

Bullying and Harassment at Work - Submission Form

Your details



What is the name of the person completing this submission?

Kirsten Windelov and Andrea Fromm

If you are submitting on behalf of an organisation, what is the name of that organisation?

Public Service Association Te Pūkenga Here Tikanga Mahi (PSA)

Is it okay for your name and/or organisation details to be published if we publish your submission or a summary of submissions?

- Yes, you can publish my name and organisation details with my submission.
- No, keep my name confidential.
- No, keep both my name and organisation details confidential.

Please provide us with at least one method of contacting you, in case we need to discuss your submission further.

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What sector(s) does your submission most closely relate to, if applicable?

For example, the sector you may work, operate or be a representative in.

- Agriculture, forestry and fishing
- Mining
- Manufacturing
- Electricity, gas, water and waste services
- Construction
- Wholesale trade
- Retail trade
- Accommodation and food services
- Transport
- Other: Public service, DHB, state sector, local government and community services
- N/A
- Information media and telecommunications
- Financial and insurance services
- Rental, hiring and real estate
- Professional, scientific and technical services
- Administrative and support services
- Public administration and safety
- Education and training
- Health care and social assistance
- Arts and recreation services

Which of the following most closely describes your perspective as a submitter?

- | | |
|---------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Central government | <input type="checkbox"/> Local government |
| <input type="checkbox"/> Non-governmental organisation (NGO) | <input type="checkbox"/> Iwi, hapū or Māori organisation |
| <input type="checkbox"/> Employer | <input type="checkbox"/> Employer representative body |
| <input checked="" type="checkbox"/> Worker representative body (eg union) | <input type="checkbox"/> Law firm and/or legal expert |
| <input type="checkbox"/> Academic | <input type="checkbox"/> Media |
| <input type="checkbox"/> Individual | <input type="checkbox"/> Other _____ (please specify) |

We want to ensure we are hearing views from a range of stakeholders. If you or your organisation identifies with an ethnicity, you can choose to indicate this below.

- | | |
|-------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Māori | <input checked="" type="checkbox"/> New Zealand European |
| <input type="checkbox"/> Samoan | <input type="checkbox"/> Cook Island Māori |
| <input type="checkbox"/> Tongan | <input type="checkbox"/> Niuean |
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Indian |
- Other Includes the perspectives of PSA Pasefika, Out@PSA, PSA Deaf and Disability Network and PSA Women's Network.

About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 78,000 members. We are a democratic and bicultural organisation representing people working in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the community delivering health, disability, justice and social services. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

The PSA is an affiliate of the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU), Public Services International and UniGlobal. We support the CTU submission to this consultation process.

Introduction

The Ministry of Business, Innovation and Employment (MBIE) is currently seeking feedback on systems related to preventing and responding to bullying and harassment and where and how the systems need improvement. A specific focus lies on identifying opportunities to enhance regulatory systems. The information gained through this consultation will inform the development of future policies and guidance in this area.

One of the PSA's **strategic goals is to transform work and workplaces** so that work is fulfilling, productive and satisfying. This includes to minimise violence, bullying and harassment and ensure healthy and safe workplaces. Because of the PSA's strategic commitment and the continued prevalence of bullying and harassment in New Zealand, the PSA has developed an **approach to safer and inclusive workplaces** over the years which is centred around long-term and regular participation of workers who are enabled to contribute to shifting low-trust and competitive workplace cultures to high-trust, cooperative and respectful workplace cultures. Everyone must be treated according to their individual needs with mana and dignity. This approach reflects the [PSA Ngā Kaupapa principles](#) of:

- Manaakitanga: having the support mechanisms of whānau, hapū and iwi promote a healthy, safe and wellbeing culture for Māori workers in the workplace. It is important to ensure there is protection of our members from workplace bullying, workplace violence and heavy workload environments.
- Whanaungatanga: embracing whakapapa with a focus on building strong workplace relationships that support individuals, connections to iwi, hapū, whānau and relatives.

Because of our commitment to achieving inclusive, positive and safe workplaces and in order to measure progress, the PSA has an ongoing research collaboration with Victoria University of Wellington ([Workplace Dynamics in New Zealand Public Services](#)) which includes a large scale survey across our membership and incorporates internationally tested scales on bullying and harassment. This research, led in 2013 and 2016 by Dr Geoff Plimmer and now in 2021 by Dr Stephen Blumenfeld of the [Centre for Labour, Employment and Work](#) has been used to identify both the incidence of bullying and harassment in our members' workplaces but also the organisational factors that contribute to both risk and protection from bullying and harassment.

This submission

Our submission is based on the insight provided by over 14,000 PSA members who participated in the **2016 Workplace Dynamics in New Zealand Public Services Survey**. Some of key findings of the survey regarding bullying and harassment were:

- Most **bullying behaviour is covert**, such as withholding necessary information for one's job.
- Most behaviours occur now and then rather than more frequently.
- Although the overall mean for sexual harassment was low the most common type of harassment was 'unwanted comments about your body, clothing, or way of living'.
- Verbal abuse is a problem for employees working in call centres and other jobs involving direct contact with clients.

The survey showed that high levels of bullying were related to **low levels of organisational support**.

These findings are relevant. If one has information on how a phenomenon shows and how it is related to its wider context, it is more likely to prevent and respond effectively and in a meaningful way.

Stats NZ's 2018 Survey of Working Life highlighted that the highest reported bullying and harassment rates were in the **health care and social assistance (18.8%) and public administration (18.1%)** industries. Many of our members work in these industries. This submission is also informed by **PSA members' feedback** and is focused on identifying improvement opportunities for the system, organisations and individuals in relation to the prevention of and response to bullying and harassment.

We have also undertaken **additional research specifically for the purpose of informing this submission**. A report summarising that research is attached from page 11. This includes findings from surveys of both PSA delegates and PSA organisers about their experiences of assisting PSA members with allegations of bullying and sexual harassment, and notes of consultation sessions with PSA networks including: PSA Pasefika; Out@PSA; the PSA Deaf and Disability Network; and the PSA Women's Network.

In the following section, the PSA shares opportunities for improving prevention of and responses to bullying and harassment. We have used your suggested framework/template to ensure easy access to some key opportunities for improvement.

Prevention

A How can we increase our understanding of the drivers of bullying and harassment in New Zealand?

As indicated in the introduction, the PSA has a long-standing interest in health and safety in the workplace. One of our strategic goals is to transform work and workplaces so that work is fulfilling, productive and satisfying. This includes to minimise violence, bullying and harassment to ensure healthy and safe workplaces.

Over the years the PSA has commissioned research to better understand, define, prevent and respond to the issue of workplace bullying and harassment. The PSA's Workplace Dynamics survey has covered the topic over the years and has provided important insights. The 2021 iteration of the survey is currently in the field and will provide important insights in relation to this consultation process.

In addition, [research by Geoff Plimmer et al.](#) has identified appropriate interventions to address workplace bullying and compared it with current practice.

A lot of [global](#) and [European research](#) has been conducted that can inform our research and practice in NZ. The Social Wellbeing Agency with the support of MBIE could be tasked with conducting comprehensive research using data from Stats NZ (including IDI information). The PSA suggests that any research needs to achieve a balance between quantitative and qualitative information to provide relevant information on how to move forward. It is also important that this includes workers experiences and provides for an independent voice through unions.

B How can people better understand what is appropriate and inappropriate behaviour at work, particularly in relation to sexual harassment?

See above.

A comprehensive and ongoing research project guided by other countries' definitions and experiences, using NZ data and potentially focus groups can be a valuable tool to inform New Zealand specific and culturally appropriate definitions and practices. These definitions and practices should consider in particular a te ao Māori and Pasefika perspective as well as other minorities such as ethnic groups, Deaf and disabled people and the LGBTQI community.

Our research (see annex) indicates that the current definitions of both bullying and sexual harassment set the threshold for access to support, compensation and remediation too high and this means that harmful behaviours are not addressed.

Education and clear simple information on expectations of behaviour in work are essential. Different methods of communicating this information and deliberate development and maintenance of positive work cultures is needed. The use of specific examples to explain what is meant by harassment and bullying can assist, as can access to guidance material and having contact people in the workplace that you can check in with.

C How can government help business, organisations and workers prevent and appropriately respond to sexual harassment at work?

Government must provide regulatory standards that are clear, easy to understand and ensure protection and enforcement for those in need. This includes all workers and not just those who are in an employment relationship.

It is important for Government to provide appropriate funding for WorkSafe to provide high quality advice, inspection services, monitoring and evaluation of the effectiveness of settings at work. WorkSafe needs to be able to effectively respond to health risks at work (including psychosocial and behavioural risks) as well as safety risks.

It also means that government must support businesses to ensure their health and safety representatives can operate effectively and are an integral part of the workplace culture.

The State should function as an exemplar employer. The PSA has welcomed and supported the government health and safety lead's [positive and safe workplaces guidance](#). It is important to appropriately resource a programme of work to fully implement the approach. Workers must continue to be engaged via their union in this.

Positive and Safe Workplaces guidance needs to be rolled out to the rest of the public service including DHBs. It should also become part of the expectations of contracted providers through procurement rules. The procurement rules must include the prevention of bullying and harassment through a consistent and fully functioning health and safety structure including worker engagement. Providers need to be funded to put these practices in place also.

Globally, the ratification of the International Labour Organisation's (ILO) Violence and Harassment Convention 2019 (C190) would be an important next step in New Zealand's leadership to eradicate violence and harassment at work. It provides a useful framework for providing effective access to justice for victims, implementing a national prevention plan, and providing training and resources to support this. Through the ILO our work can have impacts on other countries – especially the Pacific – who are trying to shape better prevention and response strategies to bullying and harassment.

Generally, we need to move from a bullying approach to an inclusive, positive and safe workplace approach which minimises stress, anxiety, uncertainty and insecurity. All of these factors play a proven role in people being more prone to conduct or accept bullying and harassment in the workplace. Creating decent and secure work contributes to workers feeling less stressed, anxious, and uncertain and insecure about the future and hence decrease the odds of bullying behaviour or silent acceptance thereof.

D How clear is the legislation when it comes to setting out responsibilities regarding bullying and harassment at work?

It is insufficiently clear and one has to navigate three pieces of legislation, which does not make it easy for organisations and workers to understand their rights and responsibilities. A way of being more concrete could be to include best practice examples as well as definitional examples in the legislation.

Safe Work Australia reviewed the Model Workplace Health and Safety Laws (final report in 2019) and found that a key gap was regulation around psychosocial risks. Since our Health and Safety at Work Act 2015 is based closely on the Model WHS laws, the same finding is likely to apply here. In 2013 the Australian Federal Government also introduced a statutory definition of bullying (s 789FD of the Fair Work

Act 2009). It may be worth considering the possible value of a similar definition in the Employment Relations Act 2000.

WorkSafe guidance (approved codes of practice, Good Practice Guidelines and so on) are mostly relevant to the Health and Safety at Work Act. It would be good to see guidance that includes both an Employment Relations and Health and Safety at Work perspective.

There could be a requirement in legislation that every workplace/work setting has a published process (in addition to the employment relations disputes procedures) for raising harassment/bullying issues and that this meet some minimum requirements. The Protected Disclosures Act (Protection of Whistleblowers) Bill provides an example of this kind of approach.

Participants in our research (see attached survey reports in the annex) expressed frustration with the legislation as it deals with narrowly defined forms of bullying and harassment. There was a desire for legislation to apply to a wider range of harmful behaviours.

In the EU context the social partners have agreed a [Framework Agreement on Harassment and Violence at Work](#). Employers and unions agree to high-level impacts on workplaces, the aim of the agreement, description, prevention, identification, and management of the issue, as well as implementation and follow-up. The intention of this agreed framework is to increase awareness, understanding and action on bullying and violence. Industries and workplaces can use the framework to create concrete solutions for their specific situation. It is a guiding approach rather than a prescriptive approach. The Agreement provides a baseline for action and improvements.

Another mechanism to ensure bullying and harassment is effectively prevented and responded to on a higher level could be through including this topic into Fair Pay Agreements (FPAs) which ultimately apply to a whole industry or occupation.

E What further support and guidance would help businesses to strengthen, and effectively implement, their processes for managing risks and engaging with staff about bullying and harassment at work?

The PSA supports the use of restorative practices in businesses and organisations as part of building inclusive, positive and safe workplaces: Restorative practices are a way of resolving issues in a culturally appropriate and inclusive way. They provide an appropriate avenue for addressing the harms done in a just and sustainable way.

However, restorative processes are not appropriate where there is a risk of revictimization or significant power imbalances and particularly in organisations with low maturity levels in relation to health and safety. This can often be the case with bullying and sexual harassment.

The MBIE mediation service should be resourced to provide a comprehensive programme of training and early intervention for businesses and unions about how to put in place policies and practices that support inclusive, positive and safe workplaces as well as how to respond effectively to harmful behaviours such as bullying and sexual harassment. There is a particular need for specialised training around sexual harassment, which includes an understanding of the dynamics between gender, power and violence in the workplace.

F How do we increase the capacity of managers to identify, prevent and manage workplace bullying, harassment and sexual harassment?

Managers need to know how to communicate in effective and meaningful ways on these issues. Specific training is recommended. This is possibly the most important skill required to create inclusive, positive and safe workplaces. A focus on education for managers but also for the workforce is crucial to ensure workplaces are fit for the future.

Bullying and harassment also needs to be addressed as a team issue and not as an individual issue. Skills need to be developed to manage, influence and mitigate team dynamics.

An inclusive, positive and safe workplace culture not only prevents and responds to bullying and harassment well. It also ensures the delivery of the services the public needs.

Part of building inclusive, positive and safe workplaces is being deliberate about the workplace culture that is desired and what needs to occur to ensure its development and maintenance; and separately talking about workplace bullying, harassment and sexual harassment and how these behaviours can be identified and eliminated. There are different strategies and interventions that are needed. We are happy to provide additional material on developing and maintaining desired workplace cultures.

Response

G How can workers be supported to raise concerns early?

The role of the union is to provide an independent voice for workers to seek guidance, clarification and support as well as advocacy on their behalf. Union delegates play an invaluable role in supporting workers to speak up safely. It is important that union delegates are educated and trained so that they are equipped to deal with these issues. As delegates may often be the first port of call, how they respond will be critical. Knowing when you need to refer someone on to a more experienced delegate or organiser is part of this training.

Bullying and harassment situations are often the hardest situations any union representative will ever encounter (and this includes experienced organisers) so it is important that union representatives are well supported and included in specialist training in a workplace.

Delegates also play an important leadership role in building inclusive, positive and safe workplaces.

The PSA conducts regular and comprehensive delegate training on “Building Positive Workplace Relationships” and “Enhancing Productive Workplace Relations”. These training sessions include modules on both building positive workplaces cultures and preventing and responding to bullying and harassment. Delegates are trained to raise concerns and support colleagues in situation where they face unwelcome workplace behaviours.

Delegates are well placed to support other workers with bullying cases. Delegates also help to resolve issues at the lowest possible level. They are mandated to undertake this work and enjoy the trust of their colleagues.

The PSA suggests that MBIE considers funding the unions' delegate training to enhance workers' capability to raise concerns and support each other when issues arise.

Employers should realise that releasing workers for training such as this is an important contribution to realising the goal of creating inclusive, positive and safe workplaces.

H Are workers, particularly those in vulnerable populations, able to identify their options and the best approach for escalating a bullying and harassment issue?

Strong unions are a way of supporting the most vulnerable populations in the workplace. Uncertainties and insecure work sparked by the risk of restructuring or a limiting visa status (such as a visa tied to having a job or a particular role) can create conditions in which bullying and harassment increases. Stress, anxiety and a lack of communication and participation of workers often make the situation worse- especially for vulnerable populations.

It is important that information is provided in a range of modes and common languages and in a culturally appropriate manner. Unions can play an important part in this communication.

The PSA recommends recognising, appreciating and integrating workers' voice as an integral part to creating inclusive, positive and safe workplaces that are able to prevent and respond to bullying and harassment.

It is also important to have clear and well-known policies and procedures in the workplace that all staff are made aware of. These should include options for where people can seek help including information about union delegates and contact people.

I How can businesses and organisations be supported to take informal steps to respond to and resolve, an issue (where this is in the best interest of the parties involved)?

As mentioned above, taking a preventative approach early helps to respond and resolve workplace issues. Educational material needs to be provided for organisations to develop preventative policy approaches on the one hand and for managers and union delegates to develop skills and practice to use when dealing with specific situations on the other hand.

J What type of support would help businesses and organisations to conduct investigations that are impartial and have a conciliation or restorative approach?

Training and investigations should be undertaken by well-resourced mediation services. Mediation based on conciliation and on a restorative approach take time and need to be done by capable mediators. This needs investment into ongoing training of mediators and an expansion of the mediator workforce available to conduct these services.

K What should a low-level dispute resolution process for cases involving bullying or harassment look like? (For example, are there particular circumstances where it would be appropriate and beneficial for Employment Mediation Services to attempt to resolve the issue by phone?)

Mediators could be trained and engaged to do preventative work to contribute to positive workplaces. The PSA believes it is a lost opportunity to intervene only once the issue has occurred. Intervention needs to start before the issue arises to prevent it from happening. We have seen a move from treating illness to preventing illness which means focussing on creating conditions in which wellbeing can flourish. We should be doing the same at work: move from treating wrongdoing to preventing wrongdoing which means focussing on creating conditions to create inclusive, positive and safe workplaces within which people can flourish professionally and personally.

Employment Mediation Services can be conducted via phone as an initial step towards resolving an issue and where no other engagement is possible at that point in time. Phone discussions could occur with the different parties separately to identify the different perspectives and issues. Phone mediation alone cannot substitute for face-to-face mediation and should be a complementary tool.

L Overall, how well does the existing employment relations pathway work for people who have experienced bullying and harassment, and in particular, sexual harassment?

Not well at all. In our experience, most people would rather walk over hot coals than raise a personal grievance. Grievances are often strongly resisted by employers who automatically take a defensive approach – acting in the perceived interests of the organisation rather than working to establish the facts or looking to uncover further wrongdoing. Often the resources of the organisation are pitted against the individual. Power imbalances between the employer and the employee continue to prevent a fair outcome for those who experienced or witnessed bullying and harassment. Unions play an important role in addressing this power imbalance but there is more work to be done on removing barriers to access justice in the workplace and through the Employment Institutions.

In our experience as a union, most of the grievances that are raised are sorted in the workplace because we are able to provide good advocacy and evidence to support our representation of issues and get them resolved. This means that engagement in the workplace can be effective. In fact, it is daily work for us. The issue with bullying and harassment is that they are often complex and not obvious and involve innuendo, tone, patterns of behaviour and the use of formal and informal power. Therefore, there is a need for greater understanding of the nature of bullying and harassment and sexual harassment. These are complex situations to navigate, both for the people experiencing them, those supporting or advocating and those responsible for putting in place processes to resolve them.

M How well is the existing employment relations pathway working for Māori?

The current framework and employer policies and practices all express an inherited English understanding of work, the workplace and relationships within the workplace. This embeds bias against Māori and other cultures and continues outdated and undemocratic power imbalances between workers and employers that do not fit with Aotearoa today – let alone best fitting us for the future.

The PSA recommends that as a starting point, ensuring policies are flexible enough to incorporate te ao Māori, Pasefika, Deaf and disabled, LGBTQI (see consultation sessions in the annex). Policies must be flexible enough to account for different experiences and cultural backgrounds.

MBIE needs to move with urgency to partner with Māori to undertake research and policy work to develop employment relations approaches, including to bullying and harassment, that reflect and fit better with the current and future cultural context of Aotearoa, and in particular with Te Ao Māori approaches to the

workplace. Te Rūnanga o Ngā Toa Āwhina, the Māori arm of the PSA and the CTU Rūnanga are well placed to participate in this.

N How well is the existing employment relations pathway working for minority and vulnerable populations?

See above - if not worse.

The PSA recommends ensuring policies are flexible enough to incorporate te ao Māori, Pasefika, Deaf and disabled, LGBTQI (see consultation sessions in the annex). Policies must be flexible enough to account for different experiences and cultural backgrounds.

O What is the biggest issue with, or improvement opportunity for, responding to bullying and harassment issues under the employment relations system?

The biggest issue under the current employment relations system is the persisting power imbalance between the employer and the employee. The power imbalance does not change but what can change is the ability to redress some of the power imbalance through collective representation by a union and participation in the workplace. Recognition of and respect for the legitimate role of all the social partners is an important cultural change needed across all institutions. Unions are fundamental to the functioning of a democratic society.

Related to the persisting power imbalance is the lack of or only limited participation of workers in the workplace – especially as a collective via their union. If workers had more of a say in how to create inclusive, positive and safe workplaces, bullying and harassment could be substantially minimised and eventually eradicated.

P How could the regulatory systems work more closely to prevent bullying and harassment at work at an individual or organisational level?

The regulatory system could work more closely together through establishing a joint monitoring and reporting framework. Joint reporting should be undertaken by MBIE, WorkSafe, the Human Rights Commission, the Employment Relations Authority, and the Employment Court on a bi-annual basis to monitor and publicly report to the Minister of Workplace Relations. This would be consistent with the requirements of ILO C190. A lead would need to be identified (most likely to be MBIE) to coordinate this process. The report should include recommendations based on experiences and best practice. Establishing a monitoring framework could help to create accountability, awareness and concrete opportunities for improvement and prevention.

Q What role should WorkSafe have in engaging with, and encouraging change in, sectors or organisations where risks have been identified?

WorkSafe plays a crucial role in encouraging change and enforcing the law. As mentioned above WorkSafe must be adequately funded to provide high quality advice, inspection services, monitoring and evaluation of the effectiveness of settings at work. It is WorkSafe's responsibility to enforce the Health and Safety at Work Act in relation to psychosocial harms. Currently, their record of investigations and prosecutions is rather inadequate to the scale of the need, partly due to a lack of adequate resourcing. They could also take on a preventive role which means focussing on creating conditions to create inclusive, positive and safe workplaces within which people can flourish professionally and personally.

Recommended Research

Christopher D. Marshall, Justice as Care, *International Journal of Restorative Justice* 2/2 (2019), 175-185

Christian Peace Shelf, *Changing Lenses: A New Focus for Crime and Justice*, 3rd Edition, 1994

Geoff Plimmer, Sarah Proctor-Thomson, Noelle Donnelly and Dalice Sim, *The mistreatment of public service workers: identifying key risk and protective factors*, *Public Money and Management*, 2017.

Annex

Report of research in support of PSA submission to MBIE consultation on bullying and harassment at work.

March 2021

Contents

This report summarises the research conducted by the PSA in support of its submission to the March 2021 MBIE consultation on bullying and harassment at work in New Zealand.

This report includes:

1. Report of March 2021 survey of PSA delegates about their experience of assisting members with allegations of bullying and sexual harassment. *From p.12.*
2. Report of March 2021 survey of PSA organisers about their experience of supporting delegates and members with bullying and sexual harassment. *From p.17.*
3. Notes of consultation with PSA Networks: PSA Pasefika; Out@PSA; the PSA Deaf and Disability Network; and the PSA Women's Network. *From p.21.*
4. Appendices
 - A. Copy of survey forms – survey of PSA delegates about their experience of assisting members with allegations of bullying and sexual harassment. *From p.15.*
 - B. Comments provided in response to surveys. *From p.29.*

1. Report of March 2021 survey of PSA delegates about their experience of assisting members with allegations of bullying and sexual harassment

Purpose

In March 2021 we surveyed PSA delegates about their experience of supporting members with bullying and harassment. The purpose of the survey was to inform our PSA submission to the Ministry of Business, Innovation and Employment's (MBIE) consultation on bullying and harassment (including sexual harassment) at work in New Zealand, with a particular focus on how effective the systems are that prevent and respond to bullying and harassment at work.

PSA delegates are PSA members elected by other PSA members to represent them in their workplace. The PSA provides training for delegates including on "Building Positive Workplace Relationships" and "Enhancing Productive Workplace Relations".

Methodology

We emailed all PSA delegates (just over 3900) an invitation to complete an online survey over 5 working days. The survey form was hosted on the PSA's server and run using the PSA's custom Surveymaker tool, which ensures anonymity of responses. Participation was voluntary.

A copy of the survey form is attached as part of Appendix A.

Key themes

Most PSA delegates have experience supporting PSA members in relation to allegations of bullying. Delegates play a range of roles in this context, from directly assisting members to supporting witness, informally mediating discussions within teams and between parties and in helping to shape employer policies.

Support for members attending mediation is often provided either by PSA organisers or by delegates with the support of PSA organisers. PSA organisers or legal officers, rather than delegates, support members at the Employment Relations Authority.

A small proportion of PSA delegates have experience supporting PSA members in relation to allegations of sexual harassment.

In delegates' experience, the following would help with prevention of bullying:

- Organisations need to create safe spaces for people to speak up.
 - Fear of reprisal gets in the way of people speaking up - both those subject to unwelcome behaviours and those supporting them.
 - People who are already vulnerable are less likely to speak up – for example those on work visas, those subject to restructuring proposals.

- It is important that there is someone independent of the organisation, and in particular of the direct manager, that people can raise the issue with.
- There is a need for protections from reprisal to be put in place early for those raising the issue; including for those subject to bullying, witnesses, by-standers and delegates.
 - If there is disadvantage suffered as a result of reprisal for speaking up, then any process should include remediation of this.
- Clear definitions in policies help but there can be a disconnect between what most people think of as “bullying” and the official definition and so therefore also the threshold for disciplinary or other action. This results in frustration, both with policies, which are seen as ineffective; and with lack of action to address real issues with unwelcome behaviour in the workplace.
- There needs to be better understanding of the diversity of perspectives in the workplace and policies and practices need to be flexible enough to take this into account including:
 - Practices and processes recognising that one size does not fit all in a culturally diverse environment
 - Coming from a Te Ao Māori perspective. Māori working with Māori works
 - Understanding the cultural differences between Deaf and hearing employees.
- There are often no transparent consequences for unacceptable behaviour. It may be “swept under the carpet” and the alleged bully may benefit by being moved sideways or promoted to remove them from the situation. The clear message is that it’s not worth speaking up.
- Organisations need to openly accept that bullying happens, say it’s not acceptable and be willing to address it.

In delegates’ experience the following would help with the response to bullying:

- Those subject to the unwelcome behaviour are often not listened to or shown empathy or compassion. Any process needs to attend first to their wellbeing. Access to counselling could be offered early on.
- Where the allegation is against a manager, the default response of many organisations is to defend themselves by running a process that either explicitly or has the effect of defending or taking the side of the manager. This mirrors the imbalance of power often present in bullying situation and pits the resources of the organisation against already vulnerable individuals.
- Access to an independent mediator early in the process helps.
- Taking a restorative approach from the start helps.
- Having HR involved can help but HR professionals need to be trained to take a professional and non-adversarial approach and provide neutral assistance with implementation of the policy, rather than default defence of the manager or organisation.
- Having workplace delegates supporting the victim, attending meetings with them and working for a resolution is helpful.
 - It works well when delegates and HR work together on solving the problem. HR need to understand the role of delegates.
 - It is important that delegates are trained and given time to support members.
- Complaints need to be addressed as soon as possible. Investigation processes may be protracted and take too long. This increases stress and anxiety and undermines confidence in the process.
- Communication about the processes and progress with the process needs to be clear and timely.

- Bullying may be part of a problem with overall culture and need to be tackled at the team level. Managers may not know how to do this effectively.
 - The needs of teams and the rest of the workplace are often not considered or met. There could be processes for people to share their experiences, so they don't feel alone. Damage to team relations is often not considered or remediated.
- Managers often don't know how to have difficult conversations or effectively manage poor performance and need to:
 - Take a more positive coaching or mentoring approach rather than a punitive rather than
 - Understand that the issue may be behaviours, rather than "difficult personalities"; or as a result of factors such as undue work pressure, lack of job clarity or poorly communicated expectations.
- Reporting systems can be useful, but people will not use them if issues logged are not followed up on in a timely and transparent manner.

The responses

1001 responses were received. This is a response rate of 25% %.

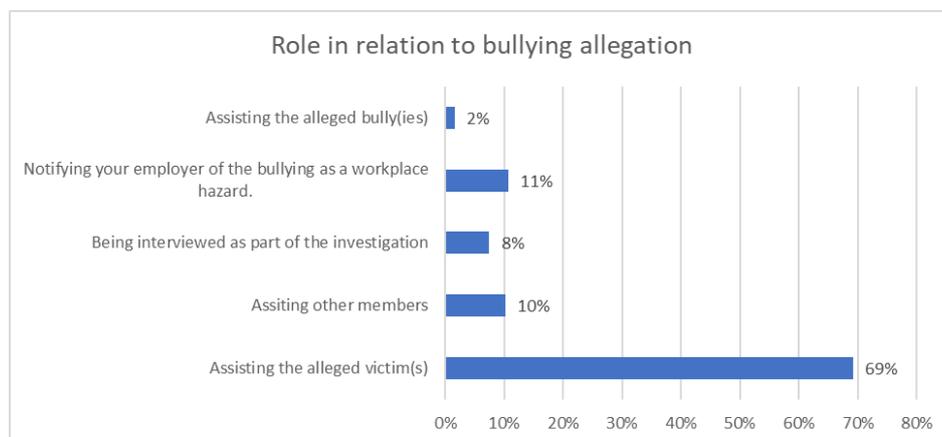
Of the delegates who responded:

- 63% had supported a member in relation to allegations of bullying
- 2% had supported a member in relation to allegations of harassment.

The roles delegates play in bullying allegations

Delegates were asked what role(s) they had undertaken in relation to allegations of bullying. The most common role played by delegates in relation to allegations of bullying was assisting the victim or victims.

