



Ethics in Action:
Leadership Practices for
the Public Sector

21st Century Manager
– Core Skills for the
New Millennium


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INSTITUTE OF
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IPAA
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1



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Welcome


We would like to acknowledge this land that we meet on today is the traditional land of the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

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Learning Outcomes

- Public Sector Values and Behaviours Framework and Code of Ethics
- Bullying: what it is and what it is not
- Harassment: how to identify
- Duties and responsibilities of management and employees
- Define and identify examples of inappropriate behaviours
- Understand why it is important to deal with inappropriate behaviours
- Cultural vaccination and Values

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Code of Ethics

- Code of Conduct for the purposes of the *Public Sector Act 2009* and all public sector employees are bound by it
- Strong and visible leadership a critical factor in achieving support for an adherence to the values and professional conduct embodied by the Code
- Leaders need to support both the **spirit** and the **letter** of the Code
- **4 Foundations** of Public Service:
 - Democracy
 - Impartiality
 - Accountability
 - Diversity

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Code of Ethics

- Professional and courteous behaviour
- Public Comment
- Handling official information
- Use of government / public resources
- Conflicts of interest
- Outside employment
- Acceptance of gifts and benefits
- Criminal offences
- Reporting unethical behaviour

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Public Sector Values

- 1.Service
- 2.Professionalism
- 3.Trust
- 4.Respect
- 5.Collaboration & Engagement
- 6.Honesty & Integrity
- 7.Courage & Tenacity
- 8.Sustainability


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How do we make these values real?


- Cross-match against your own Leadership values
- Use the Team Pulse Survey
- Self-Assessment tool in Workbook
- Discuss how to embed with your teams


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A case study




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Bullying & Harassment

- Bullying and harassment are not acceptable workplace behaviour and it should not be tolerated in any form.
- This Workshop has been developed to help Public Sector Managers identify and deal with bullying and harassment in the workplace.
- It aims to provide practical advice and information on making the workplace safer for everyone concerned.
- In 2010, the Productivity Commission found that bullying at work costs Australian organisations between \$6 billion and \$36 billion a year in lost productivity

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Bullying

The FW Act (s789FD(1)) provides that a worker is bullied at work if, while at work, an individual or group of individuals repeatedly behave/s unreasonably towards the worker or group of workers and the behaviour creates a risk to health and safety.

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Bullying

- Safe Work Australia has issued guidelines under the *Work Health and Safety Act 2012* ("WHS Act") for preventing and responding to bullying.
- The Act defines 'bullying' as repeated and unreasonable behaviour directed towards a worker or a group of employees that creates a risk to health and safety.
- It is important to note that the definition of 'Health' in the WHS Act includes physical and psychological health.

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Bullying Behaviours


- Is the behaviour Unreasonable, Repeated and Health Endangering?
- To be classified as bullying conduct, needs all 3 aspects
- 2 main categories of behaviour:
 - Direct and Personal
 - Indirect and task-related



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Bullying Behaviours

What are some behavioural examples of direct personal attacks?



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Personal attacks (direct)

- Belittling remarks
- Undermining integrity
- Ignoring & isolating
- Ridiculing
- Shouting or yelling
- Insulting comments about private life
- Public humiliation
- Obscene or offensive language, gestures, materials

- Intimidation
- Intruding on privacy
- Verbal abuse
- Inaccurate accusation
- Tampering with personal effects
- Encouraging to feel guilty
- Persistent sarcasm
- Ganging up



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Bullying Behaviours

What are some behavioural examples of indirect task-related attacks?




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Task-related attacks (indirect)

- Giving unachievable tasks
- Meaningless tasks
- Withholding or concealing information
- Undervaluing contribution
- Constant criticism
- Underwork
- Unreasonable monitoring
- Lack of role clarity
- Offensive sanctions
- Excluding or ignoring views
- Changing goalposts
- Not giving enough training or resources
- Reducing opportunities for expression
- Sabotage
- Scapegoating
- Denial of opportunity

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Spotting a Bully: Patterns of Behaviour

When someone snaps at you or ignores you because they are under pressure or in a bad mood, that is not bullying. Bullying involves persistent, abusive, and frightening behavior designed to make the target feel upset, humiliated, and threatened:

- Blames others for errors.
- Makes unreasonable demands
- Criticizes the work ability of others in front of others
- Inconsistent enforcement of arbitrary rules.
- Threats of job loss, insults and put downs.
- Downplays or denies accomplishments.
- Social exclusion.


