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THE SILENT EPIDEMIC: WORKPLACE BULLYING IN IRELAND AND AUSTRALIA THE ROLE OF LEGISLATION AND DYSFUNCTIONAL SUPERVISION

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Abstract

The aim of this paper is to examine measures aimed at countering workplace bullying in two OECD countries with strong historical, trade and economic links: Australia and Ireland. As most reported workplace bullying incidents are those directed by supervisors toward subordinates, we argue that a crucial issue facing organisations in both countries is the role that supervision plays in an organisation's wellness. This paper begins with an overview of extant workplace bullying research. This is followed by a summary of government/legislative measures aimed at curbing workplace bullying in Ireland and Australia. Following this, we review the role that workplace supervision plays in an organisation's wellness. We argue that organising criteria and studying different forms of dysfunctional behaviour – both egregious and innocuous may assist organisations in developing appropriate anti-bullying workplace policies.

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INTRODUCTION

Ireland and Australia enjoy healthy economies and attractive lifestyles. According to The Economist (2004), Ireland is the most desirable country to live in the world and Australia is ranked number six. Ireland has one of the highest growth rates in the OECD, unemployment levels of 4.5% and a per-capita income higher than the EU average (OECD 2006b). In Australia macroeconomic reforms have boosted productivity significantly - in the past 4 years a million jobs have been added to the economy, unemployment sits at 4.3 %, and living standards align with the world's best performing countries (OECD 2006a).

Nevertheless, despite regulatory and legislative workplace reforms, both countries report similar and increasing, levels of bullying Two nationally representative surveys conducted in 2001 and 2007 reveal that 8 per cent of Irish workers report workplace bullying (Calvert & O'Connell 2008). This costs Irish organisations €3 billion yearly, and each year up to 100 people commit suicide as a direct result of workplace bullying. In Australia, workplace bullying costs organisations AU$3 billion yearly in terms of reputation and profitability. Up to 3 million Australians can expect to be bullied at some time in their working lives. General practitioners report that bullying is one of the factors behind a growing prevalence of depression and mental illness – estimated to account for 10 per cent of the workload of Australian doctors (McAvoy & Murtagh 2003).

For many employees in both countries, bullying constitutes the dark side of daily working life - fear and intimidation nurtures a silent epidemic in their workplaces. Bullying hampers productivity by creating dysfunctional workplace behaviour and is responsible for a kaleidoscope of negative and costly consequences. For organisations there is an increased risk of accidents/incidents, reduced corporate image and diminished customer confidence. For individuals, bullying affects their health, safety and welfare, interpersonal relationships and family functioning. It is correlated with low job satisfaction, high employee turnover, increased absenteeism, and decreased levels of organisational commitment.

WORKPLACE BULLYING: AN OVERVIEW

From the literature several contextual factors accounting for workplace bullying are proposed: pressures caused by the twin forces of globalisation and trade liberalisation; work intensification; organisational change and 'macho' management styles. Recent decades have witnessed a proliferation of workplace bullying research requiring difficult theoretical work and the marshalling of considerable empirical material. Employing a diversity of methodologies across a range of disciplines, researchers have explored definitional issues, types of bullying behaviour, causal factors, incidence studies, and inordinate workplace power differentials (Branch, Ramsay & Barker 2006; Zapf 2001).

Some have investigated motivational intentions, the value structure of organisations and the generalised impact of bullying on targets and organisations (Tehrani 2003). Other schools of

thought propose models to account for workplace violence, organisational antecedents, bullying prevention, and psychological harassment (Poilpot-Rocaboy 2006; Salin 2003) There is a growing literature investigating abusive supervision and other forms of uncivil treatment perpetuated by managers toward subordinates (Tepper 2007; Burton & Hoobler 2006; Tepper, Duffy, Henle, & Lambert 2006; Duffy & Ferrier 2003). In addition, there appears to be an association between bullying and organisational culture as revealed by Salin (2003:1220, 1221) who argues that: if there is no policy against bullying … negative acts such as humiliation and 'funny surprises' can be part of the organisational culture … this sort of humour can easily sour and turn into bullying… if the target cannot take the jokes 'as a man'.

The multi-causal nature of bullying underscores the difficulty in the search for definitional consensus (Agervold 2007; Djurkovic, McCormack & Casimir 2005) and it is known that different targets experience different types of bullying (Notelaers, Einarsen, De Witte & Vermunt 2006). Nonetheless, a common denominator of most definitions is a perceived power imbalance. A practical definition proposed by Einarsen, Hoel, Zapf, & Cooper (2003:15) explains that:

> Bullying … means harassing, offending, socially excluding someone or negatively affecting someone's work tasks… it has to occur repeatedly and regularly … over a period of time… is an escalating process … the person confronted ends up in an inferior position and becomes the target of systematic negative social acts.

In sum while bullying can take many forms, it appears to have four specific features: intensity, repetition, duration and power disparity (Lutgen-Sandvik, Tracy & Alberts 2007; Hoel & Beale 2006).

IRELAND

Over recent years the importance of addressing workplace bullying has been acknowledged by academics and the Irish government (O'Moore, Lynch & Daeid 2003). This is evidenced by the establishment of a government taskforce into the Prevention of Workplace Bullying in 1999, the subsequent establishment of an Expert Advisory Group on Workplace Bullying in 2004, and in 2007 the 'Health and Safety Authority (HSA) Code of Practice on Workplace Bullying' was launched (HSA 2007) In addition, the Equality Acts (2004) and the Safety Health and Welfare at Work Act (2005) demonstrate the government's commitment to the promotion and maintenance of a workplace environment which is safe, and which affords a high level of protection to those employed within the Irish jurisdiction (Fahie & Devine 2008).