Many delegates undertook a range of roles in relation to the allegations. The most common combination of roles was: assisting victim(s), assisting other members and notifying the employer of the bullying as a workplace hazard.



Other roles reported included:

- Arranging for support from a PSA organiser or the PSA legal team
- Mediating informally between the alleged victim and bully

- Providing advice to other delegates supporting members
- Facilitating discussions amongst teams/groups to help resolve the situation at the lowest possible level
- Conducting investigations
- Taking concerns to other parts of the management structure
- Contributing to a review of the organisation's bullying and harassment policies.

Employer processes and practices in relation to bullying allegations: Delegates views about what works well and what could be done better

Delegates were asked: "Thinking about the processes and practices used by employers in these situations what works well and what could be done better." Delegates contributed extensive comments in response. The comments were clustered into themes and these are summarised under the "key findings" heading of this report. The full text of these comments is attached as appendix B.

Use of mediation

Of those who had supported members in relation to allegations of bullying, 40% said that a situation they had dealt with had been referred to mediation. These delegates were asked for comment about what worked well with mediation and what could be done better. Their comments are included in appendix B as they also often refer to other stages of the process.

Delegates' comments indicate that a range of mediation services and approaches are used, including informal mediation conducted within the organisation, the engagement of external private mediators and the use of MBIE's mediation services. Where formal mediation is used, PSA delegates generally seek the support of a PSA organiser and may not be involved in the mediation session itself.

Use of the Employment Relations Authority and Employment Court

Of those who had supported members in relation to allegations of bullying, 26% said that a situation they had dealt with had been referred to the Employment Relations Authority or Employment Court. These delegates were asked for comment about what worked well at the Authority or Court and what could be done better. Their comments are included in appendix B as they also often refer to other stages of the process. PSA organisers or legal officers assisted members at the Authority or Court, rather than delegates, who when involved played a support role. Some provided evidence.

2. Report of March 2021 survey of PSA organisers about their experience of assisting members with allegations of bullying and sexual harassment

Purpose

In March 2021 we surveyed PSA organisers about their experience of supporting members with bullying and harassment. The purpose of the survey was to inform our PSA submission to the Ministry of Business, Innovation and Employment's (MBIE) consultation on bullying and harassment (including sexual harassment) at work in New Zealand, with a particular focus on how effective the systems are that prevent and respond to bullying and harassment at work.

PSA organisers are PSA staff employed by the PSA to organise and advocate for PSA members at the workplace and industry level. They are allocated responsibility for organising and supporting members and teams of PSA delegates working in organisations within the PSA's areas of coverage.

Methodology

We emailed all PSA organisers (100) an invitation to complete an online survey over 5 working days. The survey form was hosted on the PSA's server and run using the PSA's custom Surveymaker tool, which ensures anonymity of responses. Participation was voluntary.

A copy of the survey form is attached as part of Appendix A.

The responses

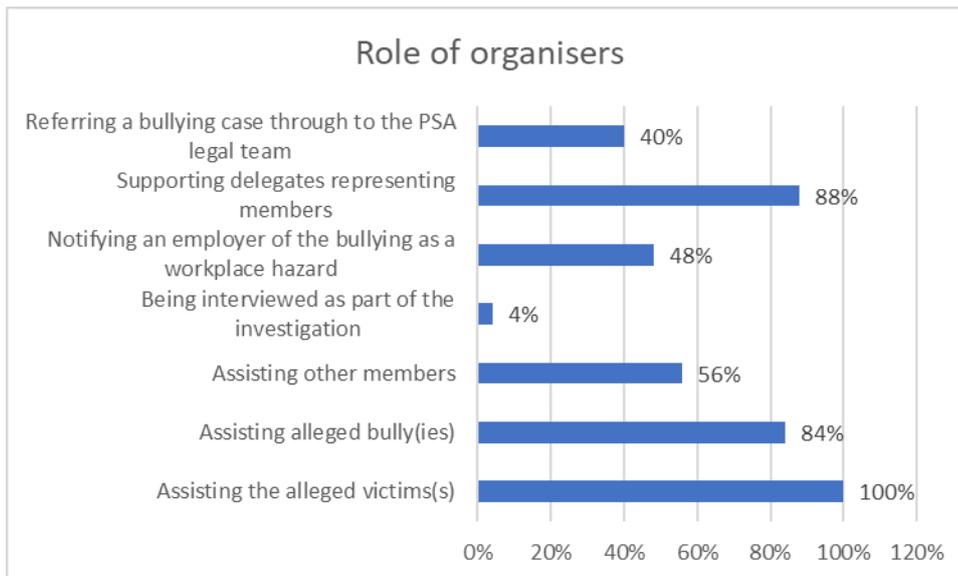
25 organisers completed the survey form. This is a response rate of 25%.

Of those who responded:

- All (100%) of those who responded had assisted members in relation to allegations of bullying
- 52% had assisted members in relation to allegations of sexual harassment.

Bullying

Organisers were asked what role(s) they had played in relation to the allegations. All had assisted alleged victims, 9 in 10 had supported PSA delegates representing members and just over 8 in 10 had assisted alleged bullies. 4 in 10 had referred a case through to the PSA legal team.



Other roles mentioned by organisers included raising the issue of bullying at health and safety meetings and other meetings with employers; and running bullying prevention workshops.

Employer processes and practices - what works well in bullying situations

Organisers were asked “Thinking about the processes and practices used by employers in these situations, what works well and what could be done better?”. 22 Organisers contributed comments in response. The full text of these is attached as part of appendix B.

The main themes of organisers’ comments included:

- Not much works well with how bullying situations are currently dealt with:
 - Policies may appear good but in practice unwelcome behaviours are not dealt with.
 - Investigations may take too long and risk re-traumatising the victim
 - There can be an emphasis on minimising risk to the organisation and defending those in positions of power.
 - Managers most often have not had the appropriate training
 - Processes focus on apportioning blame, are not restorative and damage relationships.
 - Moving “problems” around rather than focus on building positive workplace behaviours.
- In terms of what is defined as bullying: the burden of proof is set very high, which helps avoid malicious claims, but this also means that not all harmful behaviour meets the definition and then is not addressed.
- In terms of what helps with prevention:
 - Training for managers in preventative and restorative approaches
 - Training for managers in managing performance
 - Open and proactive focus by the organisation on building positive workplace behaviours.
- In terms of what helps with response:
 - Timeliness and clear communication with all parties throughout the process
 - The use of independent facilitators/mediators
 - The early use of restorative approaches and a focus on repairing damage to relationships
 - Organisations adequately resourcing investigations and responses.

Use of mediation in bullying situations

Just over 5 in 10 organisers (56%) had the experience of a bullying situation going to mediation. Organisers who had experience of mediation for a bullying situation were asked: “Thinking about the mediation process and practices, what do you think worked well, and what could be done better?”. The full text of the comments provided is included as part of appendix B.

Organiser had both negative and positive experiences of mediation. The main themes of organisers comments included:

- Mediation can be helpful if:
 - It is used early in the process
 - Both parties are willing to work things through.
- Mediation doesn't work if:
 - The employer is unwilling to consider the behaviour being bullying
 - The employer takes a default approach of defending managers or the organisation and focuses on limiting risk to the organisation.
- Mediation is not restorative.
- Mediation is often used by employers as a place to achieve a confidential settlement and exit.

Use of the Employment Relations Authority in bullying situations

8% of organisers had the experience of a bullying situation going to the Employment Relations Authority. These organisers were asked: “Thinking about the Employment Relations Authority process and practices, what do you think worked well, and what could be done better?”. 4 organisers provided comments. The full text of comments provided is included as part of appendix B

Sexual harassment

Role of organisers in relation to sexual harassment allegation situations

54% of organisers had assisted members in relation to allegations of sexual harassment. The most common roles played by organisers were supporting the person experiencing the alleged harassment (85%) and supporting delegates assisting members (69%). Over half had provided support for an alleged harasser.



Employer processes and practices – what works well in sexual harassment allegation situations

Organisiers were asked: “Thinking about the processes and practices used by the employer in sexual harassment situations, what do you think works well and what could be done better?”. The full text of comments provided is attached as part of appendix B.

The main themes of organisiers’ comments included:

- The maturity of organisations and the sensitivity of those doing investigations are key
- There is a need for specialised training for managers, HR and organisiers in dealing with this well
- What works in bullying allegation situations is also needed for sexual harassment allegations – see section above.

Use of mediation or the Employment Relations Authority

Only one organisier had experience of a sexual harassment allegation going to mediation and none had experience of this kind of situation going to the Authority.

Effectiveness of current legal arrangements

Organisiers were asked to provide any comments or reflections on how effective the current legal arrangements and systems are for dealing with bullying and sexual harassment at work. The full text of comments provided is included as part of appendix B

The main themes of organisiers comments included:

- There was a consensus that the current arrangements are ineffective and do not support victims to come forward or during the process.
- The balance is weighted too much in the favour of the organisation over that of workers.
- The definitions of bullying and harassment mean the threshold for access to support, compensation and remediation is set too high and this means that harmful behaviours are not addressed.

3. Notes from consultation sessions with PSA networks

PSA Pasefika

There are an estimated 6,000 PSA members who identify as Pacific, and 258 delegates. In 2019 we had a membership of 1,965 Pacific members who choose to belong to the network. Members come from all over the Pacific and identify from the islands of Fiji, Hawaii, Kiribati, Kuki Airani, Niue, Rotuma, Samoa, Tokelau, Tonga, Tuvalu and Uvea.

'It can feel like having to work twice as hard to get half as much.'

Our members describe bullying as the ignoring of their culture, the not accepting, been asked to do more work and being overlooked for work promotions. Overall, a lack of empathy and understanding.

The network identified cultural ignorance as a common form of bullying for them. Pasefika members discussed managers lacking an understanding around religious practices, such as the requirements of a Pasefika church minister, the mana they hold and position within their family structure.

The issue of taking bereavement leave arose a number of times, especially if international travel was required. For Pasefika people, Connection back to the people and their land is just as valuable as going to grieve for that their loved one who had passed away. In one example, a Pasefika employee was pressured to take annual leave as it was assumed by their employer that they were on 'holiday' in a Pacific country after taking bereavement leave to grief for a loved one.

For Pasefika being humble is the mark of respect, however in the workplace, this can result in repeated inappropriate behaviors from colleagues and management. Often, humble cultures like Pasefika feel they cannot speak up against bullying and harassment especially to a superior and because of this, it can be assumed that the behavior is accepted and therefore continues. Often, the paid work of Pasefika support a number of family members and therefore having a job and having money is the most important thing. This encourages workers to 'keep their head down and get on with it' in order to not be labelled a troublemaker. This behavior tends to normalise bullying which can leave workers feeling helpless in their workplaces.

The PSA acknowledges WorkSafe advice on the importance of voicing concerns with the other party to discuss concerns if a worker feels safe to do so^[1], and we support this, the next step is ensuring that humble cultures are provided with the tools and support to voice their concerns when they need to. To achieve this, workers need to have a voice in their workplace to participate and influence decision making. In addition, we recommend cultural education in workplaces to reduce cultural ignorance.

^[1] Worksafe, Bullying at work: advice for workers: <https://www.worksafe.govt.nz/topic-and-industry/bullying/bullying-at-work-advice-for-workers/>

Out@PSA- Our LGBTQ(IA+) network.

Out@PSA is the network for PSA members who identify as gay, lesbian, intersex, transgender, takataapui, fa'afafine or bisexual. They aim to promote respectful, diverse and inclusive workplaces and public services. The Out@PSA network has 1753 members and there is an estimated 7% of PSA members identify as rainbow.^[2]

This group of workers is one of the most affected by workplace bullying and harassment due to discrimination. This harassment can have long lasting effects on the individual and the rainbow population is at significantly higher risk of suicide compared with other people living in New Zealand, due to experiences of social exclusion and discrimination.^[3] Transgender people are the most effected by workplace bullying and harassment and the rates of depression and suicide in this group is unacceptable in New Zealand today. The Human Rights Commission Report 'To be who I am' which was an Inquiry into discrimination experienced by transgender People found that within the inquiry, key themes arose regarding access to employment, job retention and promotion, and workplace safety.^[4]

Workplaces must build in more protections, participation, appropriate education, and respond to exclusion in order to ensure support for these workers. One of our rainbow members experienced sexual harassment from a superior and the resulting investigation left them feeling isolated and not understood by their workplace. After reporting the sexual harassment, the worker didn't receive any support to ensure their health and safety during the investigation from the employer. In addition, the investigation was conducted by a cis-male who had very little understanding of the discrimination towards rainbow workers. The issue here is that LGBTQ(IA+) are more likely to feel isolated at work and misunderstood. They are less likely to have managers and co-workers that are similar to them or have an understanding of their experiences at work. Particularly for our transgender and non-binary whanau, a lack of understanding, resulting in ignorance such as mis-gendering or dead naming an individual can have lasting effect, and when these ignorances are happening every day, can lead to dissatisfaction and isolation at work.

The first step to ensuring that the LGBTQ(IA+) community feels supported at work is education around sexuality, gender and sexual identity for everyone in a workplace. Increased education in this area will lead to understanding, empathy and an inclusive work culture. These workers must be encouraged to actively participate in their workplace and be involved in decision making processes around policies and processes

The PSA supports workplaces in reviewing their Workplace bullying, harassment and discrimination and policies. Policy's must be fit for purpose policy for all staff and be inclusive processes ensuing people are heard fairly including our rainbow communities.

^[2] Focus group research 2015, Workplace Dynamics Survey 2013, Workplace Dynamics Survey 2016.

^[3] Suicide prevention and the rainbow population A submission on: A Strategy to Prevent Suicide in New Zealand 2017: Draft for public consultation

^[4] To Be Who I Am/Kia noho au ki toku ano ao Report: https://www.hrc.co.nz/files/5714/2378/7661/15-Jan-2008_14-56-48_HRC_Transgender_FINAL.pdf

PSAY- Youth network at the PSA

The PSA Youth expressed particular concerns with bullying and harassment at their workplaces. They discussed the younger generations being taught to respect elders and therefore finding it hard to speak up if those older than them were behaving inappropriately. Feeling ok to challenge that authority was difficult and could feel daunting and overwhelming.

They also discussed the power dynamic and age discrimination that can be present with managers and superiors, they found that when going to the leadership team, if there is no paper trail, proving bullying is challenging. They described the experience as “if you don't have that timeline it's a senior person's word against yours. This power dynamic can create different rules for different people and is not conducive to save workplaces.

Young people often undertake insecure or casual work. This puts the worker in a vulnerable position, as speaking up could cost someone their employment. Young people spoke about being pressured to do something in order to guarantee future shifts and being told that ‘when you're casual you don't understand the word 'no'.” by management. In voicing concerns young people are worried they would tarnish their reputation in the industry.

For many young people, for example those in their first job, they have trouble identifying bullying and harassment, “in say a team of 10 people, if 7 are being treated badly, it is the normal dynamic in the workplace and it comes to be what a young person expects in employment. This can create a culture in which everyone knows the behavior of an individual but because no one is holding them accountable they are perceived as invincible.”

Members of PSA Youth have experienced a lack of employer follow up when issues are reported, and a sense that their concerns are not taken seriously. They would like follow-up when they do report something to management, they would like to know that their concerns are taken seriously and looked into in depth.

Women's Network

70% of PSA membership are women, and in New Zealand women are more likely than men to have experienced discrimination, harassment, or bullying at work. Fourteen percent of women and 9 percent of men said they'd suffered from such treatment over the previous year. ^[5]

Also, we will need to reconcile this prevalence with the findings of the Workplace Dynamics Survey.

Rates of bullying and harassment, including sexual harassment are significantly higher for women and ratification of the international Labour Organisation (ILO) Violence and harassment convention 2019 (no. 190) is the next step towards reducing bullying and harassment at work. C190 provides a common definition of violence and harassment, including gender-based harassment and presents a clear framework for how to deal with it when it occurs.

Not a great summary of the value of C190. Need to explain how ratification will improve the situation for NZ workers. The two key things here are bringing our law into alignment with C190 (see discussions re C190) and ongoing monitoring and maintenance.

^[5] Statistics NZ: <https://www.stats.govt.nz/news/one-in-10-workers-feels-discriminated-against-harassed-or-bullied-at-work>

The new instruments implement a right to a world at work free from violence and harassment- which has never been there before. They recognise that the world of work encompasses more than just the workplace but also where workers eat and sleep, technology that we use for work. Incorporates the commute to work for those who do night work and precarious work. To put some onus on employers and the state to ensure that workers are safe no matter where they are.

In addition, C190 acknowledges the impact of domestic violence in the world of work. These situations follow women to work and so that these risks can be mitigated, the state must protect women to make sure that her and her colleagues are safe.

Deaf and Disabled Network

The Deaf and Disabled network was set up to enable PSA members who are Deaf or Disabled to come together and discuss their issues, and to develop a plan of activities that supports the promoting the interests of Deaf and Disabled people within the PSA.

In the June 2019 quarter, the employment rate for disabled people was 23.4 percent, compared with 69.9 percent for non-disabled people.^[6] Barriers to employment are the main concern facing this group of workers, even before they walk into a workplace discrimination occurs, preventing them from being offered paid employment.

Removing discriminating barriers, both physical and mental will make a significant difference to this group of workers and the high rates of bullying and harassment they are exposed to.

Significant education around the specific needs of disabled workers in the workplace will assist in building empathy and inclusion for these workers, improving their access to paid work and their job satisfaction once in paid employment.

^[6] Stats NZ, <https://www.stats.govt.nz/news/employment-gap-for-disabled-people-remains-high>

Survey forms

Delegate survey: Bullying and harassment - Better support for members

Thank you for your time! We know that you are very busy.

As a PSA delegate you may have supported PSA members experiencing bullying or harassment at work. Please use the form below to tell us about your experience. We will use this to submit on a Ministry for Business, Innovation and Employment (MBIE) consultation on how effective the current legal arrangements and systems are for dealing with bullying and harassment at work.

This form will close on Tuesday 9 March. Your responses will be anonymous. A copy of our PSA submission will be posted on our website.

Please note: The form below will filter questions based on your answers. Please scroll down to find further questions.

Bullying

1. Have you assisted or represented members in relation to allegations of bullying?

- Yes
- No

2. (Contingent) In assisting or representing members in relation to allegations of bullying, which of the following roles have you had (select all that apply)?

- Assisting the alleged victims(s)
- Assisting alleged bully(ies)
- Assisting other members
- Being interviewed as part of the investigation
- Notifying your employer of the bullying as a workplace hazard
- Other (Please Specify)

3. (Contingent) Thinking about the processes and practices used by the employer in these situations, what do you think works well and what could be done better?

(Free text)

4. (Contingent) Did any of these situations go to mediation?

- Yes
- No
- Not sure

5. (Contingent) Thinking about the mediation process and practices, what do you think worked well, and what could be done better?

(Free text)

6. (Contingent) Did any of these situations go to the Employment Relations Authority?

- Yes

- No
- Not sure

7. (Contingent) Thinking about the Employment Relations Authority process and practices, what do you think worked well, and what could be done better?

(free text)

Sexual harassment

8. Have you assisted or represented members in relation to allegations of sexual harassment?

- Yes
- No

9. (Contingent) In assisting or representing members in relation to allegation of sexual harassment, which of the following roles have you had (select all that apply)?

- Assisting the person experiencing the alleged sexual harassment
- Assisting the alleged harasser
- Assisting other members
- Being interviewed as part of the investigation
- Other (Please Specify)

10. (Contingent) Thinking about the processes and practices used by the employer in sexual harassment situations, what do you think works well and what could be done better?

(free text)

11. (Contingent) Did any of these sexual harassment situations go to mediation?

- Yes
- No
- Not sure

12. (Contingent) Thinking about mediation processes and practices in sexual harassment situations, what do you think works well and what could be done better?

(free text)

13. (Contingent) Did any of these sexual harassment situations go to the Employment Relations Authority?

- Yes
- No
- Unsure

14. (Contingent) Thinking about the Employment Relations Authority process and practices in a sexual harassment situation, what do you think worked well and what could be done better?

(free text)

15. (Contingent) Please write here any other comments or reflections on how effective the current legal arrangements and systems are for dealing with bullying and sexual harassment at work.

(free text)

Thank you for your responses.

Organiser survey: Bullying and harassment - your experiences supporting members

Thank you for your time! We know that you are very busy.

As an organiser you may have supported PSA members experiencing bullying or harassment at work. Please use the form below to tell us about your experience. We will use this to submit on a Ministry for Business, Innovation and Employment (MBIE) consultation on how effective the current legal arrangements and systems are for dealing with bullying and harassment at work.

This form will close on Wednesday 10 March. Your responses will be anonymous. We are also surveying delegates and we will share our findings with you. A copy of our PSA submission will be posted on our website.

Please note: The form below will filter questions based on your answers. Please scroll down to find further questions.

Bullying

1. As an organiser, have you assisted or represented members in relation to allegations of bullying?

Yes

No

2. In assisting or representing members in relation to allegations of bullying, which of the following roles have you had (select all that apply)?

- Assisting the alleged victims(s)
- Assisting alleged bully(ies)
- Assisting other members
- Being interviewed as part of the investigation
- Notifying an employer of the bullying as a workplace hazard
- Supporting delegates representing members
- Referring a bullying case through to the PSA legal team
- Other (Please Specify)

3. Thinking about the processes and practices used by the employer in these situations, what do you think works well and what could be done better?

4. Did any of these situations go to mediation?

- Yes
- No
- Not sure

5. Thinking about the mediation process and practices, what do you think worked well, and what could be done better?

6. Did any of these situations go to the Employment Relations Authority?

- Yes
- No
- Not sure

7. Thinking about the Employment Relations Authority process and practices, what do you think worked well, and what could be done better?

Sexual harassment

8. As an organiser have you assisted or represented members in relation to allegations of sexual harassment?

- Yes
- No

9. In assisting or representing members in relation to allegation of sexual harassment, which of the following roles have you had (select all that apply)?

- Assisting the person experiencing the alleged sexual harassment
- Assisting the alleged harasser
- Assisting other members
- Being interviewed as part of the investigation
- Supporting delegates representing members
- Referring a sexual harassment case through to the PSA legal team
- Other (Please Specify)

10. Thinking about the processes and practices used by the employer in sexual harassment situations, what do you think works well and what could be done better?

11. Did any of these sexual harassment situations go to mediation?

- Yes
- No
- Not sure

12. Thinking about mediation processes and practices in sexual harassment situations, what do you think works well and what could be done better?

13. Did any of these sexual harassment situations go to the Employment Relations Authority?

- Yes
- No
- Unsure

14. Thinking about the Employment Relations Authority process and practices in a sexual harassment situation, what do you think worked well and what could be done better?

15. Please write here any other comments or reflections on how effective the current legal arrangements and systems are for dealing with bullying and sexual harassment at work.

Thank you for your responses.

Comments received in response to questions:

- *“Thinking about the processes and practices used by the employer in these situations, what do you think works well and what could be done better?”* and
- *“Thinking about mediation, what do you think works well and what could be done better?”.*

A lot, actually doing something to correct the injustices.
Ability to comfortably 'whistle blow' was a challenge, there was a lot of questions to how I could be impacted as an employee vs a delegate. I didn't feel very safe, and this did not really change through the process. - PSA support was useful, though limitations of what PSA organisers can and can't do caused confusion and anxiety from members on perceived lack of transparency.
(organisation) has all the process in place for staff to Speak Up but there is genuine fear in my area about challenging our director of operations (big boss) and fear of retaliation as well as most members thinking that the DHB / HR will take little or no action against its management.
Allow independent persons to be used for people to report this to away from management within the workplace that person is suffering these issues.
Allowing the member to express to Managers their reality. - - Managers who are repeat offenders going on to repeat their behaviours. In most cases being promoted to more senior positions. In other words there are NO consequences for their behaviour.
An opportunity to improve - All parties involved in the alleged cases must be present during alleged meetings
As the employer comes in 100% supporting the Bully, which the majority of support I have given is to members who are bullied by their immediate team leaders. It is very hard to make a valid case as it will be about the members attitude.
basically nothing worked unless it was written down as everything else was classed as 'hearsay' therefore not counted. when asking victims of bullying to document many would say 'I can't do that' and that made it hard as a delegate it also added stress to me as a delegate as it puts you in a helpless position to get a solution for the member.
Because it was employee versus her boss Human Resources, I felt listened more to her boss than her. The boss had only been there approx 1 year and she had been in her position for 9 years and had never had any issues beforehand. In the end she said it came down to irreconcilable differences and paid her out. No mediation was entered into, she had to continuously follow up the case with Human Resources, my personal feelings were HR were extremely unprofessional throughout the whole issue.
Being able to talk to other staff members to see if they have had similar experiences is good. To know you're not the only one is good. - Our reporting system is not user friendly. - What does not work well is having to sit and defend yourself in front of the bully, especially if they are in a position of power. Same goes if there are certain workplace cliques that preference the bully over the bullied. - What does not work well is having a system in place where the only place a victim of a bully can go to is there direct manager if the manager is the bully.

Being transparent and dealing with the issues straight away, as well as ensuring to follow-up.
better processes and procedures. better help with supporting members with impacts of bullying. ensuring the work place is safe enough for staff to come forward.
Bullying is too hard to prove ,, i go down the line of health & safety measure
Bullying policy and clear outline of how these are addressed. Actually recognizing bullying as a health and safety matter. - Better support from PSA for delegates and training. Protection for delegates in small agencies.
Bullying, or ongoing malicious gossip over a period of years, was not recognized as bullying. Instead misconduct was used but not proven. The offender was re briefed on code of conduct and continues to spread gossip and ruin lives. We can no longer endure the lengthy HR process to submit another complaint and wait months for another investigation while the bully acts out even more knowing another complaint has been laid.
(Organisation) do not treat these allegations, when the accused is a manager, seriously and appear to be more concerned about sweeping things under the carpet and finding reasons to deflect rather than looking into the behaviour of the bully
Clarifying what is and what is not bullying
Clear definitions and examples would help
Clear definitions and policy are good to have.
Communication between parties was most effective. - Independent mediation could have been helpful.
COMPLETE OVER HAUL AND REVIEW NEEDED
Confidentiality of the investigation was not kept. A conflict of interest between the team leader, manager and past work history between team leader and current employees. An unbiased mediator needed to be used but was not.
confirm all information before allegations
Current processes for listing this as an issue via the reporting system are ineffective as these get to HR and often end up back with the manager who may be the bully or ignore the situation. - I have also had situations where other staff have complained about the person and there has been no formal investigation and the behaviour has continued until the bully left
Dealing with the issue immediately- talk to the member fast and let them know you have them supported
Delay, deflect, deter and deny.
Delegates at the (organisation) are trying to get management to sign off on a process where complaints are handled in the first instance by the group manager to try to sort out before escalating it to HR etc
Different people have different ideas about what bullying is and what it constitutes. We need clearer definitions of bullying? - Sometimes allegations of bullying come when people are under other forms of stress. Employers need to understand these underlying issues and take them into account in trying to find resolutions.
Direct contact with the coordinator by email stating the facts. The support worker being given work that was not in the time frame asked for then losing work.
Earlier Intervention at the lowest level and only escalate if absolutely necessary. - Better communication with HR to change practices ,or time limits where proven to be an obstacle. - HR to get on board with local delegates on a more regular timeframe to improve better communication when instances occur.