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Criminal Conduct

- Violence, assault and stalking are extreme forms of bullying that constitute a criminal offence. Such behaviour should be reported directly to the police.
- Examples include, but are not limited to:
 - Harmful or offensive initiation practices
 - Physical assault or unlawful threats.
- Workplace bullying may also amount to criminal behaviour in breach of various criminal legislation.
- Examples include assault and unlawful threats.


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What is not bullying

- Both the Code or Guideline to be issued under the WHS Act and the FW Act set out what is not considered as bullying.
- Reasonable management action taken in a reasonable way is not bullying.
- What does the term “reasonable” mean?
- A single incident of harassing type behaviour
- The unreasonable behaviour does not create a risk to health and safety.


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What is not bullying

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating reasonable working hours
- Transferring [or assigning] a worker for operational reasons
- Deciding not to select a worker for promotion where reasonable process is followed and documented


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What is not bullying

- Informing a worker about unsatisfactory work performance in an honest, fair, constructive way
- Informing a worker about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Taking disciplinary action, including suspension or termination of employment
- Unreasonable behaviour that may involve unlawful discrimination or sexual harassment in isolation is not bullying


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Unlawful discrimination & harassment

- Anti-discrimination laws - less favourable treatment because of a particular characteristic or belong to a particular group
- Sexual harassment - unwelcome conduct of a sexual nature that offends, humiliates or intimidates a person and where that reaction is reasonable in the circumstances
- Other forms of harassment - unwelcome, unsolicited and unreciprocated behaviour that puts someone down, offends them, or humiliates them
- The focus of harassment is on how the behaviour effects the person it is directed towards, whether it is intended or not


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Equal Opportunity Act 1984

- Grounds of discrimination –
 - age, race, sex, disability, sexuality, chosen gender, caring responsibilities, pregnancy, religious dress/appearance or identity of spouse
- Majority of complaints are in employment; most common grounds are disability, race, victimisation, sexual harassment, sex, age
- Around 50% of complaints resolve through conciliation
- Outcomes – apology, financial compensation (wages, injury to feeling), training and education

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Sexual Harassment

- Unnecessary and uninvited touching
- Sexual or sexually-suggestive comments, jokes or innuendo
- Unwelcome requests for sex
- Asking unnecessary, unreasonable questions in private life
- The display of sexually explicit material




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Sexual Harassment

- Repeated unwelcome invitations to go out privately
- Staring, leering or conduct commonly known as stalking
- Sexually based insults, taunts, teasing or name-calling
- Offensive or sexually explicit or suggestive communications

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What is not Sexual Harassment


Behaviour which is based on:

- **Mutual attraction**
- **Friendship**
- **Respect**

If the interaction is consensual, welcome and reciprocated, then it is not sexual harassment.
(Though conduct that starts off like this may later become improper if there is no longer consent and reciprocation)



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Hickinbotham case

- Ms Poniatowska awarded \$466,000 + legal
- Dismissed after complaints re sexual harassment
- Dismissed that boss kissed her on the lips
- Upheld that colleagues sent texts, emails pestering her for sex
- Upheld that she was told to sleep with a client


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EO Act obligations

- **EMPLOYERS** (and therefore managers) are vicariously liable unless:
 - Have a relevant policy to prevent discrimination
 - AND can show took "reasonable steps" to implement/enforce
 - AND conducted a prompt investigation into any alleged discrimination
- **EMPLOYEES** - abide by policies/procedures, report bullying, behave in a way that does not breach WHS, discrimination laws or Codes of Conduct
- **EMPLOYEES** can be held personally liable - sexual harassment and victimisation

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CASE EXAMPLES: Bullying or Harassment?

Example 1:
John Smith, production line manager, calls Mary Adams, one of his assembly line workers, "sweetie pie" in a group meeting in front of her co-workers. Most of her co-workers are men. He continues, saying that she makes lots of mistakes and is slower than everyone else, but she looks really cute in her work overalls and hard hat. He calls her into his office after the meeting and says if she will go out with him, he will give her a desk job to get her off the assembly line.

Is this workplace bullying or harassment?

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CASE EXAMPLES: Bullying or Harassment?

Example 2:
Kurt Brown, who manages the accounting department, sends nasty e-mail messages to his employee, Peter Marks. He blames him for the backlog in the department and threatens to demote or fire him if the department does not meet its goals. He glares at him and makes fun of questions Peter asks in staff meetings.

