention
- change nature of duties
- change in policy or procedure
- internal statement to immediately involved staff

## Prevention of Harassment

***Union Delegates, staff and Managers can reduce the risk of harassment by:***

### **Having a clear and consistent message about harassment**

- managers and staff role modelling appropriate behaviour
- briefing staff on the organisation's policy
- leading discussion about the issue in team meetings
- being explicit in the standards that are expected
- facilitating the team to develop appropriate standards in the way they work with each other, and with customers and/or clients
- handing out pamphlets
- putting up posters
- talking about the issue with all new staff

### **Checking the environment**

- ensuring that there are no inappropriate posters, cartoons, screen savers, calendars or other visual materials in the work area
- checking that equipment and desks are not so close together that they provide people with an excuse for brushing up against others
- checking on the comfort and safety of people who are working in isolated areas of the workplace or working overtime
- encouraging moderation in the consumption of alcohol at staff social events



### **Monitoring Staff**

- watching for behaviours which tell you that harassment could be occurring includes:
  - ⇒change of behaviour or morale
  - ⇒change of mood or personality
  - ⇒avoidance of particular people, locations or shifts
  - ⇒patterns of absenteeism
  - ⇒drop off in performance
  - ⇒an individual who is constantly isolated from others
- keeping an eye out for those who are potentially vulnerable (eg new workers, young or inexperienced workers, and those who are different from the majority of the group, because of their gender, ethnicity, age, personality type, or any other factor)
- watching the treatment of staff from ethnic or other groups who are experiencing public attention (eg publicity about Asian immigrants, Treaty of Waitangi settlements, or the Auckland Hero parade)
- watching for staff who are being cut off from the rest of the group (eg those deliberately not invited to social events or who are ignored or ostracised)
- "taking the temperature"- checking whether the environment is appropriately sociable, or has got too "hot"



### **Taking Action**

- intervening when you observe inappropriate behaviours
- taking all complaints seriously
- responding to complaints promptly
- ensuring complaints are followed through particularly if you are not handling it yourself
- keeping the appropriate people informed of progress in resolving complaints
- making sure that any agreements made to resolve complaints are kept
- periodically check that the harassment has stopped

## Distinguishing between strong management and bullying

*From Workplace Bullying by Andrea Needham, 2003*

<b>Strong Manager</b>	<b>Authoritarian Manager</b>	<b>Workplace Bully</b>
Has low turnover – people very loyal	Has either low or high turnover with consistently low productivity	Has a succession of Targets – all with good reasons for leaving
Clear about goals and expectations. Does not play favourites	Treats everyone the same – badly	Plays favourites – rewards “yes” men-women
Is not known to exhibit a nasty side. Demands direct, timely and honest communications	Has a long reputation for being a mean person – do nothing. Uses the excuse s/he is just a tough manager	Is known to exhibit a nasty side – is forgiven because s/he is so important to the organisation
Is known to be fair and reasonable	Is known to be a social disaster	Is known for being super charming and a nice guy
Builds relationships only when has to through respect/necessity – too busy	Has no relationships with anyone	Has excellent relationship with superiors and other important people – but very self-promoting
Promotes and reinforces team and partnership-think	Cliques evolve and can become involved in “mobbing”	Divides and conquers – works on individuals rather than groups
Employees respect him/her – many never sure whether they like him/her	Employees typically despise him/her and/or are very wary	Employees are very polarised in their relationship either loving or hating them

## Choices of Communication

Strategy	Example	Possible benefits	Possible Problems
1. <b>Avoid</b> the communication act entirely	Walk away; ignore	<ul style="list-style-type: none"> <li>➤ No risks are involved;</li> <li>➤ No "face" is lost</li> </ul>	Nothing is achieved
2. Communicate <b>indirectly</b>	<ul style="list-style-type: none"> <li>➤ Give a hint: "It's a bit stuffy in here";</li> <li>➤ Give association clues, "there's a market tomorrow";</li> <li>➤ Be ironic, "You're a <b>big</b> help!"</li> </ul>	<ul style="list-style-type: none"> <li>➤ We might get credit for being tactful and not bossy;</li> <li>➤ We can avoid responsibility from "face" danger; and</li> <li>➤ We can give people an opportunity to be seen to care for us – and test their feelings towards us.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The strategy might not succeed, or</li> <li>➤ We might be seen as being devious</li> </ul>
3. We can do it <b>directly</b>	<p>"Open the window."</p> <p>"Clean that floor."</p> <p>"Pick up that paper"</p>	<ul style="list-style-type: none"> <li>➤ It is efficient and</li> <li>➤ Hard to misunderstand.</li> <li>➤ You can get credit for honesty, and for showing that you trust people.</li> </ul>	<ul style="list-style-type: none"> <li>➤ People may feel that no togetherness has been expressed, or</li> <li>➤ That there has been enough politeness.</li> <li>➤ They have no way out.</li> </ul>
4. We can do it <b>directly, but take some softening action;</b> That is we can do something to lessen the risk of "face loss", by using politeness	<p>"Could you open the window please?"</p> <p>"Will you clean the floor when you're ready?"</p> <p>"Would you mind picking up that paper please?"</p>	<ul style="list-style-type: none"> <li>➤ You have the opportunity to "give face" through politeness.</li> <li>➤ Also there is a reasonable chance of being understood.</li> </ul>	There is a risk that the attempts at being part of the group or being polite will be rejected or misunderstood.