<p>employer always initially and support managers regardless</p>
<p>Employer kicked whole issue to touch with an external investigation with narrow TOR. Months dragged on now with the commissioning HR director changing roles before the investigation concluded and the report now has no action. Absolute runaround and management blame the union for delays.</p>
<p>Employer needed to make it clear to the manager involved that bullying is not tolerated and outline a process for performance management which does not involve - unsubstantiated allegations, threats, insistence on standards way beyond what anyone else in the organisation is held to, psychological abuse and vexatious micromanaging. Also the manager drafted a PIP that was (according to PSA advice) farcical and clearly designed to lead to dismissal - but the HR (People and Culture) manager did not challenge this draft.</p>
<p>Ensure that there's adequate support in place for the person making the bullying allegation. How will they be protected from further bullying? Is the environment safe enough for them to even complain? How do they know that their allegation will be dealt with confidentially? What if the bullying behaviour is done by a manager, and their manager doesn't want to do anything, and HR aren't helpful (this was what happened in our case)? Especially in the public service, people with bullying behaviours seem to be moved around, spreading their toxic interactions through organisations, without it being addressed, or managed. This is 'easier'. Obviously, this is only easier for the employer, not the person subject to the bullying. - - Strong leadership about addressing bullying and providing a safe workplace is essential - I've worked in several places where there are good policies, but the follow through is poor. So people might raise issues, and these don't get resolved. Which can add to a climate of fear, anxiety, isolation and abuse.</p>
<p>Formal review could have worked better. - Not sweeping things under the rug. - - Mediation worked ok.</p>
<p>Frequently misconduct for bullying investigations are instigated by managers in my experience who are either aware of the bullying or are bullies themselves. It thrives in an environment where bullying employees happens and everyone is afraid to speak up as they will become the target. Robust processes and practices need to be fair and ensure that there is no bias on behalf of the managers and the managers need to be removed from the process if they tolerate or allow this kind of behaviour in the workplace and are silent. There needs to be more support for staff to be able to raise the issue without fear of recrimination or further harassment.</p>
<p>Generally, the bully is a manager and all the HR system is aligned to support management over staff. So in my experience a staff member who sticks their head up to report bullying is basically asking to be shot.</p>
<p>Getting as much facts as possible. Having open and honest conversations.</p>
<p>good faith, being able to engage with a member to establish the concern and seek help of a more senior/experience delegate and the active support of an organiser.</p>
<p>Good: (organisation) has speak up, which is a pathway for staff to go around the manager when the usual lines aren't working. Getting bullying allegations in front of managers is easier than it has ever been. PSA is an integral part of the system. I am an advisor to staff nationally as a PSA delegate, and our PSA Organiser is part of the (employer) panel that assess the allegations and work out next steps. - Bad: All roads lead to HR processes which are time consuming and don't feel like justice to anyone. Better looks like changes to HR processes, which probably means changes to employment legislation, in parts.</p>

<p>Having a proactive management team works well but I feel sometimes managements decisions based on personal feelings about the person being bullied doesn't.</p>
<p>Having an actual process that works. The unofficial meetings and chats, the casual comments etc</p>
<p>Having PSA involved but even then there is no accountability my manager completed a risk pro on behalf without talking to me and I wasn't aware unto I got response back was not sure what to do or even if she had a right to do this</p>
<p>Hiring an independent Mediator, (from EMA) works well - Gender matched Mediator to the victim, works well - The Employer did not immediately follow through with the recommendations of the Mediator, which was to terminate the bully's employment.</p>
<p>I assisted the victim and notified the supervisor because I witnessed it happen. Despite multiple attempts to explain to our supervisor nothing happened and it still continues today. I felt that I was putting myself on the line by reporting it for no outcome. I don't think it was taken seriously. Even though I know other people commented on it to our supervisor. It was very unsatisfactory. The victim was too scared to report the multiple incidents. I also reported that I had seen this same person bully other people and nothing happened. I think it would have been better for our supervisor to get assistance from someone higher up in the organisation because she obviously didn't know how to handle it. We did have an anti-bullying seminar that was compulsory for everyone to attend but it didn't make any difference. I think this was too vague and I'm Not sure the bully even realised that her behaviour was unsatisfactory.</p>
<p>I believe that the process hinders the ability to come forward due to posable 'Pay back' also the culture of snitches get stitches it is also open to abuse for the so called victim to use the system for their own agenda</p>
<p>I feel the alleged victim did not feel supported by (organisation). I also feel the alleged bully was not treated as well as they could have been.</p>
<p>I felt the employer was very keen to sweep the issues under the carpet and it made it difficult to achieve a fair resolution for the person being bullied.</p>
<p>I found the whole experience frustrating. - There was no transparency around the process with the managers. It felt like the managers just wanted to pretend there wasn't a problem and they were thinking more about how to look good in front of their boss instead of fixing the issue at hand. - I believe everything could have been done better. -</p>
<p>I supported a staff member in a meeting with the service manager so she could be interviewed about the incident/s. After this there was no further follow up meeting. No mediation and she was left to have a meeting on her own with the manager involved. I have seen her continue to struggle and needing to take time off for her own mental health. - I believe staff rarely come forward because they feel unsafe to do so, knowing that there might be consequences if they do. In this particular case she feels as though because of coming forward about her experiences, that she is now being denied opportunities to grow in her practice.</p>

<p>I think the investigations are far too protracted. I have been involved with two separate worksite investigations where the alleged bully was suspended on full pay for three months, then reinstated when no bullying was substantiated. I think the definition of bullying is fine, but most workers don't understand the level of behaviour required - and what they complain about does not reach the level required for bullying to be substantiated. Generally the alleged victim later leaves the workplace feeling upset and not listened to. The alleged bully feels hurt too. The rest of the team is shattered as people are often forced to take sides. There is never any healing of the team afterwards, and the bully and victim do not generally have any face to face opportunity to resolve their communication problems. I think the complainer and complainant should be got together at the outset with their manager and told this needs to be sorted out now as otherwise it will be destructive to everyone. How are we going to resolve it ?? That never occurs so everything festers.</p>
<p>I think the practices are endemic to the organisation and have never been challenged .</p>
<p>I think there could be more general education of all staff of the particular situations and definitions used of harassment and bullying.</p>
<p>I wonder if better training could be provided to new managers so they can strike the balance of guiding staff without slipping into what may be bullying or harassment</p>
<p>Identifying the alleged threat and listening to the members concerns - From the 3 cases I've been involved with the department head acted quickly the other 2 were slow to resolve the matter and the bullying continued for her. I raised an incident report however before any feed back was received the employee resigned the other case is still under investigation</p>
<p>If the bullying had been recorded through official (organisation) channels then it was taken more seriously. This should not be the case as sometimes people do not have access to these channels when they are feeling safe. Reporting to anyone other than (organisation) was discouraged, this also should not be the case as it is unfair and bad practice of the council. - The meetings with managers were good and supportive and the victims felt heard and under no pressure to 'prove' their experiences.</p>
<p>If the employer listened and believed the victim. - Managers knew of the behaviours happening and in return decided it would be up to the PSA to handle it. - Whilst PSA are trying to handle it, in turn the manager is also enabling the behaviour and also bullying the bully themselves. - It's tiresome and exhausting and a never ending battle. -</p>
<p>In my experience the employer has just tried to protect themselves against any liability or blame - and has not had the interests of the complainant in focus.</p>
<p>In one case the employer and 'bully' were in the room with the victim and the victim spoke very well and managed to convince the 'bully' exactly how it affected her. The 'bully' had no idea of the impact of his behaviour. This was managed by all in a considerate way. - - In another case, 4 complaints were made to HR and 2 to the GM. Nothing happened.</p>
<p>In this case two of our members were threatened with punitive Performance Improvement Plans. They were clearly targeted by managers who wanted to get rid of them. A PSA organiser took up their case, and got management to concede that the PIPs were both punitive and uncalled for.</p>
<p>In this particular case our workplace had a good process to follow</p>
<p>It could be made more valid and less of a "the member is too soft" by management</p>
<p>It could have been handled with a lot more compassion for the victim and trying not to blame them</p>

<p>It didn't work well at all. The employers rep appeared to have already decided the path and outcome.</p>
<p>It is difficult for staff to make a complaint. They are extremely vulnerable. Managers inevitably target the staff as the people leader wants specifics of the complaint which is understandable as they need to respond. Often staff leave because they are don't want to live with the stress the people leader is causing.</p>
<p>It often feels like a witch hunt and trying to seek blame</p>
<p>It was difficult to get my workplace to treat the allegations as bullying. Managers continued to frame the conversation as if we were just talking about 'dealing with difficult personalities' as opposed to raising a specific complaint about bullying. Therefore we really struggled to trigger the organisation's supposed process for the treatment of bullying. This is despite the victim experiencing daily aggression and exclusion from colleagues and even having physical objects thrown at her while management wasn't looking. - - Later, after the victim had left the organisation, management suddenly began to talk openly about how the victim was bullied. I frequently heard their story used as an example of workplace bullying by managers in conversation to other staff while the organisation talked up how supposedly seriously they take bullying. This is despite managers never following their own policy on bullying when the issue was raised. A manager even noted in the victim's performance review (conducted shortly before they left) that they had made a 'good move' in choosing to move to another department to avoid negative treatment from staff. This was not a management-organised transfer - the staff member had to apply and interview for the job and initiate the escape from their toxic work environment themselves. - - Specifically employers should: - * Communicate clearly how staff/the union can initiate a complaint of bullying in a way that starts the organisation's bullying policy - * Communicate to the victim what steps are being taken to address bullying (or at least communicate that work is happening if specific details are confidential) - * Avoid practices where employees are encouraged to deal with the situation by applying to work in other departments or leave the organisation.</p>
<p>It was very difficult to prove the instance of bullying because it became a 'he' said, 'she' said scenario. - The manager (the bully) did not agree that the situation amounted to bullying, and instead blamed the victim, The victim could not speak out for fear of losing his job, or having this issue on 'his record'. The manager had called HR to get involved. - - Support for managers to understand the instances of bullying, and non confrontational ways of handling the situation. When an instance of bullying is reported, supervisors and managers need to understand that they aren't there to protect the team leader or manager, but are meant to be unbiased and support staff and people leader.</p>
<p>Its hard when the person alleged of doing the bullying is the person we need to report to.</p>
<p>Management could take it more seriously and create a pathway for staff to follow, many staff are too brow-beaten to face their accuser and proving bullying is extremely difficult as usually it is termed 'firm management'.</p>
<p>Manager used processes and practices of denial then a plea of innocence at meeting called for assistance to HR by employee and Maori STM.</p>
<p>Managers are not necessarily skilled to deal with issues they have been presented. Particularly cultural issues where they have limited to no expertise. Managers must be held accountable and understand their roles as people managers and seek experts to support where needed. The case i supported with ended poorly, the victim resigned and the manager was not given the feedback and support to ensure this wont happen again.</p>

Managers should not be employed in their roles without proper training and experience, not because of who they know. I have witnessed employees and experienced being victimized myself because of ill health. The threat of being sent to OCC health doctor to try and get you to give up work is the most frightening thing to go through.
More firm practical policies and procedures to stop bullying
More support and compassion for alleged victims
More training for the delegates
More transparency and engagement on a personal level by employer
My employer is not very good at following their own policies and procedures around bullying and don't always follow protocol - I do wonder if this is because very few workers are either encouraged to join the PSA and hence do not know their rights.
My experience has been that (organisation) management and HR managers are themselves bullies. HR has sat alongside a manager who was overtly extremely angry, shaking with rage during a so-called PIP/ and other disciplinary processes. Senior HR manager screamed at union representatives during discussions re Covid arrangements
My previous employer listened carefully to the situation and put in a reasonable and fair defence. I think they worked OK. In this particular there was an issue with the member taking things far too personally, seeing conspiracies where there were none, and in my view and from my own observations was making false accusations. So the role was partly trying to defuse the situation by keeping things on a level and adult level.
Need better protection/encouragement for people to come forward
Needed a anti-bullying policy that outlined clear procedure for addressing workplace bullying. Showed lack of clear communication when arranging meetings to address bullying. Made the bully responsible for communicating proposed meeting and outcome. Trust members failed to communicate with each other about the bullying brought to their attention.
No process for 360 perf review of managers. No process or recourse available for reporting bullying by Chief Executive. No deadlines for organisation to start dealing with complaints.
Not mentioning names of the victim to the bully
Nothing has worked well in either situation I have been part of. One which I wasnt directed involved with took over a year to resolve. The other I was passively supporting through another person was left to work skeleton staff with the bully and the supervisor is a friend of the bully and told the bully about the allegation.
Nothing is ever done about it. - It could be dealt with properly so people aren't put in this situation
Nothing worked well the employer didn't regard it as a problem
Nothing works well if bullying behaviour continues to exist in this organisation. Exit surveys or feedback from union members should be received by respective delegates and not HR who will not action inappropriate as delegates would expect because of their biased and protective positioning.
One staff member did not wish to escalate and reported it has been sorted. One situation went to mediation with the National Delegate. I am not sure where it is at? There are professional bullying and threats that is going on, but I myself is not sure how these can be addressed. The internal processes in the work place

<p>I have to admit, the process has depended on the perceived workplace value of the staff member. Some processes ran perfectly and I can't fault them, regardless of the findings. Some were half arsed and the investigator took the word of people who said 'bullying didn't happen' instead of weighing up the evidence and taking a 'balance of probabilities' related approach. I think there needs to be better wrap around support for both alleged victims and perpetrators, especially when the alleged perpetrator is moved away from their work area. I also think there needs to be a better understanding of what a 'malicious' complaint could look like as we have spotted two of these and the possibility that the complaint was malicious was never looked at or mentioned in the investigation report. FYI with one of the malicious complaints, I was representing the alleged victim and it was hellishly obvious so why is this not a consideration in investigation reports? people need to be brave to come to real findings and not afraid that a PG may be lodged as a result of a 'balance of probabilities' based finding</p>
<p>Our HR dept does a reasonably good result. Very mixed though. Sometimes the employer finds a large carpet to sweep things under yet sometimes they deal with it well. They do provide all the appropriate support e.g. EAP, special leave, separating the alleged victim and bully to different teams. Allow PSA or Colleague support. The real issue is that some folk especially some managers seem to be immune or have a get out of jail free card.</p>
<p>Our organisation has leaders who lack the skills and knowledge around how to have challenging conversations.</p>
<p>Ownership of the issue, this is always avoided by the employer rep despite organizational/cultural issues that allowed the situation to occur. Investigations should also look at organizational culture and cultural diversity and should be able to make recommendations beyond the immediate situation.</p>
<p>Process was fine but independent managers called clearly have biases also</p>
<p>Showing more empathy towards the member suffering the problem. Bullying brought out severe anxieties for the member. Little to no compassion was shown, and when I mentioned to the manager that the staff member cannot cope with working today because the member's anxieties have flared up severely. (No empathy was shown at all and the member had to sit at the front counter trying to pluck up the courage and control the anxiety for another hour in order to serve our customers!) I expected the member to be told by the manager to go home straight away but no had to sit there for another hour before eventually being told could go home. More empathy needs to be shown so the employee knows their employer cares about them!</p>
<p>So far my employer has metaphorically 'kicked the can down the road', obfuscated, delayed providing requested information, made those who come forward feel unsafe, at risk, victimised, this in turn makes others reticent to come forward and make complaints.</p>
<p>The alleged bully is often middle management and a manager will always tend to protect them. - When there is an opportunity to use a restoration process it keeps everyone's mana intact. - Victims will often be too scared to report bullying, they also worry about what might happen to their employment and risk being labelled.</p>
<p>The bullying came from a group lead so it was difficult to determine. I was only able to support emotionally as it never got back to the lead. Member did not want to take it further as this was affecting their ability to retain their job.</p>
<p>The (organisation) could have been more open to the process, instead they tried to close down discussion and drive their own agenda.</p>

<p>The employees in question often feel it is pointless taking the matter further due to entrenched attitudes, power imbalances (managers - workers). Employees will feel 'branded,' if they do more. Especially if they think there is a chance they may seek employment with that employer in the future. - There is also sometimes an impression or actual evidence that management has made up its mind in a certain rigid way before any meeting or process gets initiated.</p>
<p>The employer doesn't believe it is a problem. The process that the victim has to go through makes them feel horrible. It takes a vulnerable person and strips away their last remaining defences until they have nothing left and invariably leave (I have seen this several times). The problem is that it is almost impossible to prove a bullying case so the alleged perpetrator invariably gets away with it.</p>
<p>The employer has no definitive approach to dealing with allegations or complaints of bullying. The usual outcome is that the bullied staff member is relocated to another team or work group, irrespective of whether their skills and/or experience are appropriate. This does not address the bullying behaviour at all. It seems the employer is reluctant to make the hard calls about inappropriate behaviours and instruct employees how to be better and give them assistance to improve their behaviour.</p>
<p>The employer has provided the victim with alternative working conditions- they now work from home on 'special projects'. This was not communicated to other employees, which has caused great speculation and gossip. I requested that a bland statement be put out telling staff that the person was working from home on special project work to take the pressure off the other administration person and me. We are constantly asked what's happened to the victim, have they left? Why didn't we have a farewell etc etc - I was told by HR that they didn't want to fuel rumours!</p>
<p>The employer needs to know there boundaries more and have communication come out to them from MBIE, even if it's once a year and it's a refresh on things within the workplace. There needs to be more accountability on the employer to ensure bullying and harassment is followed up. Not sure if it exists already but a uniform process that MBIE create for all employers to follow to ensure a correct investigation occurs.</p>
<p>the employer recognising the situation earlier and then responding to it faster</p>
<p>The employer should not tolerate any form of bullying such as minimising the situation when it gets reported. If the victim is reports bullying then the employer should take the matter seriously whether is it or not.</p>
<p>The employer should take into account what the effects the bullying has had on the staff member. - Mover the staff member being bullied away from the person who maybe doing the bullying - Offer the bullied person an option to take paid time off work away from the situation while an investigation is being done - Be more supportive and honest in the investigation - Use someone outside the of the department or company to investigate and interview all parties involved</p>
<p>The employer struggles to deal with the simplest of cases. Often the victim has had to be shifted or leave to escape</p>
<p>The initial complaint was not dealt with by management or HR. When new manager was appointed and the compliant was raised again it was dealt with . Basically it depends on the manager as to what happens.</p>

<p>The issues should have been dealt with early on, because the manager did nothing it escalated much further than it should have. - Attempting team building sessions instead of dealing with the bully was not helpful. - Often the victim is pushed out of the organisation even when the bully has complaints from more than one member.</p>
<p>The legislation and practice is clearly lacking and weighted towards abusers. A more wellbeing protection approach is needed for the target, with negative consequences including removal from role for abusers, not targets.</p>
<p>The main difficulty is that the victim's are too scared to take things further and make a complaint as there is a history within the organization of these not being dealt with appropriately and the victim being further targeted. To date in the 9 years I have been a delegate - I have had nobody take the bullying further to a complaint. - - The victims are concerned about repercussions as often the bullying comes from leaders within the organization and the bullying often occurs as the staff member is a threat to the leader's position. They tend to take actions such as undermining their work, taking credit for their work, publicly running them down to others (including other senior staff / managers within the organization), and making their day-to-day work untenable to the extent that they leave (as they have no faith that anything will change). - - It would be better if somebody from P&C would come and talk to staff at the ground level to explain their processes and how staff are protected in such cases etc.</p>
<p>The manager (alleged bully) involved did not like that the initial delegate representing the member was from the same team. Eventually after a few other delegates were involved we were able to speak with management to allow the member to move teams. This did not really address the bullying but was really the only option we had. The onus needs to be more on management to learn and grow rather than putting it on the victim to make changes.</p>
<p>The manager was the bully.</p>
<p>The member did not feel comfortable going to the employer. They are concerned that there is no harassment officer within the office e and everything states they go to managers first. They feel this restricts their options</p>
<p>The new policy has been developed which should support better outcomes.</p>
<p>The only thing I can comment on that worked well was the that the victim managed to stay employed, received support from the Group Lead and her wellbeing over time was gradually restored because of the support networks that she reached out eg delegate, new Team Lead and Group Lead. -</p>
<p>The process is ok if Human Resources and the manager know what is expected of them. The manager + bully + victim in one room to talk it out/ come to a resolution / apology is ok. At this point the manager is expected to ask if the victim and/or the bully want a support person - I'm not sure that happens. - What doesn't work is when the manager clearly takes sides either with the bully or the victim and makes up their own mind about who is right/wrong or who is telling the truth/lying. Remaining impartial is crucial to the outcome. - I do not agree with the manager meeting with their manager and the bully or victim (2 against 1) - that is intimidating for either party.</p>
<p>The process takes a long time. Communication could also be significantly better from the employer.</p>

<p>The process took an unreasonable amount of time. This cause unnecessary stress and anxiety for all involved. - The communication around the stages was done okay - again timeliness was an issue. - There needs to be more consideration given to the accused when an investigate finds the allegations unfounded. There is this ongoing animosity and anger that remains when the accusations are unfounded, yet the accused endured a year of anxiety and at times, depression, as a result of the drawn out process. In particular this has been an issue with 'serial complainers' and has been my experience a number of times. There needs to be a process for the accused to undertake to get closure.</p>
<p>The Process went well and ended in mediation</p>
<p>The processes used were management interviewing the alleged bullies and victim which did not succeed in any real long term solution in fact the outcomes long term were more bullying for the victim in “narking” on them. Victims were asked to (system) but again the same outcome of interviewing the alleged bullies with minimal positive change. Victims felt unheard with these outcomes resulting in staff not being willing to report further bullying for fear of the fallout. What could have been done better is management putting out clear, consistent communication regarding bullying behaviour with consistent repercussions for staff exhibiting bullying behaviour and not minimising the impact for the victims.</p>
<p>The Urgency to deal with this quickly by Employer from when the victim raised the issue. Explanation of process and actions by the Employer to the Complainant, worked well.</p>
<p>The victim was victimised further during the process and found no justice and the bullies we promoted out of the department they all worked in ~ the victim tried to continue within the organizational but so much damage and hurt was felt, the victim left the organisation after 6 months of the investigation being over</p>
<p>There doesn't seem to be a consistent approach, and there have been many cases where people refuse to come forward as they are fearful of repercussions</p>
<p>There is nothing that works well when senior management at (organisation) will not adjust the practices of management at regional level.</p>
<p>There was a lack of communication from the beginning. We had to constantly request information in order to have any idea what was going on. - Suddenly received word that the issues had been “resolved” and that manager (bully) was returning to workplace. Still no sight of manager, no word or update and the workplace and colleagues have a feeling of unrest and that there has been no resolution..voices haven’t been heard. 3 investigations against 2 managers and the blame was solely based on the employer’s culture.</p>
<p>There was great difficulty in proving that it was a case of bullying & not a manager enforcing the rules. Hence external sources of written information were collated & The EAP counsellor was consulted for a professional opinion as to the understanding of the differences & subtle bullying which was thus discovered.</p>
<p>They could actually listen and to see the victim as being difficult.</p>
<p>They have attempted to divert attention away from the issues and even when any attempt at an apology has been made, this has been so disingenuous as to be insulting. - They have not followed their own policies or procedures and all attempts to protect the manager and the Dept have been made. This has been at great personal cost to our member.</p>
<p>They stated not bullying as one off, were not interested in going through process</p>
<p>-timeframe to resolve main issue took over 1 year to resolve which meant 1 year where member and any other staff that supported the issue were subtly bullied. - -mgmt kept blaming the issue on the member, those at fault took no responsibility</p>
<p>Timely resolution of complaints.</p>

Utilise HR staff that have been trained. Have ongoing information about workplace bullying i.e. not just training then hear nothing. Train in a more purposeful way. At our organisation the most prevalent situations tend to involve a very small number of repeat offender managers who 'game' the system.
was all the employer side
We shared through a hui process - 1) how this complaint could have been avoided - 2) clarity around the purpose of the process chosen
What my employer did, was not good for the victim and others. The alleged bully is in a management role and is very close to our manager. When the allegations were made, they were not believed, staff were encouraged to see things from the bully's perspective. Staff did not choose to take it further. We discussed with the PSA organiser also.
What works best for us is that I take the issue to HR, and we jointly work together on assessing the issue and solving it. Often a claim of bullying is in fact an issue with poor management practice or the person perceiving management as bullying. Often bullying is part of an overall culture that needs to be tackled at the team level. I haven't had a lot of cases of classical bullying, and some have been a worker bullying managers.
Worksafe website definition - timeline of events -Witness
I think there needs to be greater recognition that bullying is often a pattern of behaviour by the perpetrator that needs to be managed, rather than the focus being on examples of incidents. It can be really hard to unpick the behaviour into tangible incidents to be investigated and used as 'evidence'. where as the bullying is the person, not the actions. - Once bullying is identified the employer needs to demonstrate how this is being managed and staff are being supported. the perpetrator also needs support to rectify behaviour, and be held accountable when they do not rectify behaviour. - -
- in this instance the substantive issue lay unresolved for over a year, in that time management undertook subtle actions to bully members into submission, members were negatively affected mentally. 1. There should be a whistleblower policy/protection for members/staff that raise issues if there isn't already one available. 2. All issues must meet resolution within 4 months of raising the issue. 3. Management lay all the blame on the staff members without taking responsibility for their lack of inaction.
- Open transparent communication by all involved - - Better understanding from a Te Ao Maaori perspective, Maaori working with Maaori works this relates to both Staff and prisoners in our care. - - Working with pure integrity and transparency -
1.To know what the process is when an incident like this occurs and ensure everyone is clear on that process including managers and team leaders. - 2.That the process is followed through with.
A balanced approach in hearing all aspects of the situation, it turns out the bullying was a product of performance frustration of the victim.
A group approach to the team leader worked well. She was seen as a bully by the whole small team. All 6 members spoke about it in a meeting. - Many times the person being bullied did not want anything done - through fear of worse happening. I think there needs to be a lot more openness and talking about bullying being unacceptable to the organization.
A lack of interpersonal skills for the TL involved, an insignificant personality clash between employees was not addressed and was allowed to fester without being addressed until began to result in Member being discriminated against in opportunities and an attempt at lodging a Code of Conduct case against member to resolve instead of managing the relationships with any other number of ways to do so.
A more secure 'anonymous' reporting system. Currently those making a complaint are identified in the first instance causing resistance when reporting.

A third party with no interest in the case needs to be involved otherwise personalities get involved and Management only want bums on seats not having to discipline anyone.
ACC should cover bullying without complications
Acknowledgement that managers can be bullies - Proper repercussions for managers who are known to be bullies instead of a slap on the wrist and then behaviour persisting - Better privacy around incident (Somebody always talks about it and ends up as big drama) -
Action speaks louder than words... parties held accountable for their roles - - It's too easy to apologize and fob off hurts .. following up after mediation to insure that the problems are solved.
Actually following time frames as set out by policy
Addressing the complaint as soon as possible, Delay puts the people involved in stress and anxiety -
Alleged bully was not given right of reply. she was assumed to be guilty - Victim was told by HR bully would be given a chance to explain. It never happened
Allowing the alleged victim the opportunity to voice their concerns in a safe environment. It was hard for the person to articulate their concerns and raise the issues they wanted without fear of retribution or judgement. - More training for managers to understand the importance of correct communications, balance between core duties and extra duties. Managers to maintain training for themselves as well as their subordinates.
Although hard for the victim, the victim keeping a record of incidents and events as they occur: when where and who was present seems to counter a lot of the hearsay side of things
Although it was brought to the attention of everyone that bullying would not be tolerated and they had people in the office to support them, in some cases the victim didn't feel safe going to those people suggested. - - Maybe having outsiders involved and monitoring those staff that are consider bullies, or those bullies actually being let go by the organisation. Just sometimes it looks like the bullies are not being dealt with properly and continue to be at work, which not good for the morale of the victim and others, which leads to the victim and others leaving.
An 'outsider' in to deal with it would be better. Timeliness needs to be improved. - - The fact that it happened was good.
An enterprise policy and process that could be referred to for both parties (victim/bully). - A safe area to use to discuss the issues (somewhere off site if necessary). - Access to an independent mediator who could be involved early in the process. - Support services who regularly visit sites to support staff (more about visibility). - Clustered communication that reiterates an enterprises support to staff - direction to policy/processes, contacts of support services and available dates/times, newsletter articles and posters, mention during all staff meetings. - CEO to be involved in the delivery of the communication plan (this demonstrates the priority of importance taken by the enterprise).
As above. HR quickly shut the case down as they didn't believe anything could be proven to be bullying (not enough evidence) that this was the case from the manager.
As the situation literally went viral on social media I think that the employer should have had a much more serious consequences for the 'bully' other then only providing an apology to the victim. This was the outcome of the manager meeting with both parties. The situation was filmed on our work site and the employer should have advised all members of staff not to be making videos in our workplace if other members of staff don't want to be identified through social media.
Asking for proof or scenario moments - Or email conversations held with Team leader - Bringing the concern to the alleged persons attention - Asking the alleged bully if he or she is aware of their behaviour - What has caused this concern to surface misunderstanding or the way the message or messages have been delivered -
Assisting with the investigation into the allegations and working with the employer to conduct both a fair and transparent process will work for both parties and strengthen the workplace relationships with Management and HR.

