



A Positive Workplace Culture

‘What does a respectful workplace look like’

Covered in this handout:

- Introduction to workplace culture
- What is unacceptable behaviour and bullying
- Case studies exercise
- What does the law say
- Responding to unacceptable behaviour’s
- Features of a positive culture and way forward

1. Introduction to Workplace Culture

A positive workplace culture welcomes diversity and includes all people being valued and respected. This builds an inclusive and respectful environment and has processes for dealing with bullying and harassment should it occur.

Achieving a positive workplace culture requires commitment from everyone and strong leadership, constructive working relationships and good policies and procedures.

Sometimes behaviours are not appropriate and we need to deal with this fairly and constructively. Creating a workplace culture that promotes respect, inclusion, trust and productively will go a long way towards preventing inappropriate behaviour from occurring.

These behaviours start at governance level which in turn are reinforced through leadership and people practices.

Clubs NZ wishes every NZ club to maintain a reputation as a good employer and ideally an employer of choice. It is recommended that every club develops a bullying, harassment and discrimination policy stating that they are committed to ensuring that the workplaces are free from bullying, harassment and discrimination. Clubs do a lot of good things in the community and this session is a reflection of the need for continuous improvement.

A good workplace culture has a workforce of upstanders not bystanders:

Upstander: Someone who notices bullying behaviours and uses words and /or actions to help someone who is being bullied. Upstanders play an important role to stop bullying. We have a choice as to whether we stand by and watch or support the person being bullied.

A **bystander** is someone who notices the bullying behaviour but does not or cannot help.

Exercise:

Think about -
Who makes the workplace culture?
What can you do?

Where do you perceive you sit on the continuum below within the Clubs workplace culture:



Positive Workplace	Moving towards a positive workplace	Awareness of issues	Negative workplace
Acceptable behaviour agreements are in place	Some teams have defined acceptable behaviour, processes are in place to raise issues and some people know about them and have been trained	Some bullying and harassment occurs	Bully and harassment is seen as usual behaviour and is normalised
Process and training to raise bullying and harassment issues are in place and understood	Some bystanders and upstanders	People are unsure how to support those who disclose a situation	No acknowledgement or resolution of bullying or harassment issues
Natural justice, mediations restorative processes are in place	Issues that are raised are sometimes successfully resolved	Bystander behaviour is common; bullying and harassment is generally ignored by workers and managers	People are further bullied if they raise bullying or harassment issues
If bullying behaviour occurs upstander behaviour occurs and issues are resolved.			

2. What is unacceptable behaviour and bullying

Bullying means: Repeated and unreasonable behaviour towards a worker or group of workers that can lead to physical or mental harm.

Harassment occurs when a person is subjected to repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, at the place of work and /or in the course of employment that expresses hostility against or intimidates or ridicules them, is unwanted, hurtful and offensive to the employee and affects their performance or job satisfaction. This is mostly commonly sexual or racial harassment but can include other forms.

Discrimination occurs when a person is disadvantaged on the grounds of (for example) sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.

Organisational responses to bullying

There are a range of responses that workplaces can make to bullying and your club should be committed to embed bullying and harassment policies and procedures into the workplace. When everyone is aware of the aspects of bullying and how to deal with it is less likely to occur. The following table from the Worksafe guidance also outlines what constitutes bullying in a workplace.

PERSONAL ATTACKS (DIRECT) Examples include:	TASK-RELATED ATTACKS (INDIRECT) Examples include:
Belittling remarks - undermining integrity - lies being told - sense of judgment questioned - opinions marginalised	Giving unachievable tasks - impossible deadlines - unmanageable workloads - overloading - 'setting up to fail'
Ignoring - excluding - silent treatment - isolating	Meaningless tasks - unpleasant jobs - belittling a person's ability - undermining
Attacking a person's beliefs, attitude, lifestyle or appearance - gender references - accusations of being mentally disturbed	Withholding or concealing information - information goes missing - failing to return calls or pass on messages
Ridiculing - insulting - teasing - jokes - 'funny surprises' - sarcasm	Undervaluing contribution - no credit where it's due - taking credit for work that's not their own
Being shouted or yelled at	Constant criticism of work
Threats of violence	Underwork - working below competence - removing responsibility - demotion
Insulting comments about private life	Unreasonable or inappropriate monitoring
Physical attacks	Offensive sanctions (eg denying leave where there is no reason to do so)
Humiliation (in public or private)	Excluding - isolating - ignoring views
Persistent and/or public criticism	Changing goalposts or targets
Using obscene or offensive language, gestures or material	Not giving enough training or resources
Ganging up - colleagues/clients encouraged to criticise or spy - witch hunt - dirty tricks campaign - singled out	Reducing opportunities for expression - interrupting when speaking
Intimidation - acting in a condescending manner	Supplying incorrect or unclear information
Intruding on privacy (eg spying, stalking, harassed by calls when on leave or at weekends)	Making hints or threats about job security
Unwanted sexual approaches, offers, or physical contact	No support from manager
Verbal abuse	Scapegoating
Inaccurate accusations	Denial of opportunity
Suggestive glances, gestures, or dirty looks	Judging wrongly
Tampering with personal effects - theft - destruction of property	Forced or unjustified disciplinary hearings
Encouraged to feel guilty	Lack of role clarity
	Not trusting
	Sabotage

