



Australian Government

Comcare

BULLYING CASE STUDY

This real life case highlights the need for managers and employers to follow their duty of care and deal responsibly with incidents of workplace bullying. This case illustrates that bullying can occur upwards, as well as downwards, or between people at the same level in an organisation.

THE CIRCUMSTANCES

The worker was appointed to a new position as a team leader during management restructuring. She obtained the position in competition with a previous manager. The worker encountered resistance to change in her new team, along with a lack of cooperation and loyalty. Some members of the team maintained their loyalty to their previous manager and resented her promotion. The worker received no management training before commencing her new role.

THE BEHAVIOUR

Several team members engaged in a range of increasingly hostile behaviours towards the worker including:

- > failing to accord common courtesies
- > failing to provide assistance during busy periods
- > constantly whispering and making vindictive comments about her
- > disobeying requests
- > making offensive comments and behaving rudely.

Ultimately, one of the team members convened a team meeting to which the worker was not invited and drew up a list of complaints about the worker which they presented to her manager. The worker's manager approved this meeting and accepted the document. The apparent objective of the bullies in the team was to get rid of the worker, whom they considered to have gained the team leader position at the expense of their former manager.

THE IMPACT ON THE WORKER

The worker experienced this behaviour as harassing and undermining. She felt humiliated and belittled. In the face of bullying behaviour she frequently became very emotional and withdrew from the immediate situation. As the behaviour escalated she became agitated, anxious, depressed and withdrawn. Finally she was unable to continue working for the organisation due to the development of a psychiatric condition.

APPEALS FOR HELP

The worker appealed firstly to her immediate manager and then to his manager for assistance and support on a number of occasions. She reported the insubordinate conduct of members of her team and clearly described the adverse effect the behaviour was having upon her.

MANAGEMENT'S RESPONSE

The worker's immediate manager had an open and easy-going management style and was anxious to ensure that he was seen by all staff as their friend. He was reluctant to interfere in the situation and denied and downplayed behaviour and events. The manager believed that most of the worker's complaints were petty and that she should deal with the situation herself. He provided no effective support to the worker, even speaking offensively to her on occasions as a result of his frustration with the situation. The manager ultimately condoned the behaviour of the team by supporting the team meeting which the worker was not invited to. The more senior manager—who was also appealed to by the worker—directed the worker's immediate manager to respond appropriately. They did not follow-up this directive. After the worker ceased work due to stress, formal grievance, investigation and dispute resolution procedures were instituted. Recommendations included:

- > intensive leadership/people management skills training for the worker
- > counselling for team members about workplace ethics, code of conduct
- > outlining appropriate demeanour and behaviour all staff should demonstrate towards clients, contractors, management and each other
- > counselling for the worker's manager about his responsibility to implement the code of conduct and enforce standards of behaviour, as well as his role in the crisis
- > using the performance management program to identify shortcomings in the manager's management style with a view to developing an agreed plan of action for improvement.

LEGAL ACTION

The worker did not return to work due to a continuing psychiatric condition. Following legal action by the worker, a judge determined that the employer was held to be negligent. The judge stated that the employer's representative (the worker's former manager) failed in his duty of care to the worker by failing to take action that would have been reasonable and practicable to prevent what in the circumstances was a foreseeable risk of injury. The worker received compensation of \$339 722 for the psychological injury she developed as a result of workplace negligence. The employer's appeal to the NSW Supreme Court of Appeal was unsuccessful.