<p>At no point has this gone well, the incident I am helping with has taken nearly 5 months and still no answers. It took the (organisation) nearly a month to make contact and they still have not put anything in place to keep the victim and perpetrator apart even though it involves a physical assault. There communication has been poor and the local managers has not said anything to the victim even though she witnessed it.</p>
<p>Attempts to reconcile at the lowest level can work well. - Full investigations did not happen to check if allegations were factual. No witnesses were interviewed by (organisation). The allegation of bullying was just accepted as factual. This process could be done better.</p>
<p>Based on my experience, what works well is when all parties - that is, the organisation's management & reps and the target's (not 'victim' - this implies helplessness when we are not helpless) Reps (ie: not the target themselves) all LISTEN to what the target is describing about the behaviour going on. The issue behind bullying is Power & Control behaviours and the impact is no different to that of a domestic violence relationship. LISTEN and work with the target to get the behaviour stopped. That's what works. What could be done better is having a separate avenue for staff (or their reps) to report issues to - not management. What should also be changed is the PSA need to open up the avenue for joining the targets legal representatives. The more support and expertise the target has on their team the more successful the result in getting the bullying behaviour stopped/addressed, getting support in place for the target without any repercussions, holding the organisation to account to ensure the workplace is safe from anyone exercising power & control behaviours on another.</p>
<p>Because the bully was on 'sick leave' during the investigation this led to them being somewhat isolated and impacted on their stress levels. They could have been redeployed to different duties perhaps. - The employer followed their policy very strictly. - The employer did not have independent decision makers, they were involved in he complaints and the (organisation) would not budge on changing them. The employee would definitely had grounds for PG but chose not to follow on.</p>
<p>Being able to advise staff that they do not need to attend a disciplinary meeting without support from a PSA delegate, rep or support person.</p>
<p>Better effective communication, empathic listening, unconscious bias on decision making</p>
<p>Better investigations by the employer, Human Resources unfortunately always seem to side with management and take their word at face value but they behave a lot more aggressively with employees. Independent mediators would be much better.</p>
<p>Better one on one communication was needed, too much closed door talking by the perpetrator and their boss.</p>
<p>Better protection needs to be had for the members when the Manager is the bully, complaints were made but nothing happened until a letter was done and collectively almost all staff but one signed the letter.</p>
<p>Better support is needed in these cases / wrong or right</p>
<p>Better systems need to be in place to support staff. Sometimes it difficult for the victim to find the right person to talk to, and I found it was hard for me as a support person to know who I could go to in order to get help for my colleague.</p>
<p>Both parties were listened to and a positive outcome was produced.</p>
<p>Both the alleged bully and victim were PSA members. I was representing the alleged bully through an investigation. - The alleged bully was not stood down and was required to return to the office where the victim and witnesses also worked. The person was then offered to work out of another office and felt somewhat left out in the cold my management during this process. - he went on sick leave while this was resolved. -</p>
<p>Bring in third party professionals and not in house sweep under table.</p>
<p>Bullying atmosphere is coming from management so the approach has been indirect to try to resolve issues</p>
<p>Bullying claims are not dealt with independently and should be.</p>

Bullying is difficult and different people have different opinions of what bullying is. - Sometimes it is just personal clashes and due to underlying stress. - In my case it was due to the members underlying stress and a death in the family which had not been picked up or actioned on by management.
Bullying is hard to prove as the person who bullies may not recognize their behaviour
Bullying is swept under the carpet. The alleged victim gets only one chance to state their case, in the initial complaint, then the perpetrator gets to state their case, then the HR representative decides who is the most plausible. That is it, there is nothing more said to the complainant, no offer of support, not even a reply to their complaint apart from eventually 'has not been found to be bullying' The two people involved are instructed not to talk to each other, whereas if they had the opportunity to talk they might be able to resolve their dispute. The rest of the staff were in fear in case the bully turned on them next, and no-one wanted to get involved. If a senior person had mediated straight away, this could have been resolved. I found the (organisation) response to bullying to be profoundly inadequate and just made everything worse and created a climate of fear
Bullying occurs more with management to staff rather than with staff vs staff. There needs to be better training for people leaders who are in positions of authority.
Bullying was handled by the top manager as it was the top managers 2nd in charge and 3rd in charge managers doing the bullying (I'm unsure it went to HR) – I'm unsure of what was said but the victim reported a cease in bullying. - - Not to long after thou the 3rd manager in charge, who is managed by the 2nd manager in charge, started bullying another staff member which forced them to resign. The bullying was of a racist tone (non nz employee) A HR process was started but unsure how far that went as the staff member resigned and I was unable to get any information.
Cases that were handled internally nearly always went wrong. In a smaller organisation it's important to bring in people from the outside otherwise bias is perceived. Having a decent policy is important - it wasn't until we got a collective agreement in place that we got a problem resolution process in place
Checking in with people (of concern) more regularly. - Checking their thinking (people of concern) to ensure they are on the same waka as our purpose. - (These were discussed and action plan made)
Clear and confidential communication processes
Clear expectations need to be made by both parties with a third person as witness. In my experience managers need to do a course on being a team leader first. Team leaders make better managers as they know how to adjust to each team member.
Clear guidelines worked well - More training needed for Delegates
Clear policy and employer takes situations very seriously. However where members make a complaint of bullying against management through (part of organisation) does not end well as HR are lacking skillsets for well-being complexities. These need connection for the complainant to an experienced or qualified expert to support the unique level of sensitivity about such to ensure full attention to sensitivity has been provided. There are times when investigators are engaged and before completion take long periods of leave and case is in limbo until return. In situations of bullying in the workplace demand respectful completion to quickly resolve to restore workplace well-being for all. Staff with pending long term absences known should not take cases on within 3 months of complaint receipt.
Clearly identifying bullying behaviour rather than focusing on victim's behaviour. Acknowledgement that bullying has no place in the workplace not just on paper but in practice. Address small pockets of continued concerns with a small but significant element of tolerate bullying behaviour.
Communication between parties was actioned between parties and resolved
Communication between staff and management around bullying.

<p>Communication could always be improved and using a language that is not so formal, imposing and intimidating. - It's frustrating when the employer doesn't adhere to (organisation) timeframes following an employee (system) lodgement. It shows lack of respect to the employee/s involved and it breaches (organisation) guidelines re (system). A lack of communication to parties involved in (system) seems to be a recurring problem and notification as to actions and processes taken to resolve incidents could be better improved</p>
<p>Communication with victims could be better</p>
<p>Communication works well</p>
<p>Confidential system was good. Methods of support okay. Would not pursue victims statements if they were over three months old, so when one victim decided to speak up it gave courage to past victims to do the same only to find it didn't matter. Quite invalidating</p>
<p>Confirm all information and allegations not just she says they say.</p>
<p>Constant meetings with denial from management. Inexperience management dealing with the situation. AND most importantly no final resolution for the bullied member. No reporting back. Not only to the member but also to the staff that reported some of it to management.</p>
<p>Creating a safe and comfortable space for those to speak out and not fear repercussions.</p>
<p>Delegates and members have felt extremely unsafe during these processes when they are overseen by (organisation) HR</p>
<p>Discussing and supporting staff member with a number of incidents which knocked their confidence. - Alerted them to keep records in case situation continued to a bullying situation. - Have given manager examples of behaviours that had been observed and discussed with manager the lack of support for this staff member - lack of training support etc</p>
<p>(organisation) seems to take bullying concerns seriously. - - The (organisation) Harassment SOP needs to be updated, and done so in an HPE manner. It is currently concerned almost solely on sexual criteria. WorkplaceNZ information is far more useful. - Alleged victims and their PSA Delegates need at least a verbal update from HR and/or Management at closure. - (organisation)-run 'deep dives' and Organisation Health Checks don't generally address bullying and harassment concerns, consequently they miss some glaring Management behaviour issues.</p>
<p>Done better: Bully was often ignored as a wider context to what lead to a workplace incident where I was called into support as part of a disciplinary process. While the seriousness of bullying was acknowledged, the impacts it can have were not seen as having any bearing on performance or behaviour. - Bullying and how it should be treated as a workplace hazard seemed 'too hard' to navigate when over processes were also in place.</p>
<p>Done Well: Communication of meetings and early intervention of issues that arise. Could be done better: Offer of mediation between bully and victim instead of solely individual meetings, Provide more information of what bully was advised of as victim was left with being told it was dealt with but given no information. Management refused to share more. Staff favouritism occurred in the case that long term staff members doing bullying are not taken as serious because their relationship with management is too close compared to new staff.</p>
<p>Due to the many staff leaving our service in past year due to management style 9 staff have left, another colleague has resigned today and I am applying for work elsewhere. I don't think anything is working well - I would like to say there is but unfortunately its the sadness time I've seen in 10 yrs I've been in service. -</p>
<p>Early intervention and clarification what is acceptable managerial direction and what is unreasonable/bullying behaviour.</p>
<p>Early intervention and frank conversations with Manager. Recording in detail all examples - - Manager needs to be aware of as many facts as possible. Proactively supporting member and ensuring they are fully supported</p>
<p>Employee Leaving via settlement leaves organisation in no better position with regards to bullying</p>

Employer (manager, HR), are really only interested in sweeping it under the rug. Bullying manager will back off for a while, but no long-term change in behaviour. PSA also doesn't push for a permanent result, they are happy to go along with the employers lack of action.
employer appeared to just be happy to sign off on package to stop us taking this further and to be honest they were both our members and both at fault
Employer needs to be asked for valid reasons for why a request(for increasing skill via higher/extra education) should be declined. Not because there is staff shortage etc. Also employer needs to understand that employees are not to find their replacement coverage when they are either on leave of any kind (as in educational/annual leave) as has been suggested to the employee.
Employer needs to understand the cultural differences between deaf and hearing employees. My workplace is a majority hearing environment and a lot of the bullying or harassment they don't perceive to be bullying or harassment.
Employer took the matter seriously however the outcome of the process took far too long
Employer was most of the problem always bending to demands to the business they contract to. The hardest part was more trying to change the work place culture so the whole team could better understand what the actual bullying was, the attitude because the work place is production based was the sooner we get back to it the sooner we go home.
Employer while investigating did not provide a plan for the victim with working alongside bully. - Victim had to continue working with the bully, the bully is allowed to continue working with the victim.
Employers / Supervisors don't appear to give any credence to the actions taken and the impact they have on how it makes the employee 'feel'. Flippant comments that employee is a 'sensitive' person. Would love to see an environment where people are valued and made feel great about what they do. The focus of managers should not be that they are in charge of people but taking care of people in their charge.
Employers are often the bullies. It is not safe to report it.
Employers need to not automatically assume the complainant (often the person being bullied) is exaggerating it, or being too precious. Where there is smoke, there is usually a fire.
Employers need to take an alleged bullying report seriously. employees. I find it difficult to address bullying when it is the employer who is the bully. There needs to be a safe way for employees to report bullying when it is the employer.
Employers were scared, dismissed there were bullying issues, nothing resolved. Both parties resigned and found other employment with different provider.
Employment investigations can be quite time consuming and often are not upheld. It doesn't mean there were no substance to the allegations. Quite often a pre-investigation meeting/mediation process could've resolved the matter at a lower level but with a successful -long term outcome. Staff takes EI's very personal and it often damage the working relationship between managers and staff permanently-especially when allegations of bullying are not upheld. I would recommend that all bullying allegations needs to be mediated prior initiating formal investigations.
Ensuring the manager, HR are available and 'in the loop'. Where no action is taken by for example the manager, follow up is done with those who the manager reports to. – it's important to document the report, conversations and agreed actions. keep in touch with the person who is being bullied, because they're likely to be feeling very vulnerable.
Everybody could do with being educated on the various forms and levels that are considered bullying. Micromanagement for example is a form of bullying, yet people within the DHB think that it is not and that it is a tool!
Everyone was respectful through all discussions

Face to Face meetings with both parties along with PSA Delegates.
For HR to take a less adversarial approach. Bullying comes in many forms and can be subtle. we need experienced (possibly personnel not employed by the organisation) to be available to run a safe process for everyone.
For this case, the victim was stood down with myriad excuses of sick leave to ensure other team members didn't know what was going on whilst the bully was able to continue duties unaffected. This meant the victim underwent unnecessary stress as was unable to perform regular duties. My opinion is that both victim and bully are seconded to areas that ensure neither comes into contact with the other for the duration of the investigation - This protects both from further incidents but also gives a solid 'white lie' to provide to their team members thereby protecting privacy until the matter is resolved.
Forcing staff retirement instead of having them do jobs that are suited or job share
From the point of view of a delegate representing either the 'victim' or 'bully' the processes where evidence is gathered, put forward, discussed privately with the member and then together with HR worked well. - In all situations involving bullying the members were highly stressed, particularly those accused of bullying seemingly out of the blue and subsequently found to not be a bully. Counsellor support at the very start of the process would be ideal but can't be forced on anyone.
Getting both parties to sit down and discuss what they were feeling. Meeting rules are to be followed eg one speaker at a time
getting statements ASAP , better support for victims but also natural justice for accused Bully sometimes there are 2 sides to a story. - look at behavioural change rather than punitive action.
Good discussion was had with our manager , Human Resources and the speak up team at (part of organisation) .It was a difficult one to sort out as speaking to the said bully would have made the situation worse in some ways .The person being bullied left the (organisation) in the end
Good to have PSA reps nearby, working alongside, (organisation) staff so they can quietly discuss any problems.
Greater transparency of investigation, was unclear for a long time if anything was being done
H&S Advisor denied bullying and said to pursue 'harassment'
H/R were involved and were biased to the employee. did not interview witness, did not take the word of the employee, documentation was sent and emails were going left , right and centre
(Reporting system) does not work well - HR could be more proactive in reaching out to members
having a face to face conversation. but also sticking to what is being discussed in the letter sent by HR.
Having a person such as from HR involved in the process.
Having a PSA union delegate present helped with the issue
Having a union organizer present at the meetings between the employee and the employer would have been better because I had not dealt with anything like that in all the time I have been a delegate so was unsure what was allowed to happen and what was not. More information on dealing with these types of situations would be good.
Having access to great mediation
Having an overall zero tolerance- but still employing managers with entrenched views...
Higher management really should take over if a staff member claims their direct Manager is bullying them
HR department tends to focus most on minimising damage to the organisation, not a holistic approach. - Employer now has a 'chief people officer' which is a step in the right direction.
HR need to be there to represent employees not just managers.

HR needed to be more supportive and fully explain the process for staff. There was no recognition that as professionals we - (30 staff) knew we were being bullied as an office but the department was always on the manager's side (one persons side) - There has to date been no consequence, this person is still a manager in another office and my understanding from talking to staff on that site the bullying continues. There has been very little understanding from the department of the abuse the office had suffered and the affects to this day it still has on staff . Staff were more or less told to get over it. Is this what we then expect woman and children to do when they have been abused just because we are in a professional role. - - Only to be told when she finally left the office and some felt empowered to speak up, they were told there was a time period to make a complaint and that period had passed. - - Staff felt they could not make the complaint while this person remained the manager as there would be consequences especially given that as a service we deal with our own complaints and often this is even done on the site, by the management staff who where also being verbally and emotionally abused. - - This was cited as a difference in management style

HR was unhelpful as there appeared to be a bias to the senior role.

HR was very responsive, and wanted to move into a restorative process from the get go. However complainant wanted an investigation to occur first, so her allegations of bullying could be corroborated. However because the bullies were a GM and National Manager, the (organisation) pulled out all the stops employed a private legal firm to investigate, and effectively determined the t.o.r. to ensure they 'controlled' the investigation. This meant the complainants witnesses were not interviewed, and ultimately the investigation failed to find that bullying had occurred. this is despite this area of the (organisation) being de-populated as other teams members move to other divisions in the (organisation). I think this was always going to happen because the stakes were high for (organisation), and in retrospect think it would have been better to go into a restorative process, as this would have enabled more dialogue face to face with the perpetrators. However this was not what the member wanted, she really felt the need to have the veracity of her statement corroborated, which did not occur. The experience shows the stark power imbalance that exists in these processes, and I can understand why most people won't put themselves through them, and simply leave the employment. its made all the more problematic because the (organisation) does not conduct systematic independent exit interviews, probably because this is likely to substantiate concerns about bullying behaviour in the workplace.

Human Resources were the key people for starting some dialogue around this. I offered to support the victim during this process, but the victim decided not to continue to pursue a solution

I advised victim to seek assistance and or representation from fellow PSA members who are more qualified than me to assist in this situation. So am not fully aware of processes/practices followed.

I am horrified that we have to advise the bully early into the investigation that the member has no protection. - I acknowledge the bully needs to be advised however it empowers the bully knowing they are being looked at and in most cases does not attribute to them changing their ways

I am unsure as the members I have spoken to re: issues about bullying... do not do anything about it and end up resigning and the (organisation) keeps saying the employee's have left because of better opportunities elsewhere! (Far from the truth)

I believe it has a lot to do the running of the unit' that the staff and the member being bullied is a result of the staff working the Flexy roster within our (organisation). Staff are being burnt out having to work double shifts and no support from the senior management. When members attempt to voice their concerns. they are told that they are over sensitive told work and don't - have a choice as they don't have the staff to cover. They work in a high complex unit. Staff are leaving. nothing has worked well for staff.

<p>I believe that bullying behaviour needs to be identified and dealt with accordingly. I do believe that the member in question that i accused of bullying did get spoken to by manager re the behaviour. However, a meeting to deal with this nature involving two managers and two members is not effective, as there is a conflict of interest (as each manager protecting his/her staff member).</p>
<p>I believe the employer wanted the issue to go away. The employer did this by moving the victim out of the office and putting her into an office further away from her home and where she had no to little support. The investigation was done by a manager with no or little knowledge of how to do an investigation but she was supported with HR. The employer decided there was no issue/allegation. I had to get witness statement from staff in the office as they were never spoke to inline with the employer investigation. All staff that made a statement supported the victim in this case but all information was just noted down and cleared again. Within 4-6 months of the outcome of the investigation the employee left the (organisation) and the bullies were promoted.</p>
<p>I don't think anything works very well. I work for (organisation) and their processes for investigating complaints are lengthy, taking up to three months. processes may involve interviewing multiple people who have been named as witnesses, who have no idea their name has been given to the employer, and refuse to provide information as they don't want to be involved, and interviewing complainant and alleged bully separately, while swearing everyone to secrecy. Very destructive to teams and no positive outcomes. Have never seen any bullying allegation be substantiated. Have seen alleged bullies suspended for three months on full pay in two separate investigations and then return to work with no discussion /mediation between the parties, and the alleged victim leaving in both cases. Definition of bullying used by employer is generally not the same as the informal use of word by employees, as employees use it to mean anything they don't like, due to their interpretation of another person's behaviour.. Employees often get so worked up they begin to see every action of the other person through a negative lens and misinterpret comments, looks, actions, emails by the alleged bully. Everything becomes grist to the mill while they attempt to build a case against the other person.</p>
<p>I don't think the process worked well in any of the situations I was involved in. - In one the contact person made contact with the manager who was under complaint on their behalf and the manager went directly from the meeting to confront the complainant against the advice of the contact person. - In another the person was leaving the organisation in part because of her perception of bullying from her immediate manager and her regional manager who both proceeded to make her work out her notice period either doing menial work or telling her to generate new work (the lack of which was one of the other reasons for her to move from the organisation). - In both these incidences HR sided with the managers and put pressure on the individuals to ignore the behaviour and focus on other unrelated issues. In the former case the contact person resigned their role in disgust. I was peripherally involved in several cases where the alleged bullying/ sexual harassment was between staff members. In these cases HR was initially very aggressive with form letters alluding to serious consequences possible as an outcome of the process but as part of the 'investigation' minimised (I was told) the complaints and applied some pressure around the likely impact on the group cohesion if the complaint was escalated. My take home is that HR groups are happier to use the correct process when the situation does not involve a manager but are most interested in the situation being made to go away. In 2 of these cases 3 women eventually left. None of the managers were reprimanded in the situation I was delegate for as HR did not accept the behaviour as bullying.</p>
<p>I escalated the compliant to the (title) manager, who was keen to try an manage the situation rather than escalate to the PSA. The poor behaviour of the bully did not seem to improve but the matter was dropped into the too-hard basket and didn't seem to be dealt with appropriately. I don't think the (title) manager had the relevant experience, time or resources to deal with this on their own but were well meaning.</p>
<p>I feel strongly in the fact that bullying in our organisation and in my experience has come from managers. I note on all occasions (job title) are seconded into these management roles without any managerial training and therefore do not have the skill set to manage staff.</p>
<p>I felt that the situation was handled well</p>

<p>I found it useful after learning what was going on, escalating the issue to above the team leader to a manager with a higher level of responsibility who can see the bigger picture. They were agreeable about making changes that resolved the situation.</p>
<p>I found removing the word 'Bully' and replacing it with other words meaning pretty much the same for example saying 'she felt harassed and targeted'</p>
<p>I found the whole experience to be stressful and badly handled. - Information sharing needs to be improve. - The springing of meetings at short notice does not allow people time to prepare. - Aggressive behaviour from employer not acceptable.</p>
<p>I have represented several members from one particular site regarding the same manager..all of them were transferred away from the site to other locations leaving the manager where she was...despite these matters/issues/concerns going to higher management levels this manager is still in a management position...it seems that there is a reluctance from higher up to address concerns</p>
<p>I have been supporting other PSA delegate to have meeting with their managers.</p>
<p>I have dealt with multiple bullying complaints. - The first issue I'd like to raise that does not work well is that I think there is a disconnect between how people use the word 'bullying' and how it is used for the purpose of disciplinary action. The threshold for disciplinary action is much higher. By the time people have come forward to report what they see as bullying, the situation is beyond what they can cope with. They are asked for dates and evidence but can't necessarily produce these, certainly not succinctly which is what the employer needs. When they are asked for a succinct summary they might agonise and write screeds but it's not what the employer needs and the examples don't meet the threshold for bullying. Although they don't meet the threshold there is clearly a relationship breakdown that needs addressing. In cases like this, i.e. where no disciplinary action is taken, I don't think there are good processes for repairing broken relationships - the processes aren't set up to address this. - Another issue is that people may be willing to come forward but not formalise proceedings, which means no disciplinary action is taken. - In almost all cases I've been involved in, the person who made the accusation of bullying left the workplace subsequently because they were unhappy. In one case, in which I think disciplinary action should have been taken against a manager, I know there have been repeated issues raised about that manager since. Yet they're still there. There's a sense that managers will be protected through processes. - My employer held workshops about bullying for union delegates, HR, and a bullying contact group, and those sessions were fantastic. It was great to learn about how different people have different boundaries for what they consider bullying/what behaviours they are comfortable around. I think having those workshops more widely available would be great.</p>

<p>I have only assisted in 2 such cases and in both the employee backed down and did not take it further. My impression was that there was further pressure on the employee to drop the issue. Not something I can substantiate unfortunately.</p>
<p>I have really only encountered one experience where it was dealt with appropriately by our employer. In that case it wasn't framed as a bullying case, but as a 'This is how we restrict women's ability to develop' - Believe people who've complained - Sort out the problem rather than run a largely judicial investigatory process - Don't run a process that's focussed on how to cover it up, and get the victim gone - Account for how much is getting paid out against a manager's record - a pattern should be a red flag - Don't mistake bullying for being a good manager - Don't reward the bully by year after year spending the entire section's training budget trying to train them out of sociopathic behaviour. What you do is train an ever more competent bully in how best to cover up their behaviour,</p>
<p>I have seen both sides of the coin here. Clear cases of bullying, where the employer's response is merely to move people to other teams (generally the victim), offering them little support and doing little to address bullying behaviour. I have also seen false allegations of bullying, being confused with managing to such an extent that this could be deemed upward bullying. Again the employer has done little to resolve the issues. Some straight talking from HR to explain to parties why they are at fault is necessary. In addition, support needs to be provided to victims (including those wrongfully accused) and approaches to change the bully's behaviour need to be implemented. Moving people to different teams is rarely a solution, it just moves the problem elsewhere or the bully moves on to bully someone else.</p>
<p>I haven't actually assisted with an official allegation of bullying. It has been more passing on of information where someone knows of someone or they aren't a PSA member (in another union). In this case, I can't do anything officially as I don't have all the facts or been asked to assist or support. Could be good to have some training on how to approach these things when standing on the sideline and watching in. Quite frustrating.</p>
<p>I haven't seen anything work well. In my experience managers brush off all complaints, formal and informal. I have been told that I am 'too sensitive' and that mental health nurses 'need to use black humour' in the workplace. this does not justify yelling and swearing at staff, and/or ignoring people - and encouraging others to ignore the victim. - Listening to the radio this morning about bullying in the police, I felt that this could just as easily reflect the culture in the (organisation and location).</p>
<p>I helped the alleged victim follow 'the process' and encouraged them to have a brave conversation with person, then supervisor then manager (if needed). I also offered to support them (in person) with all of the conversations, but no one took me up on this offer</p>
<p>I need to preface this point by saying I am a relative newbie to the ranks of 'delegate' however I have many years experience as a manager in a former life. I was approached by a member detailing an issue of bullying and advised the member in the first instance to write her complaint down and forward to her firstline manager for action. Same day she had an opportunity to speak with her manager and verbally gave her concerns, the manager turned it around and told her to confront the bully herself and tell him to stop with no follow up from him should this not happen. Unsurprised but very disappointed she has actually decided to wait before proceeding further with it. I then advised her to escalate and write a formal letter of complaint to HR and senior management. My understanding is this is yet to happen. I think in this instance absolutely nothing worked well and the manager was negligent in his duties in this regard. The complainant continues to work in the same environment. Not good.</p>
<p>I notified our team leader who met with both parties separately and sorted</p>
<p>I personally believe that the latest (title) needs training in conflict resolution, T.O.W, and business management and learning the Organisation culture - We need a Manager on the ground and not in another city far away. - -</p>
<p>I sat in on a number of meetings with the parties which were overall constructive</p>
<p>I still believe that bullying is not taken seriously enough by (organisation) and a lot of the allegations are brushed under the carpet, so to speak.</p>

<p>I think more should be done through courses . Bullying . More should be done to address this .this a health and safety issue. Some staff who are bullied don't like to complain as they feel the bully will make things harder for them. The other part is sometimes a bully doesn't think they are bullying. Management should addressing this through courses etc. -</p>
<p>I think having a delegate from a neutral position would better represent the victims, then person on site. -</p>
<p>I think HR should have been a bit more proactive in terms of resolving the dispute between manager (bully) and employee (victim). they went straight to a performance management solution when the real problem was that the manager did not like the victims style of work/her in general and continually picked holes in how she works and what work she does- leading to a performance management approach to 'fixing the issue'. this put unnecessary strain, humiliation, mental hardship on the victim and she suffered for it. she ended up resigning. HR should have been the intermediary in this situation, however, they just went with the managers word and essentially performance managed the victim out.</p>
<p>I think more encouragement to address the perceived issue outside of a formal process should be encouraged</p>
<p>I think our members know when to get help but unfortunately it is not well received from managers and managers are not advising staff to get the union in to support</p>
<p>I think that having it end in formal mediation was sad as the employer could have addressed the bullying behaviour earlier. - - formal mediation gave the victim the opportunity to tell the bully how they felt and the victim knew that there was some accountability around the outcome from the bully.</p>
<p>I think that moving the Victim or Bully to another location does not solve the issue. Within my organization it is common for them to move a person to another location without actually resolving the issue. Moving a bully or victim allows the bully to be seen as getting away with it and opens them to be able to do it again.</p>
<p>I think the outcome of an investigation could be communicated better,especially when English is not the members first language.</p>
<p>I think the two staff members should have addressed their issue early on and dealt with it. Due to them not addressing it, and it snowballed into something bigger, the other member of the team got affected by their arguments.</p>
<p>I think there is a power imbalance that made it a step too far for the person who had alleged bullying to consider mediation despite offers of support and a level of willingness to engage from the employer. Despite encouragement this employee decided to leave the job. I was saddened at this. I thought there were issues that needed to be discussed and addressed by the employer and this did not occur. Opportunities to learn from both sides would have been useful</p>
<p>I think there needs to be a forum that is not attended by managers for staff to raise issues. - There is no regular engagement around bullying which means we only get to address is when things have escalated to a point where there is already a lot of suffering.</p>
<p>I think there weren't sufficient processes in place. It felt like the bully (as higher up in authority) benefited from more protection than the victim. The employer was reluctant to deem it bullying, hence - even if there would have been processes in place - they (apparently) wouldn't have applied, which led to more protection of the bully and not resolving anything for the victim.</p>
<p>I think things initially could be kept at a lower level. I think there is confusion about what is considered fact finding and what is considered an investigation, e.g if it is between 2 parties asking each party is fine. But once they start asking for others opinion it is then an investigation. I have seen where this has been done and only one set of people were asked and then try to say it was fact finding, clearly if you ask one and not the other this is unbalanced information.</p>

<p>I think we should always be a process where there is full disclosure before any meetings are held from both sides and where possible a scribe in the room to take minutes</p>
<p>I was asked to document the bullying I witnessed towards another colleague, and was interviewed by (job title). - I was also subject to issues I was unhappy about so when the offender asked to have mediation with both me and the other victim, before they'd return from leave (they had chosen to take), I was astonished that nurse g director asked me to do it all! To me it once again showed the organisation's incredibly poor understanding of bullying ... i declined, the other person was receptive but after HR j yet viewed them, nothing was pursued. - The (job title) ought to have known that mediation was inappropriate and that a restorative justice process was where things should have gone. - But that is based on the offender having g insight and being prepared to show remorse for their behaviour. This person lacks insight. - So I believe it has been poorly managed, yet again. I've been away from work on injury related leave and not worked with my (title) manager for over 8 months, so I have no knowledge of how my complaint has been handled or whether to expect any change of their behaviour.</p>
<p>I was stunned that the manager blatantly lied, in the interview about things in the incident also that HR was brought in and was clearly going to be on the managers side even though she had lied. -</p>
<p>I was very green when dealing with this case and got our organiser involved early on. Initially I dealt with the complainant's manager and the 3 of us got together to try and work out a solution. This didn't go well as the manager tried to appear impartial but was clearly on the side of the bully. I then contacted HR and they were already aware of the situation. It was clear there would be no resolution at this point and that is when our organiser took over.</p>
<p>I wasn't involved in the mediation process - the PSA organiser stepped in. - From the feedback I got from the victim - HR could have done better and advised their manager better - the PSA organiser knew the process inside out and basically told HR and the manager to learn their own processes better.</p>
<p>I worked in a small organisation where the bully was in the highest HR management role. We approached the allegations of bullying as a culture issue initially in an effort to maintain relationships. This was ineffective as the HR manager could sideline our concerns and continue their behaviour. Staff members who were being bullied preferred to leave the organisation rather than raise the issue as they had no confidence the employer would respond constructively. - What could have been better - other members of management could have shown leadership in addressing the issue or engaging an external party to mediate, instead they closed ranks and protected the bully.</p>
<p>I would like to have seen more people interviewed as witnesses, I helped 2 who then had further questions and contact at a later date. They were aware of others who declined the original request to be interviewed. The incorrect information was given to both that they could decline for their responses to be seen by the respondent in the case and while one was happy initially to share, the other declined initially and then later was informed the choice was gone and she had to share. The same person who did the interviews was to make the decision and had at least a working relationship with the respondent but not with the complainant. This did not seem impartial to me, however I did not address that as it was the place of the complainant to question. I was simply there to accompany my members.</p>
<p>If it is the manager in question who is doing the bullying, it is very hard to get the right people to listen. - You need to have someone that is neutral and not working in the same workplace so they can have a fresh perspective. - A manager needs to be monitored in the actual work site not monitored from afar. - Better support systems and options made available so that the worker is not working in the same environment and exposed to the bully. Other staff may also be affected and especially when this type of behaviour has become the norm and the cycle of bullying may replicate itself in the work environment. - The time it took to be addressed (4 years) and the long term affects. -</p>

