

Mishandling bullying and harassment will hijack the diversity and inclusion agenda

by John Crawley

A crisis is brewing as two reports predict a potential surge in bullying and harassment grievances at work, and a lack of confidence in the ability of management (particularly in the public sector) to handle bullying and harassment, conflict and relationship issues¹. Bad practice on bullying and harassment and relationship issues will undermine employees' and customers' confidence in diversity and inclusion initiatives². The cost of mishandling these will also divert time and money away from building relationships and engagement through diverse workforces.

The increase of employment legislation concerning human rights and discrimination and growing policy infrastructure covering bullying, harassment and dignity at work means that people are aware of their rights and more ready than ever to raise issues when they feel they are treated unfairly. After 20 years imbedded in organisations working on conflict issues



my experience suggests the two reports are right. Organisations have been slow to raise their game in response to an increase in demand on bullying and harassment and relationship issues.

I have come across some poor practice: anaesthetizing and swallowing complaints in a mass of process; managers ignoring or belittling allegations of harassment; inconsistent casework handling; ineffective bullying and harassment investigation; simply doing nothing and hoping issues will go away. There is also a tendency to invest in formal process, legal fees and to pay people off to stave off a tribunal. These approaches should be last resort as they add no value to the organisation or its diversity and inclusion agenda. Investment in early, informal interventions like training managers in dispute resolution and using mediation is still low compared to the amount spent on formal resolutions³.

¹ State of HR survey, by law firm Speechly Bircham and King's College London HRM Learning Board 2010

² Building productive public sector workplaces' series. Part One: Improving People Management, CIPD 2010

³ CEDR Biennial survey 2007 'by achieving earlier resolution of cases that would otherwise have proceeded through litigation, the commercial mediation profession will in 2007 have saved UK business in excess of £1 billion a year in wasted management time, damaged relationships, lost productivity and legal fees.'

The solution involves a paradigm shift away from reactive adversarial processes to a proactive customer focused approach which seeks to resolve disputes appropriately and sustain engagement. Some organisations are already taking significant steps in that direction.

- 1) **Effective scoping and early resolution** - The Armed Services, Metropolitan Police, Citigroup, NHS Trusts and Government Agencies have trained teams of specialist dispute resolvers whose job it is to receive assess and respond effectively to issues as soon as they arise. They spend time with parties listen, build rapport and scope situations thoroughly. They also reality check and manage expectations where necessary. These people are experienced in handling upset people who believe they have been unfairly treated. These multi-skilled practitioners can also signpost and risk-assess a range of possible routes for resolution. The emphasis is on speedy early resolution where possible, and effective formal practice if not. This pragmatic approach yields early wins as people alleging bullying see the behaviour stop and those who are responding to allegations get feedback in a positive environment to help them make behavioural changes.
- 2) **Building skills** – enhancing understanding of diverse groups is essential, but without skills, knowledge is wasted. Perceptions of unfairness are emotive, difficult to communicate and not easy to hear. Boosting listening skills, conflict management techniques, assertiveness and win/win problem solving strategies will build confidence and help re-engage dissatisfied people. NHS Grampian has trained conflict management trainers have so far trained over 200 staff and managers. Senior Fire Fighters from APFO have all received accredited dispute resolution and mediation training and are utilising these skills with their members, and cascading the learning through their organisations. Some organisations are ensuring that these skills are included in core management competencies under the headings of 'engagement', 'employment relations' and 'diversity and inclusion.' Others are buying in Just in Time (JIT) support from external support bodies when managers know a difficult conversation is coming up.
- 3) **Improving formal process** – London Underground has taken the outsourcing route to improving their practice on formal investigations. Their partnership with CMP Resolutions has cut investigation delays, and improved LU's ability to learn from formal process through frequent management reports and practice improvement sessions. The FCO, BIS and DFID have recently all invested in accredited training on handling bullying and harassment investigations. This is leading to more time effective investigations,

consistent reporting and better considered outcomes which encourage learning where possible, as well as sanctions where appropriate.

Confident organisations must rise to the challenge of managing bullying and harassment and relationship issues more effectively at casework and ground level. The cost of change is relatively low, and will lead to savings e.g. reduction in the time spent to conclude a grievance investigation, reduction in staff absence, lower stress levels. The next step is to benchmark best practice more effectively and disseminate it through organisations so that diversity disputes will be handled in a manner which supports the diversity and inclusion agenda rather than undermining it.



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CMP Resolutions work to Close, Manage and Prevent disputes at work through skills development, mediation and investigation services.

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