

# Australasian Workplace Bullying Research Network Workshop, Brisbane 2011:

## *Workplace Bullying Complaints: To mediate or investigate?*

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## To help answer...

- What is bullying?
  
  
  
  
  
  
  
  
  
  
- What behaviours does the complainant define as bullying?

## What type of bullying are we talking about?

- Predatory bullying?
- Conflict escalation resulting in bullying?
- Are we even talking about bullying, or other behaviours that although interrelated are not bullying, but have been labelled that way by the complainant?

## Conflict escalation:

- There are a number of stages within the escalation of conflict where mediation may be appropriate, and mediation can take place in good faith. (Zapf and Gross, 2001)
- However, the OHSW approach to bullying recognises the importance of the work environment as a risk factor that contributes to the escalation of conflicts that become bullying complaints.

## Mediation and the OHSW approach to bullying:

- The traditional model of mediation does not take into account this approach
- Traditional mediation model only focuses on the relationship between the parties – in this case complainant (possible target) and respondent (possible perpetrator)
- Mediator is completely neutral and independent
- All that is said in mediation is confidential.

## Investigation and OHSW approach to bullying:

- Often the terms of reference for the investigation also fails to include the assessment of risk factors within the organisation that have contributed to the allegation.
- Rather, the investigation aims to determine whether, on the balance of probabilities the alleged behaviour can be substantiated or not.

## Therefore...

- Are **either** of these interventions sufficient on their own?
- Do you need a specific model of mediation and investigation that is specific to allegations of workplace bullying?

## What are the advantages and disadvantages of mediation?

### Advantages

- Takes into account a wide range of behaviours that may go beyond the definition of bullying
- Non-adversarial
- Addresses emotion
- Addresses past and future behaviour
- Is a no blame option
- Both parties search for mutually agreeable outcomes
- Aim for 'win' / 'win' situation

### Disadvantages

- Is dependent on the cooperation of both parties to genuinely take part
- May not address risk of ongoing victimisation
- Parties may not agree with the issues in dispute
- Alleged perpetrator not formally held to account (if guilty of the behaviour)
- Traditional model focus only on target / perpetrator dyad
- Traditional model does not address ongoing OHSW risks

## What are the advantages and disadvantages of investigation?

### Advantages

- Definite outcome
- If substantiated, disciplinary action may be taken against perpetrator
- Clear and transparent process

### Disadvantages

- Adversarial system – may escalate positions
- More people involved (including team) as witnesses interviewed
- Expense / cost
- May not address emotions or behaviours outside the investigation framework
- Traditionally does not take an OHSW approach to investigate risk factors

## Presentation at IOP conference:

### **Mediating Workplace Bullying Complaints: Ensuring sustainable outcomes**

Puts forward an alternative model of mediation that takes into account the OHSW approach to bullying, and many of the issues that you have identified as being problematic in traditional mediation models.

Slides available at:  
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