**Note:** None of these strategies is better or worse than the others – it will depend very much on the context.

### What strategy might you use?

Here are a number of situations that you might come across in your workplace. Think about which communication strategy you might use, and why.

<i>Situation</i>	<b>Strategy</b> 1 = avoid; 2 = indirect; 3 = direct; 4 = direct with softening	What would you say?	Why would you do this?
Your boss keeps calling you "dear" or "love" even though you have asked him not to on a number of occasions			
English is not your first language, but you understand it well when people don't talk too quickly. Your team leader talks very quickly and you don't always understand her. This sometimes means that she also yells at you when you don't get things right, because you didn't understand the instruction in the first place			

<b>Situation</b>	<b>Strategy</b>	<b>What would you say?</b>	<b>Why would you do this?</b>
You read an email on someone else's computer criticising your dress- sense			
You are new and your colleague tells you that you are "a ****ing **** who should **** off back to the black little hole that spawned you" when you ask where to find particular information			
You are gay and one of your colleagues keeps calling you "fairy" and "dyke", but not when others are around			

**Do we know it when we see it?**

- **Is it harassment or bullying?**
  
- **What might be a good first step to take if this happened to you?**

1. Sophie is 24 years old and has been working as a clerical worker for six months. Last week her team leader, Jim, asked her out. She said no, and explained that she liked to keep her work life separate from her personal life. Yesterday, Jim again talked to her, this time saying that he wanted to discuss Sophie's performance, and that he wanted to do it over a drink at the pub that night after work. Sophie does not feel comfortable with this, but is uncertain as to what she should do.

- **Is it harassment or bullying?**
  
- **Why/why not?**
  
- **What do you think would be sensible first steps for Sophie to take here?**

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2. Suelee is a young Asian woman who has been living in New Zealand for four years. She joined her company about six months ago. She was excited to join the company and started by really enjoying her job. In the last few weeks, one of the managers in her area, Jacob, (not her immediate manager), has started to become very friendly. At first she was flattered that someone so senior would notice her and was prepared to give her advice. However, earlier this week, Jacob invited her to join him for morning tea, and began to make comments about how much he has enjoyed travelling around Asia in the past, and in particular how pleasing and accommodating Asian women were. He went on to tell her that he thought Asian women were much better at pleasing men than New Zealand women, and that they had obviously been brought up to it. Suelee was very embarrassed and made an excuse to leave. She has avoided Jacob ever since, but knows that she can't do that for much longer.

➤ **Is it harassment or bullying?**

➤ **Why/why not?**

➤ **What do you think would be sensible first steps for Suelee to take here?**

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3. Clare and Andrea work together. They had a sexual relationship for six months, but a month ago, Andrea felt that it had got too intense, and told Clare that she wanted to shift back to being just friends and colleagues again. Clare was upset by this, but Andrea felt that they had come to a reasonable understanding, although Clare became rather cool towards her for a while. However, in the past week, Clare has started behaving in a way that is making Andrea rather uncomfortable. She has repeatedly come to talk to her when she is on her own, usually about trivial matters, making a point of shutting the door and standing particularly close to her. Whenever Andrea takes a break, Clare seeks her out and sits by her. She has asked Andrea out four times, twice directly and twice by e-mail. The e-mails contained explicit references to their past sexual relationship. Andrea doesn't know what to do now.

➤ **Is it harassment or bullying?**

➤ **Why/why not?**

➤ **What do you think would be sensible first steps for Andrea to take here?**

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4. Moana has recently started a new job at a financial company. The new role is a promotion for Moana and she is really enjoying the challenge. The direct team of people she is working with are really supportive and she feels she has had a really good orientation. Overall, she feels she is doing a good job which her direct manager has confirmed. The only problem is Bill, an existing worker, who applied for the role and did not get it. Bill does not work in her direct team but Moana has to work with him sometimes. There have been three times in the last couple of weeks when they have been alone, where Bill has told Moana she is useless at her job and she will not make it. Moana thought initially that Bill was joking but now realises he is very annoyed he did not get the job. Moana feels really upset about Bill's behaviours and has been actively avoiding him.