From 'Preventing and Responding to Workplace Bullying: March 2017 WorkSafe NZ Guidance'.

What is Workplace Bullying and what it is not:

Workplace bullying is:	Workplace bullying is not:
<ul style="list-style-type: none"> Repeated and unreasonable behaviour towards a group of workers that can lead to physical or mental harm 	<ul style="list-style-type: none"> One-off or occasional instances of forgetfulness, rudeness or tactlessness
<ul style="list-style-type: none"> Repeated behaviour is persistent and can involve a range of actions over time 	<ul style="list-style-type: none"> Setting high performance standards because of quality or safety
<ul style="list-style-type: none"> Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. 	<ul style="list-style-type: none"> Constructive feedback and legitimate advice or peer review
<ul style="list-style-type: none"> This includes victimising, humiliating, intimidating or threatening a person 	<ul style="list-style-type: none"> Manager requiring reasonable verbal or written work instructions to be carried out
<ul style="list-style-type: none"> Bullying may also include harassment, discrimination or violence 	<ul style="list-style-type: none"> Warning or disciplining employees in line with the workplace's code of conduct
<ul style="list-style-type: none"> Abuse of seniority or power imbalance 	<ul style="list-style-type: none"> A single incident of unreasonable behaviour
<ul style="list-style-type: none"> Oxford Definition of Reasonable: 'having sound judgement; fair and sensible, as much as is appropriate or fair, moderate.' 	<ul style="list-style-type: none"> Reasonable management actions delivered in a reasonable way
<ul style="list-style-type: none"> Unhealthy Ego's and abuse of power 	<ul style="list-style-type: none"> Differences in opinion or personality clashes that do not escalate into bullying, harassment or violence.

From 'Preventing and Responding to Workplace Bullying: March 2017 WorkSafe NZ Guidance'.

Emotional Impact

It is important to distinguish between the emotional response of an employee being corrected by another person vs someone who is actually being bullied. Sometimes it can be really tough to take constructive feedback or a warning as you are in breach of your employment agreement in some way - especially if it is delivered in a direct and concise way. Personal or professional growth can feel uncomfortable. Check the table above to see if the behaviour you are experiencing is actually bullying or is just someone being direct and giving you the feedback you need to grow in your job. If you are unsure then consult with a trusted colleague or staff member to help.

Case Study Exercise

Please have a look at the following scenarios and identify which ones are bullying and which are not: Use the table above to help you identify whether the bullying is a personal attack or task related. Then answer the questions below each case study to clarify.

1. Simone – Receptionist

Simone works at reception at a club. Her supervisor Jasper works in the same office and reports to the GM who works across a couple of other sites. Simone says that her supervisor is a bully. The behaviours she has identified are:

- Jasper asks her to run personal errands on behalf of the senior committee members during her lunchtime
- Jasper schedules Simone to work five Monday morning early shifts (starting at 6am) even though the GM has directed that the early shifts are to be alternated.

- Jasper often barges into the front reception while Simone is dealing with a customer and answers questions for her in front of the customer.

Questions:

1. *Is Simone experiencing bullying?* _____
2. *If yes, please explain:* _____
3. *If you were in Simone's situation what effect would this have on you?*

2. Anvesh - Event Sales Agent

Anvesh works in event sales. His job involves a lot of travel and visits outside the company. He has a new manager – Belinda who is new to the hospitality industry. Every week Belinda tells Anvesh that he must:

- Provide a timesheet on the day its due
- Report his event sales targets fortnightly on the due date
- Provide a weekly report of the number of visits made and the outcomes of each visit
- Notify Simone (Reception) that he is going to be offsite and when he will be back .

