

## Making a complaint – A cost /benefit analysis

Complaint options	Costs	Benefits
Do nothing	<ul style="list-style-type: none"> <li>• However, if you do nothing, the behaviour is likely to continue and the research shows that bullying and harassment usually escalates over time. The potential cost of this is increase in health problems, decrease in productivity and increase in stress.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Short term</u> benefit of avoiding additional anxiety related to confronting the person and addressing the problem behaviour. However, these benefits are very shortlived if the bullying or harassing behaviour is continuing.</li> </ul>
Conflict management / Dispute resolution coaching	<ul style="list-style-type: none"> <li>• If the bullying is predatory in nature, this will probably not achieve the outcome you want.</li> </ul>	<ul style="list-style-type: none"> <li>• This is a great idea for high levels of conflict and low to mild levels of bullying. It can help you understand why the person is acting the way they are, and assist you find ways of addressing the behaviour in a manner that does not inflame the situation. Conflict management coaching is often called 'mediation for one'.</li> </ul>
Facilitated discussion with a senior manager and the other person	<ul style="list-style-type: none"> <li>• Short term anxiety as you face the person and tell them how their behaviour makes you feel.</li> <li>• Possible, ongoing inappropriate and threatening behaviour in the meeting;</li> <li>• Your own behaviours / performance may be called into question by the other person (however, this may be something you need to discuss...)</li> <li>• If your manager is not good at listening and assisting the two of you to discuss your issues openly, you may not feel listened to.</li> </ul>	<ul style="list-style-type: none"> <li>• The other person may not realise the impact of their behaviour and may stop behaving in a negative manner, once they understand your perspective.</li> <li>• Your manager (or whoever is facilitating the meeting) is now aware of what is happening, and can keep an eye on the situation. If they see something inappropriate in the future, then they have a responsibility to act on it.</li> <li>• No formal records kept (both you and the facilitator would be wise to keep an informal record of the conversation).</li> <li>• The problem is 'Nipped in the bud' if this process occur early.</li> </ul>

		<ul style="list-style-type: none"> <li>• Non adversarial and restorative in nature;</li> <li>• A great idea for conflict and perceptions of mild bullying or harassment</li> </ul>
Mediation	<ul style="list-style-type: none"> <li>• Short term anxiety as you face the person and tell them how their behaviour makes you feel;</li> <li>• Mediation cannot determine facts, or who was right or wrong;</li> <li>• May have to examine your own behaviours and contribution to the conflict / perceived bullying ;</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to talk to a trained professional mediator;</li> <li>• You become part of designing a solution to the problem;</li> <li>• You are able to tell the other person how you feel , and how their behaviour impacted on you in a safe environment;</li> <li>• Mediation is a confidential process. No records are kept;</li> <li>• Both parties have control over the outcome and process;</li> <li>• Non adversarial process.</li> </ul>
Investigation	<ul style="list-style-type: none"> <li>• Anxiety during the investigation;</li> <li>• Witnesses called and asked to give statements, so more people become involved</li> <li>• Involves other people so less confidential (there is often gossip and people taking sides);</li> <li>• The respondent needs to know who is making the complaint (natural justice / procedural fairness)</li> <li>• Difficult to prove bullying or harassment, so may not find in your favour;</li> <li>• Adversarial process – one winner and one loser.</li> <li>• Victimisation can occur in some organisations.</li> </ul>	<ul style="list-style-type: none"> <li>• For serious bullying or harassment an investigation may be the only way that the behaviour is stopped.</li> <li>• You will have the opportunity to tell an investigator exactly what behaviours you have been subjected to.</li> </ul>
External Complainant	<ul style="list-style-type: none"> <li>• Only sexual harassment and discrimination complaints can be lodged with State Anti-discrimination Commissions or Human Rights Commission. Bullying complaints are lodged with State OHS Regulatory Authority.</li> </ul>	<ul style="list-style-type: none"> <li>• If the matter is serious and has not been dealt with properly by your employer then this might be a good option.</li> <li>• Independent, unbiased investigation;</li> <li>• An external complaint may be a good option if</li> </ul>

	<ul style="list-style-type: none"> <li>• Becomes a legal argument and the alleged behaviours have to meet the strict legal definition of bullying, sexual harassment or discrimination;</li> <li>• Takes a long time to resolve;</li> <li>• May be costly if lawyers become involved;</li> <li>• Very adversarial process;</li> <li>• Often the Respondent is NOT the person who bullied or discriminated against you, but is your employer (except in sexual harassment when the employer and the Personal Respondent are both respondents). This means your employer often won't support you, as they will be defending their own liability;</li> <li>• Conciliation is usually part of an initial process – this is similar to mediation;</li> <li>• If goes to court (most complaints do not make it to court) it is in the public arena.</li> </ul>	<p>you have had to leave the workplace due to bullying, sexual harassment or discrimination;</p> <ul style="list-style-type: none"> <li>• Seek independent support and advise from your Union, Working Women's Centre, or a lawyer.</li> <li>• May be compensated for medical expenses and time off work. (Contrary to popular belief, compensation pay-outs are not that big.)</li> </ul>
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