Is this workplace bullying or harassment?


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Social Media

- Workplace cyber bullying is now as prevalent as other forms of bullying in some sectors.
- 1 in 10 workers have experienced a manager using information from a social media site against them or a colleague
- 1 in 8 workers have found themselves the subject of unwanted romantic advances from colleagues through online social media platforms.
- Workplaces have the right to direct an employee to either remove or correct online comment/s or information that is unauthorised and irrelevant to their organisation.
- Developing a social media policy with employees and defining how the policy is relevant to their duties is paramount to make effective use of social media.
- Monitoring compliance and on-going training is fundamental if the policy is to be reflected in the day to day behaviour of workers and the employer.


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RESEARCH: WHO & WHY?




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2016 Australian data (Safework SA)

- 6 month prevalence rate ~ 10% (up from 8% in 2009-11)
- Half of all Australian employees will experience workplace bullying during their careers (Uni Wollongong, 2016)
- Of those reporting bullying, 1/3 at least weekly
- Most common; being sworn at or yelled at (37%), being humiliated in front of others (23%) and being physically assaulted or threatened by patients / clients (22%)
- Women more likely than men to be bullied
- *“As worker psychological demands and emotional demands increased so did the prevalence of bullying. In contrast, as job resources and Psychosocial Safety Climate (PSC; management commitment to psychological health and safety) increased the prevalence of bullying decreased.”*

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33



34



35




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Lack of awareness or action?

- According to a [2017 U.S. workplace bullying survey](#) on employers' attitude and reaction to bullying in their organisations:
- 22% never learned about bully's misconduct.
- 26% did nothing when complaint was filed.
- 46% investigated inappropriately, and nothing changed.
- 71% showed negative reactions.
- 23% took action with positive changes for target.
- 6% took action that resulted in a negative outcome for perpetrator.

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All Bullies are Psychopaths or Narcissists....or are they???

"The study surveyed 261 corporate professionals and determined that their "clinically elevated levels of psychopathy" were on par with the prison population. Nathan Brooks, a forensic psychologist at Bond University and researcher on this study, told ABC. "Their personality usually leads them to exploit every avenue open to them, whether it's in a criminal setting, or within organisations."

*... According to Brooks, a certain "**successful psychopath**" has been allowed to rise in the corporate world, despite the fact that they're more likely to break the law or engage in unethical activity."*


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Well, some are...

- Desire for power
- Increasing self-concept through control of others
- Insecurity
- Belittling: making others subservient
- Scape-goating: looking good to superiors
- Lack of empathy: they just don't care
- Vindictiveness
- Transference (lack of control in one area)
- Charming, manipulative, dishonest
- Generally stable personality traits




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But some are work specific

- Leadership style of control / micromanage
- Rules and order
- Poor verbal communication skills
- Insecurity in their position
- Justice issues:
 - They believe the person has 'broken the rules' (usually their rules)
 - Therefore they justify their behaviour


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'Accidental' Bully

- Emotionally blunt, aggressive and demanding.
- Task-orientated, just wants things done.
- Goes to panic/rage when things not getting done.
- Basically decent, don't think about the impact.
- Responding to stress.
- Can probably be **trained/coached** out of bullying behaviour.


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'Narcisstic' Bully

- Grandiose, fantasies of achievement.
- Feels they deserve power & position.
- Can fly into rages when reality confronts them.
- Destructive & manipulative.
- Don't set out to annihilate others.
- Act with caution when dealing with them.


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'Serial' Bully

- Sociopathic/psychopathic personality.
- Bullying is intentional, systematic, organised, often relentless.
- Key motive is self-interest.
- Subtle techniques, difficult to detect/prove.
- **Training/coaching** is always **unsuccessful** – can make them worse.

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A Few Good Men – is this justifiable conduct?




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Research on impact


- Gradual awareness that something was wrong.
- Process of recognition and labelling emerged over multiple incidents.
- Bullying in the workplace can cause significant psychosocial risk to workers who experience or witnesses such behaviour.
- General reluctance to inform supervisors that there was a problem and to file a formal complaint.


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Video




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Video

- Do you think the two people interviewed were bullied?
- If so, why?
- What were the behaviours they reported that constitute bullying conduct?
- Did it seem to be managed well?



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Why the reluctance?

- Targets wanted to deal with the problem themselves.
- Bully was in a position of power and influence.
- No complaint channels available.
- Perception that reporting could affect future career opportunities.
- Perception that their supervisor and the organisation would not support them in the complaint process.