The previous manager was a lot more relaxed about the timesheet and sales reporting procedures and was happy with a verbal weekly report. Anvesh finds Belinda rude and intrusive. Belinda asks for things without a 'please or thank you' and he says she is unfriendly as she doesn't pop out of her office for a chat with Anvesh when he is in the office. Anvesh regards her behaviour towards him as bullying and is considering raising it with his manager.

Questions:

1. *In this situation please describe how you think Anvesh will feel?*

2. *How do you think Belinda feels and what can she do about the way she is relating to Anvesh?*

3. Joel - Landscape Gardener

Joel is landscaper for the regions clubs. He has worked across a number of clubs for 37 years and is thinking about retiring. He is highly skilled and well regarded by all of his work colleagues. Joel is suffering from industrial hearing loss and wears hearing aids full time – this is also complicated by tinnitus which occurs when he completes some heavy sawing work. He has an agreement with his supervisor to withdraw from some very noisy tasks that inflame his ears and give him tinnitus. No one particularly likes doing these tasks. His supervisors repeatedly asks him to carry out these noisy tasks that he has an agreement not to do. Each time he has to remind his supervisor that he can't carry out the tasks for medical reasons. Each time he has to remind his supervisors he mocks him in a frail wavering voice behind his back when he thinks he can't hear, saying 'I can't do my job as I'm too old and need to retire' or mutters under his breath 'God give me strength because you old guys have none'. After 6 weeks of this Joel goes to his senior manager to explain how his supervisor is behaving and asks the senior manager to reinforce with his supervisor that it is not medically safe for Joel to carry out the risky, noisy jobs that cause tinnitus. His supervisor is angry that Joel has gone to the senior manager and has implied that he will not sign off some of the tasks that will give him a bonus...

Questions:

1. Describe what is happening here?

2. What type of discrimination is occurring and how would you handle it?

4. Samuel – Wait staff

Samuel is a Waiter. This is a high pressure job where large events need quick thinking and efficiency. A month ago when Samuel had a few days off to attend a family wedding one of the other wait staff blamed Samuel for breaking the food trolley. When he returned back to work the event manager Tane complained that Samuel was responsible.

- Samuel immediately denied that he had broken the trolley
- Tane said that Samuel was a ‘useless worker’ under his breath

Over the next month Tane kept calling Samuel a ‘useless worker’ behind his back to other colleagues. He also now blamed all mistakes in the kitchen on Samuel. Being blamed unfairly and spoken to behind his back was getting Samuel down but he feels he can’t do anything about it. Samuel is looking for another job and plans to resign.

Questions:

1. What type of bullying is happening here _____

2. What should Samuel do ?

5. Latu - Cleaner

Latu is a cleaner. He has been employed at the club for over 20 years and holds the team leader role. Mau has just been employed by the firm to manage budgets. He has been asked by the club to change the rosters and cleaning programme to improve efficiencies and ultimately reduce costs. His ideas are forward thinking and in line with current best practice. He tries to approach Latu to suggest changes, Latu laughs in his face and tells him that he is ‘green and what would he know’. Mau lacks confidence to stand up to the more mature and much bigger Latu. He tried to hold a team meeting to explain the changes that need to occur and Latu imitates his accent and movement in a derogatory way when his back is turned. Every time Mau enters the tearoom in his break times he can see Latu and his crew looking at him and laughing and overhears one of Latus friends egging Latu on to ‘keep up the pressure till he breaks’.

Questions:

1. Is bullying occurring? What types/s? _____

2. What should Mau do to resolve this?

3. What is the impact of Latu’s behaviour on Mau and the other workers?

3. Legal Duty to Manage Unacceptable Behaviour and Bullying

There are six main pieces of legislation that relate to bullying a harassment in NZ workplaces listed in order of relevance, this section deal with the first three as they are the most relevant to the workplace:

1. Health and Safety at Work Act 2015
2. The Employment Relations Act 2000
3. The Human Rights Act 1993
4. The Harmful Digital Communications Act 2015
5. Harassment Act 1997
6. The Crimes Act 1961

1. Health and Safety at Work Act 2015 – HSWA

The key premise of this legislation is to ensure that everyone who goes to work comes home as healthy and safe as they were when they started. The PCBU (The Club) has a duty to ensure that as far is as reasonably practicable the health and safety of workers and others in the workplace (section 36). This also includes looking after physical and mental health (section 16).

A hazard is anything that can cause harm – the HSWA Act says:

A hazard includes a person’s behaviour where that behaviour has the potential to cause death injury or illness to a person (whether or not that behaviour results from physical or mental fatigue. Drugs, alcohol, traumatic shock or another temporary condition that affects a persons behaviour).