<p>I'm going to combine the two because most hui have elements of some of the below but few have all. - Providing a clear flow chart process from the beginning that has stood the test of time in proving successful, including possible timeframes, varying pathway options, and possible remuneration options. Sufficient time to process responses and respond, empowering the victim through inclusion, safety, and empathy, providing a culturally safe environment with culturally capable tangata, In serious cases removing the alleged bully as well as the victim to avoid team tampering, treating both victim and alleged bully the same regardless of position, considering the needs of the whanau as much as the needs of the team or organisation, ensuring that all information deemed to be relevant from both perspectives is gathered and seriously considered, ensuring that any mistakes with the process itself are seriously considered in terms of the harm it causes and the influence on the final decision, maintaining strict confidentiality and having clear guidelines if breached, clear, consistent and timely communication, clear acknowledgement upfront of the organisations responsibility to provide a safe workplace and what it means if it is not.</p>
<p>Improved communication guidelines - to ensure everyone feels 'work' safe. The complainant (in this instance) did not feel supported or heard by the organisation - this particular incident has not been settled and has been ongoing for about a year. - -</p>
<p>In a sense the PSA intervention was a form of mediation. The organiser handling the case persuaded an (organisation) HR representative to withdraw the unjustified complaints about the performance of our two members.</p>
<p>In both cases PSA tried to engage with (organisation) about using Worksafe guidelines in raising a complaint of bullying or bad behaviour, setting out agreed processes and timeframes etc. (organisation) said they are happy and believe their policies work, PSA disagrees. First case (organisation) used their policy, had an independent Manager interview members, interviewed alleged bully, really bad process and outcome, went to mediation. Second case laid complaint against 1 bully and Manager who didn't keep members safe, PSA said no investigation, we want to go start to mediation.</p>
<p>In my experience, first hand, and second hand, the employer is never consistent. They bend rules to suit themselves and do not always follow direct guidelines, procedure or employment law. A lot of the time, the meetings should never get to the point of needing PSA representation but because they are so heavy handed with making people feel like their job is at risk even for something either minor, or not an issue at all, PSA support is needed, even if it just for moral support. Some managers do a good job of talking through issues with colleagues, but a lot of the time (process) doesn't work well with disciplinary processes. It truly depends on the individual manager handling the case. It's also near impossible to complain if your issue is with your direct manager because the processes first point of call is alerting your manager.</p>
<p>In my opinion the investigator needed to be fully objective. My organization utilized an investigator affiliated with the Employment Service used extensively by management (ie NOT fully objective).</p>
<p>In my organisation there is not a safe culture to have challenging conversations.</p>
<p>In my view, the employer needs to understand and follow the process of natural justice. - Notification, investigation, decision, then redeployment of both sides of the conflict. - - At this location, delegate cannot notify of workplace hazard as there is no H & S representative onsite to report the issue.</p>
<p>In one case, all parties were able to get around the table and discuss the issue and work thru the best solutions. In another case, the bullying was actually quite overt but was 'solved' by the complainant deciding to leave, so the issue was never resolved and I suspect the problem is still there (because the manager who did the bullying is still in place).</p>
<p>In regards to 'bullying' as such, there have been a number of situations prior to my becoming a delegate, but I have only represented myself in regards to such with support from my organiser. The process was very disappointing - I had provided clear, indisputable documentary evidence of unethical & deceptive behaviour from a manager, (organisation) saw it and decided not to pursue any action - I received a non-apology in writing ('sorry you felt upset'). Historically this has been the norm – (organisation) does not seem to have an institutional understanding of basic due process and natural justice and does not care to learn.</p>

In some instances, my employer has acted quickly, in others, not quickly enough (or at all). Allowing alleged victims to take on special leave when they raise matters and they are investigated is helpful. -
In the end the claimants withdrew their allegation and did not want to proceed, but I felt that the Manager could have nipped this in the bud sooner by taking the members allegations seriously and dealing with it at the time instead of ignoring it and making the members feel they weren't being respected
In the latest case, the employer insisted that the complaints had to be investigated by an external lawyer due to their perceived obligations under the Health and Safety Act. This was despite the complainant asking for other interventions such as a facilitated conversation as they wanted to cause as little harm as possible to all parties. Less formal processes should have been available and the investigation should not have taken 10 to 11 weeks. Hearsay (on perceived staff attitudes to management) should not have been included in the report. Complaints from the two staff members should either have been kept separate or led to a whole team investigation.
In this case the employer was the bully and a PSA organiser and HR were made aware of this issue. This issue was somewhat resolved as the employee was no longer dealing with bullying.
(organisation) clearly set out in its 'invitation' letter for a meeting all relevant information that it would be discussing at the interview.
it all work very well
It is always best for these issues to be dealt with by a third party. The employer offers no support to the alleged victim as HR works on behalf of the organisation protecting the managers and the organisations reputation. From my perspective bullying is dealt with very badly in NZ and is often too hard for the victim to bring down the person. They are often seen as trouble makers if they complain about such things. HR in ALL organisations need to be impartial and protect the employee rather than looking out for the interests of the organisation only.
It is always difficult. My employer convenes an independent person who interviews all the involved parties, then hands a copy of the interview to an independent panel to make their findings. In the case I was involved in it was a he said, they said situation.
It is difficult to help members who are subjected to more low key forms of bullying behaviour, although over a period of time these can be very destructive. Often difficult because it's a he said, she said situation. It would be good if there were some way of being able to pursue some kind of solution without the victim having to confront their bully.
It is difficult to know where to go to when the 'bully' is in a management position.
It is good that initial reports of bullying via (reporting system) are ring-fenced at the (organisation) team level initially. Being able to give members that assurance is helpful.
it is to hard to prove , so we go down the line of health & safety
it is very difficult for members to address bullying in the work place as most have top report to the perceived perpetrator it would be helpful for large public entities such as (organisations) to have access to someone at HR who could help staff to find the appropriate path for them
It seems very hard to establish bullying in my workplace, and it often turns around to the bully claiming they are being bullied by that accusation of bullying.
it was actually the manager who was the bully
It was addressed by HR Staff and Manager of the Manager that was alleged bullying the staff member. - Indicated non bias practice. It was a pleasant experience.
It was swept under the rug so actually facing the issue would be a good start. There is a process but this is not done adequately in practice. -
It was thoroughly investigated, which worked well. However, this was not the first time the issue had been reported - previous times it had not been addressed.

<p>It worked well having the professional supervision sessions where the victims would find support, was able to create strategies to protect themselves and address the problems themselves. Having our breaks with the team helped the victim to vent and feel better about what was happening. - There should be more training, more discussions about bullying at the work place for the workers and especially to managers and supervisors to how to lead by example and address appropriate the issue.</p>
<p>It works well if there is genuine desire to work through issues and find a suitable solution. However in my experience it tends to be more confrontational, with managers and HR on one side, members and PSA support on the other. This can be very bad when the manager is the one displaying bullying behaviour and can just reinforce the power dynamics. There needs to be a process where members can feel safe and heard (this is usually occurs in one on ones with members, but doesn't really help resolve anything)</p>
<p>it works well when the employer shows empathy and support around the subject, looking at all information and circumstances surrounding the situation. it's good to be following a direct process and discussions with several members rather than one direct point.</p>
<p>It works well when you deal with an HR department that is not wedded to the employer. In fusion cases, there is little one can do but state the law. HR departments with (semi) independence and conscientious people tend to be better at avoiding exacerbating the situation. All over, however, I find employers are averse to making momentous decisions. This can work against members who allege bullying.</p>
<p>its hard because each case has different factors which lead to me being involved. My Boss handles these situations very well. - It can sometimes be a bit heavy and punish the victim,(stand down time etc) but overall its the people running it that make the difference.</p>
<p>I've supported a number of members (far too many) over recent years who have identified themselves as bullying victims. The issues are repeated over and over, usually identifying a line manager as the bully, while almost all contributing factors are overlooked. The typical process is that a member becomes increasingly distressed by events in their work environment, focuses on a 'power-imbalance' relationship issue, and becomes erratic in their performance and output. - Their TL/Mgr complains about their performance/behaviour and calls in HR, who holds a meeting with member & Mgr to discuss the performance & allegations and hear the member's side of the story. If I've been asked to attend as support then I insist that the meeting is recorded (by me) and I undertake to provide all attendees with a copy asap after the meeting. If I'm not there then the HR representative takes notes which no-one sees. The outcome (if 'successful') is that a few process/resourcing/workstation modifications are made and team meetings are arranged to improve relationships. Outside facilitators may be brought in if the issue's involving & negatively impacting a number of team members. If 'unsuccessful' the member will be put on performance management to address the Mgr's complaint about their 'poor behaviour and failure to follow the organisation's values. The complaining manager may be directed to attend leadership training, and have meetings with HR about how to handle the difficult subordinate. - - The member's side of the story may be openly discounted by senior managers if they can't see why the bullying complaint should be upheld, i.e if the line manager appears to be following correct process. EAP is offered to the member along with letters that threaten disciplinary action, and there are further meetings with increasingly senior management who offer an open door/listening ear. Opening up to the senior management results in further letters and reduction of responsibilities and workload for the member, who is clearly headed towards the exit. The member's stress levels are going through the roof at this stage and they have become emotionally & time-dependent on the delegate (me). By this time their GP/EAP are involved and if suicide has been mentioned it's my job to reach out for assistance. Stress-related absenteeism is reducing their AL and SL and the delegate (me) has to approach the complaining Mgr for approval for the member to draw on the HR-controlled Sick Leave bank, and this is the policy irrespective of the context. - - By the time the member actually resigns they go empty-handed and possibly on LWOP unless an external investigator has been involved, the member has a high-paid technical/scientific role and the PSA organiser has successfully struck a payout package with HR. This isn't an option for me as delegate and, in my experience, a payout has never been offered for any member with a customer service role whether low-band frontline or high-band customer-experience specialist. If they cry they get a tissue. - - At this point, the member may drop PSA/me as supporter and call in a lawyer (2 occasions, and both times the former member kept their job). Otherwise, my role is to support them out of the organisation because they're too angry, messed up, and far gone to stay. - - What could be done better? - - A safe reporting system for members to raise a bullying issue. - - Optional reporting lines depending</p>

on the context. - - Where the bullying is not a line manager but a team/'individual' ganging up on a member (bullies invariably work in a group with management enabling) on an individual then these social patterns should be well understood and actively sought out before escalation occurs in private. - - The organisation to stop focusing on 'behaviourism' as the only workable principle and recognise there's a thing called systemic bullying; no individual is to blame for the bullying but everyone contributes to the systemic failures that line up like James Reason's Swiss Cheese Risk Model (1991) and create a victim (ie the member). - - Matching personality types (dare I say it?) so 'soft' customer focused members aren't managed by Technical/Scientific/Process-oriented people. Instead, customer-focused workers should be managed by a customer-focused line manager who understands how to manage, encourage, support, reward, and inspire their 'sensitive' team. - - Cross-organisational processes that are well understood, well documented, well researched, well resourced, well considered, and risk assessed across the full gamut of organisational priority areas (customer, financial, H&S, communication, work relationships etc etc). Everyone follows the process, exactly, and it's not up to a Line Mgr to decide whether they want to do it differently from the next team (e.g. Organisation aims to go paperless but the TL wants things printed. Complains if a member argues that the process should be paperless.... and that's how it starts, where the bad behaviour focus is the member arguing with the Mgr, which is serious misconduct.) - - The only thing I think that works well, from the employer's side of things, is some external consultants add some interesting ideas to the overall training (although they're likely to be behaviourists who simply strengthen and reaffirm the current system and don't consider individual risk or the concept of systemic bullying. Chances are they don't realise it exists, so it's not their fault. Their job is to help the organisation identify who to blame and how to manage risk to the organisation). - - When reports come back that EAP has advised a member to leave asap when hearing where that person works, you know there's a lot of improvement potential. - - Ok, that's my long spiel over and it's been nice to get it off my chest, thanks. The latest (and my last) supported member resigned on Friday so it's still fresh. This time, for the first time ever, I've written formal letters to Snr Management, informal emails, and have collaborated with the member to write a formal complaint against systemic bullying. An investigation is underway but it's unlikely to come to much. She's taken LWOP because she can't face returning to the workplace, and Snr Mgmt/HR wrote her a couple of chilly goodbye emails. - - Bring on retirement! Workplace bullying stinks.

Keeping alleged victims up to date on where the investigation is at. Being left wondering is extremely hard when they are already stressed.

kia ora - from my experience as a delegate supporting/advising and representing members alleging bullying in their workplace it appears there are no processes in place for the members managers to be trained on 'managing people'. There also doesn't appear to be a particular timeframe or what i call timeliness that the members are afforded given to the members from say HR to resolve the bullying allegations. I know of some cases whereby the members that have issued complaints against their 'people manager' have taken years to either resolve or the member has left. Some cases are historical and continue to be unresolved due to the lack of timeliness from the organisation to resolve.

Lack of a good process that doesn't predetermine the outcome. - Staff supporting each other works well here

Lack of employer competence for trying to resolve issues at the lowest possible level. Therefore issues get entrenched. Lack of employer recognition of the prevalence of manager bullying. Also lack of information for employees on what it is, what to do, who to contact, how to resolve. - Lack of high level governance in relation to bullying - aware of people/personalities - but because these individuals are suiting a purpose it is over looked.

<p>Lack of support to the alleged victims, Victims being removed from the office space, their team, working isolated, further victimising the victim. By the time mediation is suggested/advised, alleged victim is too vulnerable to consider the mediation process and chooses not to continue. A choice made to preserve their vulnerability, their MH well-being, their current and future position and participation in their team, their employment. - HR personnel seeing tears as a sign of manipulation rather than a sign of being overwhelmed/exasperated by the process. not feeling heard/ valued or respected. HR need to be more skilled in understanding Human behaviours and personalities (perhaps to the level of personality disorders), to help understand that an alleged victim coming forward, is highly likely already feeling 'brow beaten' and they have tolerated enough 'inappropriate behaviour' and this last event has taken them to the point of speaking out and formalising the process. - HR investigation process taking too long, many weeks, months and favouring the bully, victim increasing anxiety and hypervigilance waiting and waiting for responses, the back and forth correspondence and phone calls or emails. Investigation need to be more timely, where both parties take responsibility in adhering to the time limits to respond to requests of information and to HR Investigation Meetings. HR need to highlight the Serious nature of the investigation and it taking precedence over attending other work related meetings in the time being, no dragging out week after week. etc. - - HR focusing on the reportable event as a single event, despite the reportable event highlight further instances/patterns in the recent past. Therefore able to reduce the reportable event down to 'inappropriate behaviour'. - - Further, if alleged bully leaves the Organisation being mediation could occur, they leave with a clear slate, only to return to the Organisation a year or two later. What would work well, if their was a record left in HR for recruitment purposes, to ask highlight having left Organisation in the middle of an investigation process where 'in appropriate behaviour' had been alleged, and used to query how they would deal with challenging situations in the future etc. or update if they have done any further training on building their leadership skills or training or counselling on anger management etc.</p>
<p>Less bias on the management side. Good listening skills. Fast resolution. Every thing takes so long.</p>
<p>Less managers who are bullies</p>
<p>Letting people what their rights are around being interviewed and protecting the person coming forward were 2 things that let them down during this process.</p>
<p>LIKE - At victim's request, employer arranged intervention for victim with a Māori Psychologist rather than utilising EAP counsellor. - DISLIKE - Dispute has taken over a year to date and is still not resolved.</p>
<p>Listen, be empathetic, to not underestimate the issue and follow up.</p>
<p>Management at the (organisation) take these matters seriously, if you are the victim of bullying you are seen as difficult and management don't want to know.</p>
<p>management buries its collective head in the sand as it is predominantly managers that are doing the bullying. It seems to be the mantra that if someone is deemed 'difficult', it is a matter of managing them OUT as opposed to just managing them.</p>
<p>Management have a head in the sand mentality to bullying. Refusing to use that word. Instead it is 'Inappropriate behaviour' and deflected</p>
<p>Management needs to address the problem immediately rather than procrastinate and needs to be decisive around mediation</p>
<p>Management use resources such as HR and tactics that delay matters until they can say they have put in training and put in systems to deal with issues but do not hold those responsible to account, particularly if the person responsible is in a position of authority</p>
<p>Managers need to understand that it is not ok to talk the way they do to their staff. - Change of managers - nothing has really changed staff are now scared of their manager and won't bring anything up.</p>
<p>MEASURES NEEDED TO PREVENT GETTING TO THAT STAGE</p>
<p>Mediation is good. - Recordings to be accepted as taking minutes.</p>

Mediation only works well if both sides are honest.
Mediation seems to work as a good way to slowly escalate, but can also be a way to draw out the process for bullies who will never change
Mediation was insisted upon by the manager and a condition of performance improvement, which we viewed as cynical by the employer.
mediation worked well the member on getting to that stage was motivated to get a good outcome. however those were only a small number of cases.
Mediation works well, I have seen good results from the ones I have attended.
Meetings that make the member feel comfortable and able to speak freely without judgement. Being considerate of the power differences. Listening.
Member was originally identify by the manager that there was a concern over performance, member kept emails and notes of conversions -wellbeing plan that both parties agreed on came out with reasonable outcome. - support was offered via EAP.
Members of our employer in the TOP levels need to be trained & advised of their legal responsibilities to the CEA that has been signed off and all their own policies. Be honest & respectful to all kaimahi at all times.
(organisation) always implies that staff member is guilty and basically you are guilty until you can prove yourself innocent. Really awful process that takes a toll on both sides.
more openness about bullying , addressing systemic bullying , getting rid of dynasties and managers who have been perpetrating bullying for decades -
More support for the alleged victims as they are set up to fail / lose against such a big organization. For this reason I wouldn't get involved in such a case again, its a dead end
More training- best practice for management, HR, union reps in early interventions before mediation
More transparency throughout the process. Decisions should be reached through a panel instead of being left to one individual.
MPI initiated a change process without including site delegates. PSA delegates not given adequate time to prepare victim for meetings; limited knowledge of the meeting intentions in advance of the meeting; HR unwilling to discuss that bullying is an issue within management at times

(organisation) as an organisation has theoretical safeguards in place such as local health and safety committees and the (name) reporting framework (the purpose of which is for reporting any health and safety issues in the workplace). Sadly, in practice, neither of these systems actually prevent or offer much help to resolve issues of bullying. Staff who have submitted Sensitive Issue report's through the (xx) system often have to wait a fortnight or two to get a response, if they get a response at all. And so far I have not yet seen a single (xx) report get past the initial contact stage (in some cases the staff will be contacted by the (xx)team to have an initial conversation, then the staff will hear nothing following that with no resolution being reached and left feeling like the (xx) team and indirectly, (organisation), are simply ignoring the reported issue). - - Locally, at our office, we have a unit/ regional manager that ignores advice from GP's, Counsellors and Psychiatrists regarding staff and their mental wellbeing. for example. Staff member has previously been the victim of domestic violence. Regional manager hires a new team manager who this staff member is placed under. This team manager belittles staff, treats them like children, has zero amounts of empathy, smirks and laughs when the staff member tries to explain the state of their mental health. Staff member feels retraumatized regularly and requests that they be allowed to move under a different manager as they do not feel safe when interacting with the team manager and is deteriorating their mental health. This is backed up by advice from health professionals. Unit/regional Manager declines the request and instead arranges for mediation to take place. This goes poorly, and the mediator recommends that a change of manager would be appropriate as the relationship between staff and team manager is unhealthy and unlikely to improve. Unit/regional Manager still declines the request to change manager on the grounds that this would cause imbalance in team numbers. During this whole process this staff member has been waiting for a second contact from the (reporting system) team (pushing 5 months now). No action from the Unit Manager, no apology for the way the staff has been treated and no attempt to remedy the situation since the failed mediation. This issue was raised at the next level up, but was met with the same responses, lack of urgency or empathy, as though they did not see staff mental health as a concern at all, let alone a priority. - - What they could do better? - 1) Practice what they preach. (organisation) forever preaches that their staff need to treat clients with empathy and respect. Well the chain of command could learn a great deal from its staff on this front. If the public are a case managers clients, then case managers are the leadership teams clients. They should be having this same messaging drilled into them that they need to treat their staff with empathy and respect, because in a lot of cases this is not occurring. - - 2) Fix the 'xx' system. Not entirely sure what is going wrong here but action/responses are taking far too long, if they come at all, and never seem to go anywhere. - - 3) Educate their leaders and managers about mental health, trauma and how to appropriately handle situations where staff are already in a vulnerable position. - - 4) Educate their managers about taking responsibility, owning up to short-comings and solution based thinking as opposed to the deny, deflect, defend attitude that seems to be prevalent in the leadership team at present.

(organistion) need to recognise there is bullying happening

My employer accepts bullying by managers - When concerns are raised with the employer they generally start an investigation into the workers behaviour

My employer has had a 'culture review' and brought in a private contractor to do a survey and review in last 2 years and this has created spaces for conversations about behaviour and attitudes, and also material like posters which has been widely circulated. I think this has helped. Also employer has brought in conflict of interest policy and has put in place processes around fraud prevention and reporting. A staff member who has been convicted of fraud was also a bully.

My employer's policies and procedures are reasonable but too often bullying is not treated seriously in the first place and a number of complaints that should be investigated are not. Once an investigation is underway they are usually run well but a recent issue about bullying (Human Rights Situation) where the employer engaged an external person as the 'Investigator' was basically swept under the carpet.

My first attendance at mediation in support of a member who is a victim is coming up, so I will have to wait and see.

<p>My manager did not really address the situation - she tried to mediate a meeting between me and the bully to clear the air but this achieved nothing except more distress for me. Nothing worked well for me until the manager moved roles and I was assigned another manager who dealt with the situation. I requested and was granted a move to a different role and different team. The bully continues to work in the same office as me without consequence (as far as I am aware) but the new manager has spoken with her since when notified of verbal attacks on me (often in front of clients). The situation was dealt with effectively by my current manager, and never escalated to mediation, PG or ERA.</p>
<p>Needed more prompt action by the leader before escalation.</p>
<p>Needs to be someone independent of the site</p>
<p>Never got that far. The bullying behaviours seem to get overtaken by other issues, such as beginning a PIP against the claimant by that same person of whom the claims were being made. I did not perceive there was any support offered by the workplace for the claimant.</p>
<p>Nil didn't make it as management swept it under the rug like it didn't happen</p>
<p>No clear process or definitions. Not part of H&S information. No evidence gathering process. - On a positive victim was listened to acknowledged and updated.</p>
<p>no mechanism for industrial bullying its supported here</p>
<p>no the whole process was flawed it was the HR rep was very new to the role and a 3rd party was pulling string due to a personal grudge against the member a neutral investigation and should be used to stop the abuse</p>
<p>No-one will come forward anymore because they are too scared of the repercussions.</p>
<p>Not having to convince the employer of the bullying and not being subjected to not being believed if they haven't seen it first hand</p>

Not so Good: - - The time taken for this process was way too long. (6 months) We accepted that Covid and personal circumstances of the complainant did cause a delay but it appeared that the investigation took a very long time to complete. - - Neither the victim or myself were advised that another person would be completing the investigation. This person phoned the victim out of the blue and the victim did not understand what was happening. Both the victim and myself were not advised that another person would be involved in this process. - - The xx Manager kept calling in to the office where the victim was temporarily moved to and spoke with the victim several times to check if she was ok and passing on information. The victim felt intimidated and nervous by the manager's status. Although the (manager) is a lovey man and I feel sure that he would have done this only from his concern for her, these visits should not have happened. - - During the meeting with (manager) and HR over the temporary transfer of the victim to another office, we were assured that the victim could have her same job at the same place back after the investigation was completed. A replacement was put in her place and at no point were the victim or myself told that she was permanent and that this job was no longer available to return to until the after the investigation was complete. During this time the victim (and myself) were left to believe she was returning to that some job and place. The victim took the news very hard when she found out through another source that her job had been taken. - - The employer did not advise me (as the PSA Delegate) that they were having the last meeting direct with the victim. The victim was not given any notice about this meeting, she was just called to the (manager)'s office where she was told that HR would be on the speaker phone for this last meeting. The victim also stated that she was told by the (manager) and HR that the PSA were notified about the meeting but neither myself or (PSA organiser) were notified at all. I did send a letter to both the (manager) and the HR person to voice my disappointment on how this last meeting was dealt with. I never received a reply from either the (manager) or HR. - - Good stuff: - The (manager) appointed a Service Manager from another office to phone the victim every now and then to see how she was going. It was clear to myself and the victim that (organisation) were showing care over the well-being of the victim.

Not sure what the definition of mediation exactly is, and whether this is a formal initiation. The complaints were turned into an investigation, which was a good opportunity to share concerns. Impact was the alleged bully being removed from alleged victims, though employer could be more proactive in ensuring this removal was sustained.

Nothing - the person being bullied didn't want to take it further.

Nothing as they don't address bullying and managers are the worst bullies

Nothing has worked well!!! Management retreat to protect their own liability over unsafe situations where they have been informed - little protection for complainants, and consequently people extremely reluctant to raise the issue as seen as making their working lives problematic with management and some colleagues. - I have seen manipulative /unsubstantiated counter-claims raised which have made the original complainant more vulnerable. Very unsatisfactory and no just outcomes resulting.

nothing worked until someone went to the media and the resulting shitstorm started a ministerial enquiry. Even now, a year later, fine words but no actual change - new people coming in are from the same general population and are often bringing in the same hierarchical attitudes.

Nothing worked well. The employer in this situation has all of the 'power' - they control how long a PG can take, the Terms of Reference for an investigation (which predetermines the investigation and outcome of the PG process - even though we opposed and challenged it - nothing changed), who is the final decision-maker (in our case it was a peer to the bullies who report to the same manager), the independent investigator (they used a law firm/lawyer from a firm they regularly pay and use for their services so not impartial), they will 'always' mitigate any risk in favour of the bullies (if the respondents are management), they have the monies and the means/resources to ensure that the employer is not liable and therefore, they are not culpable. The member only had support from the PSA (and we were so busy and had limited time to really address their issues - lack of resources) and they were referred to get EAP (which was a mission to find the right person with the right skills) and put through the PG process for 8 months. Thankfully, they were given special paid leave for the duration - a small token - but this was for their health and safety.

Nothing worked well. The staff member is either still a victim or her own mental health has been severely impacted by her experience. It is difficult to know as she does not talk about it in depth anymore. - There needs to be more robust processes in place that staff will feel confident and safe to come forward, knowing that they will be protected and feel heard.

Nothing works well, you have hope with the processes of protocol and procedures when dealing with some as serious as workplace bullying but our management sucks , after years of working I have come to the conclusion that they just like to drag on the process like yes we will meet and do actions in the next meeting , come next meeting they'll postpone and just drag it on until the victims forget about it or just give up and move on and carry on with work. There needs to be serious side or team of management dedicated to situations like these, separate from the stupid managers that are just busy chasing their own money instead of helping with their staff management and safety. There should be another team that deals with reports and incidents and take matters seriously. (organisation) has let so many people down that I even think psa reps are secretly tired of dealing with so many reports but the truth is there is so many because problems aren't being dealt with just swept under the carpet hidden. Managers would deny me from attending meetings as a support person for victims who have English as their second language. No correct processes and practises used by my employer , it's more like "cover it up until victim makes a big deal then will act like I'm concerned and take my time giving back results" that's the process for them atm. Unless victims or bullies bring in help from out of service like lawyers etc THEN managers will help and rush to make something happen.

Nothing works well. The victim is always afraid of consequences of speaking up or to have PSA support. The bully is a very senior manager and the bullying has gone on for more than 5 years and nothing is being done despite me telling the victim that he needs to get PSA involvement. The victim is afraid that he will lose his job.

obviously there is the initial courage required to initiate an alleged bully against Management - intimidation etc. once navigated then engaging with both parties to recognise and acknowledge. - there is always that awkwardness to manage and have found avoidance of the two parties for a time works best - eg change lines of authority.