The 2004 Expert Group's report highlighted inadequacies of the extant legal framework and produced a raft of recommendations to address workplace bullying. First, that greater legislative and enforcing power is awarded to the main bodies dealing with bullying. Secondly, that policies and procedures to mitigate bullying be mandatory in every employer's Safety Statement. Thirdly, the publication for employers of a formal model for the handling of bullying. Fourthly, that the Labour Relations Commission be the single State agency charged with the management of specific allegations of bullying and the Employment Appeals Tribunal or Labour Court to be the court[s] of appeal. (Cable 2005; Department of Enterprise, Trade and Development 2007; O'Connell, Calvert & Watson).

The 2007 Code of Practice drawn up by the Health and Safety Authority [HAS] mirrored the Expert Groups' recommendations. The Code has received criticism on several fronts. The Irish Business and Employers Confederation (IBEC) rejects the notion that third party adjudication decisions should be legally enforceable, and objects the requirement that an anti-bulling policy be included in an employer's Safety Statement (Department of Enterprise Trade and Development 2007). And a significant shortcoming is identified by Dobbins (2007). Dobbins argues that if the Code applies to workers as defined by section 23(1) of the Industrial Relations Act (1990), then public sector

employees such as police, teachers and civil servants, may have no access to the Code to invoke a bullying investigation.

AUSTRALIA

In Australia, workplace bullying comes under the aegis of Occupational Health and Safety [OHS] legislation in most states [6] and territories [2]. It is arguable however, that the current legislation addresses adequately workplace bullying. It seems that guidelines, policies, legislation and therapeutic interventions are implemented to differing degrees at individual, organisational and state levels.

Each state interprets OHS differently. In Victoria for example, under the Occupational Health and Safety Act 2004, employers and employees have key duties in relation to both bullying and occupational violence. Employers must take all 'reasonably practicable' steps to protect employees' health, safety and welfare. The Act specifies that workplace bullying and occupational violence create an unsafe working environment and a risk to employees' health. Employers' obligations therefore, extend to eliminating or reducing the risk of bullying and violence in their workplace. Under this interpretation, inappropriate performance management, if part of a consistent pattern of behaviour, may constitute bullying and pose an unacceptable risk to occupational health and safety (Worksafe Victoria 2008). Other legal arrangements under which employers may generally be held liable are criminal, common and civil law, discrimination law, and workers' compensation (Willmott & Seymour 2008).

From the perspective of the victims of bullying, these laws often provide inadequate redress. OHS law punishes perpetrators but does not compensate victims; discrimination law is ineffective if the bullying does not occur for a 'prohibited reason' such as race or sex; and workers' compensation is frequently limited. However, Australian judiciary and tribunals may accept evidence of less overt types of bullying in actions for unfair dismissal, psychological injury, and breaches of implied terms of employment contracts (McCarthy et al. 2001).

For analytical clarity, our comparison on legislative reforms in Ireland and Australia is informed by the 'varieties of capitalism literature'. This tradition suggests that changes in OECD labour markets and regulatory contexts are vastly different whether they occur in liberal or co-ordinated market models. We find that while small differences can be detected between the two countries' legislative and policy frameworks, these are not especially significant. Nevertheless, it appears that in Australia while business and labour co-operate with the state on legislative anti-bullying reforms, in Ireland this may not necessarily be the case as reflected in the views of key business groupings such as the IBEC.

BULLYING: THE ROLE OF SUPERVISION

Most targets of workplace bullying report being bullied by their direct supervisor. Some contend that a key difficulty associated with implementing workplace anti-bullying interventions is a perception by HRM that intervention comprises a 'compliance' task, rather than an initiative aimed at improving organisational 'wellness' (Salin 2003). A particularly contentious issue concerns the role of supervision in performance management.

Previous research (Gilbreath & Benson 2004) report the development of an instrument—the Supervisor Practices Instrument (SPI)—that captures a broad spectrum of supervisor behaviors. Because their focus was on high-quality supervision, most of the 54 items reflect positive behaviors, and those that reflected negative behaviors were reverse-coded. The items in the SPI do not outline specific dimensions of good or poor supervision, but rather capture the essence of supervisory behavior; some patterns of supervisory behavior can have very negative impacts on

employee well-being (see Tepper 2007 for a synthesis of the antecedents and consequences of abusive supervision).

Concurring with an emerging body of research exploring behaviours as constructs of workplace bullying (see Tepper 2007; Bovingdon 2006), we argue that supervision may be better understood if scholars and practitioners recognise the multi-dimensional qualities of dysfunctional supervision. In some cases dysfunctional supervision results when the supervisor is engaging in bullying activities toward subordinates; in other cases it can be the result of abusive behavior by the supervisor; and, in yet other cases, the supervisor is unskilled and engaging in what can be viewed as simply poor supervision. A broad range of supervisor behaviours is associated with employee well-being. The authors are currently developing and organising criteria that may prove helpful in classifying and studying different forms of dysfunctional behaviour – both egregious and innocuous.

CONCLUSION

In Ireland and Australia legislation aimed at curbing bullying appears to be somewhat ineffectual: both countries report increasing levels of workplace bullying. Research findings that supervision plays an important role in an organisation's wellness are unequivocal. Future research into the development of criteria to classify different forms of supervisor behaviour will go some way toward assisting practitioners and scholars to recognise the multi-dimensional qualities of dysfunctional supervision. We argue that by understanding the mechanisms by which types of poor supervision can create negative consequences clarifies how to change specific types of supervisory behaviours, potentially improving work organisations via innovative HRM policies and procedures.

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