Health is defined as physical or mental health.

There are two types of hazard listed in the HSWA – physical and psychosocial hazards. A persons behaviour can cause both so both must be listed in the hazard register and noted as such. For example:

1. A person can bully another person making their behaviour a hazard.

Everyone has responsibilities under the HSWA legislation.

PCBU - The Board

Officers – Club Managing Director

Workers – Everyone else

Multiple PCBU’s - Agency staff and contractors

Section 45 – HSWA – workers need to make sure that they take care of their own health and safety and that they don’t do or fail to do something that could harm others.

2. Employment Relations Act 2000 (ERA)

The ERA aims to build productive employment relationships. It outlines penalties for breaches of duty of good faith within an employment relationship. Bullying and harassment breach the duty of good faith.

3. The Human Rights Act 1993 (HRA)

The intention of the HRA is to ensure that everyone is treated fairly and equally. Discrimination based on the following can be a part of bullying:



- Sex
- Race
- Marital status
- Religious belief
- Ethical belief
- Colour, race or ethnic or national origins
- Age
- Political status
- Employment status
- Family status
- Sexual orientation

4. How to Respond to Unacceptable behaviours and bullying

A person being bullied or harassed at work may approach a co-worker, health and safety rep, union delegate or manager for support. Those acting in a support role can help the worker to decide what kind of action they want to take; support them to raise the issue themselves, support them to use an informal approach or make a formal complaint or they may want to take this further within the workplace process. Here are three approaches for dealing with inappropriate behaviour:

1. Low Key Approach

Taking a low key, non-adversarial approach to resolve the matter can sometimes be the most effective. Intervene early, intervene light and make sure there is a shared understanding as to who is responsible for what. As per the workplace guidelines;

- Seek advice from a trusted colleague
- Talk to your union delegate or another representative
- Speak to your Manager or HR manager
- Seek EAP assistance if required

2. Informal Resolution Process

- Tell the person it is 'not ok' and to stop their behaviour
- Write to them and describe behaviour – ask them to stop
- Involve your manager or others and seek support
- Arrange a meeting with a facilitator or mediator (trusted by both parties) to assist in sorting out the issue.

3. Formal Resolution Process

- When a formal complaint is received by HR or a line manager, this will be shared with the CEO or the Chair of the Audit and Risk Committee and a decision will be made regarding the nature of the investigation required and who should be involved.
- If a formal investigation is deemed necessary an investigation panel will be formed, made up of a member of the senior management team or HR, plus another independent manager who has no direct involvement in the individual or their work.
- The panel will undertake a confidential investigation of the facts, at all times consulting with the complainant, but recognising that a formal complaint will necessitate direct questioning of those involved.

Exercise

discussion point – pros and cons of each point

What to do after a report of bullying has been resolved

There needs to be a review of the processes and follow up of the health and safety of the parties involved to find out if the control measure have been effective. Control measures can be as follows:

- Offering professional counselling
- Providing mentoring and support from a senior manager
- Providing training and relevant professional or skills development
- Redressing inequality resulting from the bullying behaviour
- Re-instating lost entitlements resulting from the bullying behaviours e.g. recrediting leave
- Monitoring behaviours of the affected work group
- Organising work in another area of the organisation

If you think you are being bullied it is imperative to act quickly. This can stop the issue exacerbating quickly and getting bigger than it is. As with all issues in the workplace there is often a process to be followed to try and resolve the issues. All organisations have a duty to act in good faith towards all parties including the person bullying. The person being bullied may feel that they want the person bullying to be dismissed. In many instances this will not be the best outcome for everyone as the person bullying may also need support and help.

5. Features of a positive workplace culture

A positive workplace culture is one where everyone at all levels of the business is engaged, feels supported and contributes willingly to business and personal growth and development.

Management	Personal
We have the resources to do the job	A no blame culture
People enjoy work	Attendance is high and we want to come to work
The business is profitable	People want to add value
There is low staff turnover	We get our friends to work here
Customers say great things	People want to work here
Safety is our priority	This Club is a safe workplace
People feel that they are treated fairly	I feel trusted
Communication is transparent	I get recognised for a good job and know what's happening
Our staff know and respect each other	My boss has genuine interest
We are well informed	I don't moan about things at home
People know our brand	We are happy to be working for this Club
People take responsibility	We say great things

All workplaces must be committed to their employees coming home healthy and well both mentally and physically.

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