<p>Offering different avenues for reporting bullying is a good approach, though victims still feel there is no safe way. - It would be good to have HR staff whose role it is to support staff; currently HR staff say they are there to support management, which does not help if the conflict is with the manager. - - Response times from managers/wellbeing coordinators to reports of bullying were unacceptably long. - - Perceptions of bullying were not given full acknowledgement, rather an attempt was made by management to convince everyone involved that it was not actually bullying; this belittled and did not change the perceptions of and effects on the victims, but this was not acknowledged. - - There is a lack of feedback to the victim at the end of the process. The victim does not find out whether any measures were taken. While I acknowledge the sensitivity of the situation, some feedback/assurance should be given. - - The EPA is a useful service, though from reports, counsellors also tend to put responsibility for the events and their resolution on the victim rather than the offender. - - The situations I was involved in were resolved by either the victims leaving or the ('offending') managers being promoted so they would no longer manage the victim. Both less than ideal scenarios. - -</p>
<p>Often mediation is weighted to middle management and a solution for the organisation</p>
<p>Once it gets started the process gets its own momentum and seems impossible to stop. Also managers seem to use well being to continue the pressure on staff. Definition of 'wellbeing'</p>
<p>Once the internal investigation began, the victims and the alleged bullies were listened to, and an outcome reached relatively quickly. However, other members who were in this group had previously raised allegations of similar bullying over a number of years, and nothing appears to have happened. The difference was that these victims wrote down and presented their stories, which really were irrefutable</p>
<p>One key factor is the fear from the member in regards to speaking out. Promoting confidence in employees, as well as understanding their rights can be improved upon as this information is not easily obtained at the (organisation).</p>
<p>One of the cases I was part of the victim wasn't informed of the outcome. When I asked what the situation was with it was told that it was confidential and the victim didn't need to know as it didn't concern them..REALLY, For peace of mind the victim should have at least been told that it had been closed. Also note the victim received no apology from the bully</p>
<p>One on one meetings with Senior management worked well. This was a level of management above the office management which caused the issues.</p>
<p>Only attended a meeting between parties as support by member, team leader who was the bully picked up her act after this meeting.</p>
<p>Options to take</p>
<p>Our agency did some bullying training about a year or so ago and this was valuable. I was told by management that this training was providing in response to a couple of bullies in our organisation and it was provided for their benefit, as well as that of general staff. A small example of the cost of bullying I suppose. There has been no follow-up training, although I am aware of two new bullies in the agency which have been the subject of discussions between management and other managers. These bullies are all in management positions and display the classic characteristics that unenlightened employers look for in 'leaders'. As a result, some valuable staff have left the agency. - - In the past, single or a small groups of managers (which may include the bully) have put pressure on people who have raised bullying claims (but who may not be the one bullied but have seen it first hand) to the extent they have retracted their statement (e.g. a recent whistleblower was invited to a meeting with a GM and two senior managers to explain their behaviour in calling out bullying - when informed, I got this meeting called off). Some of these people have subsequently reflected on this and raised the issue with me but felt uncomfortable doing so, worried of the repercussions. - - Management see bullying as an important issue but this means they are always looking for a minimum level of evidence before they are willing to interject, as it is a lot of work for them. This means surreptitious bullying can often continue unchallenged. It often take a delegate or senior person to raise it before something happens, over a period of time, and it is often the weight of claims that can speed up a management response (management are looking for wider validation, rather than one off comments). - - When management gets to a position of accepting that bullying is occurring, I think it does a relatively good job of applying different levels of 'influence' to address the issue, starting more softly and ramping up the pressure if things do not improve. I accept there may be underlying</p>

<p>issues why a bully behaves as they do (including ignorance of their own behaviour) but in general I feel my agency is too forgiving of these reasons and for too long. A particular senior GM was allowed to continue bullying at my agency for around a decade. When the PSA raised this on a range of occasions, the standard management response was 'there are two sides to a story'. However, over the years, there were many 'stories' and management finally accepted they had a problem but only shortly before this person left the agency at their own volition, after years of damage. - - Our agency is trying to cement a culture of 'calling out' bullying and poor behaviour but it is really hard for junior members of staff to do that. We put posters in meeting rooms a few years back but only one of these is left. It is also so small, it's impossible to read unless you get up really close. Many years ago we tried to embed an 'above' and 'below the line' culture but this slowly faded away. Unsurprisingly such things don't tend to endure unless they are constantly updated, fed food and water and actively applied. - - I consider my agency as a good place to work, despite some bullying. It is almost inevitable that bullies will be removed from my agency at some time or amend their behaviour radically. Unfortunately this often takes too long to do this, and too much damage is done. Unsurprisingly most bullies in our agency (but not all) have been senior managers (as their seniority enables this) and this raises the question of how to best address this, given their standing within the agency. - - A particular challenge for delegates is to call out bullying to management when it is being perpetrated by PSA members. This has only ever happened here with a GM and senior manager, both more senior than the delegates. Upon request, we declined to name the perpetrators to management but they did their own 'digging' and managed to identify who was involved nevertheless (I strongly suspect they already knew). I didn't feel a direct engagement with the PSA perpetrators would have been productive in this instance, before speaking with management, given the aggressive personality traits displayed by these members.</p>
<p>Our (organisation) listens to both sides of the story before any decisions are made. The organization believes in teaching better ways to voice concerns or get issues addressed rather than take disciplinary action straight away. -</p>
<p>Our employer has a reputation of drawing out the process, in one case just over 3 months. leaving this black cloud over their heads wears them down. They will also minimize & dismiss the case, leaving the victims feeling powerless, belittled & not heard.</p>
<p>Our (two job titles) manager consistently say complaints need to be formalised via risk pro for them to do anything, Which I believe is incorrect</p>
<p>MANAGERS should sort this in the lowest level before it elevates to the next level</p>
<p>People do not have to go to mediation if they don't want to. When the refuse nothing else occurs, a staff member leaves instead. I think the employer needs to take a firm approach with both parties in terms of resolution and followup with the stress being on the needs of the team and harmony in the workplace. Managers are often poor at dealing with conflict, they side with one party or the other and don't get both parties together. Have it in the open not all concealed with the bollocks about confidentiality which is unrealistic and unhelpful for workers who often ask their colleagues for support.</p>
<p>Practice is adhoc.</p>
<p>Practices and processes of the employer did not have employee input and buy in. - You will do what your told mentality.</p>
<p>Prior to EAP mediation, employees signed an agreement on what was to be a desired outcome for both parties. It was clear that one party broke that agreement from the first meeting, with no intention of reaching an arrangement amicable to both parties. EAP mediation therefore did not resolve the problem</p>
<p>Pro active management can be a lot better. - Letting it go on for too long. - Interview process sucks with no feedback - And as a PSA rep I just felt like a moaner with no clout, I could make suggestions, but that's about it</p>
<p>Process is okay but more sensitivity to the victim would improve the process</p>
<p>Process used by the employers in my workplace were very poor. Also, There was no follow up to check how the alleged victim was coping with the bullying</p>
<p>Processes are far too slow and long winded. Actions and preventive measures should be quick, firm and decisive.</p>

<p>Processes need to be articulated at induction, not when an employee needs assistance. Processes needs to be followed and the employee should be kept informed about the what will happen, when and what the outcome is. Currently in this office there is little to no feedback and it has meant the member is left unsure if the matter is being taken seriously and if they can expect some resolution.</p>
<p>Providing a safe environment, making sure things are kept strictly confidential.</p>
<p>PSA delegate supporting the victim, attending meetings with them and working for a resolution is helpful. - Bullying is a tricky offense/allegation to manage as it is not always easy to evidence and in the situation i was working with the victim, the bullying happened from the manager and supervisor who didn't acknowledge that their behaviour was bullying. I supported the victim for over two years before an acceptable resolution was found. As the PSA delegate, I was a little worried that I would also be seen as 'a trouble maker' and would be viewed or treated negatively by leadership (thankfully this didn't happen).</p>
<p>quicker action required by Managers</p>
<p>Quite often the person accused of bullying is the victim's team leader or immediate manager who may also be undertaking an investigation into the victim's alleged behaviours. A relationship issue has arisen and manifested itself as an allegation of misconduct and of bullying. The Team Leader / Immediate manager should excuse themselves from further investigation as their continued involvement would be considered to be a conflict of interest. In these circumstances and in my experience these situations are quite common and never result in a fair outcome especially for the staff member. - - All allegations of bullying or inappropriate behaviours should be treated seriously and be investigated by an independent and suitably qualified person whether or not the allegations arose from a disciplinary investigation by that team leader manager or otherwise. - - Human Resources or People and Capability / Performance Departments are often not 'independent' and are looking after the Organisation's 'Best Interests' . Quite often this is seen to favour Management. That perception needs to change and having an independent and qualified person (say from Work-Safe) available to investigate the allegations of bullying or similar bad behaviours, would help most organisations identify the real issue and deal with it appropriately instead of 'brushing it under the Carpet'.</p>
<p>Recently did apr yearly review with supporting documents the language used was not even aligning with my recent supervision and went back to 2014 review should be better quidelines and not go back to old ones how this can be changed policy</p>
<p>Recognising that there is a culture of bullying within (workplace), specifically within the (part of workplace). - The employer generally ignores matters in the hope it will simply disappear. General lack of honest and transparency. Staff are moved around the district to mitigate fallout rather than addressing issues.</p>
<p>Relational interventions early. Seems to be limited process between outright dismissiveness or 'get over it' and a formal process.</p>
<p>Reporting processes usually always involve the manager who in the majority of cases is either the bully or empowering the bully. Even when HR get involved there is very little impartiality shown</p>
<p>Resolving the process took a long time. - I think if there was good understanding on the problem from the employer it could have been resolved much earlier.</p>
<p>restorative justice, looking at the underlying root causes for behaviours e.g. in the work environment</p>
<p>Separately</p>
<p>Showing evidence of work absences which backed up the Team Leader. - However talking to Team Leader in a meeting with HR and Team Leader, the employee was correct in the way the Team Leader was holding prejudice against the employee. Continually stating that they did this and that. The Team Leader did not show that they understood the employees health issues and how they were trying to get themselves better.</p>

<p>Site manager had a very aggressive attitude in general that hindered the investigation , some case managers came forward but did not want names used in case of reprisals - manager has since left business</p>
<p>Situation then was questionable as far as being a 'fair-process' - process I felt could have been better managed by competent staff (speaking from experience)</p>
<p>Some HR advisors don't have enough sensitivity in this area and can do with better training to be more impartial and discrete.</p>
<p>Some staff are concerned about 'rocking the boat' - there are suggestions by employer about the ability to move staff to another manager, but this doesn't resolve the systematic issue of a manager with bullying tendencies</p>
<p>Some went to mediation others just worked through locally with HR assisting management.</p>
<p>Staff have to be accurate what is bullying and what is not. But Mediation is the first main key to finding out what triggers or what makes people bullies.</p>
<p>Suggest that someone independently reviews this and not have the employer do it. - - Also, separate the issues raised. Often, if the alleged victim has several issues that they are dealing with i.e. high sick leave and bullying. It is seen as not bullying because high sick leave is involved. Deal with the high sick leave and look at how the Ministry is treating the alleged victim. Not going through the steps appropriately i.e. going straight to wanting them to take 3 months off. Takes into account all leave as one lump instead of separating what is an accident and sick leave. - - I think Managers need to have more training and not be moved side ways when they do things wrong like have allegations of bullying then they are moved from the site they work at and moved to National Office or vice versa. - -</p>
<p>Supporting the (roles) who were the victims showing empathy, professionalism, offering support and counselling and most importantly believing the victims</p>
<p>Talking to supervisors and leadership is not a safe option for some staff - Bullying is an isolated experience and treated like tapu - -</p>
<p>That (Organisation) need to recognise Bullying as bullying and not say it doesn't meet their criteria</p>
<p>The ability to discuss the behaviour with management was appreciated. - The member wasn't taken seriously when raising the issue with management until the PSA delegate became involved. - Many staff won't speak up for fear of losing their jobs so finding a way to overcome this fear is important. - Finding an appropriate place to discuss issues was difficult without too many staff knowing what was going on. - Having a clear process to try and resolve the issue written in the (employment agreement) is helpful so members know they are supported. -</p>
<p>The Action Line of the company was used & the details were clearly advised as to this case & thence onwards the bullying stopped mysteriously.</p>
<p>The allegation not brought up with the alleged bully in a timely manner, therefore not addressed immediately.</p>
<p>The alleged harasser is known in the organisation for their actions. They had been removed from people management in a previous case, but ended up becoming a people manager again, while the harassed person left the organisation. I'm very disappointed that this behaviour does not cause more repercussions for the aggressor. - Potentially knowing that there was not much hope for the victim they chose not to take bigger actions but left the organisation.</p>
<p>the alleged victim did not want to take it further for fear of repercussions</p>

<p>The alleged victim fronted the mediation with lawyers, so this placed greater emphasis on the alleged bully and accordingly, the (organisation) couldn't see past the threat of litigation, so the alleged bully became the bona fide victim and resigned after (substantial number)-years of employment.</p>
<p>The alleged victim preferred not to escalate to formal mediation, but agreed for the direct line manager to be notified. Strategies were discussed with the line manager around increasing social support and changing the workplace culture. The alleged victim also felt sufficiently supported by their clinical supervisor and immediate peers. Bullying behaviour appears to have resolved from one alleged bullying party, but reportedly continues from another. Contact time with the alleged bullying party has been limited. Ongoing social support provided, but the alleged victim is still reluctant to escalate to mediation.</p>
<p>The alleged victim was a pacific person who was too afraid, shy and not comfortable in approaching HR with his concerns. So straight from the beginning the process was alienating for pacific people. The processes and practices should take into account cultural differences and approaches. It should recognise that a 'one shoe fits all' approach does not work for a diverse workplace.</p>
<p>The bullying was not addressed and continued to escalate. - Was a lack of supervision of company worker and the person being bullied had to work in a different area to avoid the situation.</p>
<p>The case I had didn't end up being bullying but when the member used this word the process was about to be followed so we quickly established it wasn't bullying</p>
<p>The complaint was about bullying via emails from a manager. I asked the complainant to printout the emails so I could see why she felt she was being bullied. She did not continue the complaint and when I asked her about this, she never offered a reasonable explanation and never continued with her complaint. I see her around the office most days, so I took it she did not want to take it further.</p>
<p>The complaints came about due to the employer not understanding and following the proper processes for performance review and performance management. Agreed plans were not adhered to and the situations quickly devolved into harassment of the member by management. One bullying / discrimination complaint was initiated by management who persuaded other employees to make a complaint. A Code of Conduct procedure also devolved into harassment by management not sticking to the agreed plan.</p>
<p>The consultation process within the workplace is kept at the employee's level and is only escalated if a resolution cannot be reached or if there is a clear case of bullying/harassment which has to be taken further or to disciplinary tribunal. This works well, as it has minimal managerial input. - Education around what is and isn't bullying. What harassment actually is and the different levels and categories. -</p>
<p>The current process disempowers the worker because of the power and control inherent in a manager's position. The (organisation) and our Human Resource area are quick to take the side and represent managers who are in the position of power and control over the worker. So the worker become powerless. In terms of the process, I think the following sequence of events is important to gain an 'objective view' of what has occurred because when you look at the 'behaviour' and not the 'person' it helps you to remain objective. 1) Identify what the behaviour is 2) Identify specific examples of the behaviour 3) Identify how this behaviour affected the victim 4) Identify if other victims were indirectly exposed or directly affected by behaviour 5) identify how this behaviour affected other victims 6) Identify if the victim(s) notified management of the behaviour 7) Identify what steps the victim(s) took to stop the behaviour 8) Identify what steps were taken by the bully to stop the behaviour 9) Identify what steps were taken by management to stop the behaviour 10) Identify what steps the victim(s) took to escalate the concern, due to management's failure to stop the behaviour.</p>
<p>The current process does not work well for the victim. Long periods been meeting and communications drags out the process which drains the victim. Usually results in the victim leaving the organization before anything is resolved.</p>

<p>the definition of bullying makes it challenging, and more often than not, the employer will state its not bullying, despite the victim feeling bullied and suffering the effects of being bullied. Because of this I would suggest we don't focus on the fact the employee is being bullied but focus on the poor behaviour of the alleged and address this firmly.</p>
<p>The employer always needs specific examples. It is often difficult for the staff members to speak up for fear of being targeted. It is not safe for staff to raise concerns about a bullying manager. Often staff leave as it becomes a very stressful environment to work in once a complaint it made. The people leader starts continually monitoring the employee yet they have done nothing wrong. The people leader actively looks for wrong doing in the employees. Almost invariably the people leader takes it personally and not as an opportunity to self reflect and address a behaviour.</p>
<p>The employer engaged with a facilitator to conduct a restorative process. The process was never completed as the alleged bully left the organisation, but generally speaking I think it would be a positive process to utilise in future disputes that were minor in terms of their seriousness. - - Having said that, I think the employer didn't fully grasp the gravity of the situation early enough, and allowed the situation to deteriorate over time. The employer chose not to conduct a formal independent investigation, which I think would have given the employer an objective picture of the situation. The complaints were dismissed and the alleged bully was not held to account. It contributed to a period of intense stress and unhappiness amongst those affected by the alleged bully, until the person eventually left the organisation.</p>
<p>The employer expects the victims to go on leave while they investigate - it should be the perpetrators who should be stood down while there is an investigation. - Employees who make an official complaint are treated like criminals, and it's like a rape investigation, the victim is blamed in some way for being bullied, or for making a complaint</p>
<p>The employer had notified the member to meet at a certain time '9:30am'. The member was unsure, therefore going into the meeting blindsided. The meeting was around allegations of the member taking longer break times without no evidence of this. The manager went on here say. Following the meeting, a formal email was sent around the member's performance. Member felt bullied and belittled and personally attacked.</p>
<p>The employer identified the processes and practices. The employer delivered the message in a way to humiliate the employee and make her cry.</p>
<p>The employer is letting harassment and bullying occur in the form of very negative, unconstructive feedback of workers written documents or other e.g. power point presentations, engagement with stakeholders. Workers are feeling they will be poorly graded for any attempt at utilising their expertise. Workers are feeling the harder they try the worse the feedback will be. This leads to a very protracted type of constructive dismissal.</p>
<p>The employer needs to get onto it faster. - The alleged victims are getting little support from the employer.</p>
<p>The employer needs to listen and take concerns seriously and communicate concerns higher up to be dealt with fairly</p>
<p>The employer was the bully</p>
<p>The employer was very concerned and voiced this several times, and made sure I was clear of the process. - However as the complaint was about a senior manager in the region- I felt the RC was too close to the situation and my complaint should have been dealt with someone outside the region.</p>

The first step for most bullied staff is to approach their immediate manager. The competency, knowledge and strength of the manager will determine if the issue is dealt with or swept under the carpet. Very often, regardless of competency, the manager will be sympathetic and want the bullied staff member to feel supported. Sadly, this is often where the support ends. It is very rare for a manager to actually tackle real bullies on their staff. The managers will work with the bullied staff but run scared of bullies or the conversations required to deal with bullies and their unacceptable behaviour. I knew a bully in my team who bullied people for almost 20 years under multiple managers who ran scared of dealing with the aggression/fallout from the bully. Eventually it took a very brave staff member to go to an employment lawyer to force the (organisation) to remove the bully from the workplace. This case involved a physical assault where the bully who had manipulated the staff and managers with passive/aggressive behaviour came up against someone who wouldn't bow down and so was hit. - - - -

The HR person I have dealt with is very skilled, patient and kind but always direct and clear about the current situation – (organisation) gave me plenty of time to be able to properly support the member this was key to process as I could calm and encourage our member to take the right steps - no rushing the work

The HR manager was quite collaborative in resolving the issue. Generally the process was good. However, the management culture may contribute to the case. However, I feel that the management is more interested in resolving the case rather than a reflection on the management culture

The HR person (whom is a personal friend of alleged bully) walked into the office and witnessed (in front of others) the alleged bully standing over another employee yelling abuse at this co-worker and waving her hand in a very threatening manner. So the HR person couldn't ignore it or play it down as she had done many times in the past. The HR persons response was to drag all of the co-workers and the alleged bully into the meeting room some hours later and have us all sign a code of conduct form. thus implying the co-workers were at fault and yet again nothing was done about this persons continuing inappropriate behaviours.

The HR representative was kind, respectful and appeared to be interested in what the member had to say. Options were offered for the member to trial by the HR representative. The issue is still pending as we are awaiting a review towards the end of the month. - I think the HR representative could have been more compassionate to the member e.g. be more attuned - in noticing the uncomfortable body language that was expressed by the member. - - -

the (job title) in this situation, doesn't like to be challenged, when I asked her questions that undermines her as a manager, things get nasty, work is taken off you, she will only guarantee the minimum hours or 17.5, she tells the whole team what you have been doing so that they can gang up on you as well, I would like to sit down with my (job title) and the whole Team so that they can have a better understanding of my role as a delegate, the (job title) is giving them incorrect information about the PSA

<p>The manager and her manager involved were very biased about the situation and my experience of the situation over a period of time (and based on my investigation and discussions with several unbiased witnesses was that that particular work environment (work unit) - was a well known completely toxic environment). - - HR took no interest and as far as I was aware provided zero support to either party - they should be trained to deal with these situations and to at a minimum ensure managers are far more fair in their investigations and treatment. - - In the case I was involved in there were witnesses who spoke of contradictions in the accusations and evidence that the alleged Bully was in fact the victim of toxic bullying herself over a prolonged period - there were accusations that the bullying that involved the team leader and these were never investigated. I have no doubt that there was some bad behaviour on both sides - neither should be tolerated - but I don't believe the appropriate solution in many cases is to allow this to become an adversarial situation where there is only one winner and one loser.... - - The alleged bully was 'punished' quite unfairly to my mind and all it did was embitter her to believe she had been picked on...reinforcing her disaffected attitude - rather than providing any ongoing improvement in what was already a toxic work environment. - - I believe that in situations where bullying occurs there needs to be far more engagement in supporting Mgrs to investigate fairly (challenged by HR to ensure they are following protocol) and to introduce solutions and internally mediated discussions (by internally trained senior staff, eg delegates)- which should be aimed at a win win approach. - -</p>
<p>The manager should not use a speaker phone with other staff in the same room as himself when disciplining a staff member</p>
<p>The Managers often talk that bullying is not allowed but do not follow rules</p>
<p>the mediation did work well however the flow on effect that I saw made the process superficial in the long run</p>
<p>The mediation didn't work as the bullied person still had to face the attacker daily and did not feel safe in the work situation. The company did not review the situation openly or honestly and the bullied person ended up leaving the company very stressed and unsatisfied with the situation. - In some cases external investigations should be done as internal one do not always work as it comes down to not what you know but who you know.</p>
<p>The mediation process for 2 of the employees was too slow hence my comment above. It should not have required myself as a delegate to raise an incident report</p>
<p>The mediator was and is fair and has tried to find a way forward but has been stymied by the Dept's lack of willingness to address the issues raised. this has led to the face to face Mediation being adjourned and re-convening via shuttle e-mail contact. (matters remain unresolved).</p>
<p>The mediator was not as skilled as I would expect.</p>
<p>The member should be notified if they are doing something wrong not to surprise him/her at the first meeting.</p>
<p>The member was afraid of making the situation worse if she reported her manager for bullying while still with the (organisation). Once she had resigned she was asked to do an Exit Survey on (system), which she did with me. We were very clear in asking for a full Exit Interview with P&C, but it took several phone calls (including one to the Acting Head of P&C at the (organisation)) before we got one granted. In a small town we were very concerned about WHO in P&C would be part of the interview, so were pleased to have someone not connected to the area. We are still waiting to find out if this complaint will go further.</p>
<p>The members are not coming forward to give a complaint and they are scared for their visa . In this case I can't represent without their consent</p>
<p>the need to escalate often via the line manager, who can also be the bully, is a major disincentive.</p>
<p>The person being complained about declined mediation so the matter hasn't been resolved yet</p>
<p>the person I represented didn't feel like it was worth going to mediation as they believed it was a waste of time and would not change the behaviour</p>

<p>The policies are good in theory, and the messaging from the top is good, but none of this has gotten to the root of the endemic bullying culture throughout our organisation.</p>
<p>The primary barrier was that the people involved (there were more than one) did not want to identify themselves. - They all thought they would be targeted and career prospects would be damaged as the alleged bully was a manager. - A number of staff transferred to other offices as a direct result of the manager's behaviour. - We have 2 delegates in our office and we approached the manager together to raise the issues and discuss what might need to happen. - Although the manager was open to the discussion and staff reported that there were improvements in the manager's behaviour, I later learned that the manager had targeted me. - The manager spread gossip and misinformation that absolutely impacted on the way I was viewed by other managers and staff. It was exactly what the victims were afraid of which proves that their fears were totally valid. - 1) the concerns raised should have been taken seriously regardless of if the people directly involved would not come forward - 2) we, the delegates, should have been believed instead of being told nothing could be done - the manager had told people that I had a personal vendetta against her and the concerns were mine alone - surely we should be able to represent our members without being vilified, nobody bothered to talk to me about this at the time - 3) we, the delegates, should have been supported - how are lower tier staff expected to hold someone to account who has power over them, we were left totally on our own to deal with it and lead to my resignation as a delegate - 4) the manager should have been monitored - this doesn't need to be the same as a performance review or anything formal, I believe that just the knowledge that the manager was being monitored would have reduced her ability to spread lies and gossip</p>
<p>The process is quite slow, quite time intensive, and can be daunting for the person making the allegations.</p>
<p>The process is slower in term of investigating and dealing with bullying which does not make is a serious matter. This makes bullies continue to abuse others verbally or physically as they are not afraid of the consequences of their actions. What works well is to emphasise the need for respect for others and different cultures. When ever bullying is reported, investigation should not take weeks to be effected as this traumatise victims feeling like they not valued.</p>
<p>The process left the victim feeling victimized further , Harrowing experience and very emotional for the victim , Victim did not receive the restorative justice that they were after or acknowledgement or support from the organisation they wanted ,Whole process relied on the victim providing detailed accounts of what happened when and being challenge on the information they supplied , Dealing with HR can be very traumatic , instead of the bullies receiving any sort of well anything ..., they were promoted to another area within the organisation. The employer followed process was patient and allowed the victim time to discuss concerns but never validated her or her accusations , when the victim wanted to know what action they were taking as an organisation against her bullies , the employer hid behind bullies privacy and would breach personal information . victim was left broken , especially after all her honesty and Immense effort to comply and retell her stories</p>
<p>The process of sorting it before it needs to go to mediation works well.</p>
<p>The process of speaking to the bullying victim, with a support person present and giving the victim the chance to confront the bully and tell them of the result of their bullying has worked when the victim has felt strong enough to deal with this action.</p>
<p>The process simply gives more opportunities for abusers to attack targets</p>
<p>The process takes too long to be dealt with and the employer has all the control and resources to support them where as a lone employee can feel very alone and unsupported and emotional not in a good position to fight sometimes and just wants things to end and the bully gets away with it!</p>
<p>The process was flawed. The manager who was responsible for the bullying had the ear of their manager and explained it as just performance management. However the witness (another staff member) considered it bullying as well. The witness was advised to stay out of it by the senior manager. This didn't go to a formal investigation and the member just wanted us to assist with them leaving the organisation and receiving stress leave</p>

<p>The process was ok. At least the issue was able to be put out there and management had to respond. Sometimes it can be difficult to prove but it did have the effect of letting the perpetrator know that if the situation didn't improve we would have to take it to the next step.</p>
<p>The process was positive resolved at a low level. I have to say the Manager who conducted the process did all the right things to my mind and the assisted member felt heard, had a voice and a ongoing plan was put in place. In checking in with the member over a period of months things have improved.</p>
<p>The process was terrible! HR are all the nice words, no action taken And the bully is still a Team Leader bully in the workplace. - So no change</p>
<p>the process was touched by many hands and it would have been good to have continued visibility of the issue beyond my active involvement.</p>
<p>The processes and practices in place are designed to be fair on both the victim and the bully. However, the victims are reluctant to come forward and be identified</p>
<p>The processes and practices used were excellent as the situation was dealt with without escalation, and to the satisfaction of all parties.</p>
<p>The processes are in place, however the managers fail to adhere with the practices and policies outlined and continue to bully staff. I have a zero tolerance when staff or members have been the victim of workplace bullying and ensure I collate evidence and if possible witnesses before presenting my case to the (Job title). - Every site operates differently and my (job title) also has a zero tolerance for bullying in the workplace.</p>
<p>The processes seem to attempt to try and address the situation however in one serious case that I have been involved in the investigation was carried out by an outside contractor who was of being paid by the organisation which must create a conflict of interest. There seemed to be a serious attempt to downplay the situation and fudge the findings. The victim was definitely the loser in the process.</p>
<p>the processes seem to work well and give confidence that this could be planned, to work. But as experience shows, there also needs to be OPEN minded participation from both parties involved. Individual choices, can prevent what's in place to work in a different flavour!</p>
<p>The processes used by the employer was not good enough, meaning time that took employer to gather everything and make decisions on the issues. The only thing that work well was by the time decision as made the victim has suffer more. - - The only thing that could be done better is the time that it took to investigate the allegations.</p>
<p>The PSA system work reasonably well the employers processes did not contribute well to the process, seems like they tried to change it to a non event by taking other course of action</p>
<p>The Regional PSA Organiser that dealt with this situation was excellent and was able to advise the staff delegates of the appropriate procedures and forum to have had these issues dealt with fairly, transparently and safely. As a Manager Delegate, I have concerns that manager members are often very vulnerable when staff are making allegations of workplace harassment and bullying. Staff need to be very clear on the difference between managing performance issues which have to be validly addressed by the (organisation) and actual bullying and workplace harassment events. - - I have also been involved in a bullying and workplace harassment allegation claim where the outcome was found to be completely unsubstantiated and the investigator referred to the possibility of malicious false allegations being made by the staff member and the need to take care and caution around that.</p>
<p>The site manager plays a pivotal role in the resolving of bullying by supervisors hence after meeting with all concerned this issue was dealt with. Regular (job title) forums are and have been crucial in keeping staff safe and identifying any issues early. These meetings with frontline staff have given them the confidence to speak up. Bullying is now not tolerated in our site and (job title)s are quick to speak out against it.</p>

<p>The standard process of informing your direct up-line manager in some instances work well when you have a supportive understanding manager. However recent situations have arisen where the issues/concerns have been about the line manager which has been difficult to navigate through. - Since the issue/concern was in regards to the direct line manager, the matter was then taken further to the 'operations manager'.</p>
<p>The system didn't seem to work. I was also a victim of bullying and nothing appeared to be done about it.</p>
<p>The threshold for accepting that bullying has occurred is very high. I understand why this is the case. Two of the cases I worked on received tacit agreement from (organisation) that bullying had occurred and this led to some reasonably good outcomes for the PSA member, but nothing much for the alleged bully. I understand that they can't be disciplined when there is no investigation, but it would be good if there was a way for (organisation) to step in and provide training or other support to the bully when they consider an allegation to be serious. Something that can work towards preventing future harm.</p>
<p>The timeframes were REALLY slack. it dragged out for like 18months-2 years I think</p>
<p>the turnaround time for dealing with complaints was not good enough, they need to be acknowledged within hours - Internal staff are not trained to deal with ppl in situations - they quickly jump to seeing if it meets the definition.</p>
<p>The union staff member who supports our workplace pointed us to the Worksafe website, which was helpful. I was encouraged that management took it seriously once it was raised with them.</p>
<p>The victim backed away and accepted the bullying.</p>
<p>the victim did not proceed as fear of retribution from their group lead,</p>
<p>The victim was articulate and also engaged an employment lawyer, both of these factors were instrumental in reaching a resolution.</p>
<p>The (organisation) in the past have not dealt with the Bully (manager) They have had 2 PG ruled against them successfully and they've been taken off managing two separate services. Yet the (employer) still allows them to get away with the behavior. Because they have not been dealt with the people concerned have no faith in even speaking up anymore.</p>
<p>There are generally closed conversations behind doors with the employee under severe pressure and inability to ask for or be provided support on short notice and generally one-sided conversations and</p>
<p>There could be guidance for what to do about bullying from other government agencies staff</p>
<p>There have been three situations where three different members felt not so much bullied, but where someone in authority had behaved in a way that made them feel disrespected. In each situation I agreed that the situations warranted some discussion and supported them in meetings with the other person. One situation was fully resolved after one meeting, one took a few meetings, and one took many meetings. - Employer support was present for all discussions and this was useful in showing that the ministry takes relationships between staff seriously. I felt like they were also able to take some heat out the situations. - There was a fourth case where I observed someone being bullied in a meeting (pretty strong denigrating language that was done persistently). I got in touch with the bullied person afterwards. She said no one else had noticed, it had been going on for months and she didn't know what to do. I thought it warranted a formal complaint, but she decided to talk to the person directly herself. The person admitted the behaviour was wrong and apologised and said it would stop. The bullied person left within a couple of months without making a formal complaint.</p>