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and Organisational factors:

- Job insecurity
- Restructuring or downsizing
- Changes such as a new manager / supervisor / procedures
- Inadequate supervision
- Change in ownership
- Introduction of new technology
- Inappropriate initiation practices
- Inadequate support or training
- Poor previous modelling from managers
- Culture

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Workplace Pre-conditions for Bullying

- During organisational change.
- Workplace factors.
- Workplace relationships.
- Work systems/structures.

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CASE STUDY



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Look behind the label


It is important to remember that 'bullying' and 'harassment' are labels and what conduct amounts to depends on an objective analysis of conduct – to the requisite standard of proof.

Also be aware that often, regardless of whether alleged conduct satisfies a definition, there is still a problem for management to address!

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Reasons to confront

- Employers must confront and stop workplace bullying because of significant effects and damage to both employees and to the company.
- Workplace bullying results in employees suffering from significant physical and emotional problems.
- Significant costs to the employer
- Above all, tolerating workplace bullying makes it impossible for employers to reach the goal of treating all employees with respect and dignity.

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52




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Duty of Care

- SA employers have a responsibility to ensure the health & welfare of their workers under the Workplace Health & Safety Act
- In the area of employment, employers can be held liable for the wrongs committed by their employees in the course of work
- This is referred to as *Vicarious Liability*
- Means that if an employee bullies or harasses a co-worker, client etc, the employer can be held legally responsible and may be liable for damages - as can individual managers.


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Brodie's Law




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Line Manager responsibilities eg.

- Ensuring that the workplace is free from inappropriate workplace conduct as far as is reasonable.
- Promptly address any inappropriate behaviour that they witness and lodge a complaint where appropriate.
- Addressing all complaints of inappropriate workplace conduct that are brought to their attention in a manner that reflects the requirements of procedural fairness.


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Line Manager responsibilities eg.

- Monitoring the wellbeing of complainants and respondents following the resolution of any workplace conduct complaint.
- Ensuring that complainants are not victimised because they have made a complaint.
- Ensuring that all employees have access to information, education, training and support in relation to workplace conduct.


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Role of the Manager

- Not engaging in bullying & harassment
- Personal leadership in ensuring professional standards of conduct;
- Modelling behaviour and monitoring activity;
- Dealing promptly and thoroughly with incidents in accordance with the relevant grievance procedures;
- Ensuring that complaints do not result in reprisals to, or victimisation of, the complainant.
- Use EAP for guidance (Manager Assist)


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General Principles for Managers

- Act promptly
- Treat all matters seriously
- Maintain confidentiality
- Ensure procedural fairness
- Be neutral
- Support all parties
- Do not victimise
- Communicate processes and outcomes
- Keep records


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Preparing to have the talk

- Be impartial (resolution not judgements)
- Approach in person
- Private place
- Be clear about the facts (full details and ideas for resolution)
- Reinforce confidentiality and seriousness of victimisation
- Explain for informal and formal complaint handling process and the preferred option of the complainant
- Separate from performance issues
- Offer EAP


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Decide how Serious the matter is

- Least serious**
 - When the behaviour first occurs (unless severe)
 - When there is a one-off wrong call or lapse
 - When a line manger observes inappropriate behaviour
- More serious**
 - When a problem resurfaces
 - A person wishes to notify the potential for serious harm
- Most serious**
 - Allegations involving
 - Senior staff or management
 - A long period of time
 - A series of workers report problems
 - Vulnerable workers
 - When other approaches fail


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What to do if you are accused

- Open mind – don't dismiss
- Don't justify your behaviour first up
- Be prepared to gather information/feedback
- Inform that you have heard, understood concerns
- And will consult to get feedback
- Clarify behaviour with WHS/HR/EAP
- Gain insight, work to behaviour change
- If not justified, allow HR processes to proceed

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Options for Dealing with B&H


If it happens to you....

1. Do Nothing
2. Speak to the person you think is bullying / harassing you
3. Seek advice / information
4. Make a formal complaint

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Addressing Bullying/Harassment: Tips

- Prepare: get advice, support.
- Act early: don't assume it will stop.
- Check relevant policies, procedures and training information.
- Keep a written record of what's happening: specific behaviours, dates, names, things you've done to try to solve it.
- Consider what you would like to happen/not happen.