➤ **Is it harassment or bullying?**

➤ **Why/why not?**

➤ **What do you think would be sensible first steps for Moana to take here?**

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5. One of Chris' co-workers, Jill, has recently been made the team leader of their unit. When they were colleagues they got on OK but things have really changed since Jill's promotion. Jill has become really aggressive and has started yelling at workers if deadlines are not met or there are production problems. The other day Chris had to take a domestic leave day because her son was sick. There was a big order due that day. Jill was very unhappy when Chris rang in the morning to tell her she had to take leave. When Chris returned to work the next day, Jill got her in the office and told her off for taking a day's domestic leave. She has done similar things to other workers. Chris feels quite intimidated by Jill.

➤ **Is it harassment or bullying?**

➤ **Why/why not?**

➤ **What do you think would be sensible first steps for Chris to take here?**

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## Workers' rights and responsibilities

### Rights:

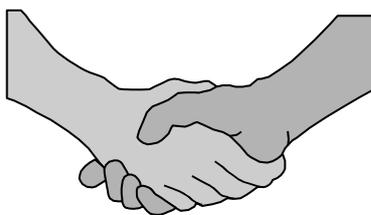
- to work in a safe, harassment-free environment
- to say "no"
- to complain, and be taken seriously, in the event of harassment or bullying occurring
- to natural justice if harassment is alleged against them
- to talk to my Union Delegate or Organiser

others?

### Responsibilities:

- not to harass
- to treat others as they wish to be treated
- to communicate if there is an issue
- to listen sensitively to communication
- to intervene in inappropriate behaviour.

Others?



## Managers' rights and responsibilities

### Rights:

- to work in a harassment-free environment
- to set the behavioural standards in the organisation
- to have an organisational policy and procedure that provides protection for all involved
- to expect staff comply with legal requirements and organisational policies
- to advice, support and to get information from their managers and from Human Resources
- to be taken seriously if they have a complaint
- to natural justice if there is a complaint against them

others?

### Responsibilities:

- to uphold legal requirements and organisational policies
- to maintain a safe and harassment-free working environment
- to carry out complaint procedures as outlined by the organisation
- to model appropriate behaviour at all times
- to intervene in inappropriate behaviour
- to ensure support is available for those who have been harassed
- to ensure natural justice for alleged perpetrators of harassment
- to educate all staff on their rights and responsibilities under the policy.

others?

## Positive and Happy Workplaces

**Knowing how to give and receive feedback** is an important aspect of a positive workplace. It is necessary for staff to feel comfortable enough to be able to express their concerns and issues, for example being able to say 'I don't like it when you do\_\_\_\_\_. I feel\_\_\_\_\_. This is what I'd like you to do about it\_\_\_\_\_.' Sometimes people need to be told that their behaviour is not acceptable, as they are not aware that it is upsetting people.

The employee is required to report instances of bullying to the employer so that the employer can take steps to eradicate the problem. Where an employee fails to do so, that may effect the outcome of any claim the employee later makes against the employer in relation to the bullying. The general obligation on an employee to adequately alert the employer to alleged bullying is reinforced by s19 of the HASE Act which requires every employee to take all practical steps to ensure their own safety at work.

**Having a sense of humour** is an important aspect of a positive workplace but understanding that other people may have a different sense of what is funny is also important. Sometimes people's use of humour leads to others feeling bad. It's necessary to be aware of this and rein it in if necessary while in a work environment.

**Written rules, codes of conduct or competencies** are a way to ensure everyone knows what is expected of them and what the organisation values. Some of the areas that might be covered are the need to:

- stay calm especially with other people who aren't,
- be constructive and productive and not destructive controlling and demanding
- acknowledge, understand and work with diversity. We all have different lifestyles, beliefs or opinions and different styles of operating, for example some people take longer to assimilate new information than others
- let go of perfectionism
- be brave and take risks
- have good communication that emphasises team spirit and encourages the desire to work together
- have managers that are accessible for decisions
- be flexible which may include explanations about why decisions might need to change
- understand appropriate distance
- communicate well ie test your understanding of what has been said, contribute to the conversation, allow for silence, space and time and LISTEN
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**Open and transparent systems and processes ie**

- job descriptions and performance criteria,
- performance reviews,
- communication,
- relationship management,
- process reviews in order to improve the way things are done,
- realistic expectations about performance and output

**Action Planning – No Fail First Steps**

**What steps can I take to build a Healthy Workplace?**

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How will I equip my colleagues to respond to harassment or bullying from people outside our workplace?