<p>There is a clear pathway now regarding bullying, so this is useful. The problem is that bullying allegations need evidence and specific people to come forward. This is impossible if the bully is a manager and friends with the line manager. They just deny everything even when there are witnesses. They then turned around and blamed other staff of bullying them.</p>
<p>There is a culture at (organisation) that seems to sweep this problem under the carpet especially if it is a manager. In fact one manager in particular that Regional are well aware of, was given the Regional Director role whilst the Director was on holiday for 2 weeks - not a great thing for staff who have been bullied to see someone elevated to such a role</p>
<p>There is a policy and guidance; however, it is not well known / communicated</p>
<p>There is no transparency about the process. There is a flowchart of what is supposed to happen but the person who is bullied never hears any result or outcome of the investigation</p>
<p>There is the sense for staff that Human Resources is there to protect the business from staff, not staff from the business. As such, when the source of bullying is management there is feels like there is no one that has your back and little faith in any business systems and processes that would result in actual consequences and positive outcomes, while protecting staff from a further negative experience in the process of raising their concerns. This is especially so at worksites that are an isolated part of the business - we have no permanent on site HR rep, and have a single line of management on site. In the cases I have been aware of, no official processes were initiated by the affected staff relating specifically to the bullying behaviour. Most often bullying behaviour occurred within circumstances like restructuring of positions/business, and as such the attention and focus was on discussions regarding the change proposals and change processes themselves, rather than associated behaviours. In other instances where bullying lay outside of change management, staff have not been willing or comfortable with progressing any formal complain on bullying. This being down to the first comment - there is little to no support for staff. Staff will need to go to a person who is remote to the site, and thus will not have their own understanding of day to day relationships and work at the site. HR processes are incredibly unclear. There is very little transparency for the sake of staff. Much good is documented in processes, but the reality of actions does not support 'the talk'. As such my role for staff has simply been a sounding board. I have raised behaviours myself with HR, and as a consequence was myself berated and threatened with formal complaint because the HR representative felt 'attacked' by my making comments about management's behaviours and actions. I have raised concerns and events with PSA and have been supported and understood here. However, it remains incredibly difficult to get any meaningful traction and engagement with the business - as a site specific level and overall organisational. Behaviours have been allowed to embed and are not brought to light and there appears to be little real, meaningful direction and action from each successive level of management. Again there is a lot of good talk (e.g. (organisation) is undertaking a culture survey), but staff have no transparency or visibility on actions taken to address bad behaviours when they occur, or active education and training of managers to instil good behaviours and clear direction and actions of good behaviours from management.</p>
<p>There is very little accountability on people in senior role, especially managers. Members are expected to take a personal grievance case to get any change, even when there have been multiple employees experiencing bullying. Previous complaints against the bully do not seem to be taken into account when escalating concerns.</p>
<p>There is very little to share about what works well when advocating on behalf of members in cases of alleged bullying and harassment. A cultural awareness approach would go a long way to alleviating the arduous task of cooperating with employers better and more efficiently.</p>
<p>There needs to be an option for dealing with alleged bullying by the highest management that provides confidence and confidentiality for the alleged victims. In our case we have a workforce with peculiar and specific wellbeing concerns given high incidence of trauma etc amongst a peer-based workforce.</p>

<p>There needs to be changes so that the process doesn't re-victimise the victim. In all the situations I'm aware of the process has ended with a much worse outcome for the victim than the bully. Bullying is also hard to prove so there needs to be more that can be done inbetween for issues with relationships among staff.</p>
<p>There needs to be different people being the investigation and the decision maker as they are the same people at my employment and usually the one up from the leader, which has always resulted in the claims being unfounded. Very unfair. The length of time to undertake this process was also too long for all parties.</p>
<p>There needs to be more ramifications for Managers who are bullies. The wrong people seem to be promoted a lot.</p>
<p>There needs to be someone else that staff can talk to when there is a conflict of interest in the team.</p>
<p>There needs to be zero tolerance for all staff within the (organisation). I have witnessed and been subject as a delegate and a staff member from hideous bullying behaviour from one manager. I want to note that this manger continues to behave in this manner in front of the (organisation) HR advisor and other staff members, both leadership and other staff. To be honest, she makes many people feel unsafe and has had many health and safety notifications against her, yet it would seem she remains untouched nor changes her behaviour. She is verbally abusive, deliberately isolates and uses her 'role' as a weapon. She is a dangerous dangerous person to be in leadership within the (organisation). Things have become to untenable for me as a delegate, that I have had to step back from supporting a PSA member to become less visible and the member is being supported to a higher degree by the regional PSA organiser.</p>
<p>There was no mediation</p>
<p>There was very little about the employer's response to the bullying complaint that was productive. Everything MBIE did and said was targeted at intimidating the employee to back down. They did not attempt to investigate the claims or ensure the workplace was safe.</p>
<p>They are generally pretty open to talk but their attempts to insist that an informal process precedes a formal process is not always helpful (and I think they act as if it must be this way, rather than their preference)</p>
<p>they did speak to person affected - unfortunately the person felt like they were the one on trial</p>
<p>They didn't want to acknowledge it was bullying at all. It was swept under the carpet even though the person has various similar complaints against her .</p>
<p>they don't take it seriously, Manager spoke to person but they should have been given a warning. Maori women are more likely to experience bullying in the workplace but its not treated seriously especially when you have to represent yourself, after being verbally shouted at in front of the client, locked out of the house and physically prevented from doing yr shift. The person that did the yelling and screaming was encouraged to stay on the shift by the call centre staff I went off was not paid and to add insult to injury had to chase down my own pay .</p>
<p>They handled it well.</p>
<p>They listen to the person concerned but do not seem to deal with the bully appropriately, because sometimes the bully is just shifted to another department to cause the same issues. I think the bully needs to be sent somewhere where they can get help to stop their bullying. They should also be monitored and put on a PIP plan, which to my knowledge has not been done.</p>
<p>they need to believe the victim and not just pass it off as 'personality differences'. Act immediately instead of waiting until other complaints are made - some over many years.</p>
<p>They were very understanding and very compassionate with the victim</p>
<p>Things can get better, however sometimes the bad behaviour comes back and it is not monitored by management or HR.</p>

<p>This incident was a botched HR process absolutely appalling with no time frames, inconsistencies with the investigative process, treating the person with an allegation of bullying as 'guilty' from the very start totally punitive process by HR- whom very early on into a 9 month investigation proved that she was incompetent to lead the HR process. (organisation)- HR and its process has totally destroyed an employee whom has not had a blemish on her HR record in 26 years reducing her to an emotional mess, on anti-anxiety medication (of which she has never taken before) extreme stress hives all over her body, inability to sleep or concentrate, and the strong medication she has been on for high blood pressure coupled with anti-depressant medication has caused this person a severe kidney injury, and she is unable to return to work. Not only did HR fail this employee but so did management with no supports.</p>
<p>This Meeting wasn't exactly for bullying however, the (job titles) appear to have an agenda to try and remove a certain (job title) from the (work) Unit. This poor (job title) is currently at her wits end and just feels under the pump all the time. Doesn't help when some other (job title) are also putting the boot in (docking trivial incidents). Management more or less have put this (job title) under a Time & Motion process, however the problem is that the (job title) doesn't have too many computer skills so I believe they should have focussed on getting this particular (job title) the additional computer assistance/courses to complete for additional confidence rather than go straight into a Time & Motion study. I feel in a roundabout way, this (job title) is being targeted. This is still an ongoing issue for this (job title). Despite the pressure this (job title) has been put under, it is still a credit that she even turns up to work her Shifts.</p>
<p>This process is still ongoing and in the early stages so can't fully comment yet.</p>
<p>Time to prep for mediation. Delegates and members have difficulty obtaining time to take instruction and prepare for mediation. The (organisation) raises new, unconnected issues at mediation that detract from its purpose.</p>
<p>Timings, it helps when your notified straight away of the situation so it can be dealt with straight away. - All the available resources is present and managers are involved. - Dealt with at an appropriate level and managed accordingly. -</p>
<p>To be listened too - having transparency and being fair; Management support their own & not the employee; - - Having independent mediators.</p>
<p>to confirm all allegations made against the alleged bully was correct</p>
<p>Transparency between both parties and a willingness to adopt culturally appropriate methodologies to resolve differences</p>
<p>Transparency of the process.</p>
<p>Tried to keep this at ground level, but it was raised on the 17th Feb still not resolved as of 3 Mar. This is between 2 colleagues - (females), each having different T/L's. Dragging it out is causing more tension and feed back to victim is practically nil.</p>
<p>Two cases; the employer in one case ignored the allegations and continued to allow the managers behaviour to carry on for many years across several areas of the business; it was not until a new manager was appointed that the alleged bully was relocated to another part of the business. This person is still employed and behaviours continue to be unacceptable but they now have no staff directly reporting so the issue is mitigated somewhat. - In the second case, I advocated for the staff member directly to an executive member of staff who directed the issue be dealt with by the alleged bully's manager. This resulted in one on one meetings with the affected member and members of the leadership team but wasn't fully resolved. It has since been 'fixed' given a structure change resulting in the alleged bully being moved to a new role.</p>
<p>Unfortunately the employer is the bully, or supports the bully</p>
<p>Unless the victim is willing to stand up and be named it would appear the bully is protected under the guise of fairness and natural justice.</p>

Using an external investigator. Due to the Covid alert level at the time, we had to connect virtually - I believe these conversations are better face to face. In the future, I would delay a meeting for this reason.
Usually the bullying happens from a senior manager so the organisation can't be impartial as they protect their reputation and senior staff. I think that both should be given time off pending an investigation by a neutral person/s
Very poor communication from managers to even acknowledge or take seriously allegations of bullying from other staff members. Very slow management response and unwilling to address. Communication and management from the top very lacking. Due to this 2 PSA members have resigned, one member had advised she was taking a personal grievance.
Victim didn't want to pursue as the burden of proving evidence and perceived risk to professional reputation is too high.
Walking the talk. Its not enough to put up posters and yet ignore calls for help . - Education on cultural differences and workshops with role play - Acknowledge people are involved and not refer to Policy
was all the employer side
Was handled in house. I had to be strategic and meet with those employees getting bullied. Got every one to document time, date, place, who was present what happened. I sent through information to be put in the workplace monthly panui on what bullying was and contact numbers for information and assistance. Was able to get anti bullying policy developed outlining clear procedures and guidelines.
was top heavy with preconceived outcome. - Nothing really changed as management felt they were not bullying. -
we are currently waiting to discuss this issue directly with HR
We have a formal and Informal system...most members take the formal, as gives more protection to them in the future. - Removing the bullies will always solve the problem, unfortunately it's the victim that ultimately leaves.
We involved PSA officer (location), but the staff member in that situation resigned from the (organisation) because she could see there would be no change in her immediate manager's attitude towards her. - Second PSA member who feels bullied refuses to take her grievance further because her immediate manager has a history of bullying but states that manager is supported at (part of office) level regardless of the history of bullying behaviour.
We requested a face to face with our (job title) to advise of the problem
Well - Being able to comment on the bullying in the presence of the employer. - - Poorly - Being blindsided into representing a member in a crisis situation without the counselling training that would keep me as a delegate safe. - - That the process for reporting and dealing with bullying is out-of-date and a little unclear. It seems to belong to a previous generation of top down discussions. - - In another situation working as part of a process where a male manager purported to be doing one thing but then did another by failing to hold relevant follow up meetings - clearly behaving badly towards a particular female who later left employment.
Well: Only when the investigation is external. Internal investigations can be fudged to suit the outcome desired by the employer. - Better: Honest and well intentioned employers, prepared to acknowledge shortcomings and prepared to address them rather than sweep them under the carpet.
what could be done better is leadership team of the employer taking the time to address the issue of bullying immediately and taking the voice and complaint of the employees seriously. They should stop trying to mask the issue of bullying, own the fact it is prominent in the workplace and lead by example how provide a safe and kind place to work in. They need to stop working in isolation (leadership team only) when more than one employee feels unsafe at the workplace
what didn't work well was the people in HR hearing your accusations are also friends and colleagues of the Bully so you know that nothing will change.

What worked well was having an outsider (mediator) coming in to lead the process.
What worked well was that the employer brought to the mediation their lawyer and the (job title) that the alleged victim reported to.
What worked well was the responsiveness of management being very fast to setup meetings and correspondence to deal with the allegations. - What didn't work so well was the focus on 'keep the business going' in all the processes. When the victim or bully are working on key projects/tasks those tasks are not paused, therefore, completing the work becomes more important than addressing the allegations. This has the effect of 'protecting' the bully over the victim particularly in those cases where they need to work together for those allegedly 'essential' tasks.
What works well - staff being informed of the process prior to any incident occurring. - What could be done better. Managers taking the allegations more seriously and not trying to minimise what was said or done.as this delays any action or discussions being taken and noted.
What works well is having the correct facts. Sometimes the whole picture is not said up front. Also the messages are misconstrued. Putting it in writing also means it cannot be ignored.
What works well is the process for the alleged is smooth and well coordinated, the part of the victim (I hate this reference btw) is not so easy. 1. they have to bring it forward. 2. they are left feeling exposed 3. they are the ones that end up having to deal with the after affects of disclosure, once everything calms down. 4. the process of support for the victims are lacking, feels that once it is done, that's it, we need a process in place that will continue to support them until they are fully able to carry on normal duties, possibly with the perpetrator (I don't like this term either) still nearby.
What works well? From an alleged victim perspective, not very much. - - What could be done better? - Unfortunately, those I have supported have felt as though they have been revictimised during the process and that the alleged victim's claims have been minimised and excused and the alleged perpetrators have been supported by management more than the alleged victims. The issue is now 2 years old and still hasn't been resolved. - - Having good communication, management acknowledging the issue and talking with the alleged victim within 24 hours rather than a week later, giving time for the alleged victim to process and not pushing them straight to restorative mediation - especially in the case of sexual harassment, not minimising, excusing or brushing the issues under the carpet, better support for the alleged victim rather than supporting the alleged perpetrator, actually conducting an investigation within the first 7 days no matter what the allegation is, employing competent people, not forcing the alleged victim out of their role because they 'blew the whistle', not protecting the alleged perpetrator....I could go on. (organisation) has a terrible set of processes and practices that make the situation worse for the alleged victims rather than supporting them
where managers and staff work together in partnership to sort things out
with a change of manager, she is attempting to ease the tension of bullying issues that have been around for a long time. - Communication of what is happening to address the issues is not clear
With a group or team situation, that was easier because harder for management to argue with multiple people.
worked well was having the victim move to another area of the floor away from the person who was bullying them . Recent one was to have the victim work form home while waiting for an outcome . What could have worked better was for management to deal with the issue sooner not let it go on for so long
Works well - They did not jump to conclusions that the accusations against the member were true - - Could be done better - for the member who was accused of bullying they dragged the process out over several weeks, resulting in severe stress and the need to take leave for the accused member - - Could be done better - they didn't explain to the members that the other party had a right to privacy so any actions taken with respect to them might not be disclosed - - Could be done better - bullying and harassing managers do not seem to be managed at all. The employer fails to take opportunities to identify bad behaviour by managers (excessive leave, poor satisfaction survey results, lots of people leaving) and doesn't protect staff from them.
works well in some aspects but it appears the case is still not being addressed

Works well: A portal (not well promoted within our business group) for submitting suspected bullying or other unethical behaviour, anonymously if desired. - What could be done better: Clear and supportive process for empowering a person who feels they are being bullied with the information that they need to clearly document and support their view of what has happened, and to know at what point they may have a fair chance of making a claim that will be actioned in a manner that stops the bullying and minimises the chances of it happening again.

Works well-the alleged victims speaking out about it and assisting them with a pathway to resolution. Alleged victims telling someone who can assist in fixing the issue, is a big relief to them and a weight off their shoulders
- Not so well-(organisation) being defensive

Appendix C

Comment received in response to question “Thinking about mediation,

1. As above a balanced approach - 2. Open and honest conversation - 3. Acknowledgement from both the bully and victim of inappropriate behaviours / performance - 4. coming to an understanding of each other’s position and perspective on the issues
A legal definition of harassment should be provided to members, so a defensible case can be made. - Statement of problem should be prepared first. - Reinstatement of members should be the priority. - Penalty for the employer (the bully) should be made as has caused emotional harm. - If line manager is a PSA member then of course support should be provided to them to minimize impact on their work.
A mediation process would have been beneficial for both sides, but as stated above the employer did not deem it as bullying.
A meeting took place, but I wasn't involved
Again the third party mediator cannot do anything if the bully decides they don't want to compromise. The mediator is bound by privacy law and therefore cannot discuss who the real culprit is with the organisation. Mediation is a place where the bully has a platform to say what they like with no repercussions to them. This process is often more stressful to the victim (having to confront and sit in the same space as the bully) than anything else....it doesn't seem to be a good process. Would be better if interviews were held separately.
Again with this experience is to make are all allegations are validated
All was resolved effectively
Alleged bully did not agree to mediation
Alternative mediation process for two. - Highly unsatisfactory approach because the problem and the power distribution is not an interpersonal relationship problem; it's a power and control problem where one person is granted more power by the organisation. The best you can hope to get out of mediation is \$\$ to go away, the worst just added a tag team to the bullying. Then the delegate gets to deal with exactly the same problem with the same manager on a rinse and repeat cycle.
as above. the meeting was arranged to talk about processes and communications, instead of dealing with the actions, and behaviours of the staff member concerned.
As the case in 3 the investigation was carried out with a bias toward the organisations manager. In another case the Human Resources department was involved and any remedy was extremely slow being delivered.
Awaiting first mediation in support of a member so will wait to see how that goes
Because HR and management botched this investigative process through total inexperience and incompetence there was no way that mediation was an option.
Being a delegate support, the member was confident that the support was available
Being able to resolve bullying informally
Being able to talk about it in open was useful but the outcomes did not solve the issues.
being able to talk as sometimes the message is mixed and can be fixed
Being listened too - more accountability - Outcomes to be given timeframe
better prep for the member and giving them a mor realistic understanding of the process and what would be discussed
Bully was not asked her side of the story and was not given opportunity to tell her side.
Clinical leader came across to have 3 hour meeting with our supervisor and 4 staff members to process this situation that arose on 1st Monday when we went into covid. level 3. This was resolve however one staff member continues to have ongoing issues with (manager) even though the supervisor resigned last week but she made some allegations of conduct behaviour which we thought was resolved however this has been continued on and this is not the first time the Clinical leader has caused issues with this staff member.
Could only give advise , not able or willing to do the hard yards.
Departments HR delegate seemed to just listen. Organizer encouraged and guided the member to tell their story. No forthcoming engagement by HR Rep. - - HR representative & PSA organiser should have communicated / included the delegate in advice of actions and next steps from the Department. As a delegate I have no knowledge of outcome

Dismissed
Employers still tend to put the blame in the person been bullying and require a lot of proof from the person, which it not also easy to provide. Alot of bullying it done by groups of people against one person and is not witnessed.
Every complaint should be fully investigated.
Everything could be done better.by management. They are amateurs at handling things like this. Probably because there is so much bullying in the (organisation) it is just accepted as the norm.
external investigator handling the process
Face to face contact works well what could be done better empathy believing the victims support
For both sides to be able to speak, not just the victim to provide clarity on any personal issues that maybe the root of the problem.
For this situation, my (manager) needs to understand the role of the PSA and the PSA Delegate
Formal mediation worked well as it allowed all parties to have a frank open discussion and management had to listen
From personal experience, I felt the mediation service was under-prepared and focused on an outcome where everyone walked away happy. - HR within (organisation) is generally pro management to the point of being anti-front line staff.
From what I've been told by someone that went to mediation, it is a good process. It's handled fairly and equally and it makes (organisation) follow employment law. It forces them to comply and act like a 'reasonable' employer.
Getting issues to mediation appears to be complicated and can take a long time. In a busy work environment, many (most) will give up which leave to fatigue and potentially leaving the workplace.
Good - everyone sat down and worked though - Bad - follow up was terrible
good understanding of the matter at hand. listening to each other.
had a senior leader who admitted the wrongdoing by a TL and corrected it. This was great but it shouldn't have got to this point in the first place. it is very rare for senior leaders to admit any faults as well.
had HR in as the middle man watching and listening and just guiding the meeting and PSA delegates also as listeners and stepping in if required
Time lag and unavailability of Kai Rongonau - independent Maori facilitators is an issue.
having an impartial 3rd party person worked well
Having mediation is good. - Need someone from us to take minutes of these meetings. Or recording these meeting would be better.
Having someone outside the teams to mediate.
Having the time to be able to communicate with the two parties and then being able to get them together to negotiate closure.
Hearing both sides in a non-threatening environment by a neutral person works well. Some form of mediation should be used as first or second option especially when it involves the one up / 2 up.
HR matter. When investigating I find that the persons who are involved are asked to write down what happened. this in effect puts the person bullied into a precarious position. EG. This is the investigators job and should deal with the delegate not the person bullied.
I did assist in a successful mediation for wrongful dismissal and was impressed with the PSA coordinators direction and knowledge of employment relation obligations. An enlightening experience.
I didn't assist in mediation, the PSA Organiser took over from me.
i had to release the support to the organiser as i had personal business
I handled any case that has gone to formal, external mediation, only meetings with the member and HR.
I have not known any situations in (organisation) where serious issues have been allowed (by HR or management) to go to mediation and I think this is a serious gap. people deserve more support from their Union to push for this and for more internally trained mediators as well as external
I think independent investigations work well but could dig a little further and have more accountability with what the end outcomes are
I think mediation can be very beneficial depending on the competency of the mediator in facilitating the mediation and keeping every body on-track.

I think mediation would have been useful in the situation I am thinking of. The organization was not in support of mediation and, in my personal view, protected the person alleged of bullying.
I think more knowledge of employees rights is needed on both sides.
I think training needs to be given regularly to the staff supporting these cases and to staff generally so that when something happens both sides are aware as much as possible of their responsibilities.
I think what didn't work well was that the member felt blindsided so if the initial invite for the meeting had context then the member would have been prepared for the meet.
I though the mediation went very well. For me in this particular case I had assistance with a PSA Organiser
I thought it went well. Unfortunately, the bullies I have come across (not a lot to be fair), seem to have the upper hand as they don't have to provide the evidence and denying the situation is easier than proving it's existence. My observation is that in the early stages of a bullying situation, bullied victims doubt what they are sensing and don't capture valuable information until a situation has escalated to something that is untenable.
I was not involved in the mediation process in the cases I was involved in as members had opted to do this with their manager and a facilitator
I was not present at the mediation meeting, the union organizer was there at the time.
I was not present at the mediation processes when a few cases were taken this far. This was handled by a PSA Organiser.
I went to mediation with an ex-member on another matter - the employer bullied the ex-member at mediation. The mediator of course could do nothing - it was horrible.
if only the Management follows the process to its entirety can this issue be resolved
I'm not sure any cases I've worked on went to mediation. There have been meetings between parties but these were handled by HR rather than an external mediator. One of these meetings was good because the HR person was sensitive and the parties were will to listen to each other.
In our case mediation was obviously not working but management persisted with trying to fix the problem rather than recognising that the situation was irretrievable
In the situation I was involved in, both parties and the employer set out a 'contract' of what a resolution would look like and signed this. Mediation was through the EAP. However, it was clear from the offset that one party had no intention of working towards the outcome that had been agreed to. The parties continue to work together in what I often a tense and difficult relationship.
In this case an external investigator was brought in to investigate the bullying and other problems in a department. The bullying was part of a larger investigation.
Initially mediation was implemented internally when that failed external mediator was sourced. - Manager involved was calm and consistent in the messages delivered to both parties. - Manager obtained support and guidance from HR support team to ensure she followed policy and process. - Support was provided to both parties throughout the process. - The HR support team (of 3) were consistent in their support messages, delivery and stance.
Issue went to PG on discrimination grounds and is unresolved.
Issues concerning kaimahi on the 'ground' are not followed through. Our concerns are not treated as 'important'
It appears the bully apologises and everything is meant to disappear. - It is said in (organisation) to prove one is a bully there is a very high thresh hold that must be reached. - Employers need to promote anti bullying under Health & Safety which is not happening, this should be on going. - Stress is a major factor as to staff lashing out, or acting out of character - on going promotion of how are staff coping with stress to ensure leave is being taken.
it doesn't work well at all, once bullied it is very hard to be open with the bully due to fear of repercussions
it is in the too hard basket for (organisation) management to deal with.
It seemed like the mediation outcome had a set outcome; feedback from members and 'victim' only weakly considered in solutions moving forward; victim's position dissolved and then re-established.
it was all very professional
it was more of meeting with managers, in discussion of what was observed, and written in support of the accusations.
It was okay

It wasn't formal mediation but a meeting was held between the Manager, Alleged Bully and Victim to raise the issues and concerns and to agree to a plan on how to fix things.
It went well as PSA legal advisor was able to attend - all allegations resolved
It would be good to have an independent mediation and review service where people can go for support. By going through the MBIE process it seems to indicate that relationships have broken down and the ERA will now have to resolve it, usually with the victim leaving the job. However, I would not be in favour of organisations themselves providing mediation as in my experience they use 'one of their own' to mediate - which was offered to me once. My reply was that's like putting the fox in charge of the henhouse. I would like to see independent reviews and/or mediation provided by clearly neutral individuals in a separate organisation. And with the authority to ensure the employer is required to implement the recommendations of a review.
It's essential that the person has a strong support team to assist them as they are often an emotional wreck and don't understand their rights or the process and just want to get out of the situation. - Separate rooms for discussion was great but in the end employer has the power the employee usually takes a pay out and moves on and bully continues in employment plus it has to be confidential so can't even share their story. - Pay-outs aren't equitable and an employee doesn't know and we can't say anything as it's confidential. I think it should be a more transparent process.
Knowledgeable and active members from PSA organisers should be present and not support employees since there is a major difference in their peers providing support versus experienced PSA members
Lack of follow-up by employer. Employer interfering or disagreeing with outcomes from mediation. Changing mediation providers at their instruction.
Managers/PCO to meet with both parties
Mediated by myself representing member with their direct leader and their leader.
Mediation doesn't support resolving the employment problem for either party the victim/s or the bully, it appears in both cases that (organisation) pays out a hurt and humiliation payment which isn't what most members want, they want the alleged bully's behaviour to stop and no other staff to put up with it going forward, however mediation doesn't seem to sort this out
Mediation in most cases is a hush agreement where the employee doesn't have to pay out. What works well is avoiding this systemically racist process and settling before hand.
Mediation involved the whole team which was good, but the nature of the mediation process (incl choice of mediator) was set by the ('offending') manager. This did not create trust and the process largely failed. - A second attempt was made with more control by staff. Followed by lack of follow up from management. - -
Mediation process is as per my expectations
Mediation resulted in the bullied members being moved away from the manager which was fine for them as they have all flourished elsewhere however the bully has never (to my knowledge) been taken to task over her behaviour. I know of several other sites where this behaviour has occurred and none of the managers/leaders have ever been removed and in some cases they have gone on to be promoted despite there being clear evidence of their behaviour
Mediation should be done by an independent person, not linked to the department.
Mediation was a failure for the victim, the employer never held up its mediated obligations - was complicated.
Mediation was good. The mediator was engaging and gave solid advice at the end, but ultimately their impartiality convinced the employee to drop the claim. Our organiser did not attend, and at the time I was a new delegate so the member felt very unsupported and did not want to fight anymore. Very discouraging.
Mediation worked well in this instance
Mediation worked, but it shouldn't have gone to this
Mediators were not skilled enough.
Mediation for our site was that we received a sparse letter from the person speaking of being unaware that her management style had this effect on staff - We were not allowed a copy of the letter and it was read out to us on one occasion - - The person was not in attendance and did not make an apology
More emphasis needs to be given to member and the power imbalance with Managers. - If the bullying emanates from a Manager they tend to be believed before the member.
My experience with the external agency has always been positive

N/A but I am aware that there is very little protection against bullying in the legislation, and have been advised by PSA that bullying complaints don't tend to be successful in the employment court - threshold is too high and too narrow.
N/A. It would be good to have a clear, formalized process that is widely known to everyone so there is clarity around what to do if you need to escalate.
Need for independent non-bias 3rd party for note taking and mediation support - Timeliness of dealing with the issue, and not letting it escalate if possible - Proper meeting setting with agendas instead of informal process of turning up at employees desk to discuss
Need to have neutral interpreters for deaf victims - NOT STAFF interpreters who work within the same department!!!
No mediation. The victim is too afraid.
None of it works well. There needs to be a completely new organisation established to protect targets and keep abusers away from them. Abusers and those who protect them need to be punished.
None of the members were up to taking their bullying complaint further, and 'mediation' was just the organisation bringing in external facilitators who identified the member as the main problem.
Not sure if taking anything against (organisation) can even help as how long does it take to resolve issues and by then people to stressed they leave - I dependant review with our side organisation may help
Not sure that mediation worked well - was done by external mediator and I don't think parties were committed to process working. Also no follow up by employer afterwards so situation continued to fester. On one occasion when internal mediation was attempted by HR within DHB again no longer term follow up and situation continued to fester.
nothing - everything
nothing happened as it is our team leader who is the bully
Nothing worked well for the employee.
One situation went to mediation and the staff member was completely out of order. - - Other investigations did not proceed or were not looked into.
One time I have seen medication be very effective - however that was when both parties wanted to resolve the conflict. In the current situation the team leader has told the staff member that the 'communication is irrevocable'. Which leaves the employee in a no win position.
One victim went through mediation where the bully was their leader. The next boss up was mediator. Victim felt like they were heard until the end where the big boss essentially said that ultimately the bully was doing their best as a people leader and they cared about the victim and the pandemic hit us all differently so get over it. - Found that the mediator quite staunchly sat on that side. The victim ended feeling like nothing was accomplished and it didn't matter. - It also was an informal mediation which didn't sit right with the victim. - - Another victim didn't get to a mediation process as they knew the bully's leader was their friend and so decided not to pursue.
organiser took over
our HR person (not qualified HR trained) tells members whom aren't her personal friends to 'just suck it up or get a job somewhere else'. the workplace (including the roster now) is arranged as to what her personal friends preference of where and when they work with the rest of the co-workers having to pick up the heavy workload and weekend and evening shifts.
Our own on site HR employee is not clear about protocol and hasn't always worked in a timely fashion
Part of the mediation went well, but wasn't completed re follow up addressing the bullies
Preparatory work by the Delegate, and discussions with both parties beforehand, in order that win-win solutions could be attained.
PSA kinship meeting rules worked well.
PSA Organiser was present. Result was a good outcome for accused, as there was no evidence to suggest bullying was happening.
Really important for the person to be kept up to date with the process and advised of the next step. That alleviates anxieties, fear and worry for them.
Recorded history of bullying behaviour of the bully which creates a toxic atmosphere in the workplace, identifying narcissism and the detrimental effects in a team environment.
See my comment in point 3. The person in that situation wouldn't even raise the issue with HR let alone take part in mediation. He preferred to resign than go down a formal pakeha process, fortunately he

managed to get the support of two Pacific staff members, one of whom took him under his wing, where he was much happier.
Set up a meeting with the boss. Took another PSA member as a support person. Spoke about workplace concerns and how it is affecting colleagues in their mahi. Boss, firstly allowed us PSA members to speak openly about the situation and was receptive to our concerns. - By the end of meeting walked out with an action plan and what boss would do to assist moving forward. - All agreed. Kept notes and notified those involved.
Some mediators never let the different parties face one another and keep them separate throughout the mediation process. Many staff said post mediation that they still felt matters remained unresolved and they feel unheard/not listened to. They leave mediation sessions frustrated and some even refuse to engage in mediation processes as a result of this.
Some of the mediation cases worked out but some did not but ended up in the newspapers and therefore cost (organisation) money.
Sometimes it has become clear management have decided what stance they are going to take even before any process of supposed mediation has started. This is very unhelpful. And one wonders how and why management can get away with this. This approach ends in incompetent people staying in positions of power.
Staff were only asked about bullying in the last 6 months, when it had been going on for years - they completely discounted it
Staff were too afraid. HR and PSA organiser were aware, but as staff were too afraid, it went nowhere. The bully is still in post and other staff are thinking of leaving.
Still in process
Still in process so this might happen
Taking the thinking away from the Victim i.e. have a process in place that they follow until they are secure in the knowledge that they are supported and they are not the problem or are not A problem. The rest is stated in question 3:
Team leaders / Managers need to learn not to favour one and to listen to both stories
The advice of how to format the request worked well so problem was avoided.
the case ended at mediation because of the lack of urgency taken to address an employee's (reporting system) at the time and the long drawn out bureaucratic stance the (organisation) took in defending the leaders involved. The HR lead tried to shove the incident under the rug and closed the (reporting system) before applying due diligence i.e interviewing the claimant and witnesses involved
The comms between myself, with advice given by our PSA Organiser, and the complainant - were maintained and good - - The organisation, on the other hand - need to be sure of their processes and that their people are aligning the correct processes/discussions for the complainant and the person the organisation are representing
The ERA are great, and their guidance is easy and helpful to understand.
The management asked an external lawyer to mediate. However, I was interviewed as part of the process. I wasn't given the full report.
The management of the employer tried to deal with it by transferring the victim
The mediation felt like a charade because it was all to get the victim to say 'I can live with this' rather than address the actions of the bully.
The mediation in both cases I believe went well, but both cases could have been settled at a lower level if management had a better understanding and confidence to deal with it at the lower level. In fairness to management some HR advice may have been given that could have been better.
The mediation itself was good. they were not able to resolve the issues, but the result was that the mediator recommended that the Unit manager should oblige the staff members request. What didn't work was the Unit/regional Manager completely disregarded this recommendation from the mediator that they had told the staff member they had to see before their request would be considered.
The mediation meetings I have attended were well conducted and the outcomes have been fair.
The mediation process was a success where all parties left feeling encouraged and hopeful. The operations manager did an amazing job ensuring both parties were heard and understood however, this does add to her work load unfairly. Going through this process did ensure that the issues at hand were dealt with in house and not needing to raise anything formally with HR. My concern is, there are still underline

concerns/issues that occur that are not noted and staff under this particular line manager don't feel empowered or supported and because this is a constant, they give up on the process.
The mediator (and again my own opinion) needs to be someone outside of the company. I have experience other managers being used as a mediator and don't believe this is a fair process. Source mediator outside of company
The mediator herself was skilled and the mediation meeting had outcomes but these were not documented well or followed up on in one case. - - In another case the mediation was far too informal for the gravity of the complaint and the member's concerns. while these were listened to seriously by a manager the process needed to be much more consistent.
The mediator needs to remain objective, if there is to be any fairness in the process, as the worker will always assume that management have the upper hand, in that they are represented by Human Resources and therefore have uninterrupted access to the database and systems, therefore able to make a clear case whereas the worker loses the ability to access the database and systems. Another example of the worker being treated differently, to management.
The mediator was fair and unbiased.
The mediator was neutral but could see where the problem was and facilitated a better outcome and regular process meetings to hear staff's experiences and their stories.
The member wanted to have an open conversation about workplace culture, workers behaviour, and bullying. Where as workplace representation wanted to go over particular incidents only and not look at wider patterns of bullying that exist. This upset the worker who didn't feel heard in the process and also put the worker in a vulnerable position having to recount. - Pressure needed to be applied to be sure that workers weren't being put into situations where bullying may occur again or to meet with alleged bully at a time and circumstances that were agreed too.
The outcome is that the bully was not held accountable for their actions and would not attend. - - The higher up the food chain you are the more support you receive???
The process getting to mediation was long and drawn out. It was a she said/she said discussion and the organisation was not prepared to negotiate and just wanted the employee gone. The result of mediation was that the employee left with a payout.
The process was biased in favour of the offending manager who ultimately retained his job and was promoted during restructure whilst the victim was eventually railroaded out of the organisation under the guise of taking voluntary redundancy - Having spent thousands on legal fees fighting for her rights.
The process was good for gaining a restorative resolution. I was asked to participate and share my own family experience of conflict which was interesting. I didn't expect that to happen. It would be good for delegates to have an understanding of the mediation process, a training with the mediation provider would be useful.
The process worked well, just the end result wasn't the best outcome
The resetting process for the team - with building a team charter , left the victim feeling unsupported and not validated , victim did not receive the justice they wanted or the support , left the organisation within 3 months
the second time i had a bullying case, we requested external mediation immediately since we knew not to trust the process. - Mediation was agreed to but took a long time for an appointment, it was in the city so was inconvenient to attend, the two people involved had to sit in the same room together for a long time waiting for the mediator, and both the victim and the accused found her to be poorly skilled and prepared
The situation was handled without mediation with the member that was being bullied told to inform his manager to speak to him person to person and not in front of others
The team leader forced them to talk together and address their issues. They had a weekly meeting until they sorted it out.
The thought of going to Mediation with a Team leader or someone in perceived higher status, ie: a Counsellor (alleged victim in a hospital setting) to a Doctor who has a strong personality, and previously used their mana in dressing down the counsellor in front of witnesses, is a difficulty decision to consider with history showing various forms of egregious behaviour
The victims didn't want to take the matter further as they didn't want to be identified. However, they were happy with the support provided by both the delegates and our PSA organiser
There is a possibility of being revictimized by the dialogue that goes on. - It takes a long time to get to the future focus. - There is not enough support outside of any support person being taken.

timeliness and impartiality by employer
to confirm all allegations made and have the people making the allegations present
Too long in reaching a conclusion
Unfortunately if was of little help to the victims and nothing was resolved. - It doesn't seem to have any strength behind it. - Old habits return as no real follow up.
unsure? there was no formal mediation. a meeting between the parties, acknowledgement of behaviours, suggest some changes and work in progress.
We are in the process of going to mediation. However, there needs to be more options for mediation outside of MBIE. This member also had systemic racism issues that ended up being a part of the hurt and humiliation that they experienced so there was the option to go to the Human Rights Commission (HRC) to have this addressed. PSA Legal advice was MBIE are just 'more of the same' so HRC could be an avenue to address any Treaty of Waitangi breaches/grievances outlined in the CEA or at least, for the member to have their voice and story heard under a different premise.
We had a someone from HR but I felt he was backing the Manager. Hence I involved the PSA Organiser for our Area ie (organisation). - In this case the victim who is a good worker felt very emotional and felt let down by her Manager
we need to value the staff and experience they offer in training new staff etc
We were able to address the issues at the lowest level and our (manager) disciplined his management team with the assistance of HR to ensure transparency with all parties.
Well: Independence. - Improved: It's difficult to fully document a situation. There are contributing factors well known by staff but difficult to prove due to privacy.
What didn't work well - HR and management thinking that the target was the problem, not the manager responsible and their admin cohort (the culprits), and then offering the target a very poor, insulting 'exit strategy' instead of approaching the mediation with a willingness to address the problem behaviours of the culprits. When letters were sent by the target's legal reps to level 2 & 3 management, those managers just palmed the task of responding, off to the culprit manager that the complaint was about. How stupid was that?! The other thing that didn't work was the Mediator (from MBIE) asked the target if they were happy at their place of work - which the answer was 'no' due to the poor behaviour going on, not because of the job itself, and then telling the HR reps who decided an exit strategy was warranted! Get the culprits out of the workplace, not the target - especially when the target has been with the organisation for several years and has a multitude of written evidence/record of being an exemplary, high-performing, popular employee, and the culprits are relatively new to the organisation but come in thinking they can undermine staff who have not only been popular and high-performing, but been at the organisation longer than them!!
What was good about it was they assigned an HR completely different department in the organisation. What didn't go well is I wasn't allowed a support person and the complaint wasn't even looked at all.
What work well is when both parties are happy with the final decisions. -
What worked possibly was We could quote relevant Company Policies and Procedures - We had Diaries with Relevant info plus witnesses which they appeared to not want to involve - Informing them the processes are wrong
What worked was to sit down and discuss the matter and the fact that an apology was given. What did not work was that it was not clearly explained to the person who bullied that the behaviour is not acceptable and not tolerated at all. I think those alleged of bullying must be aware that bullying affects the work environment and may compromise efficiency, performance and safety.
what worked well was the chief executive had a meeting with the victim and PSA
What worked well was having the PSA support and being able to voice their impact statements. - The time it took to get to mediation
What worked well was the facilitated meeting between victim and perpetrator where the issues could be discussed and clear expectations of management were explained. - - What did not work well was that management do not accept that it was bullying and took each incident as isolated events Not as an ongoing series of related events.
What worked well? - The mediator was experienced and knew how to work well with people in heightened situations. - - What could be done better? - Using an external mediator, having more than one session, not excusing the perpetrator or making the victim feel that they need to apologise for making a complaint. Not holding it in the workplace. - Not waiting 15 months to do mediation!

while no mediation or final outcome has been reached yet staff in this particular case do feel that they will go to ERA if nothing changes and this unacceptable, disrespectful, intimidating and shameful treatment continues - enough is enough!

With a representative present at the meeting the employee felt empowered to discuss the employer's behaviour

yes as by the time they got there the cases were all but proven and usually it was at the settlement stage some finished before that with the company accepting a good outcome for members and not wanting any of it getting out in public . however nothing changed as far company policy was concerned and there were usually repeat cases.

Yet to be finalised . - Management was keen to interview the alleged bully prior to any witnesses, just relying on what the victim has disclosed. - This process was slowed down once the PSA Delegate became involved to provide time for the Delegate to discuss with the alleged offender. -

Survey of PSA organisers – full text of comments provided

Question: Thinking about the processes and practices used by the employer in these situations, what do you think works well and what could be done better?

<p>Appointing and independent investigator works well - Having the manager as the investigator and decision maker doesn't work well.</p>
<p>Experience has been employer processes are poor, investigations protracted and damage relationships further. More effort is made to protect the reputation of the organisation and more weight and value is placed on those in positions of power. In health, organisations are reluctant to use independent investigators and focus is on apportioning blame, often on the member or team experiencing, rather than restorative processes. Those who have been through processes before and perpetuate behaviour become very canny on how to work the system that relies on recollection</p>
<p>Getting clear information about what was identified as bullying. ensuring that the employer knew that the members was experiencing this</p>
<p>(Organisation) have a constructive feedback tool called (name of tool) which works quite well, though it requires some training and practice to be able to use under pressure. Most cases take far too long to resolve, which leads to poorer outcomes for everyone involved.</p>
<p>I don't think there's enough understanding of what 'workplace bullying' is. I think we should try and focus on creating positive workplace behaviours. People get very attached to the word 'bullying', when often it's just a person being a completely unpleasant person.</p>
<p>I have found the least effective employer method to encourage the alleged victim to resolve the matter with the alleged bully in the first instance. In all cases where this has occurred it has exacerbated the situation - I have not dealt with a situation where the employer has handled it well including independent investigator, inhouse investigation, mediation external and internal. - - The key issue is the reluctance to recognise behaviours as bullying, and where it has been found to be such there is little ability or willingness to address the systemic workplace drivers that enabled the behaviours</p>
<p>In my experience - very little works well and much could be done to make processes work better. - Great policies are in place in most workplaces - but it seems the spirit of those documents (ensuring staff are safe at work) is rarely adhered to. - Victims are not well supported by their employers and are often made to feel as though they are the problem. - Processes take a long time to complete and there is no assurance for victims that action has been taken - leaving them anxious and feeling vulnerable. - The threshold to meet for a finding of bullying is far too high and often means that nothing happens - The time it takes to demonstrate ongoing repeated behaviour in order to substantiate an allegation of bullying serves only to cause more trauma and enable the poor behaviour to continue. - Staff and managers often do not deal with instances of poor behaviour 'in the moment' which can appear as though the behaviour is acceptable and allows an environment in which it is OK to behave poorly. - Bullying behaviour is often masked as performance issues - particularly when they involve discussions around workload and capacity rather than capability. - Staff that experience mental health issues are forced into very stressful and intrusive medical assessments when they offered to provide information in other ways. - Employers have a tendency to move 'problems' rather than supporting a change in behaviour</p>
<p>In my view when the union raises it as a formal complaint the organisations go 2 ways - 1. It is taken seriously and conduct a full investigation which I have never seen come out upholding the actually bullying made by the member even though bullying is found. This process is long and drawn out by the employer and takes well over 6 months (I had one that was 9 months long). The employee remains with the manager or employee that they are making the allegation against and become more stressed which ends up resulting in serious illness or time off work. - 2. the employer refuses to investigate it or uses faulty process to undertaken investigation eg. the manager does the interviews and is the decision maker and/or refuses to interview any supporting witnesses. The internal policies are flawed and they refuse to follow the work safe bullying guidelines as they are guidelines.</p>

<p>I've not been in a process that works well as the employer always appoints the investigator. I have found external investigators better as they are more objective.</p>
<p>Managers frequently refer bullying cases to other managers or HR to investigate who in turn often protect their fellow managers or their favoured staff. It would be better if an independent individual was secured to investigate. The MBIE mediators also encourage workplaces to get them involved early on rather than waiting to everything has fallen apart, so they would also be a good resource.</p>
<p>quicker response time from employer, independent investigator, better comms, more support for workers, more options for alternative work, more pre work to educate and support employees prior to issue occurring</p>
<p>Restorative approaches. More timely response and updates re investigations</p>
<p>Some employers don't follow the guidance already provided by MBIE. - Complainants are still in the dark on outcomes of their complaints, and resolution options are not provided. - Employers struggle with understanding this is not necessarily automatically a disciplinary issue - that should come after the complaint is fully investigated. - No clear legal definitions of bullying or harassment.</p>
<p>Talking to the union about context; employing facilitators</p>
<p>The definition of bullying is still a significant issue, not all harmful behaviour meets that definition. The investigation process is often not fit for purpose and risks re-traumatising the victim. Outcomes are often dissatisfactory as they use their existing suite of sanctions which don't effectively alter behaviour.</p>
<p>The (organisation) as an employer is extremely resistant to seeing bullying behaviour as a H&S issue, but if you ask them, they don't believe they're resistant at all. - The level of proof they require to intervene is very high, with the result that the alleged bully is easily able to deny/deflect and may not even realise themselves that their behaviour is harmful. - - What works well: In one instance, the alleged bully was put on leave during the investigation and in another, moved to another worksite. - What could be done better: in both the above cases, it was a disciplinary investigation. Although demonstrable harm was being caused to the complainants, the evidence provided didn't meet the standard the employer wanted, and no interventions were taken. - More often than moving the alleged bully the employer has moved the victim/complainant, which feels like insult to injury.</p>
<p>The employer could have been proactively anti-bullying from the start and educated how to respond to and take note of bullying, so it would have been flagged to the workers that they needed to keep extensive notes and records of their issues,</p>
<p>The employer where most of the bullying issues have arisen that I have been involved in, is a very large organisation that employs thousands (organisation type). I have noticed that in the first instance the manager or team leader is asked to deal with the issue. They have no training on how to approach addressing bullying and this leads to delays in seeking resolution or remedies to rectify the problem. It is not unusual to find the manager or T/L themselves becoming very stressed by the issue. The employer, while not outright denying bullying takes place, certainly does try to downplay it as a major issue. Two things need to happen: - 1. Employers need to accept that workplace bullying is real and that the effect on those being bullied can be devastating. It is not a minor issue that low level management should be left to deal with as they see fit. - 2. Those who are charged with addressing specific cases of bullying in the workplace need to be given the support and training to enable them to do so.</p>
<p>There is no process for restorative discussions, the employer just holds their ground till the member folds. There is no process for employers to encourage workers to have a conversation about how they communicate differently, as that is often an issue rather than direct bullying</p>

<p>Things that don't work well - - (organsiation) has a system where complaints about bullying can be sent to a special team in HR. This team is under resourced and poorly trained, and the only option they give to staff is to treat it informally. The approach is to arrange a meeting between the victim and the bully, but they don't even have a facilitator, or even necessarily an HR person present. Lots of delays along the way too. Members are left feeling frustrated and unsupported. I tend to advise members not to use this method, and the national organisers have been having conversations about the effectiveness of this system. - - I had one example at (organisation) where the member wanted his complaint to be treated informally, and to use facilitation as a resolution. (Organisation) ignored this, and instead insisted the the HSAW Act meant that they had no choice but to investigate. Subsequently ran an investigation where the aim was to absolve themselves of all responsibility. Allegations not upheld, member left frustrated and unsupported and ended up resigning. - - What works well? I'd love to know.</p>
<p>This is always a difficult issue with often multiple members involved on both sides. Generally speaking having someone from outside the organisation doing an investigation can assist in minimising perceptions of favouritism.</p>
<p>This is very dependent on the employer. Those that take this seriously work well with us, providing stron gsupport and safety all round. - - Other places, like the (organisation), seem far more focused on limiting the risk, not helping their staff.</p>
<p>While accepting that the burden of proof is set a very high level to avoid the unjustified or malicious claims it is extremely difficult for a member who IS being bullied to step up and make the case. Particularly given that =the bully (manager in most cases) is likely to remain in place if the claim is not proven. - - However, in general I find that MOST organisations that I have dealt with, tend to handle such quite well and remove the alleged bully from the workplace while the investigation is completed.</p>

Question: Thinking about the mediation process and practices, what do you think worked well, and what could be done better?

<p>As mentioned earlier, getting the Mediators involved early on.</p>
<p>Few employers are willing to identify behaviour as bullying. I've had only one case where the employer acknowledge what has occurred, the harm done to the victim and apologised both personally and for the organisation. - - 90% of the cases I've taken to mediation have resulted in an exit package for the member. for the other 10% they leave shortly after.</p>
<p>IN one case an external contractor was used who didn't create any records of what was discussed and agreed, which resulted in the alleged bully allegedly gaslighting the complainant into not trying to enforce breaches of their agreement, by claiming they hadn't actually agreed that a specific act constituted bullying or caused harm. In this case, the employer did not permit either the complainant or the alleged bully to have a witness or support person in the mediation. - - Twice, the employer has offered mediation and then failed to take any actions to organise mediation, and then when I have tried to arrange it, they have withdrawn the offer of mediation. - - In another case, a facilitator was used who had a personal relationship with the alleged bully!! - - -</p>
<p>In one particular case I advised then I was taking a case to the authority as they were failing to provide a safe workplace. Only at this point were changes rapidly made to sort the situation out. Unfortunately, by that time the member being bullied was quite traumatised. Employers are petrified of being a publicly exposed as a workplace where bullying takes place.</p>
<p>MBIE mediation has worked well. There have been mixed results from other independent providers, including some where I have had to do their job for them!</p>
<p>Mediation did not go well with one case I can think of as both parties were too entrenched in their positions.</p>
<p>Mediation didn't go work well, as the employer showed no interest in working with the staff/ the union.</p>
<p>Mediation has been incredibly useful where communication and relationship breakdowns present for developing accords and resolving power imbalances e.g. team leader to member</p>

<p>Mediation is a chance for members to express their concerns and also allows for employers to confidentially show which direction they are pushing for in regards to on-going employment. - Often if it goes to mediation the employer is pushing for an exit arrangement.</p>
<p>Mediation is good but it's not restorative, it's a functional tool. It's a good tool, but I've definitely seen it used by employers to basically tell workers that they need to quit, or they will be taken through a process that WILL lead to their dismissal</p>
<p>Mediation was helpful. Can have more free and frank conversations there. - Remedies however are limited to monetary and secret - which our members don't actually want.</p>
<p>mediation worked well but is dependent on parties agreeing and bullying can be difficult to prove. Sometimes victims need to get out of a bad environment and accept a resolution that doesn't always fairly compensate them and leaves them worse off.</p>
<p>Once a case goes to mediation - it becomes easier to address as the mediator has some control over the meeting and the way it is conducted. This ensures that both parties are heard and some strategies can be adopted or at least tried. Employers seem to be more willing to listen to suggestions when they are made a mediator rather than a union official. They also take it more seriously as the ERA is more possible at this point</p>
<p>The employer will never admit any fault or apologise even in a confidential mediation. The mediator ends up spending the time running from each room as it is fraught for the member to be in the room with the employer. I personally don't believe the mediators are skilled enough to handle these issues.</p>
<p>Thinking about the mediation process and practices, what do you think worked well, and what could be done better?</p>

Question: Thinking about the Employment Relations Authority process and practices, what do you think worked well, and what could be done better?

<p>Cases not made this far as registered health workers often forced to between pursuing an issue or resigning to protect their career and future job seeking ability</p>
<p>I was interviewed as a witness and found the process good from my perspective.</p>
<p>If bullying can not be resolved in short time at the source, I would like to see cases of bullying that the employer has not resolved be fast tracked to the Authority. I would envisage the Authority acting on the failings of the employer and not trying in any way to resolve the specific bullying issue although some details of what had happened would probably need to form part of the PSA submission filed with the Authority..</p>
<p>The ERA member gave the parties time to revisit a mediation option before the hearing proceeded resulting in an offer 4-5 times more than the offer in mediation. I think the pressure of a 'public' outcome forced the employer to finally concede that their position wasn't fair and reasonable</p>

Sexual harassment

Question: Thinking about the processes and practices used by the employer in sexual harassment situations, what do you think works well and what could be done better?

<p>Once the issue is acknowledged a degree of initial sensitivity is present but does not last. HR are reluctant to interview key witnesses instead seeking verification and relying on recollections of managers. Maturity of organisations and investigating personnel does bias cases as have seen done well and sensibly in the past and poorly in the present with HR attempting to insert selves in police investigation and garner information they are not entitled to. Present experience is these types of investigations exacerbate and take parties further away from reconciliation and restorative processes.</p>
<p>One case I had, the alleged harasser was on a probationary period and didn't pass a police check, so there was very little we could do. - - Another case I had where I was representing the alleged harasser, it was dealt with with a usual disciplinary process, and there was no evidence for the claims other than the accounts of two other staff (separate incidents). They ended up not upholding the allegations, and the member was given a letter of expectation. - - Unfortunately, what went badly during the cases where I was representing the victim amounts to the same things that went well when representing the harasser... Allegations are difficult to uphold, due to he-said/she-said, very little evidence, but a lot of hurt feelings meaning that the victim can't move on. - - These things very rarely go in favour of the victim.</p>
<p>The case I dealt with was very long and complex and there were numerous allegations being laid. I felt that the employer was very through to the point of excess. This I put down to fear of being called out for not treating the issue seriously. Although I found the case to be rather taxing on myself as the organiser representing the alleged harasser, I do appreciate the need for the employer to do everything by the book. I think organisers could do with some specialist training on dealing with both alleged victims, and more so in representing those accused of sexual harassment.</p>
<p>This a deeply personal situation, which is full of pitfalls. It is complicated by the difference between perception and what kind of behaviour is acceptable and those who don't necessarily understand what is acceptable or offensive to others.</p>
<p>working well is the acceptance that sexual harassment is not ok, but often the detail of what it is, how to deal with it, what support is available etc is not clear. What's lacking is same as above - quicker response time from employer, independent investigator, better comms, more support for workers, more options for alternative work, more pre work to educate and support employees prior to issue occurring</p>

Question: Please write here any other comments or reflections on how effective the current legal arrangements and systems are for dealing with bullying and sexual harassment at work.

<p>While there are policies in place, victims often feel unsupported by their employer and as though they are the problem. - Employers don't seem to be able to manage processes with integrity. Managers appear to have little or no information/training available to them about how to support victims and hold others to account. Ongoing trauma for victims is often a result and has the effect of re-victimising them. They often become hyper-vigilant and struggle to reintegrate into the workplace. - I do not believe that the current systems support victims of bullying - rather they make people second guess themselves and question their own reactions to behaviour they have been subject to. - Advice on the MBIE website is confusing at best - The legal threshold for bullying is too high - and supports bullies rather than victims. - Attempts to address bullying behaviour are often masked by introducing team days and other ways to ensure all understand what poor behaviour is and how to respond to it rather than dealing with cases as they occur.</p>
<p>Both need significant work. Some places of work are horrendous and have a long way to go to be decent employers.</p>
<p>Currently engaged with a major (type of organisation) in trying to move from its simplistic approach of 'complaint, investigation, disciplinary' approach. Seeking more discussion at the front end about processes that will result in a safe and constructive end to overall problems. (Organisation) resistance centres on an argument that 'we run a legal risk if we don't follow a tight legal process - the unions exploit any legal defect'.</p>
<p>Getting the balance right between protecting victims and providing evidence to support an allegation is tricky. An unsubstantiated allegation is very damaging to an alleged perpetrator's reputation but often incidents don't occur where there are witnesses or corroborating information.</p>

<p>Mediation services are excellent when we can get parties to the table. Too much weight is presently given to employer processes and investigations under present system damaging people's wellbeing and careers. Would like to see better access to independent third parties and early restoration processes</p>
<p>Persecution/victimisation is also reported by individuals as 'institutional racism', and multiple demands from multiple sources in a matrix management model also impact.</p>
<p>The disparity in how an employer treats workers and management is very obvious. Managers are not subject to the same level of scrutiny and the threshold is far, far higher for them</p>
<p>The individual enterprise systems, organisational culture, and lack of training for managers and HR are the biggest barriers. Whether this is a failing of the legislation and systems I'm not sure</p>
<p>The only option we have when an employer either refuses to engage with us on the bullying, their policies are flawed or the refuse to conduct the investigation is to raise a PG. The employer then states we have no grounds but my/ or may not attend mediation where again they refuse to acknowledge any wrong doing or do anything relating to managers who the allegation is made against. The whole bullying process ends up feeling like the few taking on the weight of the organisation.</p>
<p>There needs to be far stronger obligations on employers to undertake fully resourced investigation processes that occur in a timely manner. There also needs to be clearer direction on ensuring the parties are kept separate while the issue is being worked through.</p>
<p>They are not effective.</p>
<p>Totally ineffective. - - All the guidance on Employment NZ and Worksafe encourages people to speak up, but does not caution about the level of evidence required to actually deal with bullying in a legal framework.</p>
<p>We only have case law to give guidance, and that guidance is not well understood - this needs legislation.</p>