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Approaching the ‘Bully’: Tips

- Remember: the other person may not realise the impact of their behaviour – even if it seems obvious to you. Approach the person - if it feels safe.
- What to say:
 - Give examples of behaviours.
 - Tell them how it impacts you.
 - Tell them you want it to stop.


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Seek advice and support

- The term ‘bullying’ has lost some meaning
- It can be hard to be objective
- Seek advice from:
 - WHS Committee Chairperson
 - Human Resources
 - Employee Assistance Program (EAP)
 - Safework SA
 - Fair Work Commission


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Lessons learned from people experiencing bullying behaviours

- Don’t resign in a fit of anger or despair
- Consider the consequences of any action you take
- Keep your temper and emotions in check, avoid behaving in kind
- Be mindful of your employment agreement
- Try not rally other staff members to your side
- Don’t complain to people in other organisations
- Look after your health
- Seek independent or formal help


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Cultural vaccination

- Build managers who are leaders
- Focus on core management competencies:
 - Be respectful and responsible
 - Manage and communicate existing and future work
 - Use good reasoning to manage difficult situations
 - Manage the individual within the team
- Make your workplace's culture clear
- Make bullying prevention policies and processes transparent
- Educate staff and provide resources
- Provide a designated contact person and other support


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Cultural Vaccination

- Ensuring senior management commitment to a workplace that does not tolerate unacceptable behaviours and deals with reports of bullying in a confidential, fair and timely manner
- Consulting with workers to create and promote a mentally healthy workplace culture
- Ensuring appropriate workplace bullying policies and procedures in place and workers are trained in these procedures
- Actively managing workplace psychosocial risk factors and stressors
- Providing regular and respectful performance feedback
- Ensuring there is training for workers and managers on workplace bullying
- Including bullying and harassment information in workplace induction programs

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Memo to the CEO


What is your Achilles heel?

7 factors that encourage leaders to act like jerks

You are around a lot of jerks
You wield power over others – especially if you once had little power
You are at the top of the pecking order and are a very competitive person who feels threatened by your star underlings
You work much harder and sacrifice more than others do – and often let everyone know about your martyrdom
You don't get enough sleep
You have too much to do, too much to think about, and always seem to be in a hurry
You feel a constant urge to look at your smartphone, which you can't resist even when you know you should exercise self-control

Source: Robert Sutton, The Asshole Survival Guide: How to Deal with People Who Treat You Like Dirt, Houghton Mifflin Harcourt, New York, 2017
McKinsey&Company

69




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Possible signs of workplace bullying

- Hesitation about being at work.
- Sudden decline in productivity.
- Lacks relationships and friendship groups.
- Lacks self-confidence, esteem and feelings of sadness /worry.
- Not engaging in normal workplace activities, meetings or events.
- Frequently depressed, crying, apprehensive or anxious.
- Complaining about the behaviour of another worker consistently.
- Making inappropriate comments or threats to harm themselves.

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70




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Bullying can flourish when...

- A code of silence exists and no-one dares to question
- Undesirable workplace behaviour and practices are seen as “normal”
- There are no consequences for bullying behaviour
- There is no support for staff
- Deadlines are not planned for
- People feel a continuing need to defend their performance
- Managers fear a false charge of bullying
- Negativity abounds....

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71



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‘Above the Line’ behaviours

ABOVE

ACTION

ACCOUNT

RESPONSIBILITY

OPENNESS

Focus on Solution

Optimism

Optimal Thinking

Responsive Decisions

BELOW

BLAME

EXCUSE

DENIAL

DEFENSIVENESS


Focus on Problems

Pessimism


Sub-Optimal Thinking

Reactive Decisions

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72




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Personal Agency: Location Location Location



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Moving beyond a bunch of words...

- Discuss and agree how these values may look when someone enacts them?
 - What might be said.
 - What might be done.
 - How might others feel.
 - How might others react.
- Agree on how to call out inappropriate behaviours and processes for addressing them.

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74




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Implementing Team Values

Working Together	Commitments team members make to one another. <i>How can we work together most effectively? How do we want to be as a team?</i>
Non-Negotiables	Absolute requirements and “givens.” <i>What are the crucial commitments we must make? On what are we unwilling to compromise? How will we address unacceptable behaviour?</i>
Skills and Knowledge	The main / important skills and knowledge areas we require to fulfill our mission / scope and roles / responsibilities, to <i>work effectively as a team, and to continue to learn and grow.</i>


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Former Chief of Army Lieutenant General
David Morrison



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