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**Who can I talk to or get advice/support from about harassment or bullying in my workplace?**

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What else do I need to do to ensure that I am familiar and confident in dealing with this issue?

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**How will I ensure that my manager is informed about the issues of harassment and bullying?**

**How:**

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**When:** \_\_\_\_\_

## Bibliography

### **HARASSMENT and BULLYING:**

**Colbert, Audrey**

***Dealing With Sexual Harassment***

Government Print 1989

*The New Zealand handbook on defining sexual harassment, considering the range of ways of dealing with it, and preventing it. Gives some good guidelines for the harassed person, the harasser and the employer or educator.*

**Needham, Andrea**

***Workplace Bullying***

Penguin 2003

*Useful outline of NZ stories about being bullied in the workplace. Some useful strategies, most in the longer term*

**Sutton, Robert**

***The No Asshole Rule***

Sphere 2007

*Interesting, no-holds-barred look at dealing with jerks and assholes in the workplace*



**Sumrall, Amber C. &**

**Taylor, Dena**

***Sexual Harassment - Women Speak Out***

Crossing Press, California, 1992

*Arising from the Anita Hill / Clarence Thomas testimony, this book outlines the personal experiences of a number of women of all ages. Good insight into the long term effects that harassment can have on people.*

**Top Drawer Consultants**

***Safe and Sound - Preventing Harassment in New Zealand Workplaces***

Becky Bliss Design and Production 1998

*What can I say?? Some people who know a thing or two about harassment wrote this – one of the few resources on general harassment within the New Zealand scene that we are aware of.*

**Working Women's Resource Centre**

***Sexual harassment – Stop it before it starts***

*Useful booklet with law and ideas for dealing with it in the workplace*

### **PERSONAL DEVELOPMENT:**

**Butler, Pamela**

***Self Assertion for Women***

Harper and Row, 1981

*Particular focus on the issues surrounding communication for women, but some useful tips for everyone. Some reservations on the "if you do it right you'll get what you want" focus.*

**Jeffers, Susan**

***Feel the Fear And Do It Anyway***

Arrow Books 1987

*Subtitled "How to Turn Your Fear and Indecision into Confidence and Action" provides some useful ideas on esteem building, and gaining strength from your inner resources. The follow up to this is*

***Feel the Fear and Beyond – Dynamic Techniques for "Doing It Anyway"***

Random House 1998

**Lindenfield, Gael**

***SuperConfidence***

Thorsons Publishing Group 1989

*Good "bullet style" pointers, plus a good range of exercises for self development either alone or with others*

**Manthei, Marjorie**

***Positively Me - A Guide to Assertive Behaviour***

Reed Methuen 1987

*New Zealand book of cultural differences relevant to this country. Very practical, and no "rah rah" type writing.*



**GENDER ISSUES**

**Cornelius, Helen**

***The Gentle Revolution***

Tandem Press 1998

*Written by a member of the Conflict Resolution Network, Cornelius is very focused on the fixing of the problems, rather than a description of them*

**Elgin, Suzette Haden**

***Genderspeak***

John Wiley and Sons 1993

*"Men, Women and the Gentle Art of Verbal Self-Defense" – great eye opener about some of the communication habits we fall into*

**Ivy, Diana and Backlund, Phil**

***Exploring Gender Speak***

McGraw Hill 2000

*Developing more personal effectiveness in gender communication is what these authors set out to assist with.*

**Pease, Alan and Barbara**

***Why Men Don't Listen and Women Can't Read Maps***

Pease Training International 1998

*If you don't recognise at least some of your male/female relationships described in this you must either have the perfect life, or live in a convent/monastery!*

**Rosier, Pat**

***Work Wise***

Canterbury University Press 2001

*Not specifically gender issues as the focus, but certainly highlights the different communication styles as well as giving good ideas for development of managing workplace relationships in a New Zealand setting*

**Tanner, Deborah**

***You Just Don't Understand***

Virago Press, 1992

*As a professor of Linguistics, Tannen is well placed to chart the different speaking styles of women and men and how we can be "bi-lingual"*

**Tymson, Candy**

***Gender Games***

Tymson Communications, 1998

*Showing my innate prejudices, I am wary of anything written by a "Candy" – however Tymson managed to overcome this irrational bias to give some good insights into doing business with the opposite sex (whichever one that may